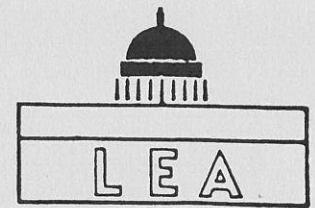


1992 REPORT on the MINNESOTA LEGISLATURE

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 evaluations 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.

1992 HONOREES



Senator Berg



Senator D.R. Frederickson



Senator Gustafson



Senator Johnston



Senator Langseth



Senator Larson



Senator Renneke



Senator Terwilliger



Ray Welker
Top Representative



Representative Bettermann



Representative Davids



Representative Dempsey



Representative Frerichs



Representative Girard



Representative Gutknecht



Representative Haukoos



Representative Hufnagle



Representative Hugoson



Representative Koppendrayner



Representative Krinkie



Representative Marsh



Representative McPherson



Representative Pellow



Representative Schafer



Representative Smith



Representative Sviggum



Representative Waltman

HEALTHRIGHT¹: HOW RIGHT IS IT?

After a gestation period of over three years, and the expenditure of a few million dollars, the Minnesota Legislature gave birth to "HealthRight" (HF2800). Is it worth the investment to date and \$294 million annually to begin in 1997, when enrollment "stabilizes"? LEA generally applauds bipartisan negotiation of the type which produced this act. All agree it is not perfect. Some think it does not go far enough. Others, including LEA, think it goes too far. However, in the present difficult economic times, all reasonable persons must agree that there should be no tinkering with this act in a manner calculated to increase the cost of State subsidies. **Major problem area:** the makeup and powers of the 25-member Minnesota Health Care Commission which largely overhauls private employers insurance programs for groups of under 30 employees.

The Commission membership may have as few as two medical doctors, and yet it is tasked with: (1) cutting fees for services, (2) deciding what capital expenditures may be made by health care providers, (3) limiting new technologies and medical practice parameters, (4) prohibiting certain provider referral patterns, (5) phasing in mandatory Medicare assignment of benefits by January 1, 1993, (6) recommending to the legislature regulation of health care management companies by January 15, 1993, (7) overseeing regional coordinating and planning boards, and (8) designating "centers of excellence" which would monopolize performance of transplants and other specialized procedures.

It is obvious that unless the federal government or most of the other states adopt similar sweeping legislation, Minnesota will have difficulty recruiting physicians and other providers. Our state will be a magnet to uninsured persons from other states. This will certainly impact present state statistics, to wit: (1) Minnesota health care costs are 23% below the national average, (2) insurance premium rates are 19% below the national average, (3) Medicare costs are lowest of all 50 states, and (4) 92% of Minnesota workers have health insurance (compared with 85% nationally).²

Do we really want to jeopardize these existing advantages?

HealthRight will provide premium subsidies effective January 1, 1993 and will permit enrollment with income of up to 275% of poverty level (\$31,140 for a family of three). Additionally it will: (1) prohibit denial of coverage based on health or risk status, (2) prohibit charging different rates based on gender, type of occupation or work location, etc., (3) require that the variation of rates based on age be limited, (4) require that policy provisions restricting claims of newly insured members who have pre-existing conditions be liberalized, (5) require that health care plans sold by insurers be guaranteed issuance and renewal.³ Everyone should understand that these provisions will increase costs to the insured and will drive medical care providers from Minnesota.

The thrust of HealthRight is for the State eventually to manage all aspects of medical care and insurance, so that ultimately a single payer, the TAXPAYER, will take over and provide universal access to health benefits, not only for the currently uninsured, but for all State residents. This sounds familiar to people living in Canada, England, Scandinavia, and the economically collapsing socialist countries, many of whom are having great doubts about the efficacy of such programs.

¹ The name "HealthRight" is owned by a California firm, therefore this program is now called "Minnesota Care".

² per State Sen. Laidig.

SENATE

	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	92	93
																			%	
d ADKINS, B. (St. Michael 22)			Y*	Y		Y		Y*			Y	Y	Y	Y*	N*		Y		40	37
d BECKMAN, T. (Bricelyn 29)	N	N	Y*	Y	N	Y	N	Y*	N	N	Y	N*	Y	Y*	N*	N	Y	N	50	36
r BELANGER, W. (Bloomington 41)	O	O	Y*	N*	O	Y	O	Y*	O	O	Y	N*	Y	Y*	N*	O	Y	O	60	63
r BENSON, D. (Lanesboro 32)			Y*	N*		Y		Y*			Y	—	Y	Y*	N*		Y		54	71
r BENSON, J. (St. Cloud 17)			Y*	N*		Y		Y*			Y	Y	Y	Y*	N*		Y		50	44
d BERG, C. (Chokio 11)			N*	N*		Y		Y*			Y	N*	Y	Y*	N*		N*		70	59
d BERGLIN, L. (Mpls. 60)			Y*	Y		Y		N			Y	Y	Y	N	Y		Y		10	13
r BERNHAGEN, J. (Hutchinson 21)	V	V	Y*	N*	V	Y	V	Y*	V	V	Y	N*	Y	Y*	N*	V	Y	V	60	60
d BERTRAM, Joe (Paynesville 16)	O	O	N	Y	O	Y	O	Y*	O	O	Y	N*	Y	Y*	N*	O	N*	O	50	51
r BRATAAS, N. (Rochester 33)			Y*	N*		Y		Y*			Y	Y	Y	Y*	Y		Y		50	44
d CHMIELEWSKI, F. (Sturgeon Lake 14)	T	T	N	N*	T	Y	T	N	T	T	Y	Y	Y	Y*	N*	T	Y	T	30	39
d COHEN, R. (St. Paul 64)	E	E	Y*	Y	E	Y	E	N	E	E	Y	Y	Y	N	Y	E	Y	E	10	7
d DAHL, G. (Ham Lake 50)			Y*	Y		Y		N			Y	—	Y	Y*	N*		N*		42	27
d DAVIS, C. (Princeton 18)			N	Y		Y		Y*			Y	N*	Y	Y*	N*		N*		50	31
r DAY, R. (Owatonna 30)	T	T	Y*	N*	T	Y	T	Y*	T	T	Y	N*	Y	—	—	T	N*	T	59	57
d DeCRAMER, G. (Ghent 27)	A	A	Y*	Y	A	—	A	N	A	A	Y	Y	Y	Y*	N*	A	Y	A	40	32
d DICKLICH, R. (Hibbing 5)			N	Y		—		N			Y	Y	Y	Y*	N*		Y		20	11
d FINN, H. (Cass Lake 4)	K	K	Y*	Y	K	Y	K	N	K	K	Y	N*	Y	Y*	Y	K	Y	K	30	23
d FLYNN, C. (Mpls. 61)			Y*	Y		Y		N			Y	Y	Y	N	Y		Y		10	13
d FRANK, D. (Spring Lake Park 51)	E	E	Y*	Y	E	Y	E	N	E	E	Y	Y	Y	Y*	N*	E	Y	E	30	27
d FREDERICKSON, D.J. (Murdock 20)	N	N	Y*	Y	N	Y	N	N	N	N	Y	Y	Y	Y*	N*	N	Y	N	30	24
r FREDERICKSON, D.R. (New Ulm 23)			Y*	N*		Y		Y*			Y	N*	Y	Y*	N*		N*		70	58
r GUSTAFSON, J. (Duluth 8)			Y*	N*		Y		Y*			Y	N*	Y	Y*	N*		N*		70	59
r HALBERG, C. (Burnsville 38)			—	N*		Y		Y*			Y	—	Y	Y*	—		N*		51	48
d HOTTINGER, J. (Mankato 24)			Y*	Y		Y		Y*			Y	Y	Y	Y*	N*		Y		40	28
d HUGHES, J. (Maplewood 54)			Y*	Y		Y		N			Y	Y	Y	Y*	N*		Y		30	16
r JOHNSON, D.E. (Willmar 15)			Y*	N*		Y		Y*			Y	N*	Y	N	N*		Y		50	58
d JOHNSON, D.J. (Cook 6)			Y*	Y		Y		N			Y	Y	Y	Y*	—		Y		20	18
d JOHNSON, J.B. (North Branch 19)			Y*	Y		Y		Y*			Y	Y	Y	Y*	Y		Y		30	30
r JOHNSTON, T. (Prior Lake 36)			Y*	N*		Y		Y*			Y	N*	Y	Y*	N*		N*		70	66
d KELLY, R. (St. Paul 67)			Y*	Y		Y		N			Y	Y	Y	—	Y		Y		9	
r KNAAK, F. (White Bear Lake 53)			Y*	N*		Y		Y*			Y	Y	Y	Y*	N*		Y		50	
d KROENING, C. (Mpls. 57)			Y*	Y		Y		N			Y	Y	Y	Y*	N*		Y		30	24
r LAIDIG, G. (Stillwater 55)			Y*	N*		—		Y*			Y	N*	Y	Y*	N*		Y		64	61
d LANGSETH, K. (Glyndon 9)			N	N*		Y		Y*			N*	N*	Y	Y*	N*		N*		70	32
r LARSON, C. (Fergus Falls 10)			Y*	N*		Y		Y*			Y	N*	Y	Y*	N*		N*		70	63
d LESSARD, B. (Int'l Falls 3)			N	N*		Y		N			Y	Y	Y	Y*	N*		Y		30	33
d LUTHER, W. (Brooklyn Park 47)			Y*	Y		Y		N			Y	Y	Y	N	Y		Y		10	16
d MARTY, J. (Roseville 63)			Y*	Y		—		N			Y	Y	Y	N	Y		Y		9	12
r McGOWAN, P. (Maple Grove 48)			Y*	N*		Y		Y*			—	Y	Y	Y*	N*		Y		54	65
d MEHRKENS, L. (Red Wing 26)			Y*	N*		Y		Y*			Y	Y	Y	Y*	N*		N*		60	63
d MERRIAM, G. (Coon Rapids 49)			Y*	Y		—		N			—	—	Y	—	N*		N*		42	23
d METZEN, J. (South St. Paul 39)			Y*	Y		Y		N			Y	Y	Y	Y*	N*		Y		30	27
d MOE, R. (Erskine 2)			Y*	Y		Y		N			Y	Y	Y	Y*	—		Y		20	20
d MONDALE, T. (St. Louis Park 44)			Y*	Y		Y		N			Y	Y	Y	N	Y		Y		10	8
d MORSE, S. (Dakota 34)			Y*	Y		Y		Y*			Y	Y	Y	N	Y		Y		20	30
r NEUVILLE, T. (Northfield 25)			Y*	N*		Y		Y*			Y	N*	Y	Y*	N*		Y		60	56
d NOVAK, S. (New Brighton 52)			Y*	Y		Y		N			Y	Y	Y	N	—		Y		9	12
r OLSON, G. (Minnetrista 43)			Y*	N*		Y		Y*			Y	Y	Y	Y*	N*		N*		60	73
d PAPPAS, S. (St. Paul 65)			Y*	Y		Y		N			Y	Y	Y	N	Y		Y		10	12
r PARISEAU, P. (Farmington 37)			Y*	N*		Y		Y*			Y	Y	Y	Y*	—		Y		42	44
d PIPER, P. (Austin 31)			Y*	Y		Y		N			Y	Y	Y	N	Y		Y		10	6
d POGEMILLER, L. (Mpls. 58)			Y*	Y		Y		N			Y	Y	Y	—	—		Y		9	7
d PRICE, L. (Woodbury 56)			Y*	Y		Y		N			Y	Y	Y	N	Y		Y		10	9
d RANUM, J. (Mpls. 62)			Y*	Y		Y		N			Y	Y	Y	Y*	—		Y		20	25
d REICHGOTT, E. (New Hope 46)			Y*	Y		Y		N			Y	Y	—	Y*	—		Y		21	17
r RENNEKE, E. (LeSueur 35)			Y*	N*		Y		Y*			Y	N*	Y	Y*	N*		N*		70	62
d RIVENESS, P. (Bloomington 40)			Y*	Y		Y		N			Y	Y	Y	Y*	—		Y		20	20
d SAMS, D. (Staples 12)			Y*	Y		Y		Y*			Y	Y	Y	Y*	N*		Y		40	32
d SAMUELSON, D. (Brainerd 13)			N	N*		Y		N			Y	N*	Y	Y*	N*		N*		50	33
d SOLON, S. (Duluth 7)			Y*	Y		Y		N			Y	—	Y	Y*	N*		Y		31	16
d SPEAR, A. (Mpls. 59)			Y*	Y		Y		N			Y	Y	Y	N	Y		Y		10	10
d STUMPF, L. (Plummer 1)			N	N*		Y		Y*			Y	Y	Y	Y*	N*		Y		40	
r TERWILLIGER (Edina 42)			Y*	N*		Y		Y*			Y	N*	Y	Y*	N*		N*		70	
d TRAUB, J. (Minnetonka 45)			Y*	Y		Y		Y*			Y	Y	Y	N	Y		Y		20	26
d VICKERMAN, J. (Tracy 28)			Y*	Y		Y		Y*			Y	N*	Y	Y*	N*		Y		50	38
d WALDORF, G. (St. Paul 66)			Y*	—		Y		N			Y	N*	Y	Y*	N*		Y		31	30

KEY VOTES

Y = Yes
No

d = Democratic-Farmer-Labor
r = Independent Republican

○ indicates legislator excused, absent, or not voting.

* denotes vote favored by LEA.

1992 % means percentage of legislator's votes favored by LEA in the 1992 session.

C% 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.

1. Term Limits Rejected. Schreiber Amendment. Rep. Schreiber, during consideration of House rules, moved to amend them by adding new language designed to limit terms of entrenched committee chairs so that "no member may serve as chair of the same committee for more than three consecutive terms." Rep. Trimble then moved that the Schreiber amendment be referred to the Committee on Rules and Legislative Administration. By a vote of 73-59, Trimble's motion prevailed, thereby killing this fair and equitable amendment.

2. Legislative Accountability Rejected. Rep. Stanius and several others moved to amend House rules by adding new language: "In April, July, October, and January, each committee shall report its expenditures during the prior quarter to the Committee on Rules and Legislative Administration. The reports shall be available to any member of the House." In a successful effort to kill this amendment, Rep. Welle moved that the Stanius amendment be referred to the Committee on Rules and Legislative Administration. By a vote of 70-62, Welle's motion passed. In this way, the majority of the House shot down another reasonable self restraint, refusing to change its free-wheeling ways.

3. Strengthening DWI Penalties (SF897) AUTHORS: Marty, Carruthers. Legislation, which passed on final votes of 129-3 in the House and 57-9 in the Senate, contained these major improvements to present law:

- First-time offenders now will have to wait 15 days to get a temporary license to drive, instead of getting one immediately.
- Suspected second-time offenders will have to wait 90 days to get a temporary license, rather than the present 45 days.
- Those convicted of a second DWI violation will have their driving licenses revoked for six months instead of three.
- Second-time offenders can also have their license plates impounded for driving drunk while driving licenses are currently revoked for the first offense. At present, plates can be impounded only on a third offense.
- It now becomes a misdemeanor for first offenders to refuse to take a breath-analysis test.
- Vehicles of four-time offenders can be confiscated.

LEA applauds this attempt to improve highway safety.

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4. Gender Balance (HF1114). AUTHORS: Pappas, Kahn. This bill provided that in most appointive positions in State agencies there must be "gender balance." The number of each sex must be equal, or as equal as mathematically possible. This is not in accordance with the general assumption that the best qualified person available should be appointed to fill a position. This bill, which insults the intelligence of all women by implying that they are not otherwise qualified to fill these positions, passed the House 87-44 and the Senate 39-27. The bill was vetoed by the Governor. (See also the description of HF1114 in the 1991 LEA Report.)

5. Save Taxpayers \$3.4 Million. With continuing budget shortfalls, should not our legislators be subject to the same restraints faced by most citizens? Rep. Sviggum moved that SF1612, a human services bill, be amended by reducing the appropriation by \$3,400,000; the reductions to be applied "...to the maximum extent possible, to expenses of legislators, including travel and per diem." This motion failed by a close vote of 60-69. LEA deeply regrets that this money saving proposal was not adopted.

6. Vote by Mail (HF1818). AUTHORS: Samuelson, Wenzel (both by request). This bill allows all municipalities of less than 400 registered voters outside the metro area to conduct elections by mail, with no polling place other than the office of the clerk. This method has previously been available for unorganized territories of less than 400 persons. LEA seriously questions this procedure because there were no safeguards written into it to prevent fraudulent activity. LEA also fears the setting of a precedent that may in the future result in the expansion of potentially fraudulent voting. This bill passed the House 133-0 and the Senate 63-0. However, the Senate recalled the bill, and it did not become law in 1992.

7. Death Penalty Amendment. Rep. Uphus moved that HF1849 be amended to reinstitute the death penalty for those convicted of first degree murder with a prior conviction for a heinous crime. Heinous crimes have increased since the 1960's. There were no executions in the United States from 1968 to 1976. In 1991 there were 2457 prisoners on death row. In Minnesota, we have 168, plus 32 from other states, sentenced to a life term. The economic burden alone is tremendous, but more importantly, Minnesotans are appalled by repeat offenders. Currently, there is no limit to the number of times a convict sentenced for life can appeal the sentence. There is a national movement to limit the number of appeals to three. LEA favors the death penalty under the terms of the Uphus amendment. The amendment failed 25-108.

8. Workers' Compensation, a Good Reform Amendment Not Adopted. Touted by some as the beginning of badly needed major reform of Minnesota's Workers' Compensation (WC) system, SF2107 passed easily in both houses. Although it did make some minor improvements to Minnesota's bloated insurance benefit structure for injured workers, our WC rates still won't be competitive with neighboring states. Legislators declined to tighten substantially the criteria for payment of long-term disability benefits. Injured workers will still be able to claim disability when they can't land jobs where they live, in part because of the "local labor market conditions." That turns WC into permanent unemployment compensation, a benefit other Minnesotans lack. The bill also failed to coordinate Minnesota's generous supplemental benefits for the long-term disabled with Social Security disability benefits, allowing compensation from both. The claim that this law will produce a 16 percent rate reduction is highly over-optimistic. The vote LEA is using in this report is on an amendment proposed by Sen. Hottinger which would have replaced SF2107 with a bill of substantial reform. Hottinger's reform amendment passed in the Senate 35-32. Regrettably, it was not included in the bill that ultimately became law.

9. Teacher Competency Testing. Rep. Dempsey moved that the Omnibus Education Bill (HF2121) be amended so as to require that teachers pass tests for competency in reading, writing, and mathematics skills. It was defeated 18-108. LEA believes that teachers should support such tests to verify the quality of their profession.

KEY VOTES - continued

10. Funding of State Mandates for Schools. Rep. Waltman moved that the Omnibus Education bill (HF2121) be amended so that when the State mandates any action by school districts, the districts need not comply unless the State also provides the funding. This would help local schools control the costs and quality of education. The amendment lost in the House 57-72. LEA believes that local control of education is preferable to unfunded state mandates.

11. Expanding Retirement Benefits for State Employees (HF2137). AUTHORS: Stumpf, Lourey. With taxpayers facing continuing state budget deficits, and with many having their own private sector retirement plan benefits reduced, our legislators still saw fit to include more state employees, and to increase benefits for many in the taxpayer-funded State Retirement System. For purposes of this legislation, "state employees" even includes employees of the Ladies of the Grand Army of the Republic, trainee employees, part-time hourly State employees, etc. This measure passed on final votes of 64-1 in the Senate and 118-14 in the House. There seems to be no end to legislative expansion of bureaucratic benefits with consequent increases in taxpayers' expenses.

12. Parental Work Leave (HF2142). AUTHORS: Piper, Johnson, A. This bill expands mandatory unpaid leaves-of-absence relating to school conferences of employees' children. Of particular concern is the empowerment of the Division of Labor Standards to investigate, tabulate, and report to the state legislature on complaints relating to parental leave. The final votes were 41-21 in the Senate and 87-44 in the House. Remarkably, LEA's research shows no instances of parents' complaints in this matter. When complaints occur, they should be resolved at the local level. Finally, although LEA strongly supports parental involvement in the education of children, LEA believes that this act can only increase "big brother's" hold on already overburdened private business. It also will expand the size, cost, and intrusiveness of the Division of Labor Standards.

13. Grafty or Sloppy? (HF2388). AUTHORS: Morse, Bodahl. This bill amended Minnesota Statutes 1990, Section 471.88, relating to local government, by adding language which reads in part, "When a housing and redevelopment authority or other jurisdiction administers a loan or grant program for individual property owners [emphasis added] within the geographical boundaries of a government unit by an agreement entered into by the government unit and the housing and redevelopment authority or other jurisdiction, an officer of the government unit may apply for a loan or grant [emphasis added] from the housing and redevelopment authority or other jurisdiction." (This language is all too typical of the bureaucratized gobbledygook that often ends up in our statutes.)

On the face of it, this clearly reads as though an officer (an individual employee of the government unit involved) can apply for such a loan. This seems to be the political version of insider trading. If, however, the correct interpretation should be that the officer can apply as an agent of his governmental unit, the graft implication is lessened, but the drafting, and subsequent approval by the House 119-13 and Senate 66-0, reveals sloppiness that should not be tolerated. HF2388 was justifiably vetoed by the Governor.

14. For Parental Rights (SF2556). AUTHORS: Olson, Lynch. This bill, which passed the Senate 49-14 and the House 125-7, goes a long way toward restoring the education rights of parents and guardians over their minor children. Through this bill, parents can review the content of instructional materials which are to be given to their minor children. Following this review,

if the parent or guardian decides that the content is objectionable, that parent may provide alternative instruction to his or her child at the parent's expense. The child could not be required to attend the objectionable instruction. An academic or other penalty may be imposed upon a child merely because parents arranged the alternative instruction. LEA applauds this bill.

15. Against Parental Rights. An amendment to SF2556, proposed in the Senate by Pappas, would have deleted the measure of parental control described in 14 above. It was soundly defeated in the Senate on a 16-41 vote. Implicit in a vote for the Pappas amendment would be an unquestioning faith in the wisdom of educational personnel, tinged with a total disregard of parents' rights. However, parental rights and common sense prevailed in this matter. LEA commends the Senate for rejecting this amendment.

16. Salary Freeze for State Employees. Rep. Welker moved that the Omnibus Appropriations Bill (HF2694) be amended so that: (1) salaries of legislators, judges, and constitutional officers, and their employees could not be increased until January, 1995, (2) salaries of employees covered by collective bargaining agreements could not be increased during the two-year period immediately following the termination of the current agreements, and (3) salaries of employees not covered by a collective bargaining agreement could not be increased for the same period as covered employees. This amendment gave legislators an opportunity to show that they were serious about holding the line on State spending and taxing. Unfortunately, the majority failed the test, and the amendment was defeated in the House 29-100. LEA deplores this failure.

17. HealthRight (HF2800). AUTHORS: Ogren, Berglin. See the cover article for a description of this bill. It passed the House 70-64 and the Senate 49-18. Although LEA appreciates the ostensible intent of this bill, we deem a "no" vote to be correct.

18. Three-Fifths Vote on Raising Taxes. Rep. Limmer moved to amend the Omnibus Tax Bill (HF2940) by adding language that would propose an amendment to the Minnesota Constitution as follows: "The passage of a law raising, changing, or enacting a tax requires the vote of three-fifths of the members of each house of the legislature." Before this amendment could be voted on, or even discussed, Rep. Welle moved that it be referred to the Committee on Rules and Legislative Administration. The Welle motion carried 75-55, thus effectively killing the Limmer amendment. A three-fifths vote would require a greater consensus in justifying a tax increase. LEA judges the action of the House in killing the 3/5 requirement to be contrary to the interest of taxpayers.

Whether or not you agree with LEA's stand on all the legislation rated herein, this report will be useful in questioning your Senator and Representative. If they have represented your wishes on these issues, thank them. However, if you object to their votes on any of these bills, we suggest that you confront them with your views. Your expressed opinion will have an effect!

*Howard Self,
LEA Chairman*

LEA

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