



# 2019 REPORT on the MINNESOTA LEGISLATURE

by the  
LEGISLATIVE EVALUATION ASSEMBLY  
of MINNESOTA, INC







for an  
INFORMED CITIZENRY



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## 2019 LEA HOUSE HONOREES

					
Drazkowski, Steve 87%	Heinrich, John 75%	Hertaus, Jerry 78%	Lucero, Eric 87%	Mekeland, Shane 87%	Munson, Jeremy 87%

### HONORABLE MENTION:

House: *Tim Miller*

(No Senate Honorees)

## 2019 LEGISLATIVE REVIEW

### Legislators Hand Power to a Triumvirate

In 2019 most of the lawmaking was done through 13 omnibus bills, negotiated behind closed doors, then introduced and passed in a one-day special session. A triumvirate of the Governor, the Speaker of the House, and the Senate Majority Leader negotiated key points among themselves, delegated assembly of bills to conference committees, and expected legislators to vote for approval without amendment or debate. (In ancient Rome the First Triumvirate was the unofficial coalition of Julius Caesar, Pompey, and Crassus in 60 BC.) The legislators acquiesced to the triumvirate and accepted 2100 pages of legislation without time to read them. The largest bill was not released until 4.5 hours after special session began. Minnesota citizens were shut out of the process.

Our representative governance process is broken: 65 laws were produced in the regular session, compared to 1,169 passed in the 1969 session. Why won't the legislature break omnibus bills into separate bills, as required by Minnesota's constitution, so they can be heard and passed transparently and accountably?

In 1977, the Minnesota Supreme Court eviscerated the single-subject rule in *Wass v. Anderson*, by ruling that a new fuel tax inserted into an omnibus transportation bill was constitutional. "The single subject rule was not intended to inhibit comprehensive legislation," it stated. Thanks to this court ruling 42 years ago, omnibus bills and other multi-subject bills sold as "comprehensive" approaches have become a

vehicle for barter, where good, bad, and unknown provisions are combined into huge bills full of "deals." Can a single budget bill funding the entire state of Minnesota be far in the future? In fact, in non-budget years, a single supplementary budget bill has become common practice.

Some legislators claim that, if not for omnibus bills, the minority party would be unable to pass any legislation, revealing a mindset that such bills are necessary to satisfy the special interests of their supporters.

Omnibus bills, to the extent they have any legitimacy, should be reserved for urgent passage of entirely noncontroversial legislation or for correcting clerical errors. Now they are used to initiate passage of unpopular or controversial measures that force members to accept both good and bad provisions, or as a vehicle to position special-interest power-brokers for negotiations at the end of session. Legitimate lawmaking stems from broad consideration leading to measured, targeted proposals. New programs or policies should be voted on in separate bills. Bills have been proposed to address the violation of the single-subject rule, but they could make the problem worse. Our constitution is crystal clear. It should be followed.

The spectacle of Minnesota governance by a group of three has little relationship to either the notion of a "republic" or a "democracy." All 201 legislators have been entrusted with lawmaking power. They need to honor their constitutional oaths and exercise it.

## 1. Omnibus Health and Human Services Finance and Policy

### SSSF12. Sen. Benson. [SSHF14. Rep. Liebling.]

This bill funds health and human services biennial budgets. Approximately \$39.3 billion, or roughly 45% of all government funds being spent in MN, are allocated to health or human services functions, including \$14.8 billion of state general-fund revenues, as well as federal welfare and medical-assistance dollars and other non-general funds. One specific program increased is the MN Family Investment Program providing welfare subsidies to poor working families; the monthly cash assistance grant is raised \$100 per household.

This bill funds new programs and task forces in addition to ongoing programs. The Commissioner of Health is to establish a Community Solutions for Healthy Child Development Grant Program to promote racial and geographic equity in children's health and development, in consultation with a Community Solutions Advisory Council. The commissioner must also oversee the creation of a Domestic Violence and Sexual Assault Prevention Program to award grants "to nonprofit organizations that incorporate community-driven and culturally-relevant" prevention practices. The Commissioner of Human Services is tasked with launching school-linked and shelter-linked youth mental health grant programs, as well as a pilot project grant for Anoka County to supervise released offenders with mental-health issues. Several temporary task forces are created in this bill, including the Community Competency Task Force, the Family Child Care Task Force, and the MN Tech First Advisory Task Force.

The bill also contains many policy directives, including ratification of the state's labor agreement with SEIU Healthcare MN and reauthorization through mid-2023 of reinsurance subsidies to health insurance companies. The MN Clean Indoor Air Act is expanded to protect bystanders from vapor from electronic delivery devices, and the word "smoking" is redefined as having "lighted or heated products intended for inhalation," removing the word "smoke." The Commissioner of Health is required to administer statewide smoking-cessation services. Nonintoxicating cannabinoids may be sold now for human or animal consumption only if rigid testing and labeling standards are met. Hospitals are required to provide an itemized bill within 30 days of discharge unless the patient is enrolled in an employer self-insured plan or a government medical assistance program. The bill requires the Commissioner of Human Services to conduct a child welfare caseload study to document how many clients a social worker serves and how much time is spent on each component of child-welfare work, and then meet with stakeholders to develop an ongoing caseload-monitoring program. A new tier of foster care is established so an agency can co-locate children with a parent receiving substance-abuse treatment. This bill mandates new procedures for informing Child Care Assistance Program (CCAP) providers of the rules pertaining to child-care fraud—and notifying providers of the appeals process prior to any disciplinary action taken against them. Correction orders or fines linked to child-care providers' license violations cease to be viewable as public data seven years after they occur.

The MN Department of Human Services has had management failures, with major child-care fraud and illegal payments made to other entities, resulting in a series of department resignations and calls for it to be split into more manageable parts. This bill is a big step in the wrong direction. It does little to address the failures. It contains the budgets of both the Department of Health and the Department of Human Services, tasks them with the creation of many new programs, some without metrics for gauging success, and others with impossible-to-measure criteria such as "cultural relevance."

The process that created this bill was also suspect, drafted in private by three political leaders, and then translated into 649 pages mere hours before a special session was convened to pass it. Legislators should have been able to vote separately on many of the items included, such as public employee contract ratification, new program creation, and a rewrite of the MN Clean Indoor Air Act. This was the biggest example of an unconstitutional multi-subject bill this session, by any plain reading of our state's constitution.

LEA favored a NO vote. It passed the Senate 67-0, the House 77-51, and was signed by the governor.

## 2. Omnibus State Government Budget and Policy

### SSSF10. Sen. Kiffmeyer. [SSHF8. Rep. M. Nelson.]

This bill appropriates \$1.189 billion for the FY 2020-21 biennium, funding the constitutional offices, plus numerous departments, agencies, boards and councils. Total funds made available, including federal grants, are \$2.557 billion. Additions are also made to the FY2019 budget, including the full transfer of federal Help America Vote Act (HAVA) dollars to the MN Secretary of State "for the purposes of improving the security and administration of elections." The Commissioner of Administration, as part of the MN Census 2020 Mobilization Program, must use at least 45% of program appropriations for a grant to the nonprofit MN Council on Foundations.

The bill's title lists 87 modifications of statutes, two statutes repealed, and six new statutes created. There are policy provisions in eight separate articles. Two separate public-employee group compensation plans are ratified. Salaries for certain administrative law judges are made the same as elected district court judges. Rules are changed for hiring managerial positions in state agencies. Waivers will no longer be needed to convert county offices from elected to appointive positions, subject to provisions for a referendum in some cases. The bill creates a Legislative Commission on Housing Affordability, and a Legislative Employee Working Group on Accessibility Measures.

An open legislative process provides transparency and accountability and provides an opportunity for the public to influence legislation. This bill illustrates how these goals can be thwarted by combining many subjects in a single bill behind closed doors, declaring it "urgent", and subjecting it to a single vote, as was done in this year's special session. This bill combines minor changes with possibly contentious ones, such as the changes to the racing commission and to the rules surrounding the presidential primary data. The 2019 HAVA funds transfer was contentious because the Secretary of State has not been complying with MN lower court orders to make voter registration data available to those investigating voter

## 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 2019 MSBs with information about their size and scope.

Examples of Abuse of Constitution's Single-Subject Provision Five Bills Covering Hundreds of Subjects and 87% of General Fund Appropriations				
Bill Title	Bill #	# of Affected Statutes <sup>1</sup>	# of Pages	Appropriations (\$ Billions) <sup>2</sup>
Omnibus Higher Education and Policy	SF2415	22	53	\$3.41
Omnibus Judiciary and Public Safety	SSHF2	47	101	\$2,.91
Omnibus State Government Appropriations Bill	SSSF10	87	98	\$1.16
Omnibus Education Finance bill (K-12)	SSHF1	50	142	\$20.12
Omnibus Health and Human Services	SSSF12	246	649	\$14.77
Total (Equals 87% of total general fund spending of \$48,470 per MMB's after-session summary)				\$41.95
Note 1: New, repealed, and modified statutes.				
Note 2: Approximately \$13 Billion of Minnesota taxes and fees go directly to Special Revenue Funds (primarily Transportation, along with Health Care Access & Legacy)...plus \$25 Billion in Federal taxes (~85% HHS) equals \$38 Billion in additional spending, lifting the total 2020-21 Biennium spending plan to over \$86 Billion.				

fraud. Policy changes in this bill should at least have been broken into separate bills for the various policy areas covered. One bright spot in this bill is the repeal of regulations on hair braiders, but it is not nearly enough to overcome the unconstitutional process that produced and passed it.

LEA favored a NO vote. The bill passed the Senate 65-2, the House 77-49, and was signed by the governor.

### 3. Omnibus Jobs, Economic Development, Commerce and Energy

#### SSHF2. Rep. Mahoney. [SSSF2. Sen. Pratt.]

This omnibus bill appropriated roughly \$394 million. There are a wide variety of new policy provisions contained in this bill. Solar energy collection sites claiming they are creating beneficial habitats for pollinators or songbirds will be required every three years to file a solar site management practices report developed by the state’s Board of Soil and Water Resources. The MN Department of Labor and Industry (DLI) is ordered to conduct a public-awareness campaign on the importance of using licensed contractors. The Department of Employment and Economic Development (DEED) gets two new programs—Airport Infrastructure Renewal (to issue grants for up to 50% of costs related to airport construction or reconstruction), and Launch Minnesota (to grow entrepreneurs and emerging-tech companies with business assistance and financial assistance). DEED will now be required to present to the

legislature an inventory report every two years of all economic-development programs provided or overseen by the state. There are changes allowing for electronic service of papers, electronic signatures, and for the government to send e-mail notices of rule violations. Combative sports managers and ring announcers will no longer have to be licensed.

The policy changes with the potential to affect the most people and businesses pertain to investigating and punishing wage theft. DLI is granted more authority to do workplace-site investigations of wage theft and may interview non-management employees in private during investigations. Delaying or hindering investigation of wage theft becomes a crime in itself. Employers can be penalized both for wage theft and for retaliatory actions against anyone claiming wage theft. Contractors who incur wage theft penalties are disqualified from inclusion on the state’s “responsible contractor” list. Employers must keep additional records for people paid on a wage, commission, or piecework basis, including personal-time-off accruals and meal or lodging allowances, and have them available for inspection on demand by DLI. Fines increase for repeated record-keeping violations. Finally, the MN Attorney General is given joint authority with DLI to enforce statutes related to wage theft.

Because Minnesota’s courts now expect omnibus legislation to list every item in the title in order to insulate it from constitutional challenge for violating the single-subject rule, this bill had 14 separate items listed in its title, followed by all the statutes it created,



repealed, or modified. Each of these items merited legislature floor discussion and public input, especially the greatly expanded wage theft policies, but this multi-subject bill was presented to legislators in the special session as a *fait accompli* by negotiators. LEA believes this bill contained unfunded mandates on businesses and massive state overreach into the economy without the knowledge or assent of most of its victims.

LEA favored a NO vote on the bill, despite a few good policy provisions, because it violated principles of transparency, public accountability, economic freedom, and citizen and legislative oversight, all of which are core principles the Minnesota Constitution was designed to protect. The bill passed the Senate 65-2, the House 89-39, and was signed by the governor.

#### **4. Omnibus Agriculture, Housing, and Broadband**

##### **SSSF1. Sen. Westrom. [SSHF7. Rep. Poppe.]**

This bill appropriates \$41 million to the Department of Employment and Economic Development for broadband internet expansion grants, \$108 million to the MN Department of Agriculture, and \$121 million to the MN Housing Finance Agency (MHFA). The agriculture budget funds many existing programs and a few new ones, such as a new program to enhance “farm-to-school markets . . . by reimbursing schools for purchases from local farmers.” There are subsidies for marketing industrial hemp, and for foodshelf companies’ purchases of commodity surpluses. There are grants for mental-health counseling of farm and agribusiness families, and a grant to a Mankato nonprofit for agribusiness promotion. The production quantity threshold to be eligible for biofuel subsidies is reduced.

Money for Economic Development and Challenge Program grants for low-income housing makes up 25% of the MHFA’s budget. Much of the remaining budget goes to homeownership education and counseling programs. The MHFA must now include, for each project it finances, per-unit and per-square-foot cost data in its biennial report to the legislature. Statutory language was added mandating a reasonable balance between metro and non-metro area housing construction grants. Landlords must now give notices of lease changes equal to the time that tenants must give for ending their leases.

LEA believes taxpayers should not be forced to promote and subsidize favored industries. Heavy-handed intervention to steer schools toward purchase of Minnesota-grown foods could be regarded as unconstitutional interference with interstate commerce. The Commerce Clause in the U.S. Constitution is intended to shield our nation’s markets from protectionist state actions that stifle commerce. Most of the “housing” programs have nothing to do with expanding housing. Reducing the expensive and restrictive zoning laws and building codes would help housing affordability far more than “educating” the poor on how to apply for subsidies. Finally, this bill disregarded the single-subject rule in the MN Constitution. What possible rationale supports rolling three different budgets into one bill, other than enabling more closed-door dealmaking?

LEA favored a NO vote. The bill that passed the Senate 66-0, the House 114-14, and was signed by the governor.

#### **5. Legacy Funds Appropriations**

##### **SSSF3. Sen. Ruud. [SSHF9. Rep. Lillie.]**

This multi-subject bill disperses \$630 million from four Legacy trust funds established by constitutional amendment in 2008 and funded by a 3/8% sales tax. They are: Outdoor Heritage, Clean Water, Arts & Cultural Heritage and Parks & Trails. The amendment defined the funding allocation percentage to each, but the biennial spending priorities are defined by the legislature. This year’s bill gives money to most agencies of state government, the Met Council, the University of Minnesota, Public Radio and TV, and various environmental, cultural and historical organizations.

Some of these appropriations are for worthwhile purposes, but it’s dubious that they all these projects should be getting taxpayer funding. Any revenues collected in the dedicated funds must be spent. One of the Legacy Amendment’s provisions is that trust money should not “replace” money that would normally be appropriated in regular session; this is yet another disincentive to fiscal responsibility. Also, because these appropriations are lumped in one bill rather than divided into four separate bills using the categories listed in the constitutional amendment, the least defensible projects have a greater chance of obtaining legislative support.

Concerns that legislating via the constitution would lead to slush funds, escape legislative oversight and lack transparency for citizens have all been realized in this year’s distribution of legacy resources. LEA favored a NO vote. The bill passed the Senate 64-2, the House 103-23 and was signed by the governor.

#### **6. Omnibus Higher Education Appropriations and Policy Provisions**

##### **SF2415. Sen. P.T. Anderson. [HF2544. Rep. Bernardy.]**

This \$3.43 billion omnibus higher education bill has 45 sections. It appropriates \$538 million to the Office of Higher Education, \$1.524 billion to the Minnesota State Colleges and Universities, \$1.35 billion to the University of Minnesota, and \$2.7 million to the Mayo Clinic. The bill changes policy provisions regarding data sharing, student loans, education savings plans, school financial records, student complaints, scholarships, tuition, fees, adult education, school closure processes, sexual assault procedures, and security practices. The bill establishes a program to grant funds to a debt counseling organization and requires the Board of Trustees to contract with mental-health providers to provide mental health care at up to five state colleges. It establishes hunger-free campus designation for Minnesota State technical and community colleges; establishes a “Z-Degree” zero-textbook-cost associate degree; increases workforce development program scholarships. It requires colleges to provide a plan to achieve parity related to the amount charged for online classes and comparable in-person courses; colleges shall provide a report by February 1, 2020, detailing how they define, categorize, and account for administration costs.

This multi-subject bill reflects administrative priorities rather than taxpayer and student priorities. It primarily enacts budget requests submitted by institutions and lobbyists. The purpose of state colleges is to make higher education affordable. Yet, last

year the University of Minnesota spent about \$74,000 for every student enrolled, while private Hamline University spent about \$36,000. Without the \$1.35 billion the state contributed to the U of M; their spending would still have been about \$48,000 per student, or 33% more than Hamline, thus failing the mission of providing affordable education. The \$3.4 billion spent on higher education this biennium could have been provided to students as vouchers that would drive marketplace discipline clearly missing as described above.

LEA favored a NO vote on this bill because the state's approach to higher education raises the cost of education by subsidizing unfocused, undisciplined institutions. The bill passed the Senate 62-3, the House 84-49 and was signed by the governor.

## **7. Opiate Epidemic Response**

### **HF400. Rep. Olson. [SF751. Sen. Rosen.]**

This bill establishes a permanent 22-person Opioid Addiction Advisory Council and a stewardship fund. It requires opioid manufacturers and distributors to pay an annual registration fee of \$55,000, or \$250,000 if they sell more than two million units. The bill raises fees on other drug manufacturers and wholesalers from \$235 to \$5,000. It requires annual reports by manufacturers on every opioid sale. It splits an appropriation of \$20,940,000 annually among Bureau of Criminal Apprehension, Commissioner of Human Services, Commissioner of Health, Department of Commerce, and health-related boards, for specified opioid-related initiatives. It has the Commissioner of Health direct grants to qualified health centers for substance-abuse programs. It expands the categories of people qualified to administer opioid antidote.

The bill allows personal health care directives to specify "no opioids." It provides alternative methods of drug disposal for county sheriffs, expands photo I.D. requirements for purchasing controlled substances, places time limits on opioid prescriptions, and establishes opioid quantity limits for treating acute pain from trauma or a surgical procedure. It requires continuing education on prescribing opioids and exploring alternate methods of pain management. It requires health plans to cover acupuncture services for treating pain.

Minnesota's opiate crisis needs to be addressed, but with this bill the legislature has overstepped its bounds. The government has neither the right, nor the competence, to override the doctor-patient relationship. Imposing rigid time and quantity limits will harm some people with chronic conditions who depend on pain medication to function. The law should hold bad actors accountable and not punish the innocent. This bill increases fees on all drug manufacturers, distributors, and pharmacies, whether they handle opioids or not. These fees raise costs for everyone.

Raising licensing fees on pharmacies and wholesalers will harm small business more than big business. Regulations that raise costs and reduce competition are major causes of the high price of health care. The Advisory Council mixes political interests with medical ones and creates a bureaucracy with no sunset, bloating government and making council members targets of lobbyists.

Though there were some good provisions in the bill, like giving wider authority to administer antidotes and giving patients more

input on their health care directives, this bill imposes a misguided government solution on a complex problem. It interferes with doctor-patient relationships, creates a poorly-limited advisory panel, punishes innocent people, and reduces competition, which will lead to increased health care costs. The few good provisions should have been passed as separate subjects.

LEA favored a NO vote. The bill passed the Senate 60-3, the House 109-25, and was signed by the governor.

## **8. Assisted-Living Facilities Licensing and Regulations**

### **HF90. Rep. Schultz. [SF8. Sen. Housley.]**

This bill establishes licenses for assisted-living facilities, including "independent senior-living facilities," authorizes rulemaking and task forces, requires reports, and appropriates money. It requires providers to allow a resident or resident's representative to conduct electronic surveillance of the resident's room through the use of electronic monitoring devices. It changes well over 50 statutes.

Minnesota Statutes require that housing facilities with a service establishment providing one or more regularly scheduled, health-related services obtain the appropriate home care provider license from the Minnesota Department of Health. This bill adds many new licensing and reporting requirements to existing and future facilities.

New licensure requirements, penalties, detailed operational mandates and reporting requirements restrict new businesses from entering the market and reduce competition. As with most licensing and restrictions, it creates roadblocks to business entry, driving up prices. It is extremely unlikely that these legal changes will improve health care. This bill will expand the establishment of centralized government acting in an administrative capacity, dictating to businesses how they need to operate. Also, this multi-subject bill violates the single subject rule in the Minnesota Constitution. For example, a section authorizing residents or families to decide surveillance options ought to have been in a different bill than the section creating new licensing requirements and been voted on separately.

LEA favored a NO vote on the bill. The bill passed the Senate 66-1, the House 125-6, and was signed by the governor.



# SENATE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	2019%	C%
R	35	Abeler, Jim	-	-	-	-	-	-	-	-			+	-	-	+	+	A	20	44
R	29	Anderson, Bruce	-	-	-	-	-	-	-	-			+	+	-	+	-	-	21	85
R	44	Anderson, Paul T.	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	49
D	3	Bakk, Thomas	-	-	-	-	-	+	-	-			A	-	-	+	+	-	20	19
R	31	Benson, Michelle	-	-	-	-	-	-	A	-			+	+	-	+	+	-	27	71
D	54	Bigham, Karla	-	-	-	-	-	-	-	-			+	-	-	+	-	-	14	9
D	51	Carlson, Jim	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	14
R	38	Chamberlain, Roger	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	66
D	59	Champion, Bobby Joe	-	-	-	-	+	-	-	-			-	+	-	+	A	-	20	9
D	57	Clausen, Greg	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	19
D	64	Cohen, Richard	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	8
D	48	Cwodzinski, Steve	-	-	-	-	-	-	-	-			+	-	-	+	-	-	14	23
R	16	Dahms, Gary	-	-	-	-	-	-	-	-			+	-	-	+	+	+	29	56
D	61	Dibble, D. Scott	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	12
R	20	Draheim, Rich	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	51
D	60	Dziedzic, Kari	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	16
D	40	Eaton, Chris	-	-	-	-	-	+	-	-			-	-	-	+	+	-	21	17
R	5	Eichorn, Justin	-	-	-	-	-	-	-	-			+	-	-	+	-	-	14	49
D	4	Eken, Kent	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	29
D	49	Franzen, Melisa	-	-	-	-	-	-	-	-			+	A	-	+	+	-	20	18
D	19	Frentz, Nick	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	30
R	9	Gazelka, Paul	-	-	-	-	-	-	A	-			+	-	A	+	+	-	18	63
R	21	Goggin, Michael	-	-	+	-	-	-	-	-			+	-	-	+	+	-	29	52
R	56	Hall, Dan	-	-	-	-	-	-	-	-			+	-	-	+	-	-	14	70
D	67	Hawj, Foung	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	17
D	62	Hayden, Jeff	-	-	-	-	+	-	-	-			-	+	-	+	A	-	20	11
D	36	Hoffman, John	-	-	-	-	-	-	-	-			A	-	-	+	+	A	10	19
R	39	Housley, Karin	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	47
R	13	Howe, Jeff	-	+	-	-	-	-	+	-			+	+	-	+	-	+	43	54
R	8	Ingebrigtsen, Bill	-	-	-	-	-	-	-	-			+	+	-	+	+	+	36	60
D	42	Isaacson, Jason	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	16
R	24	Jasinski, John	-	-	-	-	-	-	-	-			+	-	-	+	+	+	29	54
R	47	Jensen, Scott	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	51
R	1	Johnson, Mark	-	-	-	-	-	-	-	-			+	+	-	+	-	-	21	51
D	53	Kent, Susan	-	-	-	A	A	-	-	-			+	-	-	+	-	-	10	20
R	30	Kiffmeyer, Mary	-	-	-	-	-	-	-	-			+	A	-	+	+	+	27	68
D	52	Klein, Matt	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	32
R	32	Koran, Mark	-	-	-	-	-	-	-	-			+	+	-	+	+	-	29	52
D	41	Laine, Carolyn	-	-	-	-	-	-	-	-			+	A	-	+	+	-	20	13
R	17	Lang, Andrew	-	-	+	-	-	-	-	-			+	-	-	+	+	-	29	54
D	46	Latz, Ron	-	-	-	-	-	+	-	-			A	-	-	+	A	-	10	11
R	34	Limmer, Warren	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	77

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

**27.6%** = % of legislators' votes favored by LEA in 2019 session

**2019%** = legislator's 2019 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 2019 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	2019%	C%
D	58	Little, Matt	-	-	-	-	-	-	-	-			+	-	-	+	-	-	14	27
D	66	Marty, John	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	11
R	15	Mathews, Andrew	-	-	-	-	-	-	-	-			+	+	-	+	-	-	21	55
R	28	Miller, Jeremy	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	46
R	26	Nelson, Carla	-	-	-	-	-	-	-	-			+	-	-	+	+	+	29	53
R	18	Newman, Scott	-	-	-	-	-	A	A	-			+	-	-	+	+	-	18	63
D	37	Newton, Jerry	-	-	-	-	-	-	-	-			+	A	-	+	+	-	20	16
R	33	Osmek, David	-	-	-	-	-	-	+	-			+	-	-	+	+	-	29	65
D	65	Pappas, Sandra	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	7
R	55	Pratt, Eric	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	58
R	11	Rarick, Jason	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	41
R	14	Relph, Jerry	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	51
D	45	Rest, Ann	-	+	-	-	-	A	A	-			+	A	-	+	+	-	26	20
R	23	Rosen, Julie	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	46
R	10	Ruud, Carrie	-	-	-	-	-	-	-	-			+	A	-	+	+	-	20	58
R	25	Senjem, David	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	54
D	7	Simonson, Erik	-	-	-	-	-	-	-	-			+	A	-	+	+	-	20	25
D	27	Sparks, Dan	-	-	-	-	-	-	-	-			A	-	-	+	+	-	12	23
D	6	Tomassoni, David	-	-	-	-	-	-	-	-			+	+	-	+	+	-	29	17
D	63	Torres Ray, Patricia	-	-	-	-	-	-	-	-			+	-	-	+	-	-	14	11
R	2	Utke, Paul	-	-	-	-	-	-	+	-			+	+	-	+	+	-	36	56
R	22	Weber, Bill	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	47
R	12	Westrom, Torrey	-	-	-	-	-	-	-	+			+	+	-	+	+	+	43	62
D	43	Wiger, Charles	-	-	-	-	-	-	-	-			+	-	-	+	+	-	21	15
D	50	Wiklund, Melissa	-	-	-	-	-	-	-	-			+	-	-	+	-	-	14	17

NO SENATE VOTE

## HOUSE

Pty	Dist	Name	1	2	2	4	5	6	7	8	9	10	11	12	13	14	15	16	2019%	C%
D	44B	Acomb, Patty	-	-	-	-	-	-	-	-	-	-	-	-	+	+	-	-	13	13
R	55B	Albright, Tony	+	+	+	-	+	+	+	-	+	+	-	-	+	-	-	-	60	58
R	12B	Anderson, Paul H.	+	+	-	-	-	+	-	-	+	+	-	A	+	-	A	-	39	56
R	12A	Backer, Jeff	+	+	+	-	+	+	-	-	+	+	A	-	+	-	-	-	54	48
D	34B	Bahner, Kristin	-	-	-	-	-	-	-	-	-	-	A	-	+	+	-	-	11	11
R	31B	Bahr, Cal	A	A	A	+	A	+	+	+	+	+	+	+	+	-	-	-	68	75
R	17B	Baker, Dave	+	+	+	-	-	-	-	-	-	+	+	-	-	+	-	-	40	42
D	42B	Becker-Finn, Jamie	-	-	-	-	-	-	-	-	-	-	A	-	+	+	-	-	11	12
R	27A	Bennett, Peggy	+	+	+	-	-	-	-	-	-	+	+	-	-	+	-	-	40	47
D	41A	Bernardy, Connie	-	-	-	-	-	-	-	-	-	-	-	-	+	+	-	-	13	26
D	57A	Bierman, Robert	-	-	-	-	-	-	-	-	-	-	-	-	+	+	-	-	13	13
R	47B	Boe, Greg	+	+	-	-	-	+	-	-	+	+	-	-	+	-	-	-	40	40
D	19A	Brand, Jeff	-	-	-	-	-	-	-	-	-	-	-	-	+	+	-	-	13	13
D	56A	Cantrell, Hunter	-	-	-	-	-	-	-	-	-	-	-	-	+	+	-	-	13	13
D	45A	Carlson, Lyndon	-	-	-	-	-	-	-	-	-	-	-	-	+	+	-	-	13	19
D	50B	Carlson, R. Andrew	-	-	-	-	-	-	-	-	-	-	-	-	+	+	-	-	13	29
D	39B	Christensen, Shelly	-	-	-	-	-	-	-	-	-	-	-	-	+	+	-	-	13	13
D	54A	Clafin, Anne	-	-	-	-	-	-	-	-	-	-	-	-	+	+	-	-	13	13
D	19B	Considine, John (Jack)	-	-	-	-	-	-	-	-	-	-	-	-	+	+	-	-	13	27
R	24B	Daniels, Brian	+	+	-	-	-	-	-	-	+	+	-	-	+	-	-	-	33	43
R	31A	Daudt, Kurt	+	+	+	-	+	+	+	-	+	+	+	-	A	A	-	-	63	65
R	28B	Davids, Greg	+	+	+	-	-	+	+	-	+	A	+	-	+	-	A	-	55	64
D	63A	Davnie, Jim	-	-	-	-	-	-	-	-	-	-	-	-	+	+	-	-	13	15
D	59B	Dehn, Raymond	-	+	-	-	-	-	-	-	-	-	-	-	A	+	+	A	16	19
R	13A	Demuth, Lisa	+	+	-	-	-	+	-	-	+	+	-	-	+	-	-	-	40	40

NO HOUSE VOTE

# HOUSE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	2019%	C%
R	39A	Dettmer, Bob	+	-	-	-	-	+	-	-	+	+		-	-	+	-	-	33	65
R	21B	Drazkowski, Steve	+	+	+	+	+	+	+	+	+	+		+	+	+	-	-	87	85
D	3A	Ecklund, Rob	-	-	-	-	-	-	-	-	-	-		-	-	+	-	-	13	30
D	49A	Edelson, Heather	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
D	49B	Elkins, Steve	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
R	15A	Erickson, Sondra	+	A	+	-	-	+	-	-	-	+		-	-	+	-	+	47	73
R	1A	Fabian, Dan	+	+	+	-	-	+	-	-	-	+		+	-	+	-	-	53	61
D	43A	Fischer, Peter	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	16
R	8B	Franson, Mary	+	+	+	-	-	+	+	-	-	+		+	-	+	-	-	60	65
D	45B	Freiberg, Mike	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	15
R	58B	Garofalo, Pat	+	+	+	+	+	+	-	-	-	+		+	-	+	-	-	67	60
D	62B	Gomez, Aisha	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
R	2B	Green, Steve	+	+	+	-	+	+	+	-	-	+		+	-	+	-	-	67	64
R	2A	Grossell, Matt	+	-	+	-	+	+	+	-	-	+		-	-	+	-	+	60	64
R	18B	Gruenhagen, Glenn	+	+	+	-	+	+	+	-	-	+		-	-	+	-	+	67	71
R	23A	Gunther, Bob	+	-	-	-	-	+	-	-	-	+		-	-	+	-	-	33	58
R	21A	Haley, Barb	+	+	+	-	-	+	-	-	-	+	A	-	-	+	A	-	39	57
D	51B	Halverson, Laurie	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	16
R	22B	Hamilton, Rod	-	+	+	-	-	+	-	-	-	+		-	-	+	-	-	33	54
D	52A	Hansen, Rick	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	16
D	62A	Hassan, Hodan	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
D	66A	Hausman, Alice	-	-	-	-	-	-	-	-	-	-		-	-	+	A	-	4	10
R	35A	Heinrich, John	+	+	+	+	A	+	+	-	-	+		+	-	+	-	+	75	75
R	10A	Heintzeman, Josh	+	+	+	A	A	+	+	-	-	+		-	-	+	-	-	55	48
D	64A	Her, Kaohly	-	-	-	-	-	A	-	-	-	-		A	-	+	+	-	9	9
R	33A	Hertaus, Jerry	+	A	+	+	+	+	+	-	-	+		A	A	+	A	+	78	73
D	61A	Hornstein, Frank	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	10
D	36B	Hortman, Melissa	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
D	50A	Howard, Michael	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
D	57B	Huot, John	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
R	32A	Johnson, Brian	+	+	+	-	-	+	-	-	-	+		+	-	+	-	-	53	56
R	54B	Jurgens, Tony	+	+	+	-	-	+	-	-	-	+		-	-	+	-	-	47	56
R	1B	Kiel, Debra	A	A	A	A	A	+	-	-	-	+	A	+	-	+	A	-	27	55
D	44A	Klevorn, Ginny	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
D	37A	Koegel, Erin	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	22
D	48B	Kotyza-Witthuhn, Carlie	-	-	-	A	A	-	-	-	-	-		-	-	+	+	-	9	9
R	58A	Koznick, Jon	+	+	-	+	+	+	+	-	-	+		-	-	A	-	-	54	56
R	9B	Kresha, Ron	-	+	-	-	-	+	-	-	-	+		-	-	+	-	-	33	48
D	41B	Kunesh-Podein, Mary	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	27
R	5B	Layman, Sandy	+	-	-	-	-	-	-	-	-	+		-	-	A	-	-	18	50
D	59A	Lee, Fue	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	29
D	66B	Lesch, John	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	19
D	26A	Liebling, Tina	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	16
D	4A	Lien, Ben	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	20
D	43B	Lillie, Leon	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	10
D	20B	Lippert, Todd	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
D	6B	Lislegard, Dave	-	-	-	-	-	-	-	-	-	+		-	-	+	+	-	20	20
D	60A	Loeffler, Diane	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
D	61B	Long, Jamie	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
R	30B	Lucero, Eric	+	+	+	+	+	+	+	-	-	+		+	+	+	-	+	87	77
R	10B	Lueck, Dale	A	A	A	A	A	+	-	-	-	+		-	-	+	-	-	23	44
D	67A	Mahoney, Tim	-	-	-	-	-	-	-	-	-	-	A	-	-	+	+	-	11	17
D	56B	Mann, Alice	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
D	65B	Mariani, Carlos	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	8
D	4B	Marquart, Paul	-	-	-	-	-	-	-	-	-	+		-	-	+	+	-	27	34
D	51A	Masin, Sandra	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13

NO HOUSE VOTE



# HOUSE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	2019%	C%
R	29A	McDonald, Joe	+	+	+	-	+	+	+	A	+	+		-	-	A	-	-	55	61
R	15B	Mekeland, Shane	+	+	+	+	+	+	+	+	+	+		+	-	+	-	+	87	87
R	17A	Miller, Tim	+	+	+	+	+	+	-	+	+	+		-	+	+	-	-	73	59
D	42A	Moller, Kelly	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
D	65A	Moran, Rena	-	-	-	-	-	-	-	-	-	-		-	-	+	A	-	4	16
D	33B	Morrison, Kelly	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
R	23B	Munson, Jeremy	+	+	+	+	+	+	+	+	+	+		+	+	+	-	-	87	85
D	3B	Murphy, Mary	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	22
R	47A	Nash, Jim	A	A	A	-	+	+	+	-	+	+		+	-	A	A	-	43	60
D	40A	Nelson, Michael	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	17
R	11B	Nelson, Nathan	+	+	+	-	-	+	-	-	-	X		-	-	+	X	-	46	46
R	32B	Neu, Anne	+	+	+	-	+	+	+	-	+	+		+	-	+	-	-	67	69
D	60B	Noor, Mohamud	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
R	8A	Nornes, Bud	+	+	+	-	-	-	-	-	-	+		+	-	+	-	-	47	58
R	13B	ODriscoll, Tim	+	+	-	-	-	+	-	-	-	+		A	-	+	-	-	40	55
D	7B	Olson, Liz	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	29
R	29B	ONeill, Marion	+	+	+	+	+	+	+	-	+	+		-	-	A	-	-	61	59
D	28A	Pelowski, Gene	-	-	-	-	-	+	-	A	-	+		-	-	+	A	-	16	32
D	5A	Persell, John	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	11
R	24A	Petersburg, John	A	A	A	A	A	-	-	-	-	+		-	-	+	-	-	13	46
R	26B	Pierson, Nels	+	+	+	-	-	+	-	-	-	+		+	-	+	-	-	53	48
D	64B	Pinto, Dave	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	27
D	27B	Poppe, Jeanne	A	A	A	A	A	-	-	-	-	-		-	-	+	+	-	3	18
R	9A	Poston, John	+	+	+	-	-	+	-	-	-	+		+	-	+	A	-	54	64
D	48A	Pryor, Laurie	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	29
R	25A	Quam, Duane	+	+	+	-	+	+	+	-	+	+		-	-	+	-	-	60	72
D	52B	Richardson, Ruth	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
R	34A	Robbins, Kristin	+	+	+	+	-	+	-	-	-	+		-	-	+	-	A	54	54
R	38A	Runbeck, Linda	+	+	+	+	-	+	-	-	-	+		-	-	+	-	+	60	73
D	53B	Sandell, Steve	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
D	6A	Sandstede, Julie	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	34
D	25B	Sauke, Duane	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	27
R	22A	Schomacker, Joe	-	+	-	-	-	-	+	+	+	+		-	-	+	A	-	40	54
D	7A	Schultz, Jennifer	-	-	-	-	-	-	-	-	-	-		A	-	+	+	-	11	31
R	35B	Scott, Peggy	+	+	+	+	+	+	-	-	-	+		-	-	+	-	-	60	67
D	36A	Stephenson, Zack	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
D	11A	Sundin, Mike	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	22
R	16A	Swedzinski, Chris	+	+	-	-	-	-	+	-	-	+		-	-	+	-	-	40	60
D	55A	Tabke, Brad	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
R	14A	Theis, Tama	+	+	-	-	-	-	-	-	-	+		-	-	+	-	-	33	45
R	16B	Torkelson, Paul	+	+	+	-	-	+	-	-	-	+		-	-	+	-	-	47	59
R	18A	Urdahl, Dean	+	+	-	-	-	-	-	A	+	+		-	-	+	-	-	32	51
D	40B	Vang, Samantha	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
R	20A	Vogel, Bob	+	+	+	-	+	+	+	-	+	+		-	-	+	A	-	61	56
D	63B	Wagenius, Jean	-	-	-	-	+	-	-	-	-	-		-	-	+	+	-	20	13
D	38B	Wazlawik, Ami	-	-	-	-	-	-	-	-	-	A		-	-	+	+	-	11	11
R	37B	West, Nolan	+	+	-	-	-	-	-	-	-	+	A	A	A	A	A	-	13	48
D	46A	Winkler, Ryan	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	8
D	14B	Wolgamott, Dan	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
D	67B	Xiong, Jay	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
D	53A	Xiong, Tou	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	13
D	46B	Youakim, Cheryl	-	-	-	-	-	-	-	-	-	-		-	-	+	+	-	13	27
R	30A	Zerwas, Nick	+	+	+	-	+	+	+	-	+	+		-	-	+	-	-	60	57

NO HOUSE VOTE

Governor's Action	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Walz, Tim	S	S	S	S	S	S	S	S	N	N	N	S	S	S	S	S

## **9. Expiration Dates for Conceal-Carry Permits**

**Rep. Draskowski Amendment to SF802. Sen. Limmer.**  
[HJ page 5127.]

This amendment to a regular-session Omnibus Judiciary and Public Safety Funding Bill would have established that a conceal-carry permit remains in effect indefinitely unless revoked, removing the current requirement that conceal-carry permits are subject to renewal every five years.

Current law imposes an unnecessary burden, both in terms of time and money, on anyone who seeks to renew a conceal-carry permit in Minnesota. Currently, applicants wishing to renew cannot do so until 90 days prior to the permit's expiration date. They must submit the required paperwork, attend a course and pay a processing fee, typically 75 dollars. A permit holder who attempts renewal after the expiration date of the permit, but within 30 days after expiration, must also pay a late fee. Citizens whose permits lapsed beyond 30 days are treated as new applicants.

LEA does not believe that citizens should need a permit to exercise a constitutional right to bear arms. However, if there are permits, legislators should not allow expiration dates, as no compelling public interest is served. LEA favored a YES vote. The amendment failed to pass in the House 62-72. There was no Senate vote.

## **10. MN Gender Equality Constitutional Amendment**

**HF13. Rep. Kunesh-Podein.**

This bill proposed the following text be submitted to voters for possible addition to the MN constitution at the 2020 general election: "Equality under the law shall not be abridged or denied on account of gender." If approved by a majority voting in that election, it would take effect in 2021.

Though a legislative researcher described this as a state-only version of the Congressionally-proposed Equal Rights Amendment (ERA) from the 1970s, which failed to be ratified, there are significant differences. The ERA language approved by Congress in 1972 used the word "sex", which can be factually determined. In contrast, this bill replaced "sex" with "gender", forgoing a universally accepted definition for a contentious one. The ERA began with the phrase, "Equality of rights under the law." This bill removes the words "of rights", which suggests interpretations that would instead judge discrimination on equality of results. The same legislative research implied that gender-based class protections are already covered by the 1993 MN Human Rights Act, and that this bill would secure them constitutionally. However, there is dispute whether the sexual orientation protections in the 1993 law cover claims of gender identity.

The original ERA failed in part due to valid concerns about the consequences of not recognizing innate differences between the sexes. Replacing the word "sex" with "gender" and removing the "rights" modifier for "equality" could have major consequences, upending sex-segregated abuse shelters, prisons, and sports competitions. Both the MN and U.S. constitutions are filled with references to the rights and liberties of each person, or of all citizens or the people in general. There are references in the MN constitution that recognize the right of any citizen to due process of law and to seek redress for injuries. The concept of rights stemming

from a group status is incompatible with our constitutions. Critics' arguments that this amendment could be used to enshrine group-representation quotas or abortion rights in our state constitution went unrefuted.

LEA favored a NO vote. The bill passed the House 72-55. Because the Senate did not vote on it, it will not be submitted to voters, unless the Senate passes identical language during session next year.

## **11. Extending Retention of Certain Criminal-Gang Investigative Data**

**SF112. Sen. Limmer.**

This bill resets the three-year window for retention of data documenting criminal gang membership if an identified member is documented engaging in further criminal gang behavior while in prison. Under current state law, any data identifying someone as a gang member must be destroyed three years after it is entered into the system, or three years after adjudication if the person is found to have committed a crime.

The Gang Pointer identification database is used by the Bureau of Criminal Apprehension to assist in ongoing investigations of criminal gangs. Identification is based on reports documenting at least three of the nine criteria determined by the Department of Public Safety to link to criminal gang membership. Examples include photographs with other gang members displaying gang symbols or engaging in gang-related activity, documented admission of membership, etc. Gang-related activity in prison could include extortion or assaults of members of rival gangs. Such activities do not always result in further criminal charges, though they may impact possibility of early release.

Extending the data-retention window to three years after release from incarceration for those persons documented to have engaged in gang activity while in prison would aid effective law enforcement and ought to be recognized as a legitimate tool for effective law enforcement and public-safety protection. This bill was supported by the Department of Corrections and law-enforcement associations. No one spoke against it in committee or on the floor of the Senate. LEA favored a YES vote. It passed the Senate 60-3. Despite passing the Senate early in the session, the bill did not receive a floor vote in the House.

## **12. Handheld Cell Phone Use by Drivers Banned**

**HF50. Rep. Hornstein. [SF91. Sen. Newman.]**

This bill bans drivers from using handheld cell phones while driving, unless the phone system is physically integrated into the vehicle and can be operated in a voice-activated or one-touch "hands-free" mode. Drivers can make calls while holding a phone only if performing emergency duties. Video use on phones while driving is also banned, except for pre-programmed GPS use that requires no typing to operate. The existing petty-misdemeanor, moving-violation penalty of a \$50 fine for a first-time texting-while-driving offense and \$275 for subsequent offenses (plus \$75 average court fees) is extended to all handheld cell phone use while driving.

Testimony at hearings contained emotional anecdotes from families gravely harmed by distracted drivers using phones.

Evidence was presented that handheld cell phone bans in other states have led to fewer distracted-driving accidents. Long-standing rules against displaying posters or banners during hearings were waived for supporters who displayed giant photos of distracted-driving victims. This created a hostile environment for anyone testifying against the bill. Opposition testimony presented government data indicating that almost no fatalities could be directly linked to drivers only talking on a handheld phone, in contrast to the riskier texting which was already illegal.

Supporters capitalized on media-amplified, emotionally wrenching cases to override hard evidence to pass a bill benefiting special interests. Beneficiaries include: trial lawyers, new car dealers and manufacturers, retrofitting services, the state and localities collecting revenue from more traffic citations, public-safety communications departments kept busy with a new public-education campaign, and insurance companies (because any new moving violation while driving can be used to increase premiums, independent of safety implications). The bill's passage was aided by popular distaste of drivers that appear visibly distracted while using phones, creating pressure for elected officials to crack down on handheld cell phone use instead of on distracted driving as a whole.

This bill is misguided. The target of enforcement should be the most dangerous driving conduct (failure to yield, weaving out of lane, etc.), regardless of the source of the distraction. The claim that this ban is needed for catching distracted drivers is weak—police videos are widely used now to document reckless driving conduct when offenders contest violations in court. The toughest penalties should be for the riskiest conduct. Besides unjustly treating people not causing harm, a blanket ban on drivers using handheld cellphones increases disrespect of law enforcement generally, and especially in high-crime areas. Police lack resources to respond adequately to hotspots of intentional crimes against persons and property but nevertheless will be expected to enforce this new law. Law enforcement is not supposed to harm innocent people just so more citations can be issued. A law infringing upon presumption of innocence and freedom to communicate—opposition to such a law should not be regarded as trivial or subordinate to safety in a free society. Moreover, the modern integrated systems with menu screens in the center of the dashboard may be even more distracting than holding a phone, but there won't be as much pressure for officials to ban them because onlookers will be less able to see them.

LEA favored a NO vote. The bill passed the Senate 48-12, the House 107-19, and was signed by the governor.

### **13. Flame-Retardant Chemicals Restricted or Prohibited**

#### **HF359. Rep. Becker-Finn. [SF321. Sen. Housley.]**

This bill restricts chemicals in two areas. First, firefighting foam with certain flame-retardant chemicals is not to be used for training, and any use must be documented. Secondly, it bans the manufacturing and retail sales of residential textiles and mattresses containing organohalogenated flame-retardant chemicals of greater than 1,000 parts per million.

Flame-retardant chemicals used by firefighters have been found hazardous in laboratory tests on animals. Fortunately, effective

substitutes have been identified. Studies are still being done on flame retardants for residential textiles and mattresses, to determine whether the chemicals should be banned or replaced. The U.S. Consumer Product Safety Commission (CPSC) is still seeking advice from the National Academies of Sciences, Engineering & Medicine.

While this bill shields firefighters from some health risks associated with firefighting foam, it discards alternative possibilities for firefighters' higher cancer risk, such as more synthetic building materials or firefighters working longer hours. It also penalizes manufacturers who are arguing against CPSC regulating organohalogen flame retardants as a class. The varying physiochemical properties and toxicity profiles suggest these chemicals shouldn't be lumped together for regulation. Banning their use is premature, at least until a CPSC decision is made. LEA favored a NO vote. The bill passed the Senate 66-0, the House 125-5, and was signed by the governor.

### **14. Disaster Contingency Account Funds Transfer**

#### **SF307. Sen. Housley. [HF345. Rep. Pelowski.]**

This bill provides a \$10 million transfer from the FY2019 general fund for disaster contingency funding. This money can provide immediate relief in case of disasters, without holding a special session to provide funding. \$10 million was provided for in the Supplemental Budget Bill in 2018, but as this was vetoed the amount left in the account was almost exhausted.

LEA favored a YES vote on the bill because it makes sense to provide for disaster relief without that support being contingent on the passage of large budget bills at the end of regular session or special session. The bill passed the Senate 67-0, the House 127-0, and was signed by the governor.

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## 2019 LEGISLATIVE REPORT

### **15. Minnesota Licensing and Registration System (MNLARS) Gap Funding and Independent Review**

**HF861. Rep. Hansen. [SF1092. Sen. Newman.]**

This bill provides a one-time deficiency funding to Driver and Vehicle Services to address urgent funding needs for MNLARS and for temporary manpower to meet the customer service levels. The bill requires an expedited, independent assessment by a blue-ribbon panel to determine the viability of going forward with MNLARS as an internal development project or whether packaged software should be purchased.

The blue-ribbon panel's report led to the decision to purchase and implement packaged software which will increase the likelihood of success. The report details MNLARS failed system development including unrealistic expectations and an underestimation of the work required, leading to missed milestones, denial, then finger-pointing and gross overspending of budgets.

This bill is a great example of timely single-subject legislating. This approach is far superior to burying these measures in the details of an omnibus bill that delays, corrupts, and complicates the legislative process, where even knowing the version of the bill lawmakers are trying to modify can be mind-numbingly confusing. LEA favored a YES vote. The bill passed the Senate 52-12, the House 71-50, and was signed by the governor.

### **16. Agreement Not Needed for Prairie Island Tribe to Have Concurrent Jurisdiction with County**

**SF1100. Sen. Goggin. [HF719. Rep. Kunesh-Podein.]**

This bill exempts the Prairie Island Indian Community from the statutory requirement to establish a concurrent jurisdiction agreement with the local county sheriff in order to exercise police protection for Minnesotans on reservation land. With concurrent jurisdiction, both tribal police and the local county sheriff can make arrests and issue citations for any suspected crime occurring on the reservation, regardless of whether the suspect is a tribal member. The county attorney retains the prosecutorial authority.

Many issues and training need to be agreed upon for concurrent jurisdiction to function properly. A concurrent jurisdiction agreement may cover such issues as emergency-response services, handling of investigations, sharing of information, records management, and due process. Such agreements also help arrange equal protection under the law for tribal members and other Minnesotans, ensuring that court warrants and judgments are enforced equitably by all parties. Exempting the Prairie Island Indian Community from needing to have an agreement is bad precedent. The bill's supporters failed to demonstrate that sheriffs would withhold agreement without cause, or why one tribe should receive a broad exemption, not available to other tribes, from the requirement to enter into a concurrent jurisdiction agreement.

LEA favored a NO vote. The bill passed the Senate 58-7, the House 122-8, and was signed by the governor.