



1998 REPORT on the MINNESOTA LEGISLATURE

by the
LEGISLATIVE EVALUATION ASSEMBLY
of MINNESOTA, INC.

for an
INFORMED CITIZENRY



CREDO - *The Legislative Evaluation Assembly of Minnesota, Incorporated (LEA) is a non-profit, non-partisan corporation established to keep the citizens of Minnesota informed of both important legislation and the voting performance of each Senator and Representative in the Minnesota State Legislature. LEA bases its evaluation on the traditional American principles of constitutionalism, limited government, free enterprise, legal and moral order with justice and individual liberty and dignity. LEA encourages the use of the material in this Report, in whole or in part, by any group or individual.*

1998 HONOREES

Honorees-House



B. Anderson



Commers



Davids



Dehler



Erickson



Kielcucki



Knight



Krinkie



Kuisle



Lindner



M. Olson



Osskopp



Reuter



Seagren



Sviggum



H. Swenson



Tompkins



Tuma



Workman

Honorable Mention-House
Betterman, Boudreau, McElroy,
Molnau, Mulder, Rifenberg, Rostberg

Senate Honorees - None

Honorable Mention - Senate
Belanger, Day, Neuville, Pariseau, Runbeck, Scheevel

1998 LEGISLATIVE SESSION - Highlights & Lowlights

LEA exists to inform the people of Minnesota of the major issues before them and their elected officials, specifically the members of the Legislature and how each voted in regard to those issues.

There are many matters on which Minnesotans are in varying degrees of disagreement, such as responsibility of government versus that of individuals, rights versus privileges, how much and in what manner to tax. How to educate our children has been getting increasing public attention. With four billion dollars (\$4,000,000,000.00) more in state revenues than usual spending, the major issue in 1998 was the cleavage in the legislature over taxation and spending.

Over the past quarter century the single most pervading issue has been that of abortion. The Preamble to the United States Constitution declares that Life, Liberty, and the Pursuit of Happiness are the primary concerns of said Constitution. Though at the time the Constitution was drafted there were a great many other governance concerns, Life was listed first. LEA concurs with that assessment. Therefore we begin our evaluations with life-related actions in the 1998 session.

LIFE

1. SF 3184. Fetal Alcohol Syndrome.
Procedural Motion. Senator Neuville presented an amendment to

outlaw in Minnesota the practice generally known as partial birth abortion. The U.S. Congress has twice enacted such legislation with national application - both times vetoed by President Clinton. This "partial birth" process reflects human degradation at its extreme. The Neros, Ivans the Terrible, Hitlers, Stalins and Pol Pots are surpassed in cruelty by this sophistication of our technical development, the sucking out of the brains of infants who are in the process of actual birth. This is somewhat below the lowest level of the most crude, barbaric societies known in the history of the human race. The President of the Senate ruled that the Neuville amendment was not germane to the Syndrome bill. The Senate then voted 33-29 to override the President's ruling. However, no vote was taken on the amendment because immediately, in an unprecedented parliamentary maneuver, the floor leader moved to adjourn the Senate for that day, thus in effect obliterating the 33-29 vote, a distasteful lesson in how legislation can be controlled and the will of the majority subverted. LEA is using the override vote in this 1998 report.

2. SF 3346. Omnibus Health Bill.

Neuville Amendment. A week after the actions told of in #1 above, the determination of the pro-abortion senators was reemphasized. Sen. Neuville again proposed a partial birth abortion ban, this time as an amendment to SF 3346. Sen. Hottinger then offered a substitute amendment to the Neuville proposal - a sham tactic, adding "mother's health" language. The Hottinger amendment passed 35-32, in effect nullifying the Neuville proposal because the courts have ruled that "mother's health" can cover anything under the sun. This vote provides another indication of the senators' positions on the sanctity

Y = Yes D = Democratic/Farmer/Labor
N = No R = Republican I = Independent

- indicates legislator excused, absent, or not voting.

* denotes vote favored by LEA.

1998% means percentage of legislator's votes favored by LEA in the 1998 session.

Career means legislator's career average LEA score.

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

• LEA honors those scoring 90 & above • Honorable Mention 80-90

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of life. Neuville withdrew his Hottinger-amended amendment. In view of the pervading practice of this form of infanticide, LEA is also using this Hottinger Senate vote in this report.

3. SF 3346. Omnibus Health Bill - House Procedure.

In the House a vote on a motion by Rep. Osskopp was perhaps as telling as any on the abortion issue. This procedural motion was to return the first conference committee report on the omnibus health bill back to the committee because the bill had been stripped of the abortion reporting requirements and the ban on partial birth abortions the House had in its version of the bill. This motion, favored by LEA, passed on a vote of 84-48. As a result the bill went back to conference where a compromise was reached. While the ban on partial birth was kept out of the bill, for the first time reporting of abortions to the state health department is now required by law. The House vote on the Osskopp motion to rerefer is used in the ratings of this LEA report.

EDUCATION

4. HF 2874. Omnibus K-12 Education Bill.

Rep. Kelso - Sen. Pogemiller. One good feature of the education bill is the requirement that the Department of Children, Families and Learning (CFL) submit a written report to the Legislature's Education Committees by January 15, 1999, which itemizes all direct and indirect state and local revenues that are being spent and all projected future expenditures needed to develop and implement the Profile of Learning. CFL grants are awarded liberally. Only Minnesota basic skills tests for grades 3, 5 and 8 fulfill testing requirements; whether they are norm-referenced or criterion-referenced is left to the discretion of CFL. The responses to norm-referenced tests are scored as Right or Wrong. In criterion-referenced tests correctness of responses is a matter of subjective judgement. Not one required test allows for the comparison of our state with others. The Profile of Learning, much of which is non-academic, is mandated. Children can be forced to attend summer school. The philosophy of education expressed throughout the bill is outcome-based. Much power is given to CFL; little is given to local school boards. There are enough unsound educational practices and irresponsible spending in this bill that LEA is opposed to it. It passed the House 105-28 and the Senate 62-3.

5. HF 2874. Local Control.

Sviggum Amendment. The Department of Children, Families and Learning currently controls how the requirements for graduation are met. This amendment would have allowed each school district to develop and implement the assignments and activities students must complete to meet state and local graduation requirements. No state-developed performance packages in the Profile of Learning would have been required. The amendment failed 60-71. Since LEA believes strongly in local control, it favors this amendment.

6. HF 2874 (SF 3378). Profile of Learning Postponement.

Limmer Amendment. This proposal by Sen. Limmer would have

required the State Board of Education to submit to the Education Committees of the legislature by February 15, 1999, a written report describing the content and process for implementing the Profile of Learning. The amendment would have allowed the Board to continue its proceedings in preparing the Profile of Learning, but it could not have taken final action in adopting it before July 1, 1999. This delay would have allowed parents and educators more time to evaluate the Profile before applying it. As LEA does not generally support the Profile it favors the Limmer Amendment. It lost 27-35.

HEALTH

7. SF 2050/HF 2521. Advanced Health Care Directive.

Sen. Junge, Rep. Bishop. This bill is another Big Brother of socialized medicine. If a person does not have a health care agent but wishes to give health care instructions, Part II of this new law requires answers to such questions as one's fears about health care; spiritual or religious beliefs and traditions; opinion on when life would no longer be worth living. These requests for information (for what purpose?) constitute an invasion of privacy and may be unconstitutional. LEA favors a No vote. It passed the Senate 47-20 and the House 75-58.

8. SF 3346. Minors' Health Care Consent.

Pawlenty Amendment. Without this amendment the law would read: "Any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat pregnancy and conditions associated therewith, venereal disease, alcohol and other drug abuse, and the consent of no other person is required." Rep. Pawlenty moved to amend by adding this sentence: "This section does not preclude parents from having access to the medical records of their unemancipated minor children." LEA considers this a good amendment. It is a small step forward for parental control. The law allows children to make decisions that might not be in their best interests, but this amendment allows parents to get information about their children's activities. This has not been possible in the recent past. The Pawlenty proposal passed in the House 82-46, was incorporated in the bill and is now law.

PRIVATE PROPERTY

9. SF 3354 (HF 3137). Community Planning.

Rep. Osskopp Amendment. This bill sets out procedures for "community planning." The amendment would have ensured that: (1) private property not be taken without just compensation to the owner, or (2) if the implementation of such planning unjustly affects real property, the owner of such property is entitled to compensation for the actual loss of the market value. The amendment failed on a close vote of 63-66. LEA favors the amendment, but is puzzled that anyone should have thought there is need for such. The State Constitution provides in Article I, Section 13, under the Bill of Rights, that "Private property shall not be taken, destroyed or damaged for public use without just compensation therefore, paid first or secured." Does the offering of this amendment reflect a fear and reality that respect for private property and our Constitution is disappearing? Isn't the taking of any property without just compensation unconstitutional and commonly called theft?

MISCELLANEOUS

10. SF 2751/ HF 3459. Breast Pumping.

Authors: Sen. E. Anderson, Rep. Greiling. The great squeeze play was successful. After much debate the Legislature passed a law requiring employers to make "a reasonable effort" to provide a private space other than a toilet stall for mothers of infants to pump breast milk. The bill does not define "reasonable effort". It would appear to be an open and shut situation; either the employer does or does not provide a space. Will we have to rebuild the state capitol in order to comply? The law doesn't provide any penalties, so we'll have to wait for the first lawsuit to learn what constitutes "a reasonable effort." LEA is not yet ready to favor this regulation. It passed the Senate 49-11 and the House 106-23.

11. SF 161/ HF 103. Constitutional Amendment - Eliminate Office of State Treasurer.

Sen. Wiener-Rep. Greiling. This places before voters in November,

1998, the question of whether or not to abolish the office of State Treasurer. Is this proposal the beginning of the elimination of constitutional officers? Not long ago it was proposed that the office of Secretary of State be abolished. Where will it end? If the office of State Treasurer is eliminated the checks and balances built into our constitutional system will be further decreased. Putting the Treasurer's responsibilities under a governor-appointed commissioner is like putting the fox in charge of the hen house. This passed the Senate 63-2 and the House 85-45.

OUR \$\$\$\$\$\$\$\$\$\$\$\$ - TAXATION AND SPENDING

12. HF 3843. Bonding.

Authors: Rep. Kalis, Sen. Langseth. The Minnesota Constitution says the state may issue bonds for the purpose of permanent improvements. For some reason the Governor and Legislature went hog wild in the 1998 session. As the old saying goes, the barrel's sow has over 200 nipples on which to suck- this time to the merry tune of a billion dollars. Each state contribution to a private and/or local interest might seem justifiable. But is it? Is it the State's obligation to saddle future generations with this debt? Legislators were placed in a bind. "How can I go back to my people and tell them I voted against the State's giving and spending five million dollars in our district?" Here are a few examples: Minneapolis - \$87,000,000 to renovate its convention center; St. Paul - \$65,000,000 for a "River Center" hockey arena; Granite Falls - \$1,000,000, Duluth - \$12,000,000, Hutchinson - \$5,000,000, for convention centers - all variations of the baseball/football stadium issue. This was government largesse at its most obvious and egregious. There is \$125,000,000 in addition to the appropriations provided in the regular omnibus bill for education to come trickling down to the local communities. It was hard for a legislator to say NO. But some of them did, and LEA thinks they deserve recognition for that. The vote was 46-21 in the Senate; 86-47 in the House.

13. HF 3840 (SF 2985). Marriage Tax.

Rep. Harder and Sen. Knutson Amendments. In practically every civilization in the history of man the family has been the central social structure. The marriage contract between a man and a woman has been basic to the family. Our "enlightened" 20th century culture has innovated some odd things to discourage family life. One is the marriage tax. This is the provision in income tax law, both State and Federal, that requires married couples to pay more in taxes than do unmarried cohabiting "couples of equal total income." In the 1998 session amendments to the Minnesota tax code to equalize the taxes paid by both such types of "couple" were offered by Rep. Harder and Sen. Knutson. LEA favored these proposed amendments but they failed 66-66 and 26-36 respectively. With a surplus in the treasury, this was an opportune time to make this adjustment for the sake of our civilization, but the majority of those Minnesotans chosen as our lawmakers said NO.

14. HF 3840 (SF 2985). Cancellation of Sales Tax Increase.

Rep. Ozment - Sen. Stevens Amendments. With the State taking in more money than planned - to the tune of four billion dollars (\$4,000,000,000) - the burning question in the 1998 session was what to do with this windfall. The legislature did vote to use about a fourth of it for property tax reduction for some taxpayers. In 1991, to cover more spending, the state sales tax rate was "temporarily" increased from 6.0% to 6.5%. The money shortages having disappeared, Ozment and Stevens offered amendments to the tax bill in their respective chambers to return the state sales tax rate to 6.0%. LEA

thinks that the first priority under the new surplus should be elimination of this "temporary" tax. The tax burden on Minnesota citizens is the third highest among the 50 states. The prevailing idea on taxation which seems to have emerged in our state government, at least as reflected by the majority of our chosen legislators, is that all earnings of all citizens are first the property of the State. No, this isn't exactly Communism. It's a form of Collectivism. All wealth, old or newly created, is the property of the State. The State will mete it out as it sees fit. In Minnesota as of now, our benevolent government allows citizens to keep what they make after May 16 of each year. LEA strongly favors the .5% sales tax rollback. However, it lost on votes of 66-67 and 23-38.

15. HF 3840. Income Tax Rate Reduction.

Van Dellen Amendment. This proposed amendment by Rep. Van Dellen to HF 3840, the Omnibus Tax bill, also addressed the revenue surplus which has accrued. This proposal would reduce by one half per cent all three of the current income tax rate levels in the state. This modest reduction was rejected in the House 64-68. Despite their having provided more money than needed the taxpayers get no relief. The mindset of the majority in the legislature seems clear - to spend every last cent which can be collected - continue high taxes - spend more and more.

16. HF 3840 (SF 2985). Income Tax Rate Reduction.

Runbeck Amendment. Sen. Runbeck offered an amendment in the Senate which would also have reduced rates of taxation of income. LEA favors YES votes on these two proposals. The Runbeck proposal lost in the Senate 23-39.

17. SF 3367. Economic Development Supplemental Finance Bill.

Author: Sen. Beckman. Reading this bill is like revisiting the Bonding Bill (#12). It adds spigots to the pork barrel. "Wyoming and Chisago City Business Park;" "Circular Vehicle Pilot Project," \$50,000 for "promoting tourism activities which provide richer, more culturally diverse experience of Minneapolis urban life," (among other things); "Chatfield Brass Band;" "Fairmont Opera House;" "River of Song Project;" "to develop trade with China" - (is political money coming or being invited to come to Minnesota?); "Heritage bred Chickens." That gives an idea of the bill. LEA emphasizes it holds no grudge against Fairmont, Minneapolis, St. Paul, Chisago City, or any other community of the state. LEA thinks there have to be limits to what is State business. This bill passed the Senate 41-12.

18. SF 3367. Phantom Movies.

Sviggum Amendment. The bill got to the House. Like a ghost from some nether world, out of the mysterious innards of this supplemental economic development bill looms our State's involvement in the private movie making industry. To the tune of \$5,100,000 of the money taxpayers pour into the state treasury, we were all going to help private enterprise promote movie making in Minnesota. The legislature wants to emulate Hollywood. Rep. Sviggum, catching this in the bill, offered an amendment to eliminate the item. But his motion lost 56-75. Maybe the 75 already had their tickets to go to the "Minnesota Screen Writing Festival" provided for in the bill. And maybe some reading this report will sense that sometimes the legislators whom the people have elected divert from providing for the intended and essential obligations of state government. LEA is happy to close this report on an uplifting note. The Governor vetoed SF 3367 - all of it.

LEA

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