



2017 REPORT on the MINNESOTA LEGISLATURE

by the
LEGISLATIVE EVALUATION ASSEMBLY
of MINNESOTA, INC

for an
INFORMED CITIZENRY

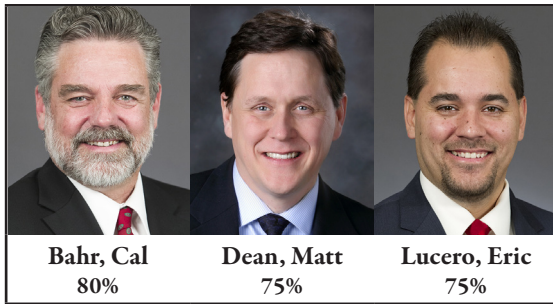


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CREDO — *The Legislative Evaluation Assembly of Minnesota (LEA) is a non-partisan and non-profit organization, established to inform the citizens of Minnesota of both important legislation and the voting performance of each Minnesota state legislator. LEA bases its evaluation on our declared American founding principles of self-evident truths and inalienable rights. These principles provide a basis for a constitutionally limited government established to sustain life, liberty, justice, property rights and free enterprise. LEA encourages the use of the material in its Reports, in whole or in part, with attribution, by any group or individual.*

2017 LEA HONOREES

HOUSE



There were no Senate honorees.

HONORABLE MENTION:

Senate: Bruce Anderson, Michelle Fischbach, Mary Kiffmeyer, and Andrew Mathews

House: Steve Drazkowski, Mary Franson, Jeff Howe, Cindy Pugh, and Abigail Whelan

2017 LEGISLATIVE REVIEW

A Departure from Constitutional Process

The LEA evaluation of the 2017 Minnesota Legislative Session reveals a serious departure from our state constitution and its framework for good governance. Two core principles of our republic, genuine representative government and equal justice under the law, were degraded this year as unconstitutional multi-subject bills addressed widely varying interests and priorities. Single-subject bills largely responded to failures from previous legislation at the state and federal level.

Our representative government was designed to be limited by the consent of the governed. The Minnesota Constitution lays out specific procedures to protect that principle. The constitution's single subject requirement, multiple readings of each bill in two separate houses, open public sessions, public roll-call votes, the governor's veto, and the possibility of a veto override provide checks and balances to deter back-room legislative deal making and ensure an open, public, and transparent process with *clear accountability*. If this process is violated, the people can replace their representatives.

This year 30% of the bills passed, including nearly all of the budget bills, were large, multi-subject bills that included both new policy and spending. An egregious example of new policy inserted into a finance bill is the undefined "implicit bias" training for all state and local law enforcement. It was

put into the final version of the omnibus public safety bill as a continuing-education requirement for issuing or renewing their licenses. When ten omnibus bills shaped by the Republican leadership containing nearly the entire budget were vetoed by the governor in early May, they were further expanded in committees to include additional special interest provisions and presented without much debate for an up-or-down vote at the end of session or in special session. The session was largely dominated by special interests fighting over what they could get at the expense of the governed.

Equal justice under the law also suffered, in part because of the crisis management approach taken towards non-spending issues that arose. For example, when Federal law restricting the use of coal threatened to close the power plant in Sherburne County, a law allowing that plant to use natural gas was passed, rather than a law that would grant this option to all utilities in the state. When housing developers complained about being blindsided by building moratoria imposed by City Councils, the legislature passed a law for how city councils should notify people and hold hearings on housing development, but not general laws about how all local governments should notify people in all cases that their decisions pose unexpected burdens on citizens. Last year unemployment benefits were extended to Northern Minnesota miners, but not to other people who suffered equally in less-publicized layoffs. The result is that the legislature is creating a complex web of law in which many

natural interest groups, corporations, or classes of citizens are treated unequally.

The result is a proliferation of so many laws that make compliance expensive if not impossible, sometimes even by legislators. This is reflected in the omnibus jobs bill where the following language is inserted: "If an appropriation in this article is enacted more than once in the 2017 legislative session, the appropriation must be given effect only once."

With the growing abuse of multi-subject legislation has come an expansion of bill titles. Many bills approach 100 words just for the title before the list of amended statutes. Some titles are longer than the 250 words the local newspapers accept in a letter to the editor.

The framers of the Minnesota Constitution were wise to construct it as they did. As with the US Constitution, they believed that our government officials would often try to violate people's rights. They were correct. The 2017 legislative session put on display the breakdown of a number of important safeguards. The single subject rule has, over the years, been increasingly ignored. Several bills that went through normal procedures and failed were held over and reintroduced as provisions within omnibus bills. Also, the use of multi-subject bills (MSBs) provoked a new and problematic twist on the use of vetoes. The governor signed budget bills, but not before line-item-vetoing the legislature's funding in an attempt to force the legislature to remove policies he did not like from the bills he had already signed. Moreover, while the governor vetoed the special-session labor standards bill, he illegally invoked power to enforce labor agreements contained in the vetoed bill even though the legislature did not ratify them before adjournment of regular session. The legislature then neglected to challenge the governor's enforcement action. Adherence to constitutional processes would prevent such abuses.

There is no official accounting for the damage done by the ever-expanding departure from constitutional principles. Citizens must work to restore their individual commitment to and faith in the rule of law and demand that their legislators honor their constitutional oaths.

2017 VOTES

1. Omnibus State Government Finance and Policy Bill

SSSF1. Sen. Kiffmeyer. [No House companion bill, but urgency declared, so House took up Senate bill immediately after Senate passage.]

The first article of this bill contains appropriations for all the executive branch statewide constitutional offices (governor/lieutenant governor, auditor, secretary of state, and attorney general), plus appropriations for the legislature and its

coordinating commission, various government retirement funds, state councils and agencies, and some of the governor's cabinet departments. Net spending in this bill, prior to any vetoes, is \$1.072 billion, an increase of 3.8% over the previous biennium. The appropriations for the MN Department of Revenue are not to take effect until after the enactment of the special session omnibus tax bill. The other four articles consist of policy language related to state government operations, campaign finance and election law changes, military/veterans' affairs, or liquor laws.

In the article covering state government operations, there are several substantial changes. (1) Responsibility for reviewing and approving historic-preservation grant applications is transferred from the MN Historical Society to the MN Department of Administration. (2) The State Auditor has new requirements to make detailed reports of litigation expenses to relevant legislative committees, and the heads of executive agencies must now report to the relevant committees any intra-agency service agreements or fund transfers exceeding 100,000 dollars. (3) New restrictions are added for offering severance pay to cabinet members or certain highly-compensated state employees. (4) The office of legislative auditor is mandated by this bill to audit the Metropolitan Council, especially its transportation division. (5) The creation of a major new bureaucracy within the Legislative Coordinating Commission, the Legislative Budget Office (LBO), which will be given primary responsibility for generating fiscal-impact notes for any proposed legislation.

The creation of the LBO is a great example of legislation that should not be buried in an omnibus bill. The chair of the new bureaucracy is given a six-year term, the power to hire his/her own staff, and cannot be removed except for cause, which creates a bureaucracy with minimal accountability. The job is to do fiscal analysis that will guide legislation. Minnesota Management and Budget (MMB) and LBO may end up offering different versions for fiscal impact of legislation, fueling a numbers-generation turf battle between the executive branch and the legislature, since MMB is unlikely to abdicate its own analysis unless required to do so. Also, the four policy-dominated articles in the bill contain items that should have been considered separately. There is even a change to the 2016 eyelash extension regulations. Moreover, rarely is the procedural abuse as explicit as the provision which made revenue department appropriations contingent upon passage of an unrelated tax policy bill.

Accountability is insufficient when a 93-page bill covering at least 80 different subjects and 11 new sections of statutes is packed into one omnibus bill vote. Portions of the bill could have been positive if considered separately. However, LEA favors a NO vote on the overall bill. The bill passed the

Multi-subject Bills (MSBs)

Article 4, Section 17 of the Minnesota Constitution says: “No law shall embrace more than one subject, which shall be expressed in its title.” Bills containing more than one subject and bills that mix appropriations and policy have tragically become commonplace and standard practice in our Minnesota legislative process. They have dramatically increased in number and size over the last 20 years. MSBs make it possible to pass volumes of legislation without an accountable vote on a single subject. Legislators can always point out something good or bad to justify their vote. Minnesota’s framers explicitly prohibited this practice for good reason. LEA believes MSBs deserve a NO vote because they violate an essential provision of the state constitution that is vitally important for legislative accountability. Below is a partial list of 2017 MSBs with information about their size and scope.

Examples: Abuse of Constitution Single Subject Provision 5 Bills Covering Hundreds of Subjects and over 82% of the General Fund Budget

Bill Title	Bill #	# of New, Repealed, or Modified Statutes	# of Pages	Appropriations (in millions)
Omnibus Higher Education	SF943	33	65	\$ 3,284
Omnibus Jobs, Energy & Econ Development (#2)	SF1456	118	214	\$ 511
Omnibus State Government Appropriations Bill (#1)	SS-SF1 ¹	69	93	\$ 972
Omnibus K-12 Education	SS-HF2	109	203	\$18,757
Omnibus Health and Human Services	SS-SF2	288	680	\$13,853
Total (Equals 82% of total general fund appropriations of \$45,541 billion per MMB after-session summary)				\$37,377 ²

Note 1: State Government appropriations bill (SS-SF1) excludes \$129 Million in spending related to Governor's line item veto.

Note 2: Approximately \$10 billion of Minnesota taxes and fees go directly to Special Revenue Funds (primarily Transportation, along with Health Care Access & Legacy)...plus \$20 billion in Federal taxes (~80% HHS) equals \$30 billion in additional spending, lifting the total 2018-19 Biennium spending plan to over \$75 Billion.

Senate 45-17 and the House 99-32. The governor signed it into law after the special session ended, but not before line-item vetoing all the funding for the legislature, triggering a legal dispute over whether using the veto in such a manner is constitutionally legitimate.

2. Omnibus Jobs, Energy, and Economic Development Finance and Policy Bill

SF1456. Sen. Miller. [HF1620. Rep. Garofalo.]

This bill was a substitute for a version that was passed earlier in May and vetoed by the governor. It appropriates over \$510 million to 8 different government entities. The bill converts the Iron Range Resources and Rehabilitation Board into a state government cabinet agency that oversees much of the iron range economy, including loan guarantees, labor policy, land occupation taxes, and grant disbursements for schools, cities, and the environment. In total, the bill contains 12 articles, creates 10 new statutes, modifies 87 existing statutes, and repeals 21 previous statutes. The subjects include jobs, workforce and economic development programs, business loans, housing finance, worker’s compensation, labor

mediation, licensing, the commerce department, the public utilities commission, public facilities, electronic notices and filings, and a Central Minnesota grant program. The bill also regulates investment brokers, abandoned property, and wireless facilities. Finally, it changes renewable energy incentives, targets, and mandates.

This bill is an example of how omnibus legislation can be used to greatly expand the power of the administrative state by packaging state agency requests into a bundle and then adding special-interest projects and policies. The Department of Iron Range Resources and Rehabilitation (IRRRB), elevated to cabinet level, retains broad discretion over vast state resources and their distribution into every aspect of the Iron Range economy. It should have been a stand-alone bill. This bill sets a new low in the abuse of single subject provision of Minnesota Constitution. Article 1 approved funding for eight separate departments and commissions and should have been at least eight separate bills.

LEA favored a NO vote on the bill. It passed in the Senate 46-20, and in the House 87-43, and was signed by the governor.

3. Health Care Premium Subsidy Program

SF1. Sen Benson. [HF1. Rep Hoppe.]

This bill appropriates \$311 million dollars directly to insurance companies in an attempt to compensate for the rise in premiums in the individual health insurance market. Compensation comes in the form of an initial 25% rebate on insurance premiums for eligible enrollees. The bill explicitly bars the commissioner from withholding subsidies on the basis of uncertain eligibility. If insurance companies claim more than the money allocated, the initial 25% subsidy rate is to be reduced. The bill also ends the prohibition on for-profit health insurance, introduces options for joint self-insurance agricultural cooperative plans, and changes reporting requirements and tax exemptions.

The core of this bill is an attempt to counter the precipitous rise in health insurance premiums in the individual market, a rise largely caused by the federal Affordable Care Act (ACA or “Obamacare”). It was set up this way because the bureaucratic machinery required to process individuals’ rebate requests in the time desired would have been destined to fail. This is a one-year fix for a multi-year issue that does not seriously address the underlying economic and regulatory problems, and those who benefit from the fix will push hard for a permanent subsidy. The policy changes to regulation on health insurance companies in the bill, such as allowing for-profit firms to operate, will likely be inconsequential. This is a short-term, rushed, inadequate fix, improperly cobbling unrelated policy changes into an appropriations bill, enabling more fraud and misuse, not addressing a long-term problem.

LEA favored a NO vote. It passed the Senate 47-19 and the House 108-19, and was signed by the governor.

4. Risk-Protection Reinsurance Subsidy for Insurers

HF5. Rep. Davids. [SF720. Sen. Dahms.]

This bill establishes a state-operated reinsurance program to mitigate risks for companies in the individual health insurance market. This bill appropriates (through one-time transfers from the state’s general fund and the health care access fund) \$540 million for the next 2 years. The program covers 80% of the claim amount greater than \$50,000 and up to \$250,000. Implementation is made dependent on approval of an “innovation waiver” from the U.S. Health and Human Services Department, which would qualify MN for a federal-subsidy funding stream to sustain the program.

Reinsurance is a well understood industry concept and should be straightforward to implement. The program provides risk protection for insurance companies with

the expectation they will do business in Minnesota and lower premiums. However, this law changes incentives for insurance companies and will drive up prices on more expensive medical services. This is an expensive band-aid on the failing MNSure program while making cost pressures worse. MN legislators should be telling their counterparts in the nation’s capital to repeal the unsustainable Obamacare requirement that every insurer must offer policies to everyone that include ten “essential” benefits. Then, they could go back to a true safety-net model like the old MN Comprehensive Health Association (MCHA) high-risk pool for hard-to-insure individuals, broadly heralded as one of the most cost-effective approaches to health care funding in America prior to ACA/Obamacare.

This band-aid, like the ACA, will be difficult to reverse, imposing a huge financial burden on Minnesotans and American taxpayers for years to come, while accepting the “strings” of more federal regulations to keep the subsidy stream flowing. Further, like the ACA, it ignores basic economics. Despite obvious political pressure, compensating for the failure of the ACA with this subsidy is bad policy. Therefore, the LEA favors a NO vote. It passed in the Senate 35-32, and in the House 74-57, and was signed by the governor.

5. Uniform State Labor Standards Act

HF600. Rep. Garofalo. [SF580. Sen. Miller.]

This bill states that a local government must not adopt a minimum wage higher than the state minimum wage, or adopt local polices requiring employers to offer paid leave times or other benefits. However, local governments, as employers, can set minimum wages and benefits for their own employees, or for contracted work done for local governments, or for employers who use local government funds made available on condition of accepting locally-imposed labor standards.

Our system of government is designed so that states charter corporations and regulate business practices. This bill declares that uniform labor standards fall under the jurisdiction of the state. This legislation prevents local governments from imposing unfunded mandates on businesses in the form of labor wages or benefits. On the other hand, local governments can require stricter building safety codes than the state and control taxes on the property businesses own. These costs are known when businesses decide to locate and form a contract of partnership between the local government and the business.

LEA believes that the principle of subsidiarity gives rights to local governments to control their own resources, infrastructure, taxes, and building codes, and to use these

powers to encourage or discourage employers to locate in their territory. But, local governments should not have the right to establish the wages and benefits of a corporation not owned by the government. The uniform state labor standards act provides protection for businesses from being subject to arbitrary use of power by local governments not authorized to charter businesses.

LEA favored a YES vote. It passed the Senate 35-31 and the House 76-53. Though minor differences in the Senate and House versions of the bill were not resolved in conference during regular session, the House language was rolled into the 227-page special session bill, SSSF3, that was vetoed by the governor.

6. Teacher Licensing Reforms

HF140. Rep. Erickson. [SF4. Sen. Pratt.]

This bill reforms the licensing process for Minnesota teachers. It incorporates some of the Office of Legislative Auditor (OLA) key recommendations including: 1) consolidating all teacher-licensure activities into one state entity, the Professional Educator Licensing and Standards Board; 2) clarifying Minnesota statutes regarding teacher-licensure requirements and 3) restructuring the state's teacher-licensure system to ensure consistency and transparency as part of establishing a 4-tiered licensure system, addressing the out-of-state trained teacher issue as part of Tier 3. Tier 1 offers the most flexibility in terms of local school board hiring decisions. This license is limited to renewal in 1-year increments up to 3 years (longer under certain exceptions) and is structured in such a way as to encourage progression up the professional ladder.

According to the Minnesota Office of Legislative Auditor, "Minnesota's teacher-licensure system is broken and needs significant changes." In addition to the OLA's report, other reform drivers were primarily related to a well-documented teacher shortage in Minnesota plus an indefensible system for licensing teachers who happened to get their training and experience in another state. So indefensible that the Board of Education has been sued multiple times.

This bill addressed a complex topic in an extraordinarily thoughtful and bipartisan manner. There was a task force that met for over a year, followed by many hearings over several months, that drove many modifications and compromises, much as one would expect as part of open law-making process. While the LEA believes the licensing process remains overly complex, and likely adds unnecessary cost to our education system, this bill was an example of how law-making is supposed to work and it significantly streamlined a licensing process that was broken and in much need of reform. LEA favored a YES vote on HF140.

It passed the Senate 36-31, House 76-54, but was vetoed by Governor Dayton. This language was later passed in special session as part of multi-subject omnibus education bill SSSF2 and signed into law.

7. Abortion Facility Licensing

HF812. Rep. Kiel. [SF704. Sen. Fischbach.]

This bill establishes licensure of abortion facilities, regulating them similarly to other health facilities and nursing homes, including health inspections at least once every two years.

Abortion facilities are legal and receive government funds, but are currently unregulated and operate without proper oversight. This law would provide the same standards as other licensed health facilities.

LEA believes abortions violate the right to human life, and promote the moral hazard of irresponsible behavior for all who are complicit in them. However, if abortion facilities can legally exist, they should at a minimum be held accountable to the health standards required of other health services.

LEA favored a YES vote. It passed the Senate 35-29 and the House 79-53. The governor vetoed the bill.

8. Sherburne Natural Gas Power Plant Authorized

HF113. Rep. Newberger. [SF85. Sen. Mathews.]

This bill overrides the Public Utilities Commission (PUC) and authorizes a public utility located in Sherburne County to convert 2 units of an existing coal plant to a natural-gas, combined-cycle electric generation plant, and allows for recovery of reasonable costs.

Public utilities, which by nature are monopolies, can control markets, raise prices, and ration services. As such, government regulation is necessary. This bill carves out a gas plant "Certificate of Need" exemption for a particular coal plant, rather than providing fair and competitive regulation of the entire power industry. When the state requires the use of higher cost renewable energy, the rates consumers pay will rise.

While the bill reflects a lack of statewide standards for power plant renovation, the future viability of an important baseload power plant was addressed by the legislation. The coal-fired plant is proposing the conversion due to Federal environmental regulations.

While LEA believes the bill should have allowed all power plants in the state to have a natural gas option, it addressed an urgent problem. LEA favored a YES vote. It passed the Senate 39-25 and the House 80-45. The governor signed the bill.

SENATE

Pty	Dist	Name		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	2017%	C%
R	35	Abeler	Jim	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	45
R	29	Anderson	Bruce	-	-	-	-	+	+	+	+	+	+	+	+	+		+	+	73	89
R	44	Anderson	Paul T.	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	67
D	3	Bakk	Thomas	+	-	+	+	-	-	A	+	+	+	-	+	-		A	+	55	18
R	31	Benson	Michelle	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	77
D	51	Carlson	Jim	-	+	-	+	-	-	-	-	-	+	-	-	-		-	+	27	10
R	38	Chamberlain	Roger	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	76
D	59	Champion	Bobby Joe	+	-	+	+	-	-	-	-	-	+	-	-	-		-	-	27	6
D	57	Clausen	Greg	-	+	-	+	-	+	-	-	-	+	-	-	-		-	-	27	16
D	64	Cohen	Richard	-	-	+	+	-	-	-	-	-	+	-	-	-		-	-	20	7
D	48	Cwodzinski	Steve	-	+	-	+	-	-	-	-	-	+	-	-	-		-	-	20	20
R	16	Dahms	Gary	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	58
D	61	Dibble	D. Scott	+	+	+	+	A	-	-	-	-	A	-	-	-		-	-	24	11
R	20	Draheim	Rich	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	67
D	60	Dziedzic	Kari	+	+	+	+	-	-	-	-	-	+	-	-	-		-	-	33	13
D	40	Eaton	Chris	+	+	+	+	-	-	-	-	-	+	-	-	-		-	-	33	12
R	5	Eichorn	Justin	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	67
D	4	Eken	Kent	-	-	-	+	-	-	+	+	+	+	-	+	+		+	-	53	28
R	13	Fischbach	Michelle	-	-	-	-	+	+	+	+	+	+	+	+	+		+	+	73	60
D	49	Franzen	Melisa	+	+	-	+	-	-	A	-	-	+	+	-	-		-	-	32	14
D	19	Frentz	Nick	-	-	-	+	-	-	-	-	+	+	-	-	-		-	-	20	20
R	9	Gazelka	Paul	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	68
R	21	Goggin	Michael	-	-	-	-	+	+	+	A	+	+	+	+	+		+	-	61	61
R	56	Hall	Dan	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	78
D	67	Hawj	Foung	+	+	+	+	-	-	-	-	-	+	-	-	A		-	A	32	14
D	62	Hayden	Jeff	-	-	+	+	-	-	-	-	-	+	-	-	-		-	-	20	9
D	36	Hoffman	John	-	-	-	+	-	-	-	+	-	+	-	+	+		-	-	33	15
R	39	Housley	Karin	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	50
R	8	Ingebrigtsen	Bill	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	62
D	42	Isaacson	Jason	+	-	-	+	-	-	-	A	-	+	-	-	-		-	-	18	12
R	24	Jasinski	John	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	67
R	47	Jensen	Scott	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	67
R	1	Johnson	Mark	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	67
D	53	Kent	Susan	+	+	+	+	-	+	-	-	-	+	-	-	-		-	-	40	18
R	30	Kiffmeyer	Mary	-	-	-	-	+	+	+	+	+	+	+	+	+		+	+	73	72
D	52	Klein	Matt	A	+	-	+	-	-	-	-	-	+	+	-	+		-	-	32	32
R	32	Koran	Mark	A	-	-	-	+	+	+	+	+	+	+	+	+		A	-	63	63
D	41	Laine	Carolyn	-	+	+	+	-	-	-	-	-	+	-	-	-		-	+	33	9
R	17	Lang	Andrew	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	67
D	46	Latz	Ron	-	+	+	+	-	-	-	-	-	+	-	+	-		-	A	32	9
R	34	Limmer	Warren	-	-	-	-	+	+	+	+	A	+	+	+	+		+	+	68	79
D	58	Little	Matt	-	-	-	-	-	-	-	-	+	-	+	+	-		-	-	27	27

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
*S - Sign with line-item vetoes
V- Veto
N- Not Applicable

57.35% = % of legislators' votes favored by LEA in 2017 session

2017% = legislator's 2017 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 2017 scored **75% or higher**, those receiving honorable mentions scored **at least 70%**.

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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	2017%	C%
D	11	Lourey	Tony	+	-	+	+	-	-	-	+	+	+	-	+	-		-	-	47	10
D	66	Marty	John	+	+	+	+	-	-	-	-	-	+	-	-	-		-	-	33	10
R	15	Mathews	Andrew	-	-	-	-	+	+	+	+	+	+	+	+	+		+	+	73	73
R	28	Miller	Jeremy	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	46
R	26	Nelson	Carla	-	-	-	-	+	+	+	+	+	+	+	+	+		A	-	61	53
R	18	Newman	Scott	-	-	-	-	+	+	+	A	+	+	+	+	+		+	-	61	66
D	37	Newton	Jerry	-	+	-	+	-	-	-	-	-	+	+	+	-		-	-	33	13
R	33	Osmek	David	A	-	-	-	+	+	+	+	+	+	+	+	+		A	-	63	72
D	65	Pappas	Sandra	A	+	+	+	-	-	-	-	-	+	-	-	-		A	-	24	7
R	55	Pratt	Eric	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	63
R	14	Relph	Jerry	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	67
D	45	Rest	Ann	A	A	+	+	-	-	-	+	A	A	-	-	-		A	-	13	20
R	23	Rosen	Julie	-	-	A	-	+	+	+	+	+	+	+	+	+		+	-	68	47
R	10	Ruud	Carrie	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	60
D	54	Schoen	Dan	+	+	+	+	-	-	-	-	-	+	-	-	-		A	-	32	19
R	25	Senjem	David	-	-	-	-	+	+	+	+	+	+	+	+	+		A	-	61	55
D	7	Simonson	Erik	+	+	+	+	-	-	-	-	-	+	-	-	-		-	-	33	22
D	27	Sparks	Dan	+	-	-	+	+	-	A	-	+	+	-	-	+		+	-	47	21
D	6	Tomassoni	David	-	-	-	+	-	-	-	+	+	+	-	+	+		-	-	40	15
D	63	Torres Ray	Patricia	+	+	+	+	-	-	-	-	-	+	-	-	-		-	-	33	9
R	2	Utke	Paul	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	67
R	22	Weber	Bill	-	-	-	-	+	+	+	+	+	+	+	-	+		+	-	60	49
R	12	Westrom	Torrey	-	-	-	-	+	+	+	+	+	+	+	+	+		+	-	67	63
D	43	Wiger	Charles	+	+	-	+	-	-	-	-	-	+	-	-	-		-	-	27	15
D	50	Wiklund	Melissa	+	+	+	+	-	-	-	-	-	+	-	-	-		-	-	33	13

NO SENATE VOTE

HOUSE

Pty	Dist	Name		1	2	2	4	5	6	7	8	9	10	11	12	13	14	15	16	2017%	C%
R	55B	Albright	Tony	-	-	-	-	+	+	+	+	+	+	+	+	+		-	-	67	55
D	62B	Allen	Susan	+	+	+	+	-	-	-	-	-	+	-	+	-		-	-	40	18
R	12B	Anderson	Paul H.	-	-	-	-	+	+	+	+	+	+	+	-	+		-	-	60	57
R	44A	Anderson	Sarah	-	-	-	-	+	+	+	+	+	+	+	+	+		-	-	67	66
R	49A	Anselmo	Dario	-	A	A	-	+	+	-	+	+	+	-	+	+		-	-	55	55
D	44B	Applebaum	Jon	-	+	-	+	-	-	A	-	-	+	-	-	-		-	-	18	16
R	12A	Backer	Jeff	-	-	-	-	+	+	+	+	+	+	+	+	+		-	-	67	41
R	31B	Bahr	Cal	-	-	-	+	+	+	+	+	+	+	+	+	+		+	-	80	80
R	17B	Baker	Dave	-	-	-	-	+	+	+	+	+	+	+	+	+		-	-	67	39
R	52B	Barr	Regina	-	-	-	-	+	+	+	+	+	+	+	+	+		-	-	67	67
D	42B	Becker-Finn	Jamie	-	+	-	+	-	-	-	-	-	+	-	+	-		-	-	27	27
R	27A	Bennett	Peggy	-	-	-	-	+	+	+	+	+	+	+	+	+		-	-	67	41
D	41A	Bernardy	Connie	+	+	+	+	-	-	-	-	-	+	-	-	-		-	-	33	25
R	5A	Bliss	Matt	-	-	-	-	+	A	+	+	+	+	+	+	+		-	-	61	61
D	20B	Bly	David	+	+	A	+	-	-	-	-	-	+	-	-	-		-	-	25	9
D	50B	Carlson	Andrew	-	+	-	+	-	-	-	-	-	+	+	+	-		-	-	33	33
D	45A	Carlson	Lyndon	-	+	-	+	-	-	-	-	-	+	-	+	+		-	-	33	18
R	56A	Christensen	Drew	-	-	-	-	+	+	+	+	+	+	+	+	+		-	-	67	48
D	62A	Clark	Karen	+	A	+	+	-	-	-	-	-	+	A	+	-		-	-	32	13
D	19B	Considine	Jack	+	+	-	+	-	-	-	-	-	+	-	-	+		-	-	33	30
R	23B	Cornish	Tony	-	-	A	-	+	+	+	+	+	+	+	+	+		-	-	68	53
R	24B	Daniels	Brian	-	-	-	-	+	+	+	A	+	+	+	+	+		-	-	61	37
R	31A	Daudt	Kurt	-	-	-	-	+	+	+	+	+	+	+	+	+		-	-	67	65
R	28B	Dauids	Greg	-	-	-	-	+	A	+	+	A	+	+	+	+		-	-	55	64
D	63A	Davnie	Jim	+	+	-	A	-	-	-	-	-	+	-	-	-		-	-	18	13

NO HOUSE VOTE

HOUSE

Pty	Dist	Name		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	2017%	C%
R	38B	Dean	Matt	-	-	-	+	+	+	+	+	+	+	+	+	+	+		A	75	74
D	59B	Dehn	Raymond	+	+	-	A	-	-	-	A	-	+	-	-	-	-		-	16	16
R	39A	Dettmer	Bob	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	68
R	21B	Drazkowski	Steve	-	-	-	-	+	+	+	+	+	+	+	+	+	+		+	73	85
D	3A	Ecklund	Rob	+	-	-	+	-	-	-	+	+	+	+	-	+	-		-	47	30
R	15A	Erickson	Sondra	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	74
R	1A	Fabian	Dan	-	-	-	-	+	+	+	+	+	+	A	+	+	+		-	61	61
R	53B	Fenton	Kelly	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	36
D	43A	Fischer	Peter	-	+	-	+	-	-	-	-	-	+	-	A	-	-		-	18	12
D	46A	Flanagan	Peggy	+	+	A	+	A	-	-	-	A	+	+	-	-	-		-	32	31
R	54A	Franke	Keith	-	-	-	-	+	-	+	+	+	+	+	-	+	-		-	47	47
R	8B	Franson	Mary	-	-	-	-	+	+	+	+	+	+	+	+	+	+		+	73	66
D	45B	Freiberg	Mike	-	+	-	+	-	-	-	-	-	+	-	-	-	-		-	20	10
R	58B	Garofalo	Pat	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	59
R	2B	Green	Steve	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	62
R	2A	Grossell	Matt	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	67
R	18B	Gruenhagen	Glenn	-	-	-	-	+	+	+	A	+	+	+	+	+	+		+	68	71
R	23A	Gunther	Bob	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	58
R	21A	Haley	Barb	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	67
D	51B	Halverson	Laurie	-	+	-	+	-	A	-	-	A	+	+	-	-	-		-	24	11
R	22B	Hamilton	Rod	-	-	-	+	+	+	+	+	+	+	+	+	+	+		A	68	54
D	52A	Hansen	Rick	+	+	+	+	-	-	-	-	-	+	-	-	-	-		-	33	14
D	66A	Hausman	Alice	+	+	+	+	-	-	-	-	-	+	-	-	-	-		-	33	9
R	10A	Heintzeman	Josh	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	41
R	33A	Hertaus	Jerry	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	72
D	40B	Hilstrom	Debra	-	+	-	+	-	-	-	-	+	+	-	-	-	-		-	27	14
R	47B	Hoppe	Joe	-	-	-	-	A	+	+	+	+	+	+	-	+	+		-	54	68
D	61A	Hornstein	Frank	-	+	+	+	-	-	-	-	-	+	-	-	-	-		-	27	10
D	36B	Hortman	Melissa	-	+	-	+	-	-	-	-	-	+	-	+	-	-		-	27	11
R	13A	Howe	Jeff	-	-	-	-	+	+	+	+	+	+	+	+	+	+		+	73	55
R	42A	Jessup	Randy	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	60	60
R	32A	Johnson	Brian	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	56
D	19A	Johnson	Clark	-	-	-	+	-	-	-	-	+	+	+	-	+	-		-	33	19
D	67B	Johnson	Sheldon	+	+	-	+	-	-	-	-	-	+	-	-	-	-		-	27	12
R	54B	Jurgens	Tony	-	-	-	-	+	+	+	+	+	+	+	-	+	+		-	60	60
R	1B	Kiel	Debra	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	58
R	14B	Knoblach	Jim	-	-	-	-	+	+	+	+	+	+	+	+	+	-		-	60	63
D	37A	Koegel	Erin	-	-	-	+	-	-	-	-	-	+	-	-	-	-		-	13	13
R	58A	Koznick	Jon	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	51
R	9B	Kresha	Ron	-	-	-	-	+	+	+	+	+	+	+	-	+	+		-	60	49
D	41B	Kunesh-Podein	Mary	+	+	+	+	-	-	-	-	-	+	-	-	-	-		-	33	33
R	5B	Layman	Sandy	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	67
D	59A	Lee	Fue	+	+	+	+	-	-	-	-	-	+	-	-	-	-		-	33	33
D	66B	Lesch	John	+	+	+	+	-	-	-	+	+	+	+	-	-	-		+	60	18
D	26A	Liebling	Tina	+	+	+	+	-	-	-	-	-	+	-	-	-	-		-	33	14
D	4A	Lien	Ben	+	-	-	+	-	-	-	-	+	+	-	+	-	-		-	33	18
D	43B	Lillie	Leon	+	+	-	+	-	-	-	-	+	+	+	-	-	-		-	40	12
D	60A	Loeffler	Diane	+	+	+	+	-	-	-	-	-	+	-	-	-	-		-	33	11
R	39B	Lohmer	Kathy	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	67
R	48B	Loon	Jenifer	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	61
R	55A	Loonan	Bob	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	38
R	30B	Lucero	Eric	-	-	-	+	+	A	+	+	+	+	+	+	+	+		+	75	72
R	10B	Lueck	Dale	-	-	-	-	+	+	+	+	+	+	+	+	+	+		-	67	43
D	67A	Mahoney	Tim	+	-	+	+	-	-	-	A	+	+	-	-	-	-		-	32	16
D	65B	Mariani	Carlos	A	+	+	+	-	+	-	-	-	+	-	-	-	-		A	32	7
D	4B	Marquart	Paul	-	-	-	+	-	+	+	+	+	+	+	+	+	-		-	60	32

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	2017%	C%
D	51A	Masin	Sandra	+	+	-	A	-	-	-	-	-	+	-	-	-	-	-	-	18	10
D	57A	Maye Quade	Erin	-	+	-	+	-	-	-	-	-	+	A	-	-	-	-	-	18	18
R	29A	McDonald	Joe	-	-	-	-	+	+	A	+	A	+	+	+	+	+	+	-	55	61
D	6B	Metsa	Jason	+	-	-	+	A	-	-	A	+	+	-	-	-	-	-	-	24	22
R	17A	Miller	Tim	-	-	-	-	A	+	+	+	+	+	+	+	+	+	+	+	68	50
D	65A	Moran	Rena	+	+	+	+	-	-	-	-	-	A	-	-	-	-	-	-	25	14
D	64A	Murphy	Erin	+	+	+	+	-	-	-	A	-	+	-	-	-	-	-	-	32	12
D	3B	Murphy	Mary	-	+	-	+	-	-	+	-	+	+	-	-	+	-	-	-	40	22
R	47A	Nash	Jim	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	62
D	40A	Nelson	Michael	-	+	+	+	-	-	-	+	+	+	+	-	-	-	-	-	47	15
R	32B	Neu	Anne	-	-	X	-	+	+	+	+	X	+	+	+	+	+	+	-	69	69
R	15B	Newberger	Jim	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	66
R	8A	Nornes	Bud	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	58
R	13B	O'Driscoll	Tim	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	56
D	7B	Olson	Liz	+	+	-	+	-	-	-	-	-	+	-	+	-	A	-	-	32	32
D	60B	Omar	Ilhan	+	+	+	+	-	-	-	-	-	+	-	+	-	-	-	-	40	40
R	29B	O'Neill	Marion	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	58
D	28A	Pelowski	Gene	-	-	-	-	+	-	+	+	+	+	+	+	+	+	-	-	53	32
R	34A	Peppin	Joyce	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	78
R	24A	Petersburg	John	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	48
R	56B	Peterson	Roz	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	39
R	26B	Pierson	Nels	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	41
D	64B	Pinto	Dave	+	+	+	+	-	-	-	-	-	+	-	-	-	-	-	-	33	27
D	27B	Poppe	Jeanne	-	-	-	+	+	+	-	+	+	+	+	+	+	+	A	-	61	18
R	9A	Poston	John	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	67
D	48A	Pryor	Laurie	-	+	-	+	-	-	-	-	-	+	+	-	+	-	-	-	33	33
R	33B	Pugh	Cindy	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	+	73	66
R	25A	Quam	Duane	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	75
R	11B	Rarick	Jason	-	-	-	-	+	+	+	+	A	+	+	+	+	+	+	-	61	40
D	49B	Rosenthal	Paul	-	+	-	+	-	-	-	-	-	+	+	+	-	-	-	-	33	12
R	38A	Runbeck	Linda	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	75
D	6A	Sandstede	Julie	-	-	-	+	-	-	+	-	+	+	-	+	+	-	-	-	40	40
D	25B	Sauke	Duane	-	-	-	+	-	-	-	-	+	+	+	+	-	-	-	-	33	33
R	22A	Schomacker	Joe	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	57
D	7A	Schultz	Jennifer	+	+	+	+	-	-	-	-	-	+	-	+	-	-	-	-	40	30
R	35B	Scott	Peggy	-	-	-	-	+	+	+	+	+	+	+	+	+	+	A	+	68	69
D	50A	Slocum	Linda	A	A	A	+	-	-	-	-	+	A	-	-	-	-	-	-	5	6
R	34B	Smith	Dennis	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	50
D	11A	Sundin	Mike	+	-	-	+	-	-	-	+	+	+	-	-	+	-	-	-	40	20
R	16A	Swedzinski	Chris	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	63
R	14A	Theis	Tama	-	-	-	-	+	+	+	+	+	+	+	+	+	+	-	-	60	44
D	61B	Thissen	Paul	+	+	-	+	-	-	-	-	+	+	-	+	-	-	-	-	40	13
R	16B	Torkelson	Paul	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	60
R	36A	Uglem	Mark	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	-	60	46
R	18A	Urdahl	Dean	-	-	-	-	+	+	+	+	A	+	+	+	+	+	+	-	61	51
R	20A	Vogel	Bob	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	50
D	63B	Wagenius	Jean	+	+	-	+	-	-	-	-	-	+	-	-	-	-	-	-	27	12
D	53A	Ward	JoAnn	A	+	-	+	-	-	-	A	-	+	-	+	-	-	-	-	24	13
R	37B	West	Nolan	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	-	67	67
R	35A	Whelan	Abigail	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	+	73	56
R	57B	Wills	Anna	-	A	A	-	A	+	+	A	A	+	+	+	+	+	+	-	53	53
D	46B	Youakim	Cheryl	+	+	-	+	-	-	-	-	-	+	+	+	-	-	-	-	40	27
R	30A	Zerwas	Nick	-	-	-	-	+	+	+	A	+	+	+	+	+	+	+	-	61	55

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
Dayton, Mark	*S	S	S	S	N	V	V	S	V	S	V	S	V	N	N	S

9. Removing PUC Intervention in Net Metering Rate Disputes

HF234. Rep. Baker. [SF141. Sen. Weber.]

This bill changes regulation and dispute resolution among cooperatives, customers and suppliers and takes the PUC out of the process, as long as cooperatives have adopted rules to comply with the law, including a provision for independent mediation.

A utility that controls power lines is effectively a monopoly in any electric distribution system, and it is valuable to regulate such systems in ways that (1) assure fair competition selling power to the system, and (2) charge reasonable and non-discriminatory fees to buyers without the price gouging and cronyism that often accompany unregulated monopolies.

While the bill failed to develop regulations that prevent utilities from misusing their monopoly status, LEA believes that the bill fosters decentralization and therefore freedom and responsibility, which are likely to keep prices lower and utilities more efficient. A step in the right direction, LEA favored a YES vote. It passed the Senate 39-26 and the House 89-37.

Governor Dayton vetoed the bill because it (1) removed power from the PUC and (2) failed to specify guidelines for mediation.

10. Fire Sprinkler Rules Clarified

HF792. Rep. Theis. [SF578. Sen. Draheim.]

This bill directs the Commissioner of Labor and Industry to amend Minnesota fire sprinkler rules to say that one- and two-family houses and townhouses are not required to have automatic fire sprinkler systems installed.

This bill prevents regulatory creep as expensive fire sprinkler systems become increasingly mandated for public and commercial buildings. Requiring sprinklers would likely add more than \$10,000 to construction costs of private homes. This bill leaves the choice of this expensive option in the hands of the home owner.

The bill is exemplary legislation because it protects the freedom and finances of Minnesota citizens. It is a common-sense measure, simple to understand, serving no special financial or partisan interest.

LEA favored a YES vote. It passed the Senate 65-0, the House 124-0, and was signed into law.

11. Due Process for City Council Housing Moratoriums

HF330. Rep. Nash. [SF201. Sen. Hall.]

This bill requires city officials to provide written notice prior to adopting a moratorium on residential developments to

any person who has submitted a proposal, or has made a written request to be notified of proposed interim ordinances. Within ten days of notice being given, a city council must hold a public hearing on the proposed moratorium. After the hearing, a city may adopt at a council meeting a moratorium or some other type of interim ordinance which regulates or restricts housing proposals, but only with the approval of at least two-thirds of council members present at the meeting. Townships, as well as moratoriums affecting commercial or mixed-use developments not primarily of a residential character, are not addressed by this bill.

Owners of residential property have long sought more protections from cities imposing moratoriums and other types of interim ordinances restricting land use, particularly without notification or input prior to implementation. The powers that elected council members of several cities have used to impose moratoriums that can cripple private property use and suspend new construction or renovation work are emergency powers that should be used sparingly, if at all, and only after those who would be affected by a proposed interim ordinance have been given opportunity to make their concerns known to city officials. Requiring a council supermajority to agree before using these extraordinary powers is a reasonable check on their use.

LEA favored a YES vote on this simple bill to increase property-rights safeguards and due-process guarantees to people subjected to the power of cities imposing moratoriums on residential development. It passed the Senate 38-29 and the House 90-41, but was vetoed by the governor. Most of the bill's language, minus the supermajority requirement, was later included in the final version of the omnibus jobs and energy policy/finance bill that was signed into law.

12. Electronic Notification of Proposed City Ordinances

HF1242. Rep. Swedzinski. [SF1224. Sen. Mathews.]

This bill requires cities to post proposed ordinances on their websites at least ten days before the final vote is to be taken on them at a city council meeting. The ten-day minimum also applies to individuals who have signed up for e-mail notification, and those who apply for business licenses must be informed of the notification option. Interim ordinances or moratoriums are exempt from the bill's requirements.

This bill improves transparency of city government proposals. Also, as cities increasingly rely on electronic systems (text, email) to notify citizens of meetings and proposed ordinances, the requirements to properly notify voters need to be updated to the new technology.

LEA favored a YES vote. This bill was passed on a vote of 41-26 in the Senate, 90-43 in the House, and was signed into law by the governor.

13. Limiting Duty of Care Owed by Property Owners to Trespassers

HF985. Rep. Fabian. [SF1196. Sen. Limmer.]

This bill codifies in statute the current common-law standard regarding property owners' responsibilities to trespassers. No duty of care would be owed unless one was already recognized prior to this law being adopted. The bill also specifies that current immunities from or defenses to civil liability will remain unchanged for property owners.

LEA supports the common-law understanding that property owners have very limited tort liability when it comes to trespassers. In 2010, the American Law Institute, an influential organization of legal scholars, attorneys, and judges, developed and began promoting in its Third Restatement of Torts a new principle—that landowners should owe a "reasonable" duty of care to all entrants, regardless of whether permission is obtained prior to entering. In response to this proposed expansion of property owner liability, over half the states and all the states surrounding Minnesota have passed legislation similar to this bill in defense of traditional property rights.

LEA favored a YES vote to reaffirm the rights of property owners over the rights of trespassers. It passed the Senate 39-27 and the House 88-46, but was vetoed by the governor.

14. No Private Ownership of Prisons, or Private Care and Rehabilitation of Prisoners

Rep. Hilstrom Amendment to SF803. Sen. Limmer. [HJ page 3731.]

This amendment to an omnibus judiciary bill prohibits county sheriffs and the state commissioner of corrections from allowing inmates to be housed in facilities not owned and operated by government. The corrections commissioner and county boards are prohibited from authorizing contracts with private prisons for care, custody, and rehabilitation of convicted offenders.

A duty of the state is to provide justice when wrongs are committed against others in society. This duty is described in Biblical passages and in the writings of classical Western philosophers, such as John Locke's justification for the people creating a government "to resist the force of those who without authority would impose anything upon them." The objective of equality in punishment and justice should not be compromised by authorizing private operators to incarcerate other citizens.

The LEA believes that incarceration is solely the responsibility of the state. However, this amendment goes too far. It prohibits the government from signing contracts for operating privately-owned detention facilities, and requires

that rehabilitation of offenders must be exclusively done by government employees. Other provisions of the amendment are so vague as to be interpreted broadly, inviting costly litigation and future legislative action. A blanket exclusion of the private sector is unnecessary and impractical. Prohibiting private care and rehabilitation options denies officials alternatives in the corrections environment.

LEA favored a NO vote on the Hilstrom amendment, which was rejected by the House, 71-60. There was no Senate vote.

15. Driving Card for Undocumented Residents

Sen. Torres Ray Amendment to SSHF3. Rep. Torkelson [SSSJ pg. 43.]

This amendment to the special-session omnibus transportation bill would create a driving card for people who cannot demonstrate lawful residence. Foreign passports and birth certificates from any country would become accepted documents for issuing the card. The card would only be used for purposes of operating a vehicle and could not be used for voting purposes.



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LEA believes a driving card would be recognition by the State of Minnesota that those here illegally can live and work in Minnesota in defiance of federal immigration law. The state of Minnesota, specifically the local license bureaus, would be assigned the responsibility of reliably evaluating foreign documents, a task for which they are not equipped.

LEA favored a NO vote. The amendment failed in the Senate 32-27. There was no associated House vote.

16. REAL ID Compliance

HF3. Rep. Smith. [SF166. Sen. Pratt.]

This bill brings Minnesota into compliance with the federal REAL ID law. It averts the federal government's threat to stop Minnesota air travelers from flying without holding a federally approved ID. The bill creates a 2-tier licensing system making Real ID an option for those who choose it. Real ID applicants will need to provide evidence of identity, date of birth, lawful status, Social Security number and proof of Minnesota residence. The process for getting a non-compliant license will look much the same as it is today.

The REAL ID law gives the Secretary of Homeland Security broad arbitrary discretion to expand the use of REAL ID and its data for something other than travel, e.g.,

firearms or healthcare. However, if the federal government chooses to end or change the defined "official purpose" of its law, this bill releases Minnesota from compliance the following year.

LEA sees many serious problems with the federal REAL ID law. The federal government has no authority to create a national ID to allow citizens to travel from state to state. It also puts every citizen's ID data at increased risk to being hacked, leaked or mishandled. This state bill affirms a federal law that was suspect by its scope and passed in the middle of the night, without testimony. Legislators should have spent more energy pushing for a repeal of the 2005 federal law rather than merely pleading for more time to comply. This is clearly a case for the states to stand firm in stopping such federal usurpation of states' and citizens' rights. LEA favored a NO vote. It passed the House 120-11, the Senate 57-8 and was signed into law.

