



# 2011 REPORT on the MINNESOTA LEGISLATURE

by the  
LEGISLATIVE EVALUATION ASSEMBLY  
of MINNESOTA, INC

for an  
INFORMED CITIZENRY



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## 2011 LEA HONOREES

### SENATE



### HOUSE



*Honorable Mention:*

Roger Chamberlain, Al DeKruiif, Paul Gazelka, Benjamin Kruse, Ted Lillie, Sean Nienow, Mike Parry, Pam Wolf

*Honorable Mention:*

Kurt Bills, Bob Dettmer, Mary Franson, Tom Hackbarth, Kathy Lohmer, Branden Petersen, Linda Runbeck

## 2011 LEGISLATIVE REVIEW

### Time to End the Rule of Special Interests

For decades, special interests have driven state spending at taxpayer expense, as citizens largely ignored state politics. When it wasn't popular to raise taxes, money was borrowed against the future, shackling Minnesota's children. Then, with the economy in the tank, Minnesota took federal stimulus funds, creating an even more precarious house of cards. This year the stimulus money ran out and unemployment went up, making it preposterous to run government as usual.

In 2010, as taxpayers were beginning to realize the system was broken and that their dollars were being spent foolishly, many new Tea Party candidates were elected on promises of reform and fiscal restraint. However, the re-election support to be gained from special interests still holds a firm grip on much of the legislative leadership, and the DFL governor put short-term union interests ahead of the state's economy when he promoted the fallacy that government spending will grow the economy. More bonding was done, and a new program with an escalating fiscal impact was initiated.

Despite another 10% budget increase from the Legislature that would more than double the budget of the 2002-2003 biennium, the Governor vetoed it, asking for a 20% budget increase and increased taxes that would make Minnesota the highest-taxed state in the country. He vetoed all budget bills except for agriculture. Those vetoes, combined with the legislature's decision to pass spending bills during a budget deficit that were too big to allow room for further negotiation, led to a state shutdown. After three weeks of

stalemate, a Special Session ended in a \$35 billion "solution" that "kicked the can down the road" as the state government, unable to rein in spending, used borrowing and accounting shifts to evade for now a budgetary day of reckoning.

Many reforms are required to return the state of Minnesota to its citizens. One of the most universally-sought reforms is voter ID, as charges and convictions of fraudulent voting delegitimize the system. The legislature passed the bill, but the governor vetoed it. He also vetoed 22 other bills, mostly along party lines.

A full understanding of legislative performance for this year unfortunately cannot be obtained from the votes scored in our report. Besides items that did receive floor votes in at least one of the legislative bodies, other needed reforms, such as reining in government pensions, were never even brought up for a vote in either body. It's not enough to say there was no chance of overriding a veto to excuse the inaction; leaders must demonstrate a willingness to advance important causes. Promoting pension reform through spirited arguments and affirmative votes could build popular support for reform, even though the reform could not be achieved at the time. Other causes, such as the right to bear arms, got muddled in a flawed bill that lumped together actions that should have been accepted or rejected separately. Redistricting is another legislative responsibility that should be simpler than ever to carry out in a neutral manner, due to the accessibility of data made possible by technology. Instead, it is once again mired in the courts because of partisan concerns and a flawed set of underlying premises (see article on the LEA website for details).

Due to the absence of unlimited tax dollars to fund special-interest legislation, and especially the belt-tightening caused by the recession, the party for the special interests that have controlled both major political parties may be over. Republican-sponsored subsidies for large corporations and Democrat-sponsored payouts to labor unions cannot continue forever. The delinquent political conduct perpetuates justification for profitable businesses and wealthier taxpayers to look toward more stable and hospitable states.

LEA believes it is long past time to rein in the special interests that have controlled political parties, and to return elections and governance to the citizens. If we want our legislators to stop working for special interests, we need to change their paymaster. It is a truism that people work for those who pay them. For too long candidates willing to tow special-interest lines have been thrust on Minnesotans by national party leaders and large donors. A first step to return government to the citizens would be to outlaw all contributions to political parties and candidates from corporations, unions, or PACs, and require rapid disclosure of contributions from individual citizens.

Statesmen have long counseled us to beware of special interests corrupting our political system. While campaigning for President in 1952, Dwight Eisenhower remarked on the destructive effect of granting privileges to groups and the cleansing effect of exposing their funds and connections: "All of us...must remember that the Bill of Rights contains no grant of privilege for a group of people to destroy the Bill of Rights.... Let every person or organization distributing political literature...be made to disclose its source of funds."

In his farewell presidential address George Washington warned against the dangers of political parties, unwarranted faith in government officials, and changes to the Constitution based on unproven theories. All of his warnings have gone unheeded. We urge our readers to read his speech in its entirety, and recommend that schools bring this once-venerated address back to our students' curriculum.

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## 2011 VOTES

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### **1. Omnibus Bonding/Capital Investment Bill.**

#### **SSHF23. Rep. Howes. [SSSF9. Sen. Senjem.]**

This year's budget shortfall and obvious need for fiscal restraint gave Minnesota the opportunity (largely abandoned over the last decade) to restore the good practice of authorizing bonding and capital investment only during non-budgetary "off" years. During the 2011 regular session, bonding bills were confined primarily to canceling unused previous bond authorizations. However, the special-session omnibus bonding bill contained only one large cancellation, which was heavily outweighed by over \$500 million of new bonding. Many projects could easily have waited until next year, and some other projects (such as \$51 million for a new U of M physics and nanotech research facility, \$8 million for

Lake Vermillion State Park development, \$15 million for an econ-development corridor in Bloomington, and \$25 million to the Met Council for new parks, trails and transit projects) deserved more skepticism.

Unlike the other mixed-bag omnibus bills the legislature could be coerced into passing in special session in order to get any cooperation from the governor to end the budget stalemate, the governor acknowledged that he could not require the legislative leaders to meet his request to stimulate construction activity on government projects by passing a \$500 million bonding bill. This was because the constitutional requirement that bonding bills pass by a two-thirds vote meant that the legislative minority would need to work with the majority to come up with enough votes for passage. Because the bloated special-session bonding bill was not necessary to break the stalemate, represented a failed "stimulus" approach to economic development, and added over \$80 million above forecasted debt-service costs at a time when the budget was only balanced by tobacco bonds and other accounting gimmicks, LEA concludes that a NO vote was the proper vote on this bill. It passed the Senate 53-11, the House 112-16, and was signed by the governor without any line-item reductions.

### **2. Preemptive Budget Reductions.**

#### **HF130. Rep Holberg [SF60. Sen Robling.]**

Reducing the budget by \$1 billion over two biennia, including appropriations that had already been authorized but not yet spent for FY 2011, the decisive passage of this bill early in the session might have saved citizens from greater tax burdens by cutting into the size of the state's budget shortfall. The bill included cuts in FY 2011 appropriations to executive branch agencies, the legislature, state constitutional offices, and to the U of M Board of Regents and the MNSCU Board of Trustees. The bill also capped local-government aid at 2010 levels, and made ongoing reductions to the renter's-credit property tax refund payments as well as to the "sustainable forest incentive program." Finally, it had a number of sections devoted to getting Minnesota tax code and deductions to conform more closely to changes made to the federal tax code.

Though it encompassed more than should be put into one bill, LEA believed the bill on balance deserved a YES vote as a timely budgeting response, since business owners and private sector employees have been experiencing cuts to their own income and do not experience the stability and high level of benefits that typically come with state employment. The bill passed in the Senate 37-28 and in the House 68-61. The governor vetoed the bill, saying it was a "piecemeal" approach rather than a "comprehensive" budget solution, and warning it would increase local property taxes (presumably, we suspect, because it would be more difficult to shift the true cost of local spending decisions onto taxpayers statewide).

### **3. Legacy Funds for Fish Habitat.**

**Drazkowski amendment to SF1363. Sen. Ingebrigtsen [HJ page 3795].**

This amendment assigned \$17 million of land-and-legacy funds for design and renovation of the Coon Rapids Dam to serve as a barrier to invasive fish, protecting the habitat of fish above the dam. This fiscally-wise and prudent proposal would eliminate the need for bonding of the project and throwing the burden onto the next generation. LEA favored a YES vote. It failed to pass in the House 38-94. There was no Senate vote. \$16 million for the Coon Rapids Dam was approved in the special-session bonding bill.

### **4. Creating a MN Small Business Loan Guarantee Program.**

**HF611. Rep. Gunther. [SF803. Sen. Howe.]**

This bill created a new program to give the Department of Employment and Economic Development (DEED) the authority to guarantee up to 70 percent of the money loaned to small businesses by “Qualified Economic Development (QED) lenders,” which are public or private nonprofit economic-development organizations with at least three years of experience providing financing to small businesses in partnership with other commercial lenders. A loan guarantee trust fund account is created in the state treasury to pay for defaulted loans, with a maximum guarantee of \$1.5 million per loan.

Back in 2002, some of these QED lenders, with start-up funds from some nonprofit foundations and grants from DEED, formed the Minnesota Community Capital Fund (MCCF) to leverage “underutilized” local economic-development funds through the pooling of resources. The MCCF wanted this new program to stimulate sluggish lending activity, even though there is no money currently in the budget for state loan guarantees. A Minnesota Management and Budget (MMB) fiscal note indicates the bill is modeled after a California program, and projects that the legislature will appropriate funds after the creation of the program to allow \$45 million in loan guarantees between fiscal years 2012 and 2015, necessitating that \$9 million be put in the trust fund. MMB also expects increased long-term budget impacts as lenders gain familiarity with the program and loosen their lending requirements.

Starting a new program that will likely escalate in the coming years while the budget remains structurally unbalanced is not sound policy. LEA also does not believe the state should be inflating another lending bubble, deciding whether to guarantee loans, or bailing out lenders for loans to small businesses that default. Business involves risk, and in a free-market system those risks should be assumed by the businesses, not the citizens through their state government. This is just another statist “stimulus” program that will perpetuate more acronyms than economic growth. LEA believes the House and Senate should have voted NO. Instead, this new program passed the House 113-20, and in a particularly egregious abuse of process,

became law without a stand-alone Senate vote because it was lumped into the special-session Omnibus Jobs and Economic Growth bill signed by the governor.

### **5. Twenty-First Century Voting Act.**

**SF509. Sen. Limmer [HF210 Rep. Kiffmeyer.]**

This bill addressed the desire by an overwhelming majority of Minnesota citizens to deter voting fraud with a photo ID. The bill would provide ID cards to registered voters at no charge and set standards for electronic polling rosters. LEA believes this bill would have significantly improved the democratic and constitutional processes required for a government of the people. It passed the Senate 37-25 and the House 74-58, but was vetoed by the governor.

### **6. Repeal of Political Contribution Refund Program.**

**HF66. Rep. Drazkowski.**

This bill would have repealed the Political Contribution Refund Program, which was suspended by 2010 legislation for budgetary reasons. The program originated as a tax credit, was briefly repealed in 1987, and then reinstated and expanded in the early 1990s to be a state refund (\$50 per individual or \$100 per married couple) of political contributions to state parties or candidates. A number of liberal scholars have cited Minnesota’s PCR program as a model for public financing and participation in campaigns, especially because it allows state refunds of political contributions from any eligible voters, regardless of whether they pay any income taxes. The program, which was exploited for many years by well-organized major parties and candidates of all persuasions, was thought to be essential by these scholars to allowing challengers to run competitive, grassroots-driven political contests. Yet challengers enjoyed a lot of success in last year’s elections after the program was suspended.

The PCR program violates a long-revered principle best expressed by Thomas Jefferson: “To compel a man to furnish contributions...for the propagation of opinions he disbelieves and abhors, is sinful and tyrannical.” To allow individuals to direct the use of funds forcibly collected by the state for the purpose of making “donations” that cost them nothing more than interest-free loans to favored parties and candidates is a deceptively tyrannical abuse of power. The PCR program has essentially been a subsidized jobs program for political operatives under the guise of citizen-directed “contributions.” Making the definition of “taxpayer” statutorily equivalent to “eligible voter” has also debased the term in the English language.

LEA strongly favored this bill, which passed the House 69-61. Regrettably, the Senate did not have a stand-alone vote on the bill. A compromise to extend the suspension of the PCR program for two more years was passed in the special-session Omnibus Tax Bill, since few were willing to take funds from existing programs to restart the PCR subsidy during a budget deficit.

## SENATE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	11%	C%
D	6	Bakk, T.	-	-			-		-	-		-	-	+	-	-		+	+	-	+	-	-	25	18
R	49	Benson, Michelle	+	+			+		+	+		+	-	+	+	+		+	+	-	A	-	+	77	77
D	61	Berglin, L.	-	-			A		-	-		-	-	-	A	-		-	-	-	+	A	+	6	12
D	43	Bonoff, T.	-	-			-		-	-		-	-	+	-	-		+	+	-	+	-	+	31	9
R	16	Brown, D.	-	+			+		+	+		+	-	+	-	+		+	+	-	+	+	+	75	75
R	4	Carlson, J.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	+	+	81	81
R	53	Chamberlain, R.	+	+			+		+	+		+	+	+	-	+		+	+	-	+	+	+	88	88
D	64	Cohen, R.	-	-			-		A	-		-	A	-	-	-		-	-	-	A	-	-	-9	6
R	21	Dahms, G.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	+	+	81	81
R	38	Daley, T.	+	+			+		+	+		+	+	+	+	+		+	+	-	+	+	+	94	94
R	25	DeKruif, A.	+	+			+		+	+		+	-	+	+	+		+	+	-	+	+	+	88	88
D	60	Dibble, D.S.	-	-			-		-	-		-	-	-	-	-		-	-	-	+	-	+	13	5
R	14	Fischbach, M.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	+	+	81	63
R	12	Gazelka, P.	+	+			+		+	+		+	-	+	+	+		+	+	-	+	+	+	88	71
R	37	Gerlach, C.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	+	+	81	79
R	13	Gimse, J.	-	+			+		+	+		+	-	+	+	+		+	A	-	+	+	+	77	47
D	50	Goodwin, B.	-	-			A		-	-		-	-	-	-	-		A	+	-	+	-	-	8	8
R	40	Hall, D.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	+	A	77	77
R	42	Hann, D.	+	+			+		+	+		+	-	+	+	+		+	+	A	+	+	+	90	75
D	67	Harrington, J.	-	-			-		-	-		-	-	-	-	-		+	+	-	+	-	+	25	25
D	58	Higgins, L.	-	-			-		-	-		-	-	-	-	-		-	-	-	A	-	+	4	7
R	10	Hoffman, G.	+	+			+		+	+		+	+	+	+	+		+	+	-	+	+	+	94	94
R	28	Howe, J.	-	+			+		+	+		+	+	+	+	+		+	+	-	+	-	+	81	81
R	11	Ingebrigtsen, B.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	+	+	81	65
R	48	Jungbauer, M.	-	+			+		+	+		+	-	+	-	A		+	+	-	+	-	+	64	64
D	63	Kelash, K.	-	-			-		-	-		-	-	-	-	-		-	-	-	+	-	-	6	2
R	19	Koch, A.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	+	+	81	68
R	47	Kruse, B.	-	+			+		+	+		+	+	+	+	+		+	+	-	+	+	+	88	88
D	20	Kubly, G.	A	-			A		-	+		+	-	-	-	-		-	-	-	+	-	-	15	14
D	9	Langseth, K.	-	-			-		-	A		+	-	+	-	-		+	+	-	+	-	-	30	28
D	44	Latz, R.	-	-			-		-	-		-	-	-	-	-		+	-	-	+	-	+	19	7
R	56	Lille, T.	+	+			+		+	+		+	-	+	+	+		+	+	-	+	+	+	88	88
R	32	Limmer, W.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	+	+	81	82
D	8	Lourey, T.	-	-			-		-	-		-	-	-	-	-		-	-	-	+	-	-	6	4
R	22	Magnus, D.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	-	A	70	61
D	54	Marty, J.	-	-			-		-	-		-	-	-	-	-		-	-	-	+	-	-	6	9
D	66	McGuire, M.	-	X			-		-	-		-	-	-	-	-		X	X	-	X	-	X	0	17
D	39	Metzen, J.	-	A			-		-	A		-	-	-	-	-		+	+	-	+	-	+	22	21
R	41	Michel, G.	-	+			+		+	+		+	-	+	+	+		+	+	A	+	+	+	84	56

Governor's Action	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Dayton, Mark	S	V	N	N	V	N	V	V	N	V	S	V	V	N	N	N	S	S	S	S	S

### 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

**49.25%** = % of legislator's votes favored by LEA in 2011 session

**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 2011 scored **90% or higher**, those receiving honorable mentions scored **at least 85%**.

## SENATE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	11%	C%
R	31	Miller, J.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	+	+	81	81
R	30	Nelson, C.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	+	+	81	81
R	18	Newman, S.	-	+			+		+	+		+	-	+	-	+		+	+	-	+	+	+	75	65
R	17	Nienow, S.	+	+			+		+	+		+	-	+	+	+		+	+	-	+	+	+	88	71
R	33	Olson, G.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	+	+	81	70
R	34	Ortman, J.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	-	+	75	67
D	65	Pappas, S.	-	-			-		-	-		-	-	-	-	-		-	-	-	A	-	-	-3	5
R	26	Parry, M.	-	+			+		+	+		+	+	+	+	+		+	+	-	+	+	+	88	74
R	15	Pederson, J.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	-	+	75	75
D	59	Pogemiller, L.	-	-	NO SENATE VOTE	NO SENATE VOTE	-	NO SENATE VOTE	-	-	NO SENATE VOTE	-	-	-	-	-	NO SENATE VOTE	-	-	-	+	-	+	13	6
D	7	Reinert, R.	-	-			-		-	A		A	A	-	+	-		-	-	-	+	-	-	6	7
D	45	Rest, A.	-	-			A		-	-		-	-	-	-	-	NO SENATE VOTE	+	-	-	+	-	-	10	14
R	35	Robling, C.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	-	+	75	60
R	24	Rosen, J.	-	+			+		+	+		+	-	+	+	+		+	+	-	+	-	+	75	47
D	3	Saxhaug, T.	-	-			-		-	+		-	-	+	-	-	NO SENATE VOTE	+	+	-	+	-	-	31	15
D	46	Scheid, L.	X	-			A		A	A		-	A	A	A	A	NO SENATE VOTE	+	+	A	+	A	+	37	13
R	29	Senjem, D.	-	+			+		+	+		+	+	+	+	+		+	+	A	+	-	+	84	56
D	23	Sheran, K.	-	-			-		-	-		-	-	-	-	-	NO SENATE VOTE	+	+	-	+	-	-	19	7
D	57	Sieben, K.	A	-			-		-	-		-	-	-	-	-	NO SENATE VOTE	A	-	-	+	-	-	1	10
D	2	Skoe, R.	-	-			-		-	A		-	-	+	-	-	NO SENATE VOTE	+	+	-	+	A	-	22	17
D	27	Sparks, D.	-	-			-		-	+		-	-	-	-	-	NO SENATE VOTE	+	+	-	+	-	-	25	20
D	1	Stumpf, L.	-	-			-		+	+		+	-	+	-	-	NO SENATE VOTE	+	+	-	+	-	+	50	27
R	36	Thompson, D.	+	+			+		+	+		+	+	+	+	+		+	+	-	+	+	+	94	94
D	5	Tomassoni, D.	-	A			-		-	A		-	-	+	-	-	NO SENATE VOTE	A	+	-	+	+	-	21	16
D	62	Torres Ray, P.	-	-			-		-	-		-	-	-	-	-	NO SENATE VOTE	-	A	-	+	-	+	10	4
R	52	Vandever, R.	+	+			+		+	+		+	+	+	+	+		+	+	+	A	-	+	90	81
D	55	Wiger, C.	-	-			-		-	-		-	-	-	-	-	NO SENATE VOTE	-	-	-	+	-	-	6	15
R	51	Wolf, P.	-	+			+		+	+		+	+	+	+	+		+	+	-	+	+	+	88	88

## HOUSE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	11%	C%
R	48B	Abeler, J.	-	+	+	-	+	+	+	+	+	+	-	+	+		-	-	-	-	+	-	+	60	45
R	19A	Anderson, B.	+	+	+	+	+	+	+	+	+	+	-	+	+		+	+	+	-	+	+	+	90	91
R	38A	Anderson, D.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	70	70
R	13A	Anderson, P.	-	+	+	-	+	+	+	A	+	A	-	+	+		+	+	+	-	+	-	+	67	56
R	43A	Anderson, S.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	+	+	+	+	80	68
D	03A	Anzelc, T.	-	-	-	-	-	-	-	-	-	-	-	-	-		+	-	+	-	-	-	-	10	12
D	39B	Atkins, J.	-	-	-	-	-	+	-	+	A	-	-	-	-		+	-	-	-	A	-	-	12	10
R	15B	Banaian, K.	-	-	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	A	61	61
R	17B	Barrett, B.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	70	70
R	35A	Beard, M.	-	+	-	+	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	75	64
D	43B	Benson, J.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	+	-	-	-	+	10	2
R	30B	Benson, Mike	-	+	+	-	+	+	+	+	+	+	-	+	+		+	+	+	+	+	-	+	80	80
R	37B	Bills, K.	+	+	+	+	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	85	85
D	23B	Brynaert, K.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	0	2
R	35B	Buesgens, M.	A	+	+	+	+	A	+	+	+	+	+	+	-		+	+	+	-	+	+	+	84	90
D	45B	Carlson, L.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	+	-	5	18
D	58B	Champion, B.	-	-	-	-	A	A	A	-	-	-	A	A	-		+	-	-	-	-	A	+	-1	0
D	61A	Clark, K.	-	-	-	-	-	-	-	-	-	-	-	-	-		+	-	A	-	-	+	+	13	13
R	24B	Cornish, T.	-	+	-	-	+	+	+	+	+	+	-	+	+		-	+	+	-	+	-	-	60	56
R	8B	Crawford, R.	-	+	+	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	75	75
R	17A	Daudt, K.	+	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	+	+	80	80
R	31B	Davids, G.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	+	-	70	58

# HOUSE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	11%	C%
D	62A	Davnie, J.	-	A	-	-	-	-	-	-	-	-	-	-	-		+	-	-	-	-	-	+	8	10
R	52B	Dean, M.	-	+	-	-	+	+	+	+	+	+	-	+	+		A	+	+	-	+	-	+	66	78
R	52A	Dettmer, B.	+	+	-	+	+	+	+	+	+	+	-	+	+		+	+	+	-	+	+	+	85	79
D	06A	Dill, D.	-	-	-	-	-	-	A	+	A	+	-	-	A		+	+	+	-	-	-	-	22	26
D	47A	Dittrich, D.	-	-	+	-	+	-	+	+	+	+	-	-	+		-	-	+	-	+	-	+	50	23
R	33B	Doepke, C.	+	+	+	-	+	+	+	+	+	+	-	+	+		-	+	+	-	+	-	+	75	65
R	41A	Downey, K.	+	+	+	+	+	+	+	+	+	+	-	+	+		-	+	+	-	+	-	+	80	64
R	28B	Drazkowski, S.	+	+	+	+	+	+	+	+	+	+	-	+	+		+	+	+	+	+	+	+	95	89
D	02A	Eken, K.	-	-	-	-	-	-	-	+	+	+	-	+	+		+	-	+	-	-	+	-	40	31
R	16A	Erickson, S.	-	+	+	+	+	+	+	+	+	+	-	+	-		+	+	+	-	+	+	+	80	74
R	1A	Fabian, D.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	70	70
D	20A	Falk, A.	-	-	-	-	-	-	-	-	-	-	-	-	-		+	-	-	-	+	+	-	15	12
R	11B	Franson, M.	-	+	-	+	+	+	+	+	+	+	-	+	+		+	+	+	+	+	+	+	85	85
D	26B	Fritz, P.	-	-	-	-	-	-	-	+	+	+	-	-	-		-	+	+	-	-	A	A	23	14
R	36B	Garofalo, P.	-	+	-	-	+	+	+	+	+	+	-	+	+		-	+	+	-	+	-	+	65	61
D	7B	Gauthier, K.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	0	0
R	15A	Gottwalt, S.	-	+	-	-	+	+	+	+	+	+	-	+	+		-	+	+	-	+	-	+	65	61
D	60A	Greene, M.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	0	0
D	54A	Greiling, M.	-	A	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	+	-	3	15
R	25A	Gruenhagen, G.	+	+	+	+	+	+	+	+	+	+	-	+	+		+	+	+	+	+	-	+	90	90
R	24A	Gunther, B.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	70	61
R	48A	Hackbarth, T.	+	+	+	+	+	-	+	+	+	+	+	+	+		+	+	+	-	+	-	+	85	74
R	22B	Hamilton, R.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	A	+	-	+	-	+	66	57
R	2B	Hancock, D.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	+	+	-	+	75	75
D	39A	Hansen, R.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	+	-	5	8
D	66B	Hausman, A.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	+	-	5	7
D	61B	Hayden, J.	-	-	-	-	-	-	-	-	-	-	-	-	-		+	-	-	-	+	-	+	15	7
D	46B	Hilstrom, D.	-	-	A	-	-	-	-	-	-	-	-	-	-		+	-	-	-	-	-	-	3	14
D	08A	Hilty, B.	-	-	-	+	-	-	-	-	-	-	-	-	-		-	-	-	-	-	+	-	10	13
R	36A	Holberg, M.	-	+	+	-	+	+	+	+	+	+	A	+	A		+	+	+	-	+	-	+	73	87
R	34B	Hoppe, J.	-	+	+	+	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	80	74
D	60B	Hornstein, F.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	0	5
D	47B	Hortman, M.	-	-	+	-	-	-	-	-	-	-	-	-	-		-	-	+	-	+	-	-	20	10
D	14B	Hosch, L.	-	-	-	-	-	-	-	+	+	+	-	-	+		-	+	+	-	+	-	-	35	26
R	04B	Howes, L.	-	+	-	-	+	-	+	+	+	+	-	+	+		+	+	+	-	+	-	+	65	53
D	07A	Huntley, T.	-	-	-	-	-	-	-	-	-	-	-	-	-		A	+	-	-	+	-	-	8	16
D	67B	Johnson, S.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	0	9
D	59B	Kahn, P.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	0	9
D	26A	Kath, K.	-	-	+	-	-	+	-	+	+	+	A	A	+		-	+	+	-	+	A	-	45	24
R	28A	Kelly, T.	-	+	+	-	+	+	-	+	+	+	-	+	+		+	+	+	-	+	-	+	70	57
R	56B	Kieffer, A.	-	+	+	-	+	+	+	+	+	+	A	A	+		+	+	+	-	+	A	+	75	75
R	1B	Kiel, D.	-	-	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	65	65
R	16B	Kiffmeyer, M.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	70	68
D	50B	Knuth, K.	-	-	-	-	-	-	-	A	-	A	-	-	-		-	-	-	-	+	-	-	1	0
D	20B	Koenen, L.	-	-	-	-	-	-	+	+	+	+	-	+	+		A	+	+	-	-	+	-	45	34
R	57A	Kriesel, J.	-	+	-	-	+	A	-	+	+	+	-	+	+		+	+	+	-	+	-	+	61	61
D	50A	Laine, C.	-	A	-	A	-	-	-	-	A	-	-	-	-		-	A	A	-	A	-	A	-18	-4
R	09A	Lanning, M.	-	+	-	-	+	+	+	+	+	+	-	+	+		-	+	+	-	+	-	+	65	51
R	34A	Leidiger, E.	+	+	-	-	+	+	+	+	+	+	-	+	+		-	+	+	+	+	-	+	75	75
R	12B	LeMieur, M.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	+	+	75	75
D	40B	Lenczewski, A.	-	-	+	-	+	-	-	+	+	+	-	-	-		-	-	-	-	-	-	+	30	35
D	66A	Lesch, J.	A	-	-	-	-	-	-	-	-	-	+	-	-		+	-	-	-	-	+	-	13	12
D	30A	Liebling, T.	A	-	-	+	-	-	-	-	-	-	-	-	-		-	-	-	-	+	-	-	8	9
D	55A	Lillie, L.	-	-	-	-	-	-	-	-	-	-	-	-	-		+	-	-	-	+	+	-	20	9
D	59A	Loeffler, D.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	0	3
R	56A	Lohmer, K.	+	+	+	-	+	+	+	+	+	+	-	+	+		+	+	+	+	+	-	+	85	85

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	19	20	21	11%	C%
R	42B	Loon, J.	-	+	+	-	+	+	+	+	+	+	-	+	+		-	+	+	+	+	-	+	75	60
R	37A	Mack, T.	-	+	+	+	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	80	59
D	67A	Mahoney, T.	A	-	-	-	-	-	-	-	-	-	-	-	-		-	+	A	-	-	-	-	1	16
D	65B	Mariani, C.	-	-	-	-	-	-	-	-	-	-	-	-	-		+	-	-	-	-	+	+	15	6
D	09B	Marquart, P.	-	-	-	-	-	-	-	+	+	+	-	+	+		-	-	+	-	-	-	-	30	35
R	41B	Mazorol, P.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	70	70
R	19B	McDonald, J.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	70	70
R	3B	McElfatrick, C.	-	+	A	-	+	+	+	+	+	+	-	+	+		-	+	+	-	+	-	+	66	66
R	53B	McFarlane, C.	-	+	-	-	+	+	+	+	+	+	-	A	+		-	+	+	-	+	A	+	62	44
R	57B	McNamara, D.	-	+	-	-	+	+	+	+	+	+	-	+	+		-	+	+	-	+	-	+	65	48
D	5B	Melin, C.	-	X	+	-	-	-	-	-	-	-	-	-	-		+	X	+	-	-	+	-	22	22
D	65A	Moran, R.	-	-	-	-	-	-	-	-	-	-	-	-	-		+	-	-	-	-	+	+	15	15
D	23A	Morrow, T.	-	-	-	-	-	-	-	-	-	+	-	-	-		-	-	+	-	+	-	-	15	3
D	58A	Mullery, J.	-	-	-	-	-	-	-	-	-	-	-	A	-		+	-	-	-	-	A	+	6	16
R	10B	Murdock, M.	-	+	-	-	+	+	+	+	A	+	-	+	+		-	+	+	-	+	-	+	61	54
D	64A	Murphy, E.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	+	+	-	10	2
D	06B	Murphy, M.	-	-	-	-	-	-	-	+	+	+	-	-	-		-	-	-	-	+	+	-	25	21
R	27A	Murray, R.	-	-	-	-	+	+	-	+	+	+	-	+	+		+	+	+	-	+	-	+	60	60
R	40A	Myhra, P.	-	+	-	-	+	+	+	+	+	+	-	+	-		+	+	+	+	+	-	+	70	70
D	46A	Nelson, M.	-	-	+	-	-	-	-	-	-	-	-	-	-		+	+	-	-	-	-	-	15	11
R	10A	Nornes, B.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	70	60
D	29B	Norton, K.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	+	+	-	+	+	-	20	9
R	14A	O'Driscoll, T.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	70	70
D	64B	Paymar, M.	-	-	-	-	A	A	-	-	-	-	A	-	-		-	-	-	-	+	+	-	4	11
D	31A	Pelowski, G.	-	-	-	-	-	-	-	+	+	+	-	+	-		+	+	+	-	+	-	-	40	33
R	32A	Peppin, J.	+	+	+	+	+	+	+	+	+	+	+	+	+		+	+	+	+	+	+	+	100	84
D	04A	Persell, J.	-	-	-	-	-	-	-	-	-	-	-	-	+		-	-	-	-	+	-	-	10	5
R	49B	Petersen, B.	-	+	+	+	+	+	+	+	+	+	-	+	+		+	+	+	+	+	-	+	85	85
D	45A	Peterson, S.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	0	6
D	27B	Poppe, J.	-	-	-	-	-	-	-	-	-	-	-	-	+		-	+	+	-	+	+	-	25	11
R	29A	Quam, D.	+	+	+	-	+	+	+	+	+	+	-	+	+		A	+	+	+	+	-	+	82	82
D	05A	Rukavina, T.	A	-	+	-	-	-	-	-	-	-	-	+	-		+	-	+	-	-	+	-	24	16
R	53A	Runbeck, L.	+	+	+	+	+	+	+	+	+	+	-	+	-		+	+	+	+	+	-	+	85	85
R	51A	Sanders, T.	-	+	+	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	75	66
D	54B	Scalze, B.	-	-	-	-	-	-	-	-	-	-	-	-	-		+	-	-	-	+	-	+	15	12
R	22A	Schomacker, J.	-	+	+	-	+	+	+	+	+	+	-	+	+		-	+	+	-	+	-	+	70	70
R	49A	Scott, P.	+	+	-	-	+	+	+	+	+	+	-	+	-		+	+	+	-	+	+	+	75	73
R	18A	Shimanski, R.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	70	84
D	44A	Simon, S.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	+	-	+	10	5
D	55B	Slawik, N.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	+	-	-	5	15
D	63B	Slocum, L.	-	-	+	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	+	10	2
R	33A	Smith, S.	-	A	-	-	+	-	-	+	+	+	-	+	-		-	+	+	-	+	-	+	45	71
R	42A	Stensrud, K.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	70	70
R	21A	Swedzinski, C.	-	+	+	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	+	+	80	80
D	63A	Thissen, P.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	0	9
D	51B	Tillberry, T.	A	-	+	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	3	1
R	21B	Torkelson, P.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	+	+	-	+	75	64
R	18B	Urdahl, D.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	-	65	53
R	13B	Vogel, B.	-	+	+	-	+	+	+	+	+	+	-	+	+		+	+	+	+	+	-	+	80	80
D	62B	Wagenius, J.	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	0	11
D	12A	Ward, J.	-	-	-	-	-	-	-	+	A	+	-	-	+		-	-	+	-	-	-	-	19	13
R	38B	Wardlow, D.	+	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	+	+	-	+	80	80
R	11A	Westrom, T.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	70	64
D	44B	Winkler, R.	-	-	-	+	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	5	3
R	25B	Woodard, K.	-	+	+	+	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	80	80
R	32B	Zellers, K.	-	+	-	-	+	+	+	+	+	+	-	+	+		+	+	+	-	+	-	+	70	79

NO HOUSE VOTE

## **7. Definition of Marriage Constitutional Amendment.**

**SF1308. Sen. Limmer. [HF1613. Rep. Gottwalt.]**

This bill authorizes a proposed constitutional amendment that would allow citizens to vote on limiting their Minnesota governmental entities to only recognize, or make valid, a marriage between one man and one woman. One justification given for this amendment is to stop activist judges from unconstitutionally redefining marriage through court rulings in which they impose their personal philosophies about marriage.

LEA believes that natural law and historical human experience confirm that families with a father and mother have been the underpinning of all enduring civilizations. LEA members voiced concern that many schools, churches, and other societal institutions have not inculcated the younger generations with a sufficient grasp of natural law or history to understand the societal significance of marriage between one man and one woman; this ignorance makes them susceptible to interpreting any effort to reaffirm the definition of marriage as an attack on civil rights. This misinterpretation could bring defeat of the amendment and pro-amendment candidates, and a resulting surge of momentum toward the state regarding other types of relationships as marriages, endangering the perpetuation of a “moral and religious people” deemed by President John Adams to be essential for constitutional self-governance. LEA members also voiced that the nature of marriage is non-negotiable, defined by our Creator, and not within the purview of civil society to redefine.

The proposed amendment prohibits redefining of marriage by government institutions, and does not prohibit any individual’s freedom of association or exercise of religion. Same-sex relationships exist today and will in the future. The amendment simply prevents our government institutions from changing the definition of marriage defined by the laws of nature and nature’s God. LEA believes it is foolhardy for any society to compel such a change, whether by the people directly through a ballot question or indirectly through their government institutions. In Minnesota’s Constitution (unlike the U.S. Constitution, which has supermajority safeguards to ensure that amendments have broad support), a simple majority of voters casting ballots is sufficient to decide on constitutional changes. The amendment will fail if the NO votes plus the voters who skip the ballot question (also counted as NO votes) total or exceed 50 percent.

Though LEA believes exercising impeachment authority when the constitution is violated would be a superior method for restraining an out-of-control judiciary, the LEA ultimately favored a YES vote on this legislation, believing that unrestrained courts can continue to inflict greater societal damage than the mechanism of a constitutional referendum or the possible failure of this ballot question. The bill passed the Senate 38-27 and the House 70-62, and the amendment is pending voter approval, irrespective of the governor’s purely symbolic veto.

## **8. Prohibiting Most Abortions 20 or More Weeks After Fertilization.**

**HF936. Rep. Holberg. [SF649. Sen. Thompson.]**

This bill is based on research that an unborn child with a post-fertilization age of 20 or more weeks experiences pain. It then asserts a compelling state interest in protecting the lives of unborn children at that stage of development, and requires a determination of probable post-fertilization age to be done by a physician before any abortion can be attempted. A failure by any physician to assess the probable post-fertilization age prior to performing an abortion would constitute unprofessional conduct. Also, abortions from 20 weeks onward would be prohibited unless reasonable medical judgment is made that an abortion could avert the mother’s death or serious risk of substantial and irreversible physical impairment. Criminal penalties and civil remedies are outlined for violating these sections of the bill.

There are also sections of the bill that anticipate possible litigation regarding its constitutionality. Any portion of the bill judged to be unconstitutional would be severable, leaving the other parts enforceable. Additionally, a special litigation account is created, from which the Attorney General can use legislative appropriations and private donations made to the account for the purpose of defending against possible court challenges to this bill becoming law.

This was a carefully-considered bill that would make significant progress in preventing abortions of unborn children. Furthermore, the exceptions in the bill are for a legitimate interest and not arbitrary; they all focus around the mother’s physical health rather than the circumstances of conception or some nebulous conclusion about the mental well-being of the mother. LEA favored a YES vote on the bill. It passed the Senate 41-20 and the House 84-48, but was dismissively vetoed by the governor.

## **9. No State-Generated Research on Human Cloning.**

**Banaian amendment to HF1101. Rep. Nornes [HJ page 1624].**

This amendment to the omnibus higher education bill prohibited the use of state or federal funds to do state research on human cloning. LEA believes it is not the role of government to engage in controversial scientific research, and human cloning certainly falls in that category. LEA further believes that the state’s primary role in the University of Minnesota, a land grant school, is to support Minnesota resident student tuition. State funding of university research also competes unfairly with private sector research. LEA favored a YES vote on the amendment, which passed in the House 81-48. It was included in the omnibus higher education bill passed by the Senate but vetoed by the governor. The amendment was stripped from the higher education bill in the Special Session to get the governor’s signature.

## **10. Limiting the Use of State-Sponsored Health Programs for Funding Abortions.**

**HF201. Rep. Scott. [SF103. Sen. Thompson.]**

This bill prohibits the use of state-sponsored health programs for funding abortions, except to the “extent necessary for continued participation in a federal program.” It also contains a severability clause which would allow the bill to take effect except for any portion deemed to be unconstitutional.

The LEA is concerned that the legislature concedes to the courts the power to overrule a prohibition on public funding for something that is not a public good, but this bill cannot be blamed for that long-standing practice. The bill was also not ideal in that it did not define “state-sponsored health programs,” which made it easier to provide an excuse for a veto and harder to override a veto. Then there was the dubious clause which gave a higher priority to participating in a federal program than ending state funding of abortions. However, under this bill, far fewer abortions would be state-funded. State health resources should not be extended for a practice which is not health care. If unwanted pregnancies occur in women as a result of irresponsible personal behavior, other innocent people should not have to pay the price for that irresponsibility. The current practice of allowing many state-funded abortions does not hold people responsible for their behavior and inflicts unnecessary burdens on responsible citizens. Therefore, LEA sides with those who voted YES. The bill passed the Senate 40-26, and the House 84-48, but was vetoed by the governor.

## **11. Youth Concussion Response Mandates.**

**SF612. Sen. Benson. [HF905. Rep. Hamilton.]**

This legislation creates statewide mandates on concussions for schools of all types, businesses, and community-education organizations that do youth athletic activities “for which a fee is charged”. It creates online training requirements, initially and then every three years, that any youth athletic organization “shall” require training consistent with the federal government’s Centers for Disease Control concussion symptoms and awareness training for all coaches and officials, whether paid or unpaid. Also, all athletic governing bodies must make information available about the nature and risks of concussions. If a parent has to sign a consent form for a school-sponsored athletic activity, then that form must be redone to include information on concussion symptoms and awareness.

This legislation was heavily lobbied for by a large health care organization, sold as a way to improve the safety and health of youths involved in sports, but will likely scare some parents unwilling or unable to shoulder the costs of more mandatory medical evaluation into withholding consent for their children to be in youth athletics. The legislation establishes no specific sanctions for violators, but anyone involved in licensed youth sports activities could be

jeopardizing a license by failing to comply. It commands coaches or officials to remove players from the field of play if a player exhibits actions “consistent with a concussion or is [merely] suspected of sustaining a concussion,” and prohibits a return to play until the player has been evaluated by and received written permission from a health provider trained in managing concussions.

The definition of “athletic activities” leaves ambiguity as to who is required to comply with the bill’s provisions, and while the bill will impose a fiscal burden on state and local government, it is completely unfunded. Costs will increase from mandates and replacing volunteers unwilling to subject themselves to mandates. Asking coaches with 30 minutes of online training to evaluate a complex medical condition with life-threatening potential will cause almost all to err on the side of caution. Affected organizations may not be comfortable conducting activities without having on site costly medical personnel (over \$125/hour just for a paramedic). It is unlikely anyone short of a doctor would be willing to sign the required documentation to allow the youth to return to the activity for liability and agency regulatory issues.

LEA believes this bill, trotted out as unassailable virtue despite being devoid of clarity or enforcement mechanisms, was a “feel-good” response to heightened public fears of concussions. It used those fears to impose a singular set of top-down, elite directives on all forms of youth activity. Expecting barely-trained coaches and officials to make complex medical evaluations, imposing costs and liabilities few people or organizations will be able to absorb, and issuing directives may or may not affect brain trauma, but will certainly increase barriers to participating in youth sports activities in Minnesota. LEA favored a NO vote. It passed the Senate 54-10, the House 125-4, was signed into law, and is now in effect.

## **12. Carbon Dioxide Emissions Increase for Utilities.**

**SF86. Sen. Rosen. [HF72. Rep. Beard.]**

This bill would allow increased carbon dioxide emissions from energy facilities approved before April 2007. (For those facilities approved after that time, language in the Next Generation Energy Act of 2007 would have to be repealed.) Carbon dioxide is an essential gas required by all plant life and is converted to oxygen through photosynthesis. There is no genuine scientific or historical evidence that a substantial rise in CO<sub>2</sub> has caused or will cause the ecological disaster special interest groups fear. Larger concentrations of CO<sub>2</sub> have existed in the past with only small temperature rises, and CO<sub>2</sub> emissions from natural sources like volcanoes can dwarf those from human activity. LEA believes it is irresponsible for a government to hamstring energy production and the economy over unproven speculation. LEA agreed with a YES vote. It passed the Senate 44-22 and the House 75-54. The governor vetoed the bill.

### **13. Personal Responsibility in Food Consumption.**

**HF264. Rep. Urdahl. [SF160. Sen. Hann.]**

This bill would grant immunity from civil liability to producers, growers, manufacturers, distributors, and sellers of food or nonalcoholic beverages in cases where liability claims arise from weight gain, obesity, or a health condition related to obesity as a result of an individual's long-term consumption decisions. This bill would protect the food industry from being overrun by obesity lawsuits, unless rules against misbranding or adulteration are violated.

Once the premise is accepted that it is the duty of government to protect the individual against his/her own foolishness, no serious objections can be sustained against further encroachments. The "War on Fat" is another statist offensive against capitalism. Excessive litigation against industry will continue to cripple our economy and encroach on our freedoms if left unchecked. LEA favors a YES vote on this legislation, as it recognizes adults should be left responsible for their own decisions regarding what they purchase and/or consume. It passed the Senate 34-31 and the House 76-56, but was vetoed by the governor.

### **14. Common-Sense Tort Limitations.**

**SF149. Sen. Ortman.**

SF149 is a bill to place some limits on the statute governing private remedies for unlawful trade practices, prevention of consumer fraud, and false advertising. It was drafted to ensure that the only people who can bring civil actions are those who actually purchase goods, services, or real estate. This bill also requires proof of the amount of "out-of-pocket" money loss before damages can be awarded. Another section of the bill would postpone any discovery proceedings in a class-action lawsuit until any questions or appeals of the legitimacy of the class action had been settled.

The limited scope of this bill is appealing; it doesn't try to do too much. Sweeping reforms such as changing the statute of limitations or capping punitive damages are not in this bill, leaving them to be passed or rejected in some other bill on their own merits. The reforms contained in this bill are common-sense improvements to the economically-crippling excesses of the current system, where time and resources are wasted on hypothetical claims, and defendants are often coerced into prematurely settling a lawsuit just to avoid the invasive and costly discovery process. LEA favored a YES vote on this bill, which passed the Senate 36-29, but unfortunately never made it onto the floor of the House this year.

### **15. Eliminating "Primary" Seatbelt Offenses.**

**Rukavina amendment to HF1023. Rep. Smith [HJ page 3861].**

This amendment to the judiciary policy omnibus bill would have prevented law-enforcement officers from treating the failure to wear a seatbelt as a "primary" offense, for which

motorists and passengers can be stopped and cited when no other moving violation is evident. It would clarify and effectively repeal some statutory language passed in 2009 on this matter. Back then, LEA noted that a law making seatbelt violations a stoppable offense would be a major assault on individual freedom, and a cunning way to increase revenues through citation and court fines without voting to increase taxes. For over two decades, fines on motorists for seatbelt violations have been deposited into a special state treasury account, the emergency medical services relief account, and almost entirely distributed to regional EMS organizations according to criteria set by their directors. Making more violations stoppable and therefore subject to fines has increased the deposits into this account, transferring more funds to this vested special interest without needing to go to the legislature for the funds.

This amendment was needed to restore personal freedom and negate taxation through citation, and to clear up ambiguity created by two conflicting statutory changes. There is current published law that still prohibits the "primary" citations. The state's absurd claim that a law with an earlier effective date repeals a law with a later effective date is a dangerous attempt to evade a literal interpretation of published statutory language. As a result, knowledgeable defendants have been able to get "primary" seatbelt citations dismissed.

LEA supported the amendment, which passed in the House 75-55, to rectify the damage that "primary" seatbelt citations are inflicting on citizens' pocketbooks, their personal freedoms, and the very concept of rule of law. However, the repeal language did not exist in the version passed by the Senate, or in the final version that emerged from conference and was signed by the governor.

### **16. Nuclear Plant Permitting.**

**SF4. Sen. Koch. [HF9. Rep. Peppin.]**

This bill would govern nuclear power plant decommissioning, and end the moratorium on new nuclear power plant construction by allowing utilities to propose newer and safer nuclear plants. After this bill was sent to conference, the Fukushima Nuclear Accident occurred, causing renewed fear of nuclear power. Parts of the bill were incorporated into SF1197, but not the end to the nuclear moratorium.

LEA believes that this type of moratorium, based on fear and ideology, runs counter to the role of government in preventing harm, while allowing society to improve. This moratorium prohibits the possibility of safer, cleaner, newer, and more productive nuclear power plants, including those that do not have rods that can melt down. As such, it inhibits the legitimate pursuit of happiness, a key point in the Declaration of Independence. The bill passed in the Senate 50-14 and in the House 81-50, but failed to become law, because the conference committee members were discharged without resolving differences in the bills. Perhaps they will attempt to do so in 2012.

## 17. Efficiency of Environmental Permitting.

### HF1. Rep. Fabian. [SF42. Sen. Ingebrigtsen]

This bill is intended to improve environmental permitting efficiency by specifying time limits related to the permits for waste disposal. It requires the agency 30 days to review the application for completeness, and once accepted sets a goal for issuance or denial of the permit within 150 days. LEA believes the bill improves government agency accountability and may assist in job creation by providing potential industries with a more reliable permitting process. The bill passed in the Senate 49-16 and in the House 89-42. The governor signed the bill.

## 18. Geospatial Advisory Council Proliferation.

### SF1270. Sen. Wiger. [HF1411 . Rep. Kahn.]

This bill extends until 2015 the life of two Geospatial Advisory Councils, and adds members to the councils. It was a response to complaints that tribal representatives, universities, outlying districts, and not-for-profit organizations were not included on the advisory councils created by the section of the 2009 Omnibus State Government Appropriations bill that formed the Minnesota Geospatial Information Office. This ill-defined bureaucracy is supposed to coordinate public-private resources and all geospatial activities of the state and local governments, and was created based on a recommendation from a Governor's Council on Geographic Information that was in turn established by an executive order in 2004. The Geospatial Information Office is a state-monopoly enterprise that can assess fees for services to other agencies on a unilateral, non-competitive basis.

LEA believes that the appointment of council members will create an unwieldy entity, unnecessary funding for administration, and an undemocratic process. All Minnesota citizens, not just select council members who may have a conflict of interest, should receive equal treatment by any state agency. We cannot assume that people appointed by a commissioner or selected organizations will advance all citizens' interests. This method of feedback by advisory council actually protects favoritism by creating an "old boys' network" that will serve as a roadblock to public input. This is a prescription for government elitism, waste, and unmanageable politicized meetings. LEA supported a NO vote. It passed the Senate 61-1 and the House 117-17, and was signed into law.

## 19. Community Paramedic Status Created.

### SF119. Sen. Rosen. [HF262. Rep. Mack.]

This bill creates a new level of certification, "community paramedic," and determines eligibility criteria for that certification. It further allows EMS providers who have completed a community paramedic training program from an accredited college or university to be certified as community paramedics by the state's Emergency Medical Services

Regulatory Board. Since anyone practicing medicine now operates in a heavily-licensed and regulated environment dominated by third-party payments (often subsidized), it is difficult to achieve cost containment or optimal utilization of resources. This bill is aimed at what the EMS industry calls the "frequent-flyer problem", which stems from people on medical assistance unnecessarily overusing ambulances and emergency rooms. It is an attempt to have a higher level of in-home care made available by having duties (such initial medical assessments, chronic disease management, and performance of minor medical procedures) normally performed by doctors or registered nurses allocated to community paramedics through additional certification. Since they are already a mobile form of practitioner, and some may be underutilized between 911 response calls, this seems a logical way to reduce the amount of transportation and hospitalization of patients, particularly in rural areas. Opposition came mainly from nurses' groups who felt the bill allowed for EMS providers to encroach on the practices of outcall RNs and nurses in general without being licensed nurses.

Though the lack of medical specialization and the layers of bureaucracy may limit the effectiveness of this new effort, it could provide another option for cost containment and proper medical treatment of these "frequent-flyer" medical assistance patients. However, the commissioner of human services must still develop a list of payments for services that could be done by community paramedics, and the legislature will need to take further action to approve that list before these community paramedics will be empowered to carry out their new role in the system. On balance, it seems to be an effort in the right direction, and the bill also includes a provision for future evaluation of its effects, so LEA favored a YES vote. The bill passed the Senate 62-0 and the House 93-39 and was signed by the governor.

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## 20. Enabling Appointment of County Officials.

**HF954. Rep. Fabian. [SF642. Sen. Stumpf.]**

This bill adds to the list of local units of government being empowered to convert elected offices into appointed positions. (To date, over one-third of Minnesota's counties have sought authorization for this outcome.) Specifically, this bill allows county boards to remove the positions of Auditor-Treasurer and Recorder from the ballot in Kittson and Marshall Counties, unless a successful petition drive can be mounted to force a referendum on converting the positions to appointed offices.

The auditor is supposed to be a check on the financial practices of county officials, and the recorder is supposed to record everything the commissioners do on behalf of the citizens. LEA believes that allowing county commissioners to appoint people in these positions disenfranchises the voters, and also notes that the push for making more local offices appointive has been made in the state's most rural and most urban counties. This push for more appointed positions is part of a larger agenda to make it easier to overcome individual or local resistance to the usurpation of private-property rights, and is unwarranted centralization that is opposed to the concept of checks and balances in a free society. LEA favored a NO vote. It passed in the Senate 36-28 and in the House 95-33. The governor signed the bill into law.

## 21. Opening Pathways for Teacher Licensing.

**SF40. Sen. Olson. [HF63. Rep. Garofalo.]**

This bill opens the process to allow people who have not chosen a specialized career in education to become educators and acquire public-school teaching licenses.

The motivation for this is to allow the public school system to be enriched by the varied talents and experiences of people using non-traditional pathways to become educators. Being confined to traditional state licensing has been used by the teachers' union to enhance its power. Although the process to allow these "alternative licenses" is still cumbersome, it is within reach of school districts that want to take advantage of people with specific skills in industry and science who can inject valuable expertise into the classroom. The appropriate local officials—principals, school boards, and parents—are willing and fully capable of ensuring that the teachers they hire meet the needs of the students in their schools.

Though this bill requires that the alternatively-licensed teachers also be members of and subject to the local collective-bargaining organization, it weakens centralized control by broadening the pool of applicants and giving more power to local schools, and is a step in the right direction. LEA favored a YES vote. The bill passed 46-19 in the Senate, 81-50 in the House, and was signed by the governor.

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