



# 2013 REPORT on the MINNESOTA LEGISLATURE

by the  
LEGISLATIVE EVALUATION ASSEMBLY  
of MINNESOTA, INC

for an  
INFORMED CITIZENRY

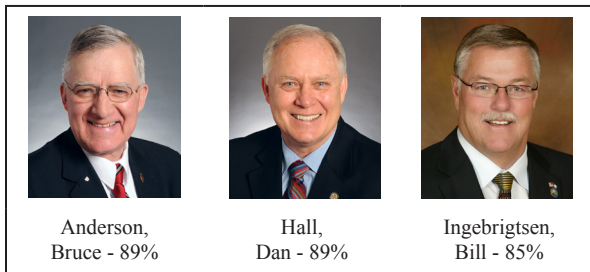


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## 2013 LEA HONOREES

### SENATE

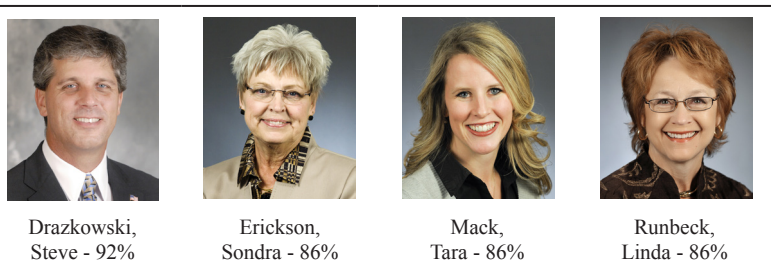


Anderson,  
Bruce - 89%

Hall,  
Dan - 89%

Ingebrigtsen,  
Bill - 85%

### HOUSE



Drazkowski,  
Steve - 92%

Erickson,  
Sondra - 86%

Mack,  
Tara - 86%

Runbeck,  
Linda - 86%

*Honorable Mention Senate:* Roger Chamberlain, David Hann, Mary Kiffmeyer, Scott Newman

*Honorable Mention House:* Tony Albright, Mark Anderson, Kurt Daudt, Glenn Gruenhagen, Jerry Hertaus, Mary Liz Holberg, Joe Hoppe, Tim Kelly, Ron Kresha, Joyce Peppin, Tim Sanders

## 2013 LEGISLATIVE REVIEW

### The Tyranny of the Majority

At the expense of sound principles, the winners this session were an array of government subsidy recipients, bureaucracies, lawyers, unions, and favored businesses and social activists. The losers were individual freedom, constitutional government, rule of law, Minnesota taxpayers, job creators, and the institution of marriage. One-party control of the executive and legislative branches has provided a dramatic demonstration of the “tyranny of the majority” that results when checks and balances break down.

**Process:** The pot that previously called the kettle black was cooking the same brew. Adherence to constitutional process fell to a new low. Gimmicks were used to evade constitutional requirements, such as the required 2/3 vote to authorize state bonds for the new \$90 million Senate office building, which is also exempt from competitive bids. Violations of the single subject rule abounded. For example, the Omnibus Tax Bill had a three-page “title”, and amended over 300 statutes. The politicians cleverly looked after themselves by reviving the Political Contribution Refund subsidy program—suspended since 2009 due to overall state budget concerns—in the general fund, without having to cast a specific vote to do so. Legislators passed a 2016 constitutional amendment proposal to authorize an appointed commission to determine legislative pay, relieving them of public accountability for their compensation.

Arbitrary definitions were repeatedly used to strategically

channel money to specific recipients, such as defining a “medical business entity” as one that employs more than 30,000 persons, benefiting only one project, the Rochester “Destination Medical Center” (DMC).

**Taxes and Budgets:** A variety of taxes were raised by a total of \$2.1 billion to cover a \$600 million deficit, some so controversial that legislators are already discussing repeal. In spite of over a billion dollars in increased education funding and over \$2 billion in increased tax revenues legislators failed to fulfill their promise to pay back the school funding shift, using a gimmicky change in revenue forecast scheduling instead, to claim “acceleration”. Significant future health care shortfalls can be expected from the enactment of the Medicaid expansion without a plan to pay the costs beyond the first federally subsidized year. Over \$400 million of Local Government Aid went to cities and counties to enable purported (but uncommitted) property tax reductions, while giving counties authority to raise taxes with a wheelage tax.

**Government Growth:** The size and scope of government grew dramatically with the creation of multiple boards, advisory groups, trade offices and marketing campaigns. The executive branch rulemaking authority was expanded almost to the point of being a year-round bureaucratic shadow legislature. The unaccountable Met Council was granted the authority to selectively tax for emergency appropriations, and a “mini-Met” council was enacted in conjunction with the quasi-public DMC development authority.

An entirely new healthcare regulatory agency called MNSure

was created, purportedly as a “competitive marketplace.” MNSure will heavily regulate both care and insurance by determining prices, policy options, and the companies allowed to do business. MNSure will cost the taxpayers over \$150 million to start, plus \$60 million in annual operating costs, while restricting choice and driving up medical costs. MNSure is also run by an unelected board that is exempt from essential citizen oversight.

**Bailouts:** Bailouts were also a theme. Taxpayer money was used to entice businesses to stake their fates on subsidies rather than their competitive success. Solar energy, stadiums, and retirement funds were all recipients of taxpayer money, some through taxes directly, and some through utility rate regulation or mandates. A new law compels the use of expensive, inefficient solar energy with generous subsidies and the purchase of batteries made in northern MN. Big mandates were placed on Minnesota power utilities to suppress conventional power generation, raise utility rates, and prop up uneconomic “green” energy initiatives.

**Rewarding Favored Constituencies:** Public-employee unions and trial-lawyer interests pursued large gains in 2013, and got much of what they asked for from leaders they helped put in power. Trial lawyers got a statute-of-limitations waiver on some sexual-abuse claims, enabling new lawsuits on old cases. They also got more bans on commonly-used products without any standards of harm or enforcement mechanisms, inviting the litigators to make policy. Public-employees got retroactive pay increases and generous benefits from lopsided contract negotiations. The state even subsidized a labor dispute by providing long-term unemployment benefits to locked-out workers. Independent private businesses were defined by legislators as ‘employees’ of the state, following a failed attempt to unionize childcare providers by executive order. Union organizers nearly got exclusive access to state-maintained provider lists; not until the bill’s final version was language inserted to ensure public availability of lists during union-organizing drives.

Lastly, the legislature saw fit to re-define the oldest and most foundational institution in the world. Marriage and the family in Minnesota are now legally genderless.

Minnesota government is growing ever more comfortable with picking favorites and expanding its reach, while reducing direct accountability for elected officials. Our legislators reconvene in February. Without any elections to rein them in, more unconstitutional overreach, big-government largesse, and liberty-crushing legislation is likely.

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## 2013 VOTES

### 1. Omnibus Tax and Aid Bill

**HF677. Rep. Lenczewski. [SF552. Sen. Skoe.]**

This 378 page Omnibus Tax Bill includes: new taxes, changes to income and property taxes, redistribution of taxes, partial federal tax conformity, and expansion of the sales tax. It also includes: the Sustainable Forest Incentive Act, education aids and levies, pension funding, expanded economic development powers and bonding authority, a prevailing wage requirement for the DMC,

state infrastructure aid, taconite production bonds, funding for new legislative office facilities, and new requirements for studies and reports.

This bill arbitrarily favored labor unions and businesses, mostly large and some small, who will receive tax subsidies and regulatory benefits at the expense of all other businesses and taxpayers.

For example, the bill defines a “medical business entity” as a business that “employs more than 30,000 persons.” This definition of a medical provider enables the state to specifically support the Mayo Clinic, by effectively disqualifying all other medical providers.

Large airlines were greatly favored over owners of private jets. A jet fuel tax of 15 cents per gallon was enacted, but 14 ½ cents per gallon will be refunded to purchasers who use over 200,000 gallons per year. This appears to be a strategic tax on “the rich”.

This bill also states that the “national economic structure of sports financing” compels “state and local governments in smaller metropolitan areas, such as Minneapolis and St. Paul, to help finance the construction and operation of professional sports venues.” This is merely an attempt to rationalize taxpayer financed stadiums that have nothing to do with the constitutional purpose of state government. These are all clear and significant violations of equal treatment under the law.

In addition to a \$1.60 cigarette tax hike, the bill included a retroactive cigarette “floor tax”. This unprecedented form of taxation on inventory violates sound principles of good governance.

There were loans and protections for certain targeted industries including biofuel producers, local beer distilleries, and large biological research facilities. There were credits for “small businesses” and “qualified businesses” that meet various, sometimes subjective criteria determined by the state, essentially paving the way to privately managed government businesses.

The bill provided supplemental state aid to bail out government employee pension funds and mandated that over half of these funds be distributed through the executive Director of the Public Employees Retirement Association, a union official unaccountable to the taxpayers.

Property taxes were micro-adjusted to provide tax credits to specific property holders in areas located adjacent to cities with enterprise zones and states with lower tax rates. This was a band-aid approach to create a buffer between higher-taxed Minnesotans and more competitive neighbors.

The negative impacts of this bill made national news with a new internet tax on digital products and selected services that caused amazon.com to cease paying referral fees to small businesses in Minnesota, forcing this entire business sector to exit the state. A new gift tax prompted the Wall Street Journal to write that Minnesotans with winter homes in the South now have more incentive not to return. After this legislation, the 2013 ALEC-Laffer state economic competitiveness index dropped Minnesota to 46th in its forecast for future economic development.

This bill was an egregious violation of good governance principles and such constitutional provisions as the single subject rule. It was a victory for unions, certain large corporations, cities, and specific industries that successfully lobbied legislators.

The targeted definitions, over-regulation of industries, and the destructive meddling of government in the economy bring crony capitalism to a new level. By restricting economic freedom, the bill thwarts competition and new business development. It has already started the emigration of small entrepreneurs and those with family wealth from Minnesota.

LEA favored a NO vote. It passed the Senate 36-30 and in the House 69-65, and was signed by the governor.

## **2. MNSure Health Insurance Exchange**

### **HF5 Rep. Atkins. [SF1 Sen. Lourey.]**

This legislation establishes MNSure, a state agency to design, build and operate a Minnesota health insurance “exchange” to support the Federal Affordable Care Act (ACA). The agency will be governed by a board of seven appointed members, and is exempt from statutory rulemaking and appeal procedures. The agency has the authority to “withhold” a percentage of insurance premiums offered through the Exchange to fund and promote its operations. The Exchange is defined as an active purchaser; only insurance plans that are selected by the board will be made available to its users through the Exchange.

The Exchange is at odds with market realities and supplants private insurance companies and agents. Establishing a \$50 million per year state agency that adds yet more complexity to health insurance is hardly comparable with on-line services like Expedia and eHealth.com. MNSure is not a marketplace, but functions as a portal for the federal ACA and its tracking and enforcement mechanisms.

MNSure is unprecedented in its power and autonomy. It determines its own funding through the withheld percentage of premiums offered on the Exchange, and is exempt from statutory rulemaking. It is unaccountable to the public, the legislature, and the governor. The purpose of the Exchange has been presented as a way to bring choice and transparency to the insurance marketplace, but the pre-selection of plans, plus the many requirements of the ACA guarantee the number of plans offered on the Exchange will be small, and costs will be high.

This is very unwise legislation that will lead to reduced options for health care, stifled innovation, and higher costs.

The LEA favored a NO vote. The bill passed the Senate 39-28, and the House 72-61, and was signed by the governor.

## **3. Medicaid Expansion with Temporary Federal Subsidy**

### **HF9. Rep. Huntley. [SF5. Sen. Sheran.]**

This bill changes existing state law to conform and or comply with the federal Affordable Care Act; and expands state medical assistance eligibility by raising the permitted income threshold from 100 percent of the federal poverty level to 133 percent.

Minnesota has avoided relying on Medicaid for a variety of reasons, including unreimbursed costs and ineffectiveness. This expansion abandons that prudence in pursuit of temporary federal dollars, without a long-term plan to ensure the program remains funded, which often results in budget shortfalls.

LEA favored a NO vote. The bill passed in the Senate 45-22 and in the House 71-56. The governor signed the bill.

## **4. Conforming to the Federal Affordable Care Act**

### **HF779. Rep. Atkins. [SF662. Sen. Lourey.]**

This bill defines in law ‘essential benefits’ for primary care, preventative ‘free’ care, emergency services, dependent coverage, premium costs, co-pays, deductibles, out-of-pocket costs, underwriting costs, compliance, appeals, and penalties. The bill specifies the maximum travel distance or time to be the lesser of 60 miles or 60 minutes to the nearest provider of specialty physician services, ancillary services or specialized hospital services. It also mandates written notices be provided in a culturally and linguistically appropriate manner consistent with the provisions of the federal ACA.

An example of heavy-handed state government, this bill dictates what health insurance policies are allowed to be sold. It limits who is allowed to sell them and sets price controls for the market, all under the guise of free markets without opening up the actual market to interstate competition. Instead of creating a system that allows for competitively-priced affordable care, this bill requires all policies to conform to regulations set by federal bureaucrats.

This bill adds major regulatory burdens, and will stifle innovation and freedom. It will drive healthcare costs higher as government intervenes further into an already over-regulated market. It is a violation of the principles of state autonomy protected by the 10th Amendment.

LEA favored a NO vote. The bill passed in the Senate 40-23 and in the House 73-59. The governor signed the bill.

## **5. Unionizing Independently Owned Care Providers**

### **SF778. Sen. Pappas. [HF950. Rep. Nelson.]**

This bill directs the Commissioner of Human Services to maintain a list of independently owned and operated child care providers who care for children subsidized by Child Care Assistance Payments. This list will be accessible to union organizers working to certify a statewide bargaining unit. If certified, the unit would negotiate with the state over grievances, assistance payments and benefits. Provision is made for arbitration to resolve disputes between the union and state. Agreements must be ratified by the legislature. Union dues would be withheld directly from assistance payments to providers. The bill provides for similar unionization of home health aides.

This bill is an effort to bestow advantages on union organizations in their struggle to unionize home child care and home health aides, by setting favorable ground rules for a union election. The bill redefines private business owners as employees of the state by virtue of the subsidies given to their customers. By the logic of this bill, all landlords who rent to subsidized tenants should be brought under union control, and grocery store owners should be unionized if their customers receive food assistance.

The bill specifically authorizes certification of a single statewide bargaining unit and grants an exemption from anti-trust



laws on the basis that “state action” will “improve the quality, accessibility, and affordability of early childhood education services.” No exemption was claimed from the National Labor Relations Act prohibiting employers from organizing. This omission has already resulted in one adverse court ruling.

Unionization of these care providers will raise their costs and further restrict their freedom. Union rules would be added to the formidable stack of state rules already governing them. If the unionization succeeds, some providers will stop caring for children whose families receive subsidies, and other providers may be forced to close. All this will make finding affordable care even more difficult for parents.

This is an attack on entrepreneurship. It raises the cost of child care, and improperly funnels public subsidy payments to public sector union coffers.

LEA favored a NO vote. After a protracted floor fight, this bill passed the senate 35-32 and the House 68-66. The governor signed the bill.

## **6. Contracts Including Retroactive Pay Increases for State Employees Authorized.**

**SF58. Sen. Eaton. [HF95. Rep. Lillie.]**

This bill ratifies each of the state collective bargaining agreements negotiated with various public employee unions, non-union employees and management staff. Prior to ratification each of these agreements is recommended for approval by the Legislative Coordinating Commission’s Subcommittee on Employee Relations. This bill ratifies agreements not spelled out within it. The agreements approved by its passage include retroactive across-the-board pay increases for covered state employees, in addition to continuing “step” incentives for certain employees.

While the bill seems innocuous, it actually obscures from public view the processes used to create these labor agreements. Instead of a professionally negotiated settlement, contracts are negotiated with appointees of partisan political leaders, who are either supporters or opponents of their union. The outcome of these negotiations is easily influenced by pledges of support or past assistance to those in power, causing an inherent conflict of interest. In the case of these contracts, the previous subcommittee rejected them, because they did not rein in escalating medical insurance costs. After the election of the current legislature, which state labor unions spent millions to influence, a newly appointed subcommittee recommended approval.

Only fair, full, and transparent debate over the actual contracts can ensure that they have been negotiated in good faith, without undue political influence. This bill lumps multiple contracts together, forcing the legislature to accept all or none. It also authorizes pay increases retroactive to the start of 2013 and fails to address escalating health insurance costs. Retroactive pay increases are not necessary to fill employee positions, and put extra burden on the existing budget.

The general public interest is not well served when a vested interest, like public employees, is able to evade legislative oversight that could keep wages and benefits within prevailing market ranges.

LEA favored a NO vote on the bill, which passed the Senate 40-25, the House 83-44, and was signed into law by the governor.

## **7. Constitutional Amendment to Establish a Party-Affiliated Salary Council**

**HF1823. Rep. Metsa. [SF533. Sen. Eken.]**

This bill places a constitutional amendment on the 2016 ballot that will ask voters “Shall the Minnesota Constitution be amended to remove legislators’ ability to set their own salaries, and instead establish an independent, citizens-only council to prescribe salaries for legislators?” If adopted, the amendment would delete the constitutional provision that prevents legislators from receiving any salary increase until after they have been re-elected. Council membership terms, and methods of removal, would be prescribed by follow-up law if this amendment is adopted by the people.

The constitutional amendment contains 216 words while the ballot language presented to the people contains a misleading 28, leaving voters in the dark on its true content and effect. This amendment eliminates legislator accountability for compensation by creating an appointed board that is accountable to the two leading political parties but not to the citizens.

The ballot question presents to voters a purported opportunity to “remove legislators’ ability to set their own salaries, and instead establish an independent, citizens-only council.” What the amendment actually does is require the governor and supreme court to appoint a party-affiliated salary council inherently beholden to them. The legislature already inherently influences both the governor and Supreme Court through the appropriation of all their funding. This incestuous arrangement will put upward pressure on salaries without citizen control or influence.

We currently have a citizen-based system with proven accountability. It has kept legislative pay increases in check, at or below the rate of inflation, for decades. This amendment appears to be a request from legislators to citizens, for release from their present accountability, so they can hand legislative pay decisions over to a friendly, appointed, partisan bureaucracy. This undermines and weakens the checks and balances of our constitution.

LEA favored a NO vote. The bill passed in the Senate 43-23, and in the House 69-62. Constitutional amendments do not require the signature of the governor.

## **8. Redefining Marriage**

**HF1054. Rep. Clark. [SF925. Sen. Dibble.]**

This bill changes the traditional legal definition of marriage from being between a man and a woman to being between two persons of either sex, and requires all existing statutes referring to a man/husband or a woman/wife to be interpreted in a “gender-neutral” way.

This bill replaces a legal institution based on natural law and self-evident truth with a new institution of a different nature and purpose. Legal marriage is no longer primarily a private or religious institution, supported by the state, but a “civil marriage contract” between two individuals and the state. This was promoted as specifically granting the “right to marry” to same-sex couples, but the language of this bill does far more than allow people to enter into

state-recognized marriage contracts. It changes the fundamental nature of marriage for all Minnesotans, by declaring marriage to be a civil contract, rooted in modern ideas of legal “equality”, rather than a legal recognition of an existing institution rooted in biology and Judeo-Christian values.

This bill effectively eliminates the distinct roles of “father” and “mother” from Minnesota statutes by requiring that any sex-specific language in statute be interpreted in a gender-neutral way—denying the realities of tradition, biology and common sense.

The bill establishes a state religious doctrine, by promulgating a definition of marriage that conflicts with common existing religious doctrines, and granting exceptions only to recognized institutions, but not to individuals. By allowing only specific individuals associated with state-recognized organizations the right of free association, but not others, the state unconstitutionally infringes upon the religious liberties of ordinary Minnesotans.

This bill is not about equality. If it were, proponents could have used language that expanded the definition of marriage, rather than redefining it as a new gender-neutral institution. This bill curtails our freedom of association and our right to dissent, harnessing the power of the state to punish those who dare to disagree. The bill is a significant departure from existing law. It is a complete revision of the nature of legal marriage. It curtails religious freedoms, and it disparages and demeans Minnesotans who hold traditional values, ensuring costly legal battles for those forced to defend them.

LEA favored a NO vote on this legislation. The bill passed the Senate 37-30 and in the House 75-59. The governor signed this bill, which became Minnesota law on August 1st, 2013.

## 9. Bullying Bill

**HF826. Rep. Davnie. [SF783. Rep. Dibble.]**

This bill, the “Safe and Supportive Schools Act”, creates a state-wide School Climate Council that governs kindergarten through higher education. Council members include representatives of various political constituencies, and the labor union Education Minnesota. It includes policies related to school performance, bullying, school staff development, parental and family involvement, cyber bullying, and human rights representation. Private schools are encouraged to comply when seeking recertification without required representation on the council. Home schools are exempt.

In the name of “safer schools”, this bill prescribes the force of law to eliminate common, but undesirable childhood behaviors. Rather than providing more support for the teaching of virtuous behavior and interpersonal skills, this bill focuses on reporting broadly-defined “bullying” behavior to school and state authorities. Consequently, children will be labeled as bullies and essentially criminalized for any behavior that can be construed as “harmful” by another child.

LEA believes this approach, while well-intended, is actually destructive of normal childhood development. This broadly-defined bullying definition combined with a forced or mandated tattle-tale approach prevents children from learning tolerance for people with different ideas, from different cultural, racial and

religious backgrounds. It promotes a culture of intolerance by insisting that the slightest offense is unacceptable. It reduces the ability to engage in constructive dialogue, a hallmark of a free society, and a stated goal of the bill. The language is so vague that a person turning down a date, causing emotional harm to the one asking, could be cited for bullying behavior. Worse, this bill uses tax dollars to impose these policies that harm children, their parents, and our society.

LEA favored a NO vote. It passed the House 72-57 and has been referred to the Finance committee of the Senate.

## 10. Modifying Adoption Laws Related to Indian Children

**SF250. Sen. Hayden. [HF252. Rep. Allen.]**

This bill directs Minnesota courts to transfer proceedings related to the pre-adoptive placement of an Indian child, or the permanent adoptive placement of an Indian child that is not a ward of a tribe or domiciled on a tribal reservation to the jurisdiction of the tribal courts, unless they can find good cause not to do so. An “Indian Child” is defined as someone under 18 and a member of an Indian tribe or eligible for tribal membership.

Every child who is not an actual ward of a tribe should be granted full and unabridged access to Minnesota courts, as assured by US citizenship and constitutional protections. To simply transfer these cases away to a tribal court, a legal power over which the citizens of this state have no control, would be a violation of a child’s fundamental rights as an American citizen. The legislation is both legally and constitutionally unsound.

LEA favored a NO vote. The bill passed in the Senate 50-5 and in the House 123-5. The governor signed the bill.

## 11. Eliminating Checks Against Corruption in the Guardian Ad Litem Appointment Process

**SF834. Sen. Latz. [HF440. Rep. Hilstrom.]**

This bill allows an agent or employee of a party filing a petition for a guardian ad litem to be appointed as the guardian ad litem. It eliminates the statutory reference that an appointed guardian ad litem come from a panel established by the court. It also allows the State Guardian Ad Litem (GAL) Board to elect its own chair, rather than have a chair appointed by the Supreme Court.

The GAL system already inherently lacks sufficient accountability to protect the rights of parents, children, and family members. Guardian ad litem can be given unlimited access to personal data inconsistent with due process and privacy statutes. It also grants unlimited access to the children involved without notice to the family or allowing them representation. By eliminating the requirement that guardian ad litem come from a court appointed panel, it increases the likelihood of such improprieties and cronyism. By allowing employees or agents of a petitioner to be appointed as a guardian ad litem, the likelihood of impropriety is increased.

LEA opposed the initial creation of the State Guardian Ad Litem Board in 2010 on the grounds that it created another layer of bureaucracy that weakened existing privacy and due process

# SENATE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	13%	C%
R	29	Anderson, B.	+	+	+	+	+	+	+	+		+	-	-	+	+	+	+	+	+	+	89	91
D	3	Bakk, T.	-	-	-	-	-	-	-	-		A	-	A	-	-	A	-	-	-	A	-11	15
R	31	Benson, Michelle	+	+	+	+	+	+	+	+		-	-	-	-	+	+	+	+	+	+	78	80
D	44	Bonoff, T.	+	-	-	-	+	-	-	-		-	-	-	-	-	-	-	+	-	+	22	15
R	15	Brown, D.	A	+	+	+	+	+	+	A	+	-	-	-	A	+	+	+	-	+	+	65	72
D	51	Carlson, J.	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	+	6	6
R	38	Chamberlain, R.	+	+	+	+	+	+	+	+		A	-	-	-	+	+	+	+	+	+	80	84
D	59	Champion, B.	-	-	-	-	-	-	-	-		-	-	A	-	-	-	-	-	-	+	3	2
D	57	Clausen, G.	-	-	-	-	+	-	-	-		-	-	-	-	-	-	-	-	-	+	11	11
D	64	Cohen, R.	-	-	-	-	-	-	-	-		A	A	A	-	-	-	-	+	-	A	-4	6
D	20	Dahle, K.	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	+	3	5
R	16	Dahms, G.	+	+	-	+	+	+	+	+		-	-	-	+	+	-	+	-	+	+	67	72
D	61	Dibble, D.S.	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	+	6	6
D	60	Dziedzic, K.	-	-	-	-	-	-	-	-		-	-	A	-	-	-	-	-	-	+	3	7
D	40	Eaton, C.	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	+	6	9
D	4	Eken, K.	-	-	-	A	-	-	-	-		-	-	-	-	-	-	-	-	-	+	3	29
R	13	Fischbach, M.	+	+	+	-	+	+	-	+		-	-	-	+	+	+	+	-	-	+	61	63
D	49	Franzen, M.	+	-	-	-	+	-	-	-		-	-	-	-	-	-	-	-	-	+	17	17
R	9	Gazelka, P.	+	+	+	+	+	+	-	+		-	-	-	+	+	+	+	+	+	+	78	74
D	41	Goodwin, B.	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	+	-	+	11	21
R	56	Hall, D.	+	+	+	+	+	+	+	+		+	-	-	+	+	+	+	+	+	+	89	83
R	48	Hann, D.	+	+	+	+	+	+	+	+		A	-	-	-	+	+	+	+	+	+	80	76
D	67	Hawj, F.	-	-	-	-	-	A	-	-		-	-	-	-	-	-	-	-	-	+	3	3
D	62	Hayden, J.	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	+	6	8
D	36	Hoffman, J.	-	-	-	-	-	-	-	-		A	-	-	-	-	-	-	-	-	-	-3	-3
R	39	Housley, K.	+	+	+	-	+	+	+	+		-	-	-	+	+	+	+	-	-	+	67	67
R	8	Ingebrigtsen, B.	+	+	+	+	+	+	+	+		+	-	A	+	+	+	+	-	+	+	85	69
D	24	Jensen, V.	+	-	-	-	-	-	-	-		-	-	A	-	-	-	-	-	-	+	9	9
D	37	Johnson, A.	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	+	6	14
D	53	Kent, S.	+	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	+	11	11
R	30	Kiffmeyer, M.	+	+	+	+	+	+	-	+		A	-	-	+	+	+	+	+	+	+	80	74
D	17	Koenen, L.	-	-	-	-	-	-	-	+		-	-	A	-	-	-	A	-	-	+	5	31
D	46	Latz, R.	-	-	-	A	-	-	-	-		A	-	-	A	-	-	-	-	-	+	-2	7
R	34	Limmer, W.	+	+	+	+	+	+	+	+		-	-	-	+	+	+	+	+	+	+	78	81
D	11	Lourey, T.	-	-	-	-	-	-	-	-		-	-	-	A	-	-	-	-	-	+	3	6
D	66	Marty, J.	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	+	6	9
D	52	Metzen, J.	-	-	-	A	-	-	-	-		-	-	-	-	-	-	-	-	A	+	1	20
R	28	Miller, J.	+	+	-	+	+	-	+	+		-	-	-	A	+	-	+	-	-	A	44	66
R	26	Nelson, C.	+	+	-	+	+	+	+	+		-	-	-	-	+	-	+	-	-	+	56	68
R	18	Newman, S.	+	+	+	+	+	+	-	+		A	+	-	+	+	+	+	-	+	+	80	71
R	32	Nienow, S.	+	+	+	+	+	+	-	+		+	-	-	+	+	+	+	-	+	-	74	73
R	47	Ortman, J.	+	+	+	+	+	A	+	+		-	A	-	+	+	+	+	-	+	+	76	70

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  
**V**- Veto  
**N** - Not Applicable

**36.9%** = % of legislators' votes favored by LEA in 2013 session

**13%** = legislator's 2013 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 2013 scored **85% or higher**, those receiving honorable mentions scored **at least 80%**.

This report may be copied, or purchased @ \$1.00 ea., 10 for \$5.00, or 100 for \$35. E&O excluded.

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	17	18	19	13%	C%	
R	33	Osmek, D.	+	+	+	+	+	+	+	+	NO SENATE VOTE	-	-	-	+	+	+	+	-	+	+	78	78	
D	65	Pappas, S.	-	-	-	-	-	-	-	-		A	-	-	-	-	-	-	-	-	-	+	3	5
R	14	Pederson, J.	+	+	-	-	+	-	+	+		-	-	-	-	+	-	+	-	+	+	+	50	64
R	35	Petersen, B.	+	+	+	+	+	+	+	-		A	A	-	+	+	+	+	-	+	+	+	76	80
R	55	Pratt, E.	+	+	+	-	+	+	+	+		-	-	-	-	+	+	+	+	+	+	+	74	74
D	7	Reinert, R.	-	-	-	A	-	-	-	-		-	-	-	-	-	-	-	A	-	+	-	-2	7
D	45	Rest, A.	-	-	-	-	-	-	+	-		-	-	-	-	-	-	-	-	-	+	-	11	21
R	23	Rosen, J.	+	+	-	-	+	+	+	+		-	-	-	A	+	+	+	-	+	A	-	57	49
R	10	Ruud, C.	+	+	+	+	+	+	-	+		-	-	-	+	+	+	+	-	A	X	-	70	67
D	5	Saxhaug, T.	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	A	-	-3	15
D	42	Scalze, B.	-	-	-	-	+	-	-	-		-	-	-	-	-	-	-	-	-	-	-	6	13
D	21	Schmit, M.	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	+	-	6	6
R	25	Senjem, D.	-	+	+	+	+	+	+	+		A	-	A	-	+	-	+	-	+	+	+	63	59
D	19	Sheran, K.	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	+	-	6	9
D	54	Sieben, K.	-	-	-	-	-	-	+	-		-	A	-	-	-	-	-	A	-	A	-	-2	10
D	2	Skoe, R.	-	-	-	-	-	-	+	-		-	-	A	-	-	-	-	-	A	+	-	7	18
D	27	Sparks, D.	-	-	-	-	-	-	-	+		-	-	-	-	-	-	-	-	A	+	-	9	22
D	1	Stumpf, L.	-	-	-	-	-	-	-	+		-	A	A	-	-	-	-	-	-	+	-	7	26
R	58	Thompson, D.	+	+	+	+	+	+	+	+		-	A	-	-	+	+	+	+	+	A	-	76	86
D	6	Tomassoni, D.	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	A	+	-	3	15
D	63	Torres Ray, P.	-	-	-	-	-	-	-	-		A	A	-	-	-	-	-	-	+	+	-	7	5
R	22	Weber, B.	+	+	-	+	+	+	+	+		-	-	-	A	+	-	+	-	+	+	+	62	62
R	12	Westrom, T.	+	+	+	+	+	+	+	+		+	-	-	+	+	+	+	-	A	A	-	76	66
D	43	Wiger, C.	-	-	-	-	-	-	-	-		-	A	-	-	-	-	-	-	-	+	-	3	15
D	50	Wiklund, M.	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	+	-	6	6

## HOUSE

Pty	Dist	Name	1	2	2	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	13%	C%
R	35A	Abeler, J.	+	+	+	-	+	-	+	+	+	-	-	A	-	+	-	+	-	-	A	48	46
R	55B	Albright, T.	+	+	+	+	+	+	+	+	+	-	A	-	+	+	+	+	+	A	+	83	83
D	62B	Allen, S.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-	+	3	10
R	9A	Anderson, M.	+	+	+	+	+	+	+	+	+	-	+	-	+	+	+	+	+	-	A	81	81
R	12B	Anderson, P.	+	+	+	+	+	-	+	+	+	A	+	-	-	+	+	+	+	-	+	75	63
R	44A	Anderson, S.	+	+	+	+	+	A	+	+	A	-	-	-	+	+	+	+	+	-	+	71	69
D	5B	Anzelc, T.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	12
D	52B	Atkins, J.	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	-	-	-	+	3	9
R	32B	Barrett, B.	+	+	+	+	+	+	+	+	A	-	-	-	+	+	+	+	-	-	+	70	73
R	55A	Beard, M.	+	+	+	A	+	+	+	+	+	-	+	-	-	+	+	+	+	-	+	75	66
D	44B	Benson, J.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	4
R	26B	Benson, Mike	+	+	+	+	+	+	+	+	+	-	+	-	-	+	+	+	-	-	+	74	78
D	41A	Bernardy, C.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	27
D	20B	Bly, D.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	3
D	19B	Brynaert, K.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	5
D	45A	Carlson, L.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	18
D	62A	Clark, K.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-3	13
R	23B	Cornish, T.	+	+	+	+	+	-	+	+	+	A	-	-	-	+	+	+	-	-	+	64	58
R	31A	Daudt, K.	+	+	+	+	+	+	+	+	A	-	+	-	+	+	+	+	-	+	+	81	82
R	28B	Davids, G.	+	+	+	+	+	-	+	+	+	-	+	-	-	+	+	+	-	-	+	68	68
D	63A	Davnie, J.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	10
R	38B	Dean, M.	+	+	+	+	+	+	+	+	+	-	+	-	-	+	+	+	+	-	+	79	78
D	59B	Dehn, R.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	5
R	39A	Dettmer, B.	+	+	+	+	+	+	+	+	+	-	+	-	-	+	+	+	-	-	+	74	78
D	3A	Dill, D.	-	-	-	-	-	-	-	-	-	-	A	-	-	A	-	-	-	-	A	-8	22

# HOUSE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	13%	C%
D	14B	Dorholt, Z.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	5
R	21B	Drazkowski, S.	+	A	+	+	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	92	90
D	49A	Erhardt, R.	+	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	-	-	+	8	45
D	2A	Erickson, R.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	5
R	15A	Erickson, S.	+	+	+	+	+	+	+	+	+	+	+	A	+	+	+	+	-	-	+	86	77
R	1A	Fabian, D.	+	+	+	+	+	+	+	+	+	-	+	-	-	+	+	+	-	-	+	74	75
D	17A	Falk, A.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-	+	3	13
D	11B	Faust, T.	-	-	-	-	+	-	-	-	-	-	A	-	-	-	-	-	-	-	+	8	8
D	43A	Fischer, P.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	5
R	30B	FitzSimmons, D.	+	+	+	+	+	+	+	-	+	-	+	+	-	+	+	+	-	+	+	79	79
R	8B	Franson, M.	+	+	A	+	+	+	+	+	+	-	+	-	-	+	+	+	+	-	+	75	81
D	45B	Freiberg, M.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0
D	24B	Fritz, P.	-	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	-	+	11	15
R	58B	Garofalo, P.	+	+	+	+	+	+	+	-	+	-	A	-	+	+	+	+	-	-	-	64	63
R	2B	Green, S.	+	+	+	+	+	+	+	+	+	-	+	-	+	+	+	+	+	-	-	79	79
R	18B	Gruenhagen, G.	+	+	+	+	+	+	+	+	+	-	+	-	+	+	+	+	+	-	A	81	82
R	23A	Gunther, B.	+	+	+	+	+	-	A	+	+	-	+	-	-	A	+	-	+	+	+	59	62
R	31B	Hackbarth, T.	+	+	+	+	+	+	+	+	+	-	+	-	+	+	+	+	-	-	+	79	75
D	51B	Halverson, L.	+	+	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	+	14	14
R	22B	Hamilton, R.	+	+	+	+	+	-	A	+	+	-	+	-	-	+	-	+	-	-	+	58	59
D	52A	Hansen, R.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	8
D	66A	Hausman, A.	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	-	+	3	7
R	33A	Hertaus, J.	+	+	+	+	+	+	+	+	+	-	+	-	+	+	+	+	+	-	+	84	84
D	40B	Hilstrom, D.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	13
R	58A	Holberg, M.	+	+	+	+	+	+	+	+	+	-	+	-	+	+	+	+	+	-	+	84	87
R	47B	Hoppe, J.	+	+	+	+	+	+	+	+	+	-	+	-	+	+	+	+	+	-	+	84	76
D	61A	Hornstein, F.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	6
D	36B	Hortman, M.	-	-	-	-	-	-	A	-	-	-	-	-	-	-	-	-	-	-	+	3	10
R	13A	Howe, J.	+	+	+	+	+	-	+	+	+	-	+	-	-	+	+	+	-	-	+	68	68
D	7A	Huntley, T.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	-	+	11	16
D	42B	Isaacson, J.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	5
R	32A	Johnson, B.	+	+	+	+	+	+	+	+	+	-	+	-	-	+	+	+	+	-	A	75	75
D	19A	Johnson, C.	-	-	X	-	-	X	-	-	-	-	-	-	-	-	-	-	-	-	+	6	6
D	67B	Johnson, S.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	9
D	60B	Kahn, P.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	9
R	21A	Kelly, T.	+	+	+	+	+	+	+	+	+	-	+	-	+	+	+	+	+	-	A	81	65
R	53B	Kieffer, A.	+	+	+	+	+	+	+	-	+	-	-	-	+	+	+	+	+	-	+	74	77
R	1B	Kiel, D.	+	+	-	+	+	-	+	+	+	-	+	-	-	+	+	+	-	-	+	63	68
R	9B	Kresha, R.	+	+	+	+	+	A	+	+	+	-	A	A	+	+	+	+	+	-	+	80	80
D	41B	Laine, C.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	1
R	47A	Leidiger, E.	+	+	+	+	+	+	+	+	+	+	+	-	-	+	+	+	-	+	-	79	80
D	50B	Lenczewski, A.	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	-	-	+	11	33
D	66B	Lesch, J.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	11
D	26A	Liebling, T.	-	-	-	-	+	-	-	-	-	-	-	-	A	-	-	-	-	-	-	3	10
D	4A	Lien, B.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	5
D	43B	Lillie, L.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	9
D	60A	Loeffler, D.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	4
R	39B	Lohmer, K.	+	+	+	+	+	+	+	+	+	A	+	-	-	+	+	+	+	-	A	77	84
R	48B	Loon, J.	+	+	+	+	+	+	+	-	+	-	+	-	+	+	+	+	+	-	A	75	67
R	57A	Mack, T.	+	+	+	+	+	+	+	+	+	-	+	A	+	+	+	+	+	-	+	86	70
D	67A	Mahoney, T.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	15
D	65B	Mariani, C.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	6
D	04B	Marquart, P.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	33
D	51A	Masin, S.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	7
R	29A	McDonald, J.	+	+	+	+	+	+	+	+	+	-	A	+	+	+	+	+	-	-	-	75	75
D	12A	McNamar, J.	-	-	-	-	+	-	-	-	-	-	-	-	-	+	-	-	-	-	+	16	16



# HOUSE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	13%	C%
R	54B	McNamara, D.	+	+	+	+	+	-	+	+	+	-	+	-	-	-	+	+	-	-	+	63	51
D	6A	Melin, C.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	17
D	6B	Metsa, J.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	5
D	65A	Moran, R.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	11
D	56B	Morgan, W.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	3
D	59A	Mullery, J.	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	A	-5	15
D	64A	Murphy, E.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	4
D	3B	Murphy, M.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	-	+	11	21
R	56A	Myhra, P.	+	+	+	+	+	+	+	+	+	-	+	-	-	+	+	+	-	-	+	74	75
D	40A	Nelson, M.	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	+	3	10
R	15B	Newberger, J.	+	+	+	+	+	+	+	+	+	+	+	-	-	+	+	+	-	-	+	79	79
D	37A	Newton, J.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0
R	8A	Nornes, B.	+	+	A	+	+	-	+	+	+	-	-	-	-	+	-	+	-	-	+	53	61
D	25B	Norton, K.	-	-	-	-	+	-	-	-	-	-	-	-	A	A	-	-	-	-	-	1	10
R	13B	O'Driscoll, T.	+	+	+	+	+	-	+	+	+	-	A	-	-	+	+	+	-	-	+	64	68
R	29B	O'Neill, M.	+	+	+	+	+	+	+	+	+	-	+	-	-	+	+	+	-	-	-	68	68
D	64B	Paymar, M.	-	-	-	-	-	A	-	-	-	-	-	-	-	-	-	-	-	-	+	3	11
D	28A	Pelowski, G.	-	-	-	A	+	-	+	-	-	-	-	-	-	+	-	-	A	-	+	18	32
R	34A	Peppin, J.	+	+	+	+	+	+	+	+	+	+	+	A	-	+	A	+	-	+	+	83	84
D	5A	Persell, J.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-	+	3	9
R	24A	Petersburg, J.	+	+	+	+	+	-	+	+	+	-	+	-	-	A	+	A	+	-	A	61	61
D	27B	Poppe, J.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	13
R	33B	Pugh, C.	+	+	+	+	+	+	+	+	+	-	+	-	-	+	+	+	+	-	+	79	79
R	25A	Quam, D.	+	+	+	+	+	+	+	+	+	+	+	-	-	+	+	+	-	-	+	79	84
D	10B	Radinovich, J.	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	-	-	+	11	11
D	49B	Rosenthal, P.	+	-	-	-	-	-	+	-	-	-	-	-	-	+	-	-	-	-	+	21	7
R	38A	Runbeck, L.	+	+	+	+	+	+	+	+	+	A	+	-	+	+	+	+	+	-	+	86	81
R	37B	Sanders, T.	+	+	+	+	+	+	+	+	+	-	+	-	+	+	+	+	+	-	+	84	71
D	27A	Savick, S.	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	-	+	3	3
D	17B	Sawatzky, M.	-	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	-	+	11	11
D	54A	Schoen, D.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	5
R	22A	Schomacker, J.	+	+	+	+	+	+	+	+	+	-	+	-	-	+	+	+	-	-	+	74	73
R	35B	Scott, P.	+	+	+	+	+	+	A	+	+	-	+	-	-	+	A	+	+	+	+	77	77
D	48A	Selcer, Y.	+	-	-	-	-	-	-	-	-	-	-	-	-	+	-	-	-	-	+	16	16
D	46B	Simon, S.	-	-	-	-	-	A	-	-	-	-	-	-	-	-	-	-	-	-	+	3	7
D	7B	Simonson, E.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	5
D	50A	Slocum, L.	-	-	A	-	-	A	-	-	-	-	-	-	-	-	-	-	-	-	+	1	4
D	11A	Sundin, M.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	5
R	16A	Swedzinski, C.	+	+	+	+	+	+	+	+	+	-	+	-	+	+	+	+	-	-	+	79	82
R	14A	Theis, T.	+	+	X	+	+	X	+	+	+	-	+	-	-	+	+	+	-	-	+	71	71
D	61B	Thissen, P.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	9
R	16B	Torkelson, P.	+	+	+	+	+	-	+	+	+	-	+	-	-	+	+	+	-	-	+	68	67
R	36A	Uglen, M.	+	+	+	+	+	+	+	+	+	A	+	-	-	+	+	+	-	-	-	70	70
R	18A	Urdahl, D.	+	+	+	+	+	-	+	+	+	-	+	-	-	+	+	+	-	-	+	68	55
D	63B	Wagenius, J.	-	-	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	3	11
D	53A	Ward, JoAnn	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	5
D	10A	Ward, John	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	14
R	57B	Wills, A.	+	+	+	+	+	+	+	+	+	-	+	-	-	+	+	+	-	-	+	74	74
D	46A	Winkler, R.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	5
R	20A	Woodard, K.	+	+	+	+	+	+	+	+	+	-	+	-	+	+	+	+	-	-	+	79	78
D	42A	Yarusso, B.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	5	5
R	34B	Zellers, K.	+	+	A	+	+	+	+	+	+	A	-	-	-	+	+	+	+	-	A	67	78
R	30A	Zerwas, N.	+	+	+	+	+	+	+	+	+	-	+	-	+	+	+	+	-	-	-	74	74

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

safeguards. This bill undermines those safeguards even further. Government cannot always know what is best for children, and should not presumptively preempt the family and other social or religious institutions. Relaxing GAL oversight is not in the best interests of at-risk children.

LEA favored a NO vote. The bill passed in the Senate 58-1 and in the House 77-49. The governor signed the bill.

## **12. Statute of Limitations Removed for Sexual Abuse of Minors**

### **HF681. Rep. Simon. [SF534. Sen. Latz.]**

This bill removes the statute of limitations for civil actions brought against past and present alleged sexual abusers or negligent affiliated entities if the victim was under 18, and the alleged abuser is at least 14. The bill allows for a three-year window to file most sexual abuse claims that would have been beyond limitations under previous law. The bill also expands the definition of sexual abuse to include 5th degree criminal sexual conduct, including offenses not involving physical contact.

The statute of limitations is a vital part of any system of justice. Both accused and accuser have a right of redress. Time erodes the ability to exercise that right. When there is no statute of limitations, both prosecution and defense are made difficult, and at times impossible. This is why a responsibility is placed by the limitation on the plaintiff to bring any action in a reasonable time frame. The expanded definition of sexual abuse results in exposure to liability for some actions that were legal at the time of the offense, but illegal by today's statutes. This opens the door to unconstitutional, ex post facto liability.

This bill is not likely to serve the cause of justice, but rather the cause of retribution, with financial reward for trial lawyers and plaintiffs.

LEA favored a NO vote. The bill passed the Senate 57-0 and in the House 123-3. The governor signed the bill.

## **13. Prohibiting Pre-Interview Criminal Background Checks**

### **SF523. Sen. Champion. [HF690. Rep. Mahoney.]**

This bill prohibits private employers from inquiring into or considering the criminal record or criminal history of an applicant for employment until after the applicant has been selected for an interview. Public correctional facilities are exempted. The bill also does not override most occupational licensing standards.

In the past, private employers have had the right to pre-screen applicants based on their criminal history before interviewing them in person. This bill eliminates that option and allows for screening only after the applicant has been accepted for an interview.

Proponents of this "ban the box" bill argued that businesses have been unfairly allowed to screen out potentially good workers simply because they checked a box on their initial application indicating they had a past criminal history. However, nothing has prevented most employers from choosing to interview applicants with criminal records, and nothing in this bill would

force employers to hire applicants who do not meet their selection criteria; it simply forces employers to spend time and money interviewing candidates even if they do not fit their employment plans. This bill does nothing but consume the time and resources of applicants and employers.

LEA favored a NO vote. The bill passed in the Senate 44-16 and in the House 107-26. The governor signed the bill.

## **14. Minimum Wage and Other Employer Labor Mandates Increased**

### **HF92. Rep. Winkler. [SF3. Sen. Eaton.]**

Both legislative bodies voted on bills to increase the minimum wage in Three stages by August 2015. The Senate increased the wage from \$6.15 to \$7.75 and the House to \$9.50. Lower minimum wages are allowed for "small employers."

The House version contains several additional provisions. The Commissioner of Labor is authorized to make annual minimum wage inflationary adjustments after 2015. Employees would have to be given the entire amount of tips received on debit or credit cards, and the length of unpaid leave employees could take for birth or adoption would be doubled. Finally, most non-agricultural hourly employees would have to be paid time and a half for all hours over 40, a change from the current state threshold of 48.

These bills override voluntary contracts in direct violation of the constitution, and micro-manage wages without the authority to do so. The higher the mandatory wage the more burdensome labor costs are to businesses. A higher cost for labor means fewer will be employed. These bills eliminate low wage jobs. Jobs most affected are those low-skilled and/or entry-level positions. This is why critics call it a "Youth Unemployment Act".

Often unnoticed are the interests of organized labor using the mandated minimum wage increase to suppress competition, and leverage contract wage increases.

LEA favored a NO vote on the substance of both the House and Senate versions; the House version being more egregious, significantly violating the single subject rule of the constitution. Different versions of bills to increase minimum wages passed the Senate 39-28 and the House 68-62. Due to those differences, the bills were sent to conference committee, but no final vote was taken prior to adjournment.

## **15. Omnibus Higher Education Bill with Tuition Cut for Non-Citizens**

### **SF1236. Sen. Bonoff. [HF1692. Rep. Pelowski.]**

This bill sets state funding levels for public higher education, and introduces a number of new policies and programs. It includes a request to the U of M Board of Regents to freeze undergraduate tuition for the next two academic years, with funds earmarked for tuition relief. Colleges and universities would still be allowed to increase graduate school tuition, and faculty and administrative spending during the freeze. Performance goals tied to future funding are provided. This bill includes a Minnesota "DREAM Act", titled the Prosperity Act, to allow certain non-citizens to

qualify for resident tuition if they file to pursue a path to lawful immigration status. It also includes a Mental Health Issues Summit, a Comprehensive Workforce Development Plan, and establishes the Minnesota Discovery, Research and Innovation Economy Funding Program (MNDRIVE).

The bill includes a large number of unrelated funding requests and policy changes. It includes the Prosperity Act, a mental health issues summit, vegetable research to extend the Minnesota growing season, stipends to medical schools for rural doctors, MNDRIVE, Indian scholarships, child care grants, safety officer survivors' higher education grants, and a qualified tuition freeze.

Putting such a complex array of finance and policy provisions in a single bill forces members to choose between things like a tuition freeze and tuition subsidies for illegal aliens with a single vote, destroying accountability and making transparency impossible.

This bill violate principles of legal order by compelling taxpaying citizens to subsidize college tuition for non-citizens. It violates principles of free enterprise with targeted funding for special interests, such as the MNDRIVE program which channels tax dollars to support select emerging technologies. It also gives affected non-citizens lower tuition rates than taxpaying citizens coming here from other states.

With the performance goals tied to tuition, the bill makes only nominal attempts to increase fiscal accountability.

LEA favored a NO vote on the bill, which passed the Senate 44-22 and the House 76-56. It was signed into law, with the exception of a line-item veto of one small appropriation.

## 16. Schools Allowed to Opt Out of Unfunded Mandates

### Benson and Woodard amendments to HF630. Rep. Marquart [SJ pg. 3054; HJ pg. 3856].

Two amendments introduced to the omnibus K-12 education bill would have allowed schools to notify Minnesota's Commissioner of Education about unfunded mandates and opt out of implementing them. The House version would have required the Commissioner to annually review which laws or rules lack funds for implementation, and to submit the review to the education committees of the legislature. The Senate version lacked this provision. Schools seeking to opt out would have to notify the Commissioner of their intent to not comply, cite the specific rule or law not being implemented, and identify the compliance costs that exceed state funding available for implementation. The amendments would not have provided relief from federal or court mandates, but did address mandates originating from the state legislative or executive branches.

Local elected officials have long objected to being required to implement unfunded education mandates. These amendments would have quantified many of their objections and held both state and local officials accountable for seeking solutions to reduce the burden of unfunded mandates.

LEA favored YES votes on these amendments, but they failed in both legislative bodies, 28-38 in the Senate and 60-73 in the House.

## 17. Extension/Expansion of Radiation Therapy Facility Moratorium.

### HF164. Rep. Norton. [SF118. Sen. Hayden.]

This bill extends through 2020 the existing moratorium on construction of any new radiation therapy facility in the Twin Cities metro area and certain other counties. After 2020, that moratorium remains in place for constructing any facility not controlled by a hospital. The minimum distance between hospital-controlled facilities is raised from seven to 15 miles.

Since 2003, four moratorium bills on radiation therapy facilities have passed, and established and maintained a monopoly on radiation treatments for existing providers throughout the state. Proponents cite studies showing that existing facilities are under-utilized; while the monopolizing effects of increased costs actually drive more under-utilization. Such studies should be used to prevent subsidies to more under-utilized facilities, and allow entrepreneurs to bring in competition and drive the costs down. Instead, this moratorium prohibits building new metro area hospital facilities through 2020, and indefinitely prohibits entrepreneurs not connected to hospitals from any development.

The protectionist benefits to a few vested hospital interests by having this moratorium are very significant; so significant that the radiation-center moratorium lobby is one of the top contributors to legislative campaigns in both major parties. This government-granted monopoly has been maintained for over 10 years.

Free-market competition is what improves quality and lowers health-care costs. Intervention on behalf of existing health providers stifles competition and raises costs, hurting patients and taxpayers.

LEA favored a NO vote. The bill passed in the Senate 52-13 and in the House 102-28. The governor signed the bill.

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## 18. Formaldehyde Banned in Children's Products

**HF458. Rep. Persell. [SF357. Sen. Rest.]**

This bill banned the use of formaldehyde in children's personal-care products by August 2014 for manufacturers/wholesalers and August 2015 for retailers. Also, as of August 2013, manufacturers are prohibited from replacing formaldehyde in a children's product with some other chemical identified by a state, national or international agency as known or highly suspected of causing cancer, disrupting hormones, or harming human development.

Though it can be hazardous if not used properly, formaldehyde is a common organic compound with a wide variety of commercial uses. It is used as a disinfectant, an embalming agent, and a wart treatment. Formaldehyde is a resin base for paper products, paints, caulk and plywood. It is used in insulation, and to make fabrics crease resistant. A full ban is unnecessary and problematic. The bill does not recognize existing standards, nor establish its own levels of toxicity, making compliance impossible, and guaranteeing additional litigation.

Minnesota lawmakers continue to pass bills promoted as defending children's safety or health, even at the cost of banning commonly-used materials. As with a number of other bans, such as the 2009 law that banned using a certain type of plastic in sippy cups, there are no toxicity levels, enforcement mechanisms, or penalties included in this bill, leaving manufacturers

and retailers with undefined liability exposure. This bill does not respect market or existing liability mechanisms to regulate manufacturer behavior.

LEA favored a NO vote on the bill that passed the Senate 38-23, the House 126-7, and was signed into law.

## 19. Local Motor Fuel Payment Restrictions Prohibited

**HF1284. Rep. Schoen. [SF1131. Sen. Metzen.]**

This bill would prohibit local units of government from criminalizing or restricting the sale of motor fuel based upon the method of purchase agreed to by the seller and the purchaser.

The authority of local units of governments to restrict the sale of certain items within their jurisdictions might be supportable, but denying the sale of certain merchandise based solely upon the form of payment is unreasonable. Two contracting private parties should be able to choose cash or credit to pay their bills without interference by government.

LEA would have preferred to see legislation proposed that prevented local units of government from engaging in the practice of currency discrimination on all items sold within their jurisdictions, but this bill is a reaction to the overreach of certain municipalities and a positive step in the right direction.

LEA favored a YES vote. The bill passed in the Senate 56-3 and in the House 109-13. The governor signed the bill.

2013 LEGISLATIVE REPORT

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