



LEGISLATIVE EVALUATION ASSEMBLY OF MINNESOTA, INC.



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**2013 REPORT ON MN LEGISLATURE RELEASED
"TYRANNY OF THE MAJORITY" IN FULL EFFECT**

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Honorees Announced

The Legislative Evaluation Assembly congratulates the four members of the Minnesota House of Representatives and three members of the Minnesota Senate that have been honored in the LEA's 2013 Report on the Minnesota Legislature. Fifteen legislators received an honorable mention.

House Honorees: Steve Drazkowski (top scorer), Sondra Erickson, Tara Mack, and Linda Runbeck.

Senate Honorees: Bruce Anderson, Dan Hall, and Bill Ingebrigtsen.

Honorable Mention: Senators Chamberlain, Hann, Kiffmeyer, and Newman; Representatives Albright, Mark Anderson, Daudt, Gruenhagen, Hertaus, Holberg, Hoppe, Kelly, Kersha, Peppin, and Sanders.

Disturbing Trends and other Actions Stemming from the 2013 Legislature

LEA President John Augustine contends that one of the most disturbing trends was "an unchecked majority ignoring long-established accountability safeguards, such as including bonding for a new State Senate building in a tax bill that did not require a supermajority to pass, as well as allowing the new MNSure state health exchange agency to determine its own funding while being exempt from statutory rulemaking procedures. Couple the legislature's actions with the governor pretty much neglecting his veto powers, and you can see why we chose 'Tyranny of the Majority' for a theme this year." Omnibus bills such as the Tax Bill and the Higher Education Bill sailed through with lots of new policies deserving specific consideration lumped into them. Besides the omnibus bills and specific examples, one can look to the aggregate legislative performance score, which LEA created in 2011, for evidence that legislators' performance on the key votes scored in our reports got much worse this year. The legislature's aggregate score, which hovered around 50% the past two years, dropped sharply this year to 36.9% without any opposition strong enough to check their ambitious efforts to expand elected and unelected governmental authority.

Going back to specific examples of substandard legislative performance, LEA saw many blatant examples this year of legislators abusing their powers to reward favored constituencies. The legislature created a definition for a "medical business entity" in such a way as to include only one favored project—the Rochester Destination Medical Center (DMC). The frequent practice of using loans, protections and mandates to prop up businesses that owed their success more to governmental action than competitive advantage led to the widespread use of the term "crony capitalism" to describe these policies. The leadership tilted heavily toward satisfying the people who helped the most to put them in power. Certainly there was no popular groundswell to extend Minnesota's unique moratorium on the construction of new radiation therapy facilities, or to provide retroactive pay increases for state employees. Public-employee unions and trial lawyers asked for a lot, and got much of what they wanted. Public-employee unions got the legislature and governor to allow the unionization of independently-operated care providers despite strong grassroots opposition.

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Trial lawyers got more bills passed to ban certain uses of common products such as formaldehyde without setting any toxicity levels, penalties or enforcement mechanisms, creating fertile ground for expanded litigation. They also got the time-honored statute of limitations waived for certain sexual-abuse claims in the civil court system.

One other constituency especially rewarded in 2013 for their role in electing the new leadership was the very active group advocating for full governmental endorsement of same-sex unions and genderless “civil marriage”. The rights of individuals to the constitutional freedom of association and free exercise of religion were discarded, replaced with limited exceptions granted to state-recognized religious organizations and for those acting in a recognized religious capacity and officially recognized to represent religious organizations.

The pernicious trend of giving broad power to unelected bureaucracies showed no signs of abating, as evident in the powers given to the MNSure Health Exchange Board and to the DMC Development Authority. On the horizon is the specter of another bureaucracy—a statewide “School Climate Council”—that would be created and empowered if advocates can agree on one version of an anti-bullying “Supportive Schools Act” and push it through the legislature to the governor’s desk for a signature in 2014.

Evaluatory Criteria:

Legislators were evaluated for their performance on 19 key votes; ranging from tax and labor policy issues, to health-insurance proposals, to changes in civil liability, to unfunded mandates, to changing the definition of marriage, to authorizing a constitutional amendment that would create an appointed council for setting the salaries of legislators. Votes were scored based on the LEA credo. Honorees scored at least 85 percent in 2013, and those receiving honorable mention scored at least 80 percent.

About the LEA/Credo:

Established in 1972, the Legislative Evaluation Assembly of Minnesota is a non-profit, non-partisan organization 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 evaluations on the traditional American principles of constitutionalism, limited government, free enterprise, and legal and moral order with justice and individual liberty and dignity. Copies of the 2013 report, as well as previous reports, are available online at the LEA’s website: www.lea-mn.org; the LEA encourages the use of the material in its reports, in whole or in part, by any group or individual, given proper attribution.