



2016 REPORT on the MINNESOTA LEGISLATURE

by the
LEGISLATIVE EVALUATION ASSEMBLY
of MINNESOTA, INC

for an
INFORMED CITIZENRY

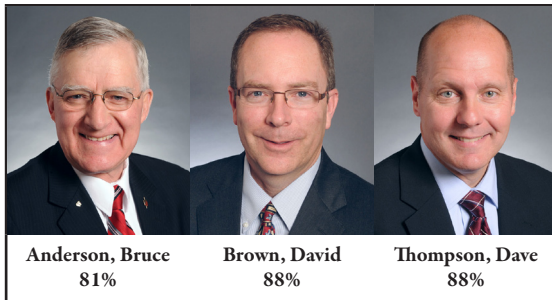


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2016 LEA HONOREES

SENATE



Anderson, Bruce
81%

Brown, David
88%

Thompson, Dave
88%

There were no House honorees.

Honorable Mention Senate: Michelle Benson, David Osmeck

Honorable Mention House: Steve Drazkowski

2016 LEGISLATIVE REVIEW

The Rise of the Administrative State

In recent years, our state’s legislature has embraced unelected bureaucracies, unconstitutional multi-subject bills, and closed-door meetings of leaders to negotiate “global” agreements on legislation, especially in special sessions. These actions subvert our governing structure, transforming it into something far removed from its constitutional principles, and isolate the government from the citizens, who are unable to hold their elected representative accountable.

This year we saw more abuse of the constitutional process undermining people’s freedoms at a dangerous pace. Of the 109 total bills passed, 77 were presented to the governor in the last week of session, and 25 of them passed on the final business day. Most major spending bills were not passed in time to override a governor’s veto. It was a process in which executive department staff, lobbyists, party representatives, and committee chairs bartered for their own interests, again undermining the essential accountability to the people.

The 28-section Human Services department bill passed with only one legislator dissenting. It combined the disparate topics of mental-health services and housing-access support, and cut payments for traditional services to facilitate a more proactive model of one-stop-shop bureaucracy. It created a bureaucratic steering committee to make MNSure program eligibility recommendations to other bureaucrats, etc. In another year, we would have included a stinging critique of this bill in our scorecard, but we had an even more egregious

example of a “department bill” to score, the 41-section MN Department of Health policy bill (summary #7 in our report). Legislation was less about introducing bills on behalf of citizens, and more about approving bills prepared by the administration and elites.

The pressure to conform to the transformed governing structure is growing. The bonding bill died because of leadership disagreements over transportation priorities. As the second year of the biennial budget cycle, this was a traditional bonding year, but the legislature instead focused on spending the state’s billion-dollar surplus, rather than returning it to citizens or a rainy-day fund.

The governor and the legislative branches couldn’t agree on funding core public functions, like maintaining roadways. Meanwhile, recklessly frivolous legislation such as a bill that makes turning off TV closed captioning in health-facility waiting rooms a violation of the MN Human Rights Act sailed through, and a bill to reinstate presidential primaries in 2020 moved hastily, without careful deliberation.

Many programs were expanded, including the uses for Legacy Funds. The Host Community Economic Development Act was broadened, allowing cities in the seven-county metro area to use grants to fund their own pet projects that may not receive legislative support as a single subject. This session also produced more market interference through expanding licensing and regulation, from pari-mutuel betting vendors to technicians who attach eyelash extensions.

Last year's watershed-buffer law, passed during special session, was a tremendous expansion of unelected bureaucratic power over landowners and local governments. However, it was buried in an omnibus bill so it could not be directly scored by LEA. This year's law is a patch, to make implementation more flexible and enforcement more predictable when the law takes effect in 2017. While this patch was a move in the right direction, much of the bad law remained, since it did not challenge bureaucratic supremacy or adequately provide for compensation of landowners for taking of property rights.

The Minnesota Constitution was written to establish government restraints for preserving citizen self-government. It delineated procedures for lawmaking that require two separate legislative bodies to approve the same single-subject bill. The governor's approval or veto was a check and balance that represented the state as a whole. This institutionalized design prevented special-interest legislation, and assured that only bills truly in the public's interest could pass. Article IV, Section 17 of the Minnesota Constitution states: "No law shall embrace more than one subject, which shall be expressed in its title." When this precept was respected in the 1970s, hundreds of individual bills were passed, diminishing the horse-trading. But, this year, just one supplemental bill, packed with pork, covered over 400 different subject areas. Cronyism and uncontrolled bureaucratic expansion that bankrupt the economy are by-products of this broken system. LEA believes that legislators should vote no on all these corrupt omnibus bills.

Prudent lawmaking, guided by checks and balances that represent the people's interests, is not "gridlock". The inability of leadership to get the things they want done may be a sign those things are not sufficiently worthy of doing. Rank-and-file legislators are either floundering against or exploiting the transformed process that has ceded extreme powers to small groups of legislative leaders and unlimited access to political campaign funds. Leaders often beholden to powerful interests are motivated to bargain behind the scenes and wait until the session's closing moments to bring pork-filled bills out of committee, when there is no time to read or study them before passage, and threaten government shutdown if they are not passed.

The consolidation and reworking of many small bills into just a few large bills pressures legislators to vote on extremely bad legislation. However, there is enough in every bill so each legislator can highlight some good provisions and justify a positive vote. Good government, the accountability of legislators, and the very purpose of representative government, self-government, is damaged by this process. The average citizen encounters more obstacles to tracking or influencing legislation. The outcomes of this systemic transformation are a decline in the performance of the legislature as a whole, and the rise of a form of governance more characteristic of an administrative state than a representative government.

1. Omnibus Supplemental Appropriations Bill

HF 2749. Rep. Knoblach. [SF 2356. Sen. Cohen.]

The omnibus supplemental budget bill included 34 separate articles in its 597 pages, covering subjects ranging from education to agriculture to public safety to health care to broadband development. In these 34 articles there were 450 individual sections, including new licensing requirements, appropriations, policy changes, rule changes, and report requirements. This is a very broad bill, touching every area of state government policy and finance.

The Minnesota constitution requires every law to embrace one subject. Arguments have been made to expand this requirement by permitting the packaging of similar single subjects into different budget bills. Even using such an expansive liberal interpretation, this bill exceeds limitations and fails to meet the constitution's test. Even the title is misleading, because despite being called a budget bill, it contains numerous policy and rule changes, including new taxes, regulations and professional licensing requirements. A few new policy matters addressed in the bill: the creation of a Good Food Access Program and a related advisory committee consisting of government officials and members of specific special interest groups, a law prohibiting the operation or sale of any motorboats with enclosed cabins unless they have been equipped with carbon-monoxide detectors, the establishment of a refundable tax credit for parents of stillborn children, and a pre-kindergarten entitlement program for selected districts. Monetary appropriations made include \$12.5 million for more school counselors, \$35 million to eliminate racial and economic disparities, \$35 million for broadband development, and \$25 million for the new pre-kindergarten grant program. In total, \$180 million dollars is added to the FY2016-17 budget, and \$235 million of forecasted spending, or "fiscal tails", added to the FY2018-19 budget.

Adding supplemental increases and "tails" to budgets that already included increases when they were passed last year is unnecessary and demonstrates poor fiscal discipline. Originating from three omnibus supplemental bills in the House, covering different areas of the budget but adding very little actual spending, it became one bill accommodating significant increases sought by the Governor and the Senate. The vast majority of the sections of this bill could have been offered as separate legislation for hearings and debate during the next budgetary cycle. The combination of all 450 sections into a single bill, agreed to in closed-door negotiations just before the end of session, was a gross abuse of the legislative process.

LEA favored a NO vote. It passed 50-16 in the Senate, 95-39 in the House, and was signed by the governor.

2. Omnibus Capital Investment/Bonding Bill.

HF622. Rep. Torkelson. [SF1988. Sen. Stumpf.]

This bill would have created \$990 million dollars of general-obligation bonds in Minnesota. Almost two-thirds of the financing was for Public Facilities Authority water-infrastructure projects, higher education, or transportation.

The bill also contained significant policy language. The MN Commissioner of Administration was to report recommendations for “reliable and predictable funding for preservation of assets owned by agencies.” The report would assess feasibility of having a standing appropriation from the general fund pay a portion of certified asset-preservation needs, having a portion of the bond-proceeds fund pay a portion of asset needs, dedicating a specified portion of fees collected by agencies to use for asset preservation, and shifting asset preservation from the capital budget to the operating budget so that it is built into the base budget. Also authorized was a Hazardous Materials and Rail Safety Account and Grant Program out of the bond-proceeds fund. Additional policy changes included language requiring rail carriers to provide to the fire chiefs or emergency managers having jurisdiction along a rail corridor an inventory of hazardous materials transported, plus a copy of incident prevention and response plans. Beginning in 2017, rail carriers would be required to conduct emergency-response exercises in each emergency-management region in which carriers transport hazardous materials. After the bill passed the House in the closing minutes of session, the Senate on a voice vote adopted an amendment that doubled the amount a county regional rail authority was allowed to contribute to the capital costs of a light-rail-transit or commuter-rail project. This language had not been reviewed in the capital-investment committee.

Inserting all bonding into one omnibus bill allows easier inclusion of projects without regional or statewide importance. Among the more questionable dedicated uses of state-borrowed money were projects for city and township roads, development of a Norway House conference and event center, a grant to The Family Partnership nonprofit organization to develop a support-services facility in Minneapolis, and a grant for the river town renaissance economic-development project in Red Wing. Shifting to dedicated funds for asset preservation decreases legislative oversight of the state’s capital-investment projects. In a time of budgetary surplus, incurring debt-service costs for a large bonding bill containing a number of marginal projects is fiscally irresponsible. LEA favored a NO vote. The bill passed the Senate 53-12 and the House 91-39, but did not make it to the governor. Time ran out to pass identical versions of the bill after the Senate added the rail-projects amendment.

3. Presidential Primary Election Re-Established

SF2985. Sen. Rest. [HF3549. Rep. Sanders.]

This bill revives presidential primary elections in Minnesota for the major political parties in 2020. The precinct caucus system will remain in place for other partisan-office nominations and other party business. Each citizen wishing to vote in a presidential

primary will have to disclose a party affiliation, to be recorded as public information. All major political parties must submit candidate names to the MN Secretary of State (SOS), at least 63 days before the presidential primary election date. Delegates to the national party conventions will be bound by the results of the presidential primaries. The party chairs have the option of placing lines for write-in candidates and/or uncommitted delegates on the ballot. The SOS is to reimburse counties and municipalities for administrative expenses, but no fees are charged to the parties for these state services.

Government has no right or responsibility to support any action of a political party. Political parties are voluntary private associations. Using government to support the most dominant parties provides unfair statewide promotional advantages to those parties at the expense of minor parties and citizens who reject party affiliation.

This bill further institutionalizes the two main political parties, which will make it more difficult for citizens to uproot party interests in the political establishment. Votes will get cast for people who drop out before the Minnesota primary and not for people who enter the national race after the filing date. Though anyone can access the lists of party-affiliated voters that will be generated by these presidential primaries, the major parties who will get a new roster of likely supporters will be the ones who will disproportionately benefit. Furthermore, those not affiliated with the major parties will be forced to subsidize the partisan presidential primaries, even though they may favor independent candidates or minor-party candidates that will not be part of those primaries. This bill also fails to respect the distinct possibility of having more than two major parties, and the possibility that third or fourth parties that reach major-party status may nevertheless prefer to maintain their autonomy and privacy by continuing to do presidential nominations and delegate selections through the caucus system. The political parties that get these election-services benefits should have to pay for them, not the taxpayers.

Since the next presidential primaries will not be until 2020, there was no urgency to act. More thoughtful exploration of the issues related to the state sponsoring and running partisan presidential primary elections would have been prudent. LEA favored a NO vote. It passed the Senate 46-11, the House 106-23, and was signed into law.

4. Amendment to Add Felon Voting-Restoration Language to the Omnibus Elections Bill

Eaton amendment to SF2381. Sen. Sieben. [SJ pg. 6480.]

Senator Eaton proposed an amendment to the omnibus elections bill to restore felons’ full voting rights immediately upon release from prison, regardless of whether they have completed their full sentences. It was modified during debate to exclude released felons with outstanding arrest warrants or with warrants related to violation of probation.

Social media has made people more aware of instances of police and court officials abusing power. Many see a systemic

problem related to too many actions, especially those where no one other than the offender is threatened, being defined as felonies, resulting in dubious revenue collection through fines, too many felons, and too much of the population losing civil rights. The principled way to address this concern is to pass separate bills that would repeal the felony status of various actions. However, this attempt to do blanket restoration of voting for felons released from prison could be deemed unconstitutional on two counts. First, Article 7, Section 1 of the Minnesota Constitution specifically disqualifies persons convicted of felonies from voting “unless restored to civil rights”. Using a bill to override language in the MN Constitution that ties voting rights to civil-rights restoration-- instead of amending the constitution--may not withstand a legal challenge. Second, tacking this significant policy change onto a bill that covers emergency election plans, school board vacancy-filling procedures, and absentee voting policies is a violation of the single-subject rule spelled out in Article 4, Section 17 of the Minnesota Constitution.

There is also a philosophical argument against blanket restoration—separation of powers. The case-by-case review of when a felon has completed restitution and/or met other conditions attached to probation is not done by a legislature or by a law-enforcement officer. It is done through the court system. Eventually, a court can issue a discharge order informing a felon that he/she is no longer under control of the court. In Minnesota, that is when the right to vote, a right of free citizenship, is restored. Case-by-case review to determine if legal requirements have been fulfilled is properly a function of the judicial branch.

LEA favored a NO vote on the Eaton amendment, which passed the Senate 36-25. The House substituted different language that did not include felon-voting restoration when it took up the bill on the floor. Rep. Dehn tried to amend felon-voting language back onto the bill, but was ruled out of order for not being sufficiently germane to the bill. Once the House passed its version of the omnibus bill, the Senate concurred, and re-passed the bill without felon-voting language.

5. Kahn Diversity Plan Amendment to Legacy Fund Bill

Rep. Kahn amendment to SF2527. Sen. Saxhaug. [HJ pg. 7975.]

This was an amendment to the Legacy Fund bill to study establishment of diversity quotas for allocating money to recipients. Rep. Kahn’s amendment would add \$100,000 for the Legislative Coordinating Commission to prepare a report on the demographics of project recipients and contractors, and to develop a diversity/equity plan for the committees with jurisdiction over Outdoor Heritage Funds (which are part of the Land and Legacy Funds) that would ensure future projects meet demographic diversity quotas.

Merit-based allocation of funds toward more valuable projects and better contractors would be set aside for allocation based on group quotas. LEA does not support group quotas at the expense of the right to equal economic opportunity for individuals. Group quotas in budgeting run counter to fiscal responsibility,

individual dignity, and the greater public good. Therefore, LEA favored a NO vote on the Kahn amendment, which failed in the House 54-76. The language was also not in the final version of the bill that made it to the governor’s desk.

6. Legacy Funds

SF2527. Sen. Saxhaug. [HF3829. Rep. Urdahl.]

This bill appropriates constitutionally dedicated sales tax revenues for the environment and arts. The Outdoor Heritage Fund received \$109 million, largely for new land acquisitions or easements. The Clean Water Fund received \$238 million, mostly to existing government agencies, the Minnesota State Arts Board received \$31.2 million to distribute as grants, and nothing was appropriated from the Parks and Trails Fund.

Monies were distributed to museums, artists, schools who seek grants, government agencies that want to supplement their budgets, and applicants looking to sell or lease their property. Much of this activity is rent-seeking behavior that, at most, indirectly provides a public good.

LEA opposed this constitutionally-dedicated sales tax in 2008 because the Constitution, which should specify the mechanisms of governance, was instead being altered to evade the legislative process. The legislature should be the origin of state funds as the branch constitutionally designed to have responsibility for taxpayer dollars. The legislation this session confirms that concern. It was heavily used as a slush fund for private interests, and as a tool for government department expansion rather than a service to the state or the general population. LEA favored a NO vote. It passed the Senate 45-10, the House 100-29, and was signed into law.

7. MN Department of Health Policy Bill

HF3142. Rep. Zerwas. [SF2475. Sen. Sheran.]

This bill covered a broad array of policy changes related to the MN Department of Health (MDH). When first passed on the House floor, this bill modified existing statutes for the Trauma Advisory Council and the designation of Level IV Trauma Hospitals. Moreover, it added expedited-hearing mandates to appeals for issuance of conditional licenses for home-care providers, and clarified that licensees facing suspension must comply with client-transfer and notification requirements regardless of whether there is an appeal of the suspension. Licensing of food-and-beverage establishments done by MDH was also changed for “special-event food stands” to allow operation no more than ten days within a food stand’s license period.

When this bill came back from conference committee, its scope of topics had greatly expanded, and its length had doubled. New staffing requirements for transportation of medical cannabis were added, and inflammatory bowel disease was added to the list of qualifying conditions for which patients may be eligible for medical cannabis. Pharmacists were empowered to do dosage consultations and approve distribution of medical cannabis to patients via telemedicine. The final bill changed licensing

standards for body-art technicians, and created a non-portable medical faculty license. Detailed new regulations were also created for health carriers updating their in-or-out-of-network coverage status. MDH was permitted an additional three years to use private patients' data from the all-payer claims database to study costs, quality and utilization of care; it was also instructed to seek federal funds for addressing Zika virus health threats. Finally, the bill established a residential care electronic-monitoring work group, appointed and narrowly tasked to make recommendations by January 2017 for legislation authorizing voluntary electronic monitoring to protect vulnerable adults and children. Specific special-interest organizations, including Leading Age Minnesota and Minnesota AARP, are given status as members of the work group, along with four legislators, two members of the governor's cabinet, the ombudsman for long-term care, and others.

Though all of these topics fall under the influence of MDH, common sense and the MN constitution dictate that they should be addressed in separate bills. Regarding the substance of specific sections, the policies LEA found objectionable include: directing MDH to seek federal funds for Zika preparedness when each state should allocate its own funds toward addressing a growing public-health threat, giving MDH three more years to retain and use personal patient health data, and stipulating that a work group include members of identified special interests (undermining the principle of equal representation under the law). Therefore, LEA favored a NO vote on the bill that passed the Senate 44-19, the House 88-44, and was signed by the governor.

8. Temporary Family Health Care Dwelling

SF2555. Sen. Hoffman. [HF2497. Rep. Peterson.]

This bill regulates Temporary Family Health Care Dwellings, typically mobile homes and RVs, at the state level, when used for a person receiving medical services from a family member or care provider. The regulation includes one-year owner and care provider licences, building codes and an exemption from local ordinances related to parking and storage of mobile housing units. Counties and municipalities may opt out.

Use of these housing units is in demand due to the rising nursing home and hospital costs. This law attempts to address an increasingly dysfunctional health care system by allowing temporary patient housing on locations that would otherwise be locally disallowed.

LEA believes that zoning regulations are the responsibility of counties and municipalities, and that this bill is state overreach. The state would better spend its time on eliminating health care and insurance regulations that prevent traditional providers from offering affordable services. LEA favored a NO vote. It passed the Senate 50-15, the House 113-17, and was signed into law.

9. Body Cameras on Law Enforcement

SF498. Sen. Latz. [HF430. Sen. Cornish.]

This bill provides uniform statewide regulations for law enforcement audio/video body camera use. The regulations authorize

redaction for undercover law-enforcement and for certain civilians' interaction with law enforcement officers protected by identity redaction. Law-enforcement agencies must notify the Bureau of Criminal Apprehension of new surveillance technologies being adopted, and must create and make public a written body-camera usage and data-access policy. Retention periods are established for data storage and disposal, in conformity with federal guidelines. The bill provides agency-written policy and training requirements. It provides for inter-agency sharing of private audio/video data, including any federal agencies. It requires biennial compliance audits of body-camera usage, specifies penalties for noncompliance, and extends liabilities and penalties to government vendors. The government that controls a law-enforcement agency's budget is mandated to provide for public comment and hearings prior to purchasing and implementing recording technology.

LEA concurs that body-camera usage guidelines can serve an important function for all parties involved. However, careful legislation is needed that is just and ethical. This bill fails to provide that care. Cities with large budgets and staffs are treated the same as small towns. The provisions for redaction neglect conflicts of interest. Government agencies are given broad powers of discretion in deeming recordings private, and in restricting law-enforcement officers' access to recordings while preparing police reports. Justice is not served through unnecessary restrictions on access by law-enforcement officers, victims, suspects, and other community members, depriving all parties of the transparency benefits obtainable with body-camera data. The new law creates a foothold for continued immunity and limited accountability for licensed officers, while it does not include any protections or regulatory compliance for community service officers or police reserves. There is a deep-seated bias in this bill toward the government, especially federal immunity, which could aggravate already-tense relations between the police and communities.

LEA favored a NO vote on the bill for prioritizing the interests of law-enforcement agencies over justice, accountability, and liberty, failing to meet our credo standards for crafting good legislation. It passed the Senate 41-17, the House 96-34, and was signed into law.

10. Real ID Planning

SF1646. Sen. Dibble. [HF1732. Rep. Smith.]

This bill repeals a statute that prohibits Real ID planning. It directs Minnesota's commissioner of public safety to plan for eventual implementation of Real ID and to seek an extension for Minnesota to meet the new federal Real ID data standards for state driver's licenses. It prohibits the commissioner from enacting any changes without legislative approval. As passed March 31, the bill demanded a report from the commissioner by April 14.

At issue is whether all Minnesotans will be forced to provide extensive information to the federal government to obtain a driver's license, or whether only citizens who want to fly or enter federal buildings need to get a driver's license that meets federal standards. Proponents of a single Real ID license are responding

SENATE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	2016%	C%
R	35	Abeler	-	-	+	A		-	-	-	-	+	-	+	+	-	-	-			24	44
R	29	Anderson B	+	+	+	+		+	+	+	+	+	+	-	+	+	-	-	+		81	90
D	3	Bakk	-	-	-	-		-	-	-	-	-	-	-	-	A	A	-			-6	16
R	31	Benson Michelle	+	-	+	+		+	+	-	+	A	+	-	+	+	+	+	+		77	78
D	44	Bonoff	-	-	A	-		-	-	-	-	-	-	-	A	-	-	-	-		-6	13
R	15	Brown	+	+	-	+		+	+	+	+	+	+	+	+	+	+	-	+		88	72
D	51	Carlson Jim	-	-	-	-		-	-	+	-	-	-	-	A	-	-	-	-		4	8
R	38	Chamberlain	+	+	-	+		-	+	+	-	-	+	-	+	+	+	+	+		69	77
D	59	Champion	-	-	-	A		-	-	-	+	-	A	-	-	-	-	-	-		1	4
D	57	Clausen	-	-	-	-		-	-	+	-	-	-	-	-	-	-	-	-		6	13
D	64	Cohen	-	-	A	-		A	-	-	A	-	-	A	A	A	-	A	-		-22	7
D	20	Dahle	-	-	-	-		-	-	-	-	-	-	-	-	-	-	-	-		0	8
R	16	Dahms	-	-	-	+		-	+	-	-	-	-	-	-	+	-	-	-		19	57
D	61	Dibble	-	+	-	-		-	-	-	+	-	-	-	-	-	-	-	-		13	10
D	60	Dziedzic	-	-	A	-		-	-	-	+	-	-	-	-	-	-	A	-		1	9
D	40	Eaton	-	-	-	-		-	-	-	A	-	-	-	-	-	-	-	-		-3	8
D	4	Eken	-	-	-	-		-	-	-	-	-	-	-	-	+	-	-	-		6	27
R	13	Fischbach	-	-	A	+		A	-	-	-	-	-	-	-	-	-	-	-		1	59
D	49	Franzen	-	-	-	-		-	-	-	-	-	-	-	-	-	-	-	-		0	10
R	9	Gazelka	-	-	+	+		-	+	+	-	-	+	-	+	+	+	-	+		56	68
D	41	Goodwin	-	-	-	-		-	-	-	-	-	-	-	-	+	A	-	-		4	17
R	56	Hall	+	+	+	+		+	+	-	-	A	+	+	-	+	-	+	+		70	80
R	48	Hann	+	+	-	+		A	+	+	+	-	+	-	-	+	A	-	+		58	73
D	67	Hawj	-	-	-	-		-	-	-	+	-	-	-	-	-	-	-	-		6	10
D	62	Hayden	-	-	A	-		-	-	-	+	-	-	-	-	-	-	-	-		4	7
D	36	Hoffman J	-	-	-	+		-	A	-	-	-	-	-	-	+	-	-	-		10	11
R	39	Housley	-	+	+	+		-	-	-	-	-	-	-	-	-	-	-	-		19	45
R	8	Ingebrigtsen	-	-	-	+		-	+	-	-	-	+	-	-	+	-	-	-		25	61
D	24	Jensen	-	-	-	-		-	-	-	-	-	-	-	-	-	-	-	-		0	10
D	37	Johnson A	-	-	-	-		-	A	+	-	-	A	-	-	-	-	-	-		1	12
D	53	Kent	-	+	-	-		-	-	-	-	-	-	-	-	-	-	-	-		6	12
R	30	Kiffmeyer	+	-	+	+		+	+	-	+	-	+	-	-	+	+	+	+		69	72
D	17	Koenen	-	-	-	-		-	-	-	-	-	-	-	-	+	-	-	-		6	27
D	46	Latz	-	-	-	-		-	-	-	-	A	-	-	A	-	-	-	-		-6	8
R	34	Limmer	+	+	-	+		-	+	+	+	-	+	-	+	+	+	-	+		69	80
D	11	Lourey	-	-	A	-		A	-	-	A	-	-	-	-	+	-	-	-		-2	6
D	66	Marty	-	-	-	-		A	-	-	A	-	-	-	-	+	-	-	-		1	9
D	52	Metzen	A	A	A	-		A	A	-	A	-	A	-	-	-	A	A	-		-28	21
R	28	Miller J	-	-	-	+		-	-	-	-	-	-	A	A	-	-	-	-		1	43
R	26	Nelson C	-	-	-	A		-	-	+	-	-	-	-	-	-	-	-	-		4	52
R	18	Newman	+	-	+	+		+	-	-	-	A	-	-	+	+	+	-	+		50	67
R	32	Nienow	+	-	+	A		+	-	-	+	A	+	-	-	+	A	+	A		46	68

NO SENATE VOTE

NO SENATE VOTE

KEY

R – Republican
D – Democratic-Farmer-Labor
+ Vote favored by LEA
- Vote not favored by LEA
A indicates legislator excused, absent, or not voting
X – not a member at time of vote

Governor's Action
S - Sign
V- Veto
N - Not Applicable

22.82% = % of legislators' votes favored by LEA in 2016 session

2016% = legislator's 2016 score

C% = legislator's career average LEA score

LEA calculates the voting percentages using votes actually cast by each legislator and then deducting half a vote for each time that legislator did not cast a vote.

Honorees for 2016 scored **80% or higher**, those receiving honorable mentions scored **at least 75%**.

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Corrections made to website if errors are discovered.

SENATE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	2016%	C%
R	47	Ortman	+	-	-	A		+	+	A	+	A	-	-	-	+	-	+	A		38	69
R	33	Osmek	+	-	+	+		+	+	+	+	-	+	-	+	+	+	-	+		75	74
D	65	Pappas	-	-	-	-		A	-	-	A	-	-	-	-	-	A	-	-		-9	6
R	14	Pederson	+	-	-	+		-	+	A	-	-	+	-	A	+	-	-	A		29	54
R	55	Pratt	+	+	+	+		+	+	+	-	-	-	-	-	-	+	+	+		63	63
D	7	Reinert	-	-	-	-		-	-	-	-	-	-	-	-	-	+	-	-		6	9
D	45	Rest	-	-	-	-		-	-	-	-	-	-	-	-	+	-	-	-		6	20
R	23	Rosen	-	-	-	+		-	+	-	-	-	-	-	A	-	-	-	+		17	46
R	10	Ruud	-	-	-	+		-	+	+	-	-	-	-	-	+	A	-	-		24	59
D	5	Saxhaug	-	-	A	-		-	-	-	-	-	-	-	-	-	-	A	-		-6	13
D	42	Scalze	-	-	A	-		-	-	-	-	-	-	-	-	+	-	-	-		4	12
D	21	Schmit	-	A	-	-		-	-	-	-	-	-	-	A	-	-	-	-		-6	9
R	25	Senjem	+	-	-	+		-	-	-	+	-	-	-	A	-	-	-	+		24	54
D	19	Sheran	-	-	-	-		-	-	+	-	-	-	-	-	-	-	-	-		6	9
D	54	Sieben	-	+	-	-		-	-	-	A	-	-	-	-	-	A	A	-		-2	10
D	2	Skoe	-	-	-	-		-	-	-	-	-	-	-	-	+	-	A	-		4	21
D	27	Sparks	-	-	-	A		A	-	-	A	-	-	-	-	-	-	A	-		-13	19
D	1	Stumpf	-	-	-	-		A	-	-	-	-	-	-	A	A	-	-	-		-9	25
R	58	Thompson	+	+	A	+		A	+	+	+	A	+	+	+	+	+	+	A		88	85
D	6	Tomassoni	-	-	-	-		-	-	-	A	-	-	-	-	A	-	-	-		-6	13
D	63	Torres Ray	-	-	-	-		-	-	-	+	A	-	-	-	-	-	-	-		4	6
R	22	Weber	-	-	-	+		-	+	-	-	-	-	-	-	-	-	+	-		19	46
R	12	Westrom	-	-	-	+		A	A	-	-	-	+	-	-	+	-	-	+		22	63
D	43	Wiger	-	-	-	-		A	-	-	-	-	-	-	-	-	-	A	-		-6	14
D	50	Wiklund	-	-	-	-		-	-	-	-	-	-	-	-	-	-	-	-		0	8

HOUSE

Pty	Dist	Name	1	2	2	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	2016%	C%
R	55B	Albright	-	-	-		+	+	-	-	-	-	-	-	-	-	-	-	-	+	19	52
D	62B	Allen	-	+	+		-	-	-	-	+	-	+	-	A	+	-	-	-	-	30	13
R	50B	Anderson C	-	-	-		-	-	-	-	-	-	-	-	-	-	-	-	-	+	6	6
R	9A	Anderson M	-	+	A		+	+	+	-	-	-	-	+	-	-	-	-	+	A	37	62
R	12B	Anderson P	-	-	-		+	-	+	-	-	-	-	-	-	-	-	-	-	+	19	57
R	44A	Anderson S	+	+	-		+	-	+	-	-	-	-	+	-	-	-	+	+	+	50	65
D	5B	Anzalc	-	-	-		+	-	-	+	-	-	-	-	-	-	-	-	-	+	19	15
D	44B	Applebaum	-	+	-		-	-	-	-	-	-	-	-	-	+	-	A	-	-	10	15
D	52B	Atkins	-	+	-		-	A	-	-	A	-	+	-	-	A	A	-	A	+	12	10
R	12A	Backer	-	-	-		+	+	+	-	-	-	-	A	-	-	-	-	-	+	24	28
R	17B	Baker	-	-	-		+	-	-	-	-	-	-	-	-	-	-	-	-	+	13	25
R	32B	Barrett	-	+	-		+	-	+	-	-	-	-	-	-	-	-	-	-	+	25	60
R	27A	Bennett	-	-	-		+	-	-	-	-	-	-	+	-	-	-	-	-	+	19	29
D	41A	Bernardy	+	+	+		-	-	-	-	+	-	+	-	+	-	-	-	-	-	38	25
D	20B	Bly	-	-	-		-	-	-	-	-	-	+	-	+	-	-	-	-	-	13	7
D	45A	Carlson L	+	-	-		-	-	-	-	-	-	+	-	+	-	-	-	-	-	19	18
R	56A	Christensen	-	-	-		+	+	+	-	-	-	-	+	-	-	-	-	+	+	38	38
D	62A	Clark	-	-	-		A	-	-	-	+	-	+	A	+	+	-	-	-	-	22	13
D	19B	Considine	+	+	-		-	-	-	-	-	-	+	-	-	+	+	-	-	-	31	29
R	23B	Cornish	-	-	-		+	-	-	-	-	-	-	-	-	-	-	-	-	+	13	52
R	24B	Daniels	-	-	-		+	-	-	-	-	-	-	-	-	-	-	-	-	+	13	26
R	31A	Daudt	-	-	-		+	-	-	-	-	-	-	-	-	-	-	-	+	+	19	65
R	28B	Davids	-	-	A		+	-	-	-	-	-	-	-	-	-	-	-	-	+	10	64
D	63A	Davnie	+	+	-		-	-	-	-	+	-	+	-	+	+	-	-	-	-	38	13
R	38B	Dean	+	+	-		+	-	+	-	+	-	-	-	-	-	-	-	+	+	44	74

HOUSE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	2016%	C%	
D	59B	Dehn	+	-	-		-	-	-	+	+	-	+	-	-	-	-		-	-	25	16	
R	39A	Dettmer	-	-	-		+	-	+	-	-	-	-	-	-	-	-		-	A	10	68	
R	21B	Drazkowski	+	+	+		+	+	+	+	+	-	+	+	-	-	-		+	+	75	87	
D	3A	Ecklund	-	-	-		+	-	-	-	-	-	-	-	-	-	-		-	+	13	13	
D	49A	Erhardt	-	-	-		-	-	-	-	-	-	-	-	-	-	-		-	-	0	40	
R	15A	Erickson S	-	-	-		+	+	+	-	-	-	-	-	-	-	-		+	+	31	74	
R	1A	Fabian	-	-	-		+	+	+	-	-	-	-	-	-	-	-		-	+	25	61	
R	53B	Fenton	-	-	-		+	-	-	-	-	-	-	A	-	-	-		-	+	10	21	
D	43A	Fischer	-	-	-		-	-	-	A	-	-	-	-	-	+	-		-	-	4	10	
D	46A	Flanagan	+	+	-		-	-	-	-	+	A	+	-	+	-	-		-	-	30	30	
R	8B	Franson	-	-	+		+	-	+	-	-	-	-	-	-	-	-		+	+	31	65	
D	45B	Freiberg	+	-	-		-	-	A	-	-	-	+	-	+	-	-		-	-	17	7	
R	58B	Garofalo	-	-	-		+	A	-	-	A	-	-	-	A	-	-		A	+	4	58	
R	2B	Green	-	+	+		+	+	+	-	-	-	-	-	-	-	-		+	+	44	61	
R	18B	Gruenhagen	-	-	+		+	+	+	-	-	-	-	+	-	-	-		+	+	44	71	
R	23A	Gunther	-	-	-		+	A	-	-	-	-	-	-	-	-	A	A		-	+	6	58
R	31B	Hackbarth	-	-	-		+	+	+	-	-	-	-	-	-	-	-		-	+	25	72	
D	51B	Halverson	-	+	-		-	-	-	-	-	-	-	-	-	-	-		-	-	6	8	
R	22B	Hamilton	-	-	A		+	-	-	-	-	A	+	-	-	-	-		-	+	15	53	
R	2A	Hancock	-	+	+		+	+	+	-	-	-	A	-	-	A	A		+	+	44	64	
D	52A	Hansen	+	+	-		-	-	-	-	-	-	+	-	+	-	-		-	-	25	12	
D	66A	Hausman	+	-	A		-	-	-	A	+	-	+	-	+	-	-		-	-	22	8	
R	10A	Heintzeman	-	-	-		+	-	+	-	-	-	-	-	-	-	-		-	+	19	29	
R	33A	Hertaus	-	-	+		+	+	+	+	-	-	-	+	-	-	-		+	+	50	73	
D	40B	Hilstrom	-	+	-		-	-	-	-	-	-	+	-	+	-	-		-	-	19	13	
R	47B	Hoppe	-	-	-		+	-	-	-	+	-	-	-	-	-	-		-	+	19	69	
D	61A	Hornstein	+	+	-		-	-	-	-	+	-	+	-	+	-	-		-	-	31	9	
D	36B	Hortman	-	A	-		-	-	-	-	-	-	-	-	-	+	-		-	-	4	10	
R	13A	Howe Jeff	-	-	-		+	-	-	-	-	-	-	-	-	-	-		-	+	13	50	
D	42B	Isaacson	-	-	A		-	-	-	-	-	A	-	-	+	-	-		-	-	1	10	
R	32A	Johnson B	-	-	-		+	-	+	-	-	-	-	-	-	-	-		-	+	19	53	
D	19A	Johnson C	+	-	-		-	-	-	+	-	-	+	-	+	-	-		-	-	25	16	
D	67B	Johnson S	+	-	-		-	-	-	+	+	+	+	-	-	-	-		-	-	25	11	
D	60B	Kahn	-	-	-		-	-	-	-	+	A	+	-	+	-	-		-	-	17	10	
R	21A	Kelly	+	+	-		+	-	-	-	-	-	-	-	-	-	-		-	+	25	57	
R	1B	Kiel	-	-	-		+	+	+	-	-	-	-	-	-	-	-		-	+	25	56	
R	14B	Knoblach	-	-	-		+	-	-	-	-	-	-	-	-	-	-		-	+	13	63	
R	58A	Koznick	-	A	-		+	+	+	-	+	-	-	-	-	-	-		+	+	37	43	
R	9B	Kresha	-	-	-		+	-	A	-	-	-	-	-	-	-	-		-	+	10	47	
D	41B	Laine	+	+	+		-	-	-	-	+	-	+	-	+	-	-		-	-	38	7	
D	66B	Lesch	+	+	+		-	-	-	-	+	+	+	-	+	-	-		-	-	44	15	
D	26A	Liebling	+	A	-		-	-	-	-	+	-	+	-	+	A	-		-	-	22	13	
D	4A	Lien	+	-	+		-	-	-	-	-	-	-	-	-	-	-		-	-	13	14	
D	43B	Lillie L	-	-	-		-	-	-	-	-	-	-	-	-	-	-		-	-	0	10	
D	60A	Loeffler	+	+	+		-	-	-	-	+	-	+	-	+	+	-		-	-	44	9	
R	39B	Lohmer	-	+	+		+	+	+	-	-	-	-	A	-	A	-		-	+	37	68	
R	48B	Loon	-	+	-		+	-	+	-	-	-	-	-	-	-	-		-	+	25	61	
R	55A	Loonan	-	-	-		+	-	-	-	-	-	-	-	-	-	-		-	+	13	23	
R	30B	Lucero	+	-	+		+	+	+	+	+	-	+	+	-	-	-		+	+	69	70	
R	10B	Lueck	-	-	-		+	-	+	-	-	-	-	-	-	-	-		-	+	19	32	
R	57A	Mack	+	-	-		+	-	-	-	-	-	-	-	-	-	-		-	+	19	58	
D	67A	Mahoney	-	-	-		-	-	-	-	+	-	+	-	-	-	-		-	-	13	15	
D	65B	Mariani	+	-	-		-	A	-	-	A	-	+	-	-	-	-		A	A	4	6	
D	4B	Marquart	-	-	+		-	-	-	-	-	-	-	-	-	-	-		-	+	13	31	
D	51A	Masin	-	-	-		-	-	-	-	-	-	-	-	-	-	-		-	-	0	9	
R	29A	McDonald	+	-	-		+	+	+	-	-	-	-	+	-	-	-		+	+	44	62	

NO HOUSE VOTE

NO HOUSE VOTE

HOUSE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	2016%	C%
R	54B	McNamara	-	-	-		+	-	-	-	-	-	-	-	-	-	-		-	+	13	47
D	6A	Melin	+	-	-		A	A	-	A	A	+	-	-	A	A	A		A	-	0	15
D	6B	Metsa	-	-	-		-	-	-	+	+	+	+	-	-	-	-		-	+	31	21
R	17A	Miller T	-	-	-		+	+	+	-	-	-	-	-	-	-	-		-	+	25	40
D	65A	Moran	-	-	+		-	-	-	-	+	-	+	-	+	-	-		-	-	25	12
D	59A	Mullery	-	+	-		-	-	-	-	+	-	+	-	+	-	-		-	-	25	15
D	64A	Murphy E	+	+	-		-	-	-	-	+	-	+	-	+	-	-		-	-	31	10
D	3B	Murphy M	-	-	+		-	-	+	-	-	-	+	-	-	-	-		-	A	17	22
R	47A	Nash	+	-	+		+	+	+	-	+	-	-	+	-	-	-		+	+	56	59
D	40A	Nelson M	+	+	-		-	-	-	+	-	-	+	-	+	-	-		-	+	38	13
R	15B	Newberger	-	-	-		+	+	+	-	+	-	-	-	-	-	-		+	+	38	66
D	37A	Newton	-	-	-		-	-	-	-	-	-	-	-	+	-	-		-	+	13	9
R	8A	Nornes	-	-	-		+	-	-	-	-	-	-	-	-	-	-		-	+	13	57
D	25B	Norton	-	+	-		+	-	-	+	-	-	-	-	-	+	-		-	-	25	12
R	13B	O'Driscoll	-	-	-		+	-	-	-	-	-	-	-	-	-	-		-	+	13	54
R	29B	O'Neill	-	+	-		+	+	+	-	-	-	-	-	-	-	-		-	+	31	56
D	28A	Pelowski	-	-	-		+	-	-	-	-	-	-	-	-	-	-		-	+	13	31
R	34A	Peppin	-	-	-		+	-	+	-	-	-	-	+	-	-	+		+	+	38	78
D	5A	Persell	-	+	-		-	-	-	-	-	-	-	-	+	-	-		-	-	13	11
R	24A	Petersburg	-	-	-		+	-	-	-	-	-	-	-	-	-	-		-	+	13	43
R	56B	Peterson R	-	-	-		+	-	+	-	-	-	-	-	-	-	-		A	+	17	25
R	26B	Pierson	-	-	+		+	-	-	-	-	-	-	-	-	-	-		-	+	19	29
D	64B	Pinto	+	-	-		-	-	-	-	-	-	+	-	+	-	-		-	-	19	23
D	27B	Poppe	-	-	-		-	-	-	-	-	-	+	-	-	-	-		-	+	13	15
R	33B	Pugh	-	-	-		+	+	+	-	+	-	A	+	-	-	-		+	+	44	64
R	25A	Quam	-	-	+		+	+	+	+	-	-	-	-	-	-	-		+	+	44	76
R	11B	Rarick	-	-	-		+	+	-	-	-	-	-	-	-	-	-		-	+	19	29
D	49B	Rosenthal	-	-	-		-	-	-	-	-	-	-	-	-	-	-		-	-	0	9
R	38A	Runbeck	-	-	-		+	+	-	-	+	A	-	-	-	-	-		+	+	30	75
R	37B	Sanders	+	-	-		+	-	-	-	-	-	-	-	-	-	-		-	+	19	60
D	54A	Schoen	-	+	-		-	-	-	+	-	-	+	-	+	-	-		-	-	25	15
R	22A	Schomacker	-	-	-		+	-	+	-	-	-	A	-	-	A	A		-	+	14	55
D	7A	Schultz	+	A	-		A	-	-	-	+	-	+	-	+	-	-		-	-	22	25
R	35B	Scott	-	-	-		+	+	+	+	+	-	-	+	-	-	-		+	+	50	69
D	48A	Selcer	-	+	-		-	-	-	-	-	-	-	-	A	-	-		-	A	1	10
D	7B	Simonson	+	+	-		-	-	-	+	+	-	+	-	+	-	-		-	-	38	19
D	50A	Slocum	+	+	-		-	-	-	+	-	A	+	-	+	-	-		-	-	30	7
R	34B	Smith D	-	-	-		+	-	+	-	-	-	-	+	-	-	+		+	+	38	41
D	11A	Sundin	+	-	+		-	-	-	+	-	-	A	-	-	A	A		-	+	21	15
R	16A	Swedzinski	-	-	-		+	-	+	-	-	-	-	-	-	-	-		-	+	19	62
R	14A	Theis	-	-	-		+	-	-	-	-	-	-	-	-	-	-		-	A	4	41
D	61B	Thissen	+	+	-		-	-	-	-	-	-	A	-	+	-	-		-	-	17	11
R	16B	Torkelson	-	-	-		+	-	+	-	-	-	-	-	-	-	-		-	+	19	59
R	36A	Uglen	-	-	-		+	-	+	-	-	-	-	-	-	-	-		-	+	19	43
R	18A	Urdahl	-	-	-		+	-	+	-	-	-	-	-	-	-	-		-	+	19	51
R	20A	Vogel	-	-	+		+	+	+	-	-	-	-	+	-	-	-		+	+	44	41
D	63B	Wagenius	+	+	-		-	-	-	-	+	-	+	-	+	A	-		-	-	30	12
D	53A	Ward JA	-	+	-		A	-	-	A	+	-	-	-	-	-	-		-	-	8	11
R	35A	Whelan	-	-	-		+	+	+	-	+	-	-	+	-	-	-		+	+	44	47
R	57B	Wills	-	-	+		+	-	-	-	-	-	-	+	-	-	-		-	+	25	53
D	42A	Yarusso	-	-	-		-	-	-	-	-	-	-	-	-	+	-		-	-	6	9
D	46B	Youakim	+	+	-		-	-	-	-	-	-	+	-	+	-	-		-	-	25	21
R	30A	Zerwas	+	+	-		+	+	-	+	-	-	-	-	-	-	-		-	+	38	53

NO HOUSE VOTE

NO HOUSE VOTE

Governor's Action	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Dayton, Mark	S	N	S	N	N	S	S	S	S	S	N	S	S	S	S	N	S	N

to an alleged federal threat to ban air travel, and argue it will be convenient and less costly to conform all licenses to international standards and federal control; opponents argue it is an empty federal threat and another step towards a federal state and the formation of an international ID.

LEA believes that, though it may sound innocuous, it is unwise even to give authority to the federal government to control our ID. LEA favored a NO vote. It passed the Senate 57 to 2 and the House 125-2. It was signed into law.

11. Real ID Compliance and Implementation

SF 3589. Sen. Dibble. [HF 3959. Rep. Smith.]

SF 3589 passed in the Senate, then was substituted for the House bill which was then amended and passed by the House. These bills attempted to define Minnesota's approach to becoming compliant with the REAL ID federal statutes. Both bills proposed two-tier systems, a REAL ID-compliant driver's license and a standard driver's license. The House version includes language to prevent the issuing of the standard driver's license to undocumented immigrants. The House pushed rapid (Oct. 2016) implementation on the basis that people seeking REAL ID-compliant licenses would not have to renew again in less than the four-year cycle. The House also included language to limit the discretion of the Department of Homeland Security (DHS) to expand the requirement for a REAL ID beyond the national security scope specifically identified in the federal statute.

The argument for a two-tier system is rooted in the choice that citizens will have. As long as they have access to other means of identification, e.g., passports, they can choose a standard driver's license and will continue to have access to air travel, federal facilities and nuclear facilities. This approach also allows states to make their own decisions about issuing a standard driver's license to undocumented immigrants. Supporters of REAL ID suggest that it adds protection against fraud and identity theft. All the files in all the states will include a social security number that will make all the databases searchable if the federal government has access to those files, creating a *de facto* national database. This could increase the risk of fraud and identity theft from the hacking or misuse of government databases. It is impossible to assess if consolidating the personal data creates more risk than it mitigates.

REAL ID could achieve at least some of the objectives as originally intended regarding homeland security. However, it trades away rights for incremental security that is extremely difficult to measure. This is important, since terrorist groups have demonstrated a great deal of sophistication to create high-quality counterfeit identifications for their members. Like many government intrusions, this bill seems focused on people who are not likely to be a threat to anyone. Further, if security is undone by the weakest link, the security objectives are undermined if only some citizens participate in the REAL ID system. Finally, the federal law has a provision that allows the DHS unilateral discretion on the use of REAL ID data. As currently proposed and for the concerns mentioned, the LEA would vote NO on both bills. The Senate passed its version 48-16, and the House passed

its own version 87-42. The conference committee did not resolve differences between the bills, so no final version was passed.

12. Iron Ore Mining Industry Extended Unemployment Benefits

SF1006. Sen. Tomassoni. [HF1405. Rep. Metsa.]

This bill provides extended unemployment benefits to an applicant who was laid off after March 15, 2015 from an iron ore mining industry, or from an employer providing goods or services to an iron mining industry (due to "substantial reduction" in mining operations). The extension runs through June 25, 2017 and is retroactive from August 31, 2015.

LEA believes this is a slap in the face to those miners on the Iron Range who need jobs, not welfare. All of the mines requesting permits to start operation have passed rigid environmental tests, some multiple times. Attempts to open or re-open these mines have been rebuffed by the governor and opponents of mining. The result is a stop-gap solution that puts workers on hold without addressing iron mining regulation. The bill treats dislocated mine workers differently than dislocated workers dislocated in other beleaguered industries. LEA favored a NO vote on the bill that passed the Senate 62-3, the House 113-17, and became law.

13. Modifying Host Community Economic Development Grants

HF2514. Rep. Peterson. [SF2995. Sen. Metzen.]

This bill modifies criteria for cities within the seven-county metropolitan area seeking compensation as "host communities" of large landfills to apply for economic-development grants. These grants are to be divided as evenly as possible, and uses are expanded for land acquisition, capital improvements, job creation, or another benefit to the host community.

The grants no longer have to be prioritized by any cost-benefit analysis, and criteria definitions are so broad that projects could be most anything the host community leaders want. Funds are from the Department of Employment and Economic Development (DEED), which could make this an executive-branch slush fund for cronyism and/or a back door for the governor to fund such things that do not have legislative support like more rail-transit projects. This expands use of grants for metropolitan pet projects at the expense of all state taxpayers who are not being represented by these decisions. This bill clearly violates principles of good governance and legislative accountability. LEA favored a NO vote. It passed the Senate 47-10, the House 93-37, and became law.

14. Pari-mutuel Horse Race Licensure Bill

HF3211. Rep. Hoppe. [SF2835. Sen. Sparks.]

This bill requires licensing of pari-mutuel horse race betting vendors, while legalizing advance-deposit wagering within the state. The fee for a Class A license is \$253,000 per year. A Class

B license is \$500 for each assigned racing day and \$100 for each day on which simulcasting is authorized. The Minnesota Racing Commission (MRC) is authorized to establish annual license fees. No person may place or accept a bet on or off the premises of a licensed racetrack other than a bet made with an approved pari-mutuel system. It specifies the MRC's collection and distribution fees, regulatory fees, and breeders fund fees. The bill establishes private rights of licensed vendors to take legal action against non-compliant actors to recover damages and fees. The MRC can also initiate legal action, and order fines of violators.

This bill is an attempt by the state to capture pari-mutuel horse racing revenue and provides incentives for lawyers to help them do so. LEA believes it is bad policy for the government to encourage gambling and receive income from it. Proper gambling laws would leave gambling in the competitive private sector, offering license fees that cover the cost of clerical paperwork and criminal prosecutions of businesses that commit fraud. When the government runs a business like this, it suffers a conflict of interest and cannot police itself. LEA favored a NO vote. The bill passed 35-29 in the Senate, 120-5 in the House, and was signed into law.

15. Regulating and Licensing Eyelash Extension Services

SF2802. Sen. Ingebrigtsen. [HF2389. Rep. Franson.]

This bill adds eyelash extension services to a list of other regulated cosmetic services. It now mandates a license to practice and continuing education before each license renewal. Each renewal requires one credit hour covering state laws and three credits covering federal health, infection control, and safety standards.

The legislature violated previous law (MN statute 214.001) that requires proof of harm before licensing occupations. It impinged on the freedom of individuals to perform relatively innocuous tasks without being regulated. The bill also created extra government regulatory work that is a burden on the general economy. LEA favored a NO vote. It passed in the Senate 48-11, the House 123-4, and was signed into law.

16. Regulations and penalties related to advertising and labeling for disposable wipes

SF2525. Sen. Jensen.

If this bill had passed, Minnesota would have become the first state in the nation to prohibit nonwoven disposable cloth sheets from being labeled or advertised as "flushable" unless they met "flushability" tests established by the Federal Trade Commission or complied with the industry's code of practice for product labeling approved by the Pollution Control Agency. It would also have created penalties on manufacturers for labeling or advertising violations of \$100 per packaged salable unit, up to \$5000, including barring them from committing further violations. The Minnesota Attorney General would have been authorized to bring legal actions to recover civil penalties.

During legislative debate, some of the bill's supporters cited concerns by local officials and wastewater treatment experts that

the increasing presence of wipes advertised as "flushable" was leading to increased costs for breaking them up in treatment plants and increased plumbing problems overall. Skeptics countered with analysis that less than 10% of the clogged materials were attributable to these products. Instead, wipes labeled as non-flushable, paper towels, and the flushing of other items that do not dissolve well in water made up most of the materials.

It may be that the use of wipes marketed as "flushable" has led to confusion that any type and quantity of wipes are flushable, resulting in some negative impacts on plumbing and wastewater treatment; a measured response could be a public-education effort. However, to attach penalties, restrict marketing, and invite Minnesota's attorney general to litigate for recovering penalties related to a commonly-used product sold nationwide misallocates legal resources that could be better used for public safety. It also adds to the extraordinary regulatory burdens associated with doing business in Minnesota compared to other locations. The product does not pose a significant health risk to its users, and there has been nothing to prevent people or companies claiming harmful effects on systems from suing the manufacturers for misleading or false marketing. Therefore, LEA favored a NO vote on the bill that passed 49-9 in the Senate. The House did not schedule a floor vote on it.



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2016 LEGISLATIVE REPORT



This bill prevents the Department of Natural Resources (DNR) from adopting rules that further restrict the use of lead shot. In 1987 the use of lead shot was banned for hunters of waterfowl. The DNR proposed broadening the ban, prohibiting the use of lead shot when hunting small game on wildlife management areas, without evidence that lead shot poses a threat to wildlife. This legislation was attempted to reverse the trend toward bureaucratic regulation of hunting and ammunition choices that impedes hunting by making it more costly. Also, if higher costs result in less revenue from hunting licenses sold, fewer funds will exist for maintaining habitat. LEA favored a YES vote. The bill passed in the House 80-48. There was no Senate floor vote.

HF3209. Rep. Hackbart.

Restrictions

18. DNR Prohibited from Further Lead Shot

approval. Therefore, LEA favored a NO vote on the bill that passed the Senate 48-15, the House 104-25, and was signed into law by the governor.

17. Agency Board Salary Authority and Ratification of State Employee Compensation Plans
SF2626. Sen. Metzger. [HF3271. Rep. Lillie.]

This bill ratified 15 different state employee labor agreements or compensation plans for the current biennium. Some of the agreements had been approved between the 2015 and 2016 sessions by the Legislative Coordinating Commission's Subcommittee on Employee Relations, while other agreements were implemented 30 days after the Subcommittee had declined to specifically approve them. The bill also increased, retroactive to July 2015, the salaries for the executive directors of three state retirement agencies, and modified statutes so that beginning in July 2016 the boards for these three agencies can set salaries for their executive directors without having to obtain consent from the Legislative Coordinating Commission or ratification by the full legislature. LEA has previously pointed out the flawed process that makes it possible for compensation changes to occur in state-employee negotiations between labor and management, when labor groups may have campaigned to get friendly management elected, and for changes to go into effect long before they are officially ratified. Most of the recent agreements, including the ones ratified in this bill, contain compensation increases that exceed any projected inflation. This bill both perpetuates the flawed process, and makes some compensation decisions even further removed from public accountability by enabling state retirement boards to set salaries for their executive directors without legislative