



2020 REPORT on the MINNESOTA LEGISLATURE

by the
LEGISLATIVE EVALUATION ASSEMBLY
of MINNESOTA, INC





for an
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2020 LEA HOUSE HONOREES (No Senate Honorees)

			
Bahr, Cal 94%	Drazkowski, Steve 97%	Lucero, Eric 94%	Munson, Jeremy 94%

HONORABLE MENTION:

House:

*Green, Steve
Grossell, Matt
Heinrich, John
Heintzeman, Josh
Hertaus, Jerry
Mekeland, Shane
Nash, Jim
Neu, Anne*

2020 LEGISLATIVE REVIEW

COVID-19 and Prolonged Emergency

Last year, LEA identified that legislative power had been handed to a triumvirate. This year, power was further concentrated in the hands of one man, Governor Walz, who granted himself emergency powers, to make law through executive orders and has dictated where citizens may go, which businesses may operate, and even which medical procedures may be performed. From the beginning, Governor Walz addressed the COVID-19 pandemic with one-size-fits-all, state-wide decisions. Little consideration was given to the great harm done when the civil liberties of individuals are violated. Little weight was given to the great economic harms done by shutdowns, nor the distorted incentives of relief payments to selected COVID-19 victims. Medical providers were barred from practicing “non-essential” medicine or prescribing certain drugs.

Over the last several months, we have witnessed how poorly-written statutes can undermine constitutional checks and balances. Emergency statutes should be revised to require both legislative houses to vote to extend emergency powers, instead of requiring both houses to vote to end emergency powers. Ending emergency powers can currently be blocked by a single legislative house. Constitutionality of current statutes and executive orders are being challenged in court.

Drafters of our constitution designed it to prevent dictatorial law making. Lawmaking is supposed to be difficult through separation of powers, transparency, and a step-by-step course

of debate and deliberation required to pass a law. Only legislation enjoying broad consensus, and withstanding vigorous public scrutiny, would survive the process. Difficult lawmaking is a feature, not a flaw. Emergencies extreme enough to justify temporarily overriding these principles must pass a higher bar.

Our framers crafted a minimal government, limited and restrained. Our government’s response to COVID-19 has been excessively intrusive. It provides “services” at costs unrelated to value. It purports to protect citizens from harm, even from themselves. Government becomes the gatekeeper of the marketplace, passing judgement on all services and products, granting or withholding permission to serve customers.

One-man rule allows propaganda to overrule facts and enables manufactured crises. Unreliable computer models were enlisted to create the impression of data-driven decision making. Governor Walz stated that the virus was unpredictable while continuing to use predictive models to defend his unilateral actions.

Government that protects the rights of its citizens has been replaced by a dogmatic vision of government as the Great Provider. If there is any need government should meet it. Liberty, personal responsibility, and the right to solve one’s own problems are subordinated to the need for government to be in charge of every aspect of our lives.

As to the specific actions of the legislature, instead of drawing from the emergency fund, new appropriations for COVID-19

response started with at least \$320 million, with little discussion as to where this money would come from, and broad latitude as to how it should be spent. Large amounts of money were given to identity-based organizations claiming to represent victims of the virus, effectively steering funds to community activists without accountability.

Continuing to operate in a state of emergency has numerous problems:

- Jobs are lost and non-COVID-19 deaths are increased.
- It circumvents the checks and balances of governing, setting a dangerous precedent.
- Science is co-opted to serve the governor's interests. His interpretation comes with enforcement power.
- Principles of self-governance are replaced with a "new normal" police-state mentality.
- Foundational citizen rights our government was limited to protect have been converted to limited citizen rights granted by the government.
- Government is deciding what is essential and what is not, with no expertise, authority, or wisdom to do so.

The cost of these governance failures in Minnesota will likely be with us for many years.

2020 VOTES

1. Termination of Governor's COVID-19 Emergency Powers

SS1SCR1. Sen. Gazelka. SS1HCR2. Rep. Daudt.

This concurrent resolution from the first special session would terminate the peacetime emergency authority granted under Minnesota Statutes, section 12.31, declared by Governor Walz on March 13, 2020, with multiple 30-day extensions granted by the Executive Council. The Senate version of the resolution was amended by Senator Little to include language that would prevent employers from imposing unsafe practices or worker discrimination related to the COVID-19 pandemic.

LEA believes that time beyond a normal five-day emergency powers declaration amounted to an unnecessary usurpation of power by the governor and the Executive Council, completely bypassing the checks and balances in the Constitution that enable the citizens to govern themselves through their representatives.

LEA favored a YES vote. The concurrent resolution passed in the Senate 38-29 but failed in the House 61-73. Concurrent resolutions to remove the governor's emergency powers also failed in subsequent special sessions. The governor's unilateral power will remain in place until vetoed by the legislature, overturned by the court, voluntarily relinquished, or his removal from office.

2. Peacetime Emergency Declarations Process SF4519. Sen. Osmek.

This legislation modifies the statute under which the governor can declare and extend a peacetime emergency. Currently, the

governor and the Executive Council can together extend a peacetime emergency indefinitely, barring the vote of both the House and the Senate to terminate the emergency. Under this bill, the governor must make a request to the legislature to extend an emergency past 30 days.

The current law allows the governor to take advantage of a split legislature and rule by decree as long as he wishes, if either the House or Senate refuses to terminate the emergency. This is backwards. An emergency worthy of the declaration should be obvious and urgent, enough so that legislative support is present. If legislative support is not present, the governor should not be able to wield the extraordinary powers of an emergency declaration.

LEA believes that the executive branch's ability to repeatedly extend its COVID-19 emergency powers highlights the inadequacy of the current law. We favored a YES vote. SF4519 passed in the Senate 36-31. There was no vote in the House.

3. Labor and Industry Commissioner Confirmation SS3 motion by Sen. Gazelka. [SS3SJ pgs. 17-19.]

The Commissioner of Labor and Industry, Nancy Leppink, was removed from office by a Senate vote that failed to confirm her appointment of Jan 4, 2019 by Governor Walz. Leppink had refused to grant customary waivers for summer youth employment. She interfered with and delayed a bipartisan legislative agreement for worker compensation for front-line workers during the COVID-19 emergency. She sent a memo during the lockdown instructing state regulators to enforce expanded sprinkler policies for wedding barns under penalty of fine and shutdown. She helped develop the 2019 "wage theft" legislation that created unfunded reporting mandates and workplace site investigations in which government could micromanage business hiring practices (2019 SSHF2). Last year LEA favored a no vote on that bill because it was massive overreach by the government into the business sector. She then promulgated misleading implementation guidelines after the law took effect.

A Commissioner of Labor and Industry should have a broad overview of both labor and industry and not be a partisan advocate for labor against industry, nor for industry against labor. Many examples show how Leppink unilaterally pushed the agenda of organized labor to effectively hijack the department at the expense of fair industry oversight.

LEA is pleased that the Senate belatedly fulfilled its obligation to review the confirmation of a harmful appointee. LEA favored a NO vote on the confirmation. The Senate voted 32-34 against the confirmation, and she was not confirmed.

4. COVID-19 Outbreak Emergency Preparedness SF4334. Sen. Benson. [HF3980. Rep. Liebling.]

This bill transfers from the general fund \$50 million to the Public Health Response Contingency Account, and \$150 million to a newly-created Health Care Response Fund. The Commissioner of Health may conditionally issue grants to health care providers to alleviate costs of preparing for and responding to the

anticipated outbreak. The money may also be used to establish temporary sites for testing, treatment, or quarantine of affected individuals. Rules for the Health Care Response Fund stipulate that expenditures greater than \$1 million must be submitted in advance to the Legislative Advisory Commission, which has two days to respond. Insurers are required to provide equal coverage for services delivered via telemedicine.

Amidst extreme fears about the severity of COVID-19's impact, SF4334 was introduced and passed immediately before the legislature adjourned in response to the governor's original declaration of a public health emergency. The bill's weakness is its lack of oversight for expenditures less than \$1 million. However, under the circumstances, with limited knowledge of the COVID-19 virus, the hasty passage is defensible. Its emergency appropriations seem reasonable, given the many unknowns about COVID-19 at the time, and the dire worst-case scenarios presented by public health officials.

LEA favored a YES vote. The bill passed the Senate 55-0, the House 108-0, and was signed by the governor.

5. COVID-19 Response Appropriations and Policies.

HF4531. Rep. Winkler. [SF4451. Sen. Gazelka.]

This emergency bill appropriates \$330 million to ten different programs. The largest outlay is \$200 million to the COVID-19 Minnesota Fund, to be administered by Minnesota Management and Budget "to protect Minnesota citizens from the COVID-19 outbreak, and maintain state government operations throughout the duration of the peacetime emergency." A Legislative COVID-19 Response Commission was created, consisting of the legislative caucus leaders and two finance committee members from each legislative body, with the ability to reject certain proposed uses if majorities of each body agree. Funds are appropriated for small businesses and tribal nations harmed economically by the shutdown. The bill's policy provisions include deadline extensions and rule exemptions to address problems created by the closure of government offices. The bill gives temporary, special powers to some state officials, and authorizes certain non-government organizations—Hunger Solutions and Child Care Aware—to administer the distribution of funds to food shelves and child-care centers, respectively.

The bill was drafted by informal groups meeting by phone while the legislature was in recess for 10 days with almost no public transparency. No mechanism was yet in place to record or stream those remote meetings. The bill was introduced and hastily passed once the legislature reconvened. Some legislators were denied input in negotiations and excluded from oversight through the Response Commission. This bill also became a vehicle for fast-tracking unrelated provisions from earlier bills that had not completed the committee process. One such provision permanently eases the rules for renewing narcotics prescriptions; another permanently relaxes the requirements for proving residency when applying for Real ID.

Although some aspects of the COVID-19 emergency required a quick response, many provisions were not urgent, and passed without hearings or public input. The bill's appropriations came almost exclusively from the general fund, inexplicably leaving the existing rainy-day emergency fund untouched. The bill also set broad parameters for these "emergency" appropriations to be perpetuated well beyond the declared length of the original emergency. The creation of the \$200 million COVID-19 emergency fund gave the governor too much latitude to make both policy and spending decisions. Mistakes resulted, such as the state stockpiling medical equipment needed by hospitals, thus exacerbating shortages.

LEA favored a NO vote. The bill passed the Senate 67-0, the House 99-4, and was signed into law by the governor.

6. COVID-19 Compensation and Accommodation

HF4556. Rep. Winkler. [SF4462. Sen. Gazelka.]

This bill addresses side-effects caused by the COVID19 shutdown plus many unrelated items. It allows meetings of local governments and state agencies to be conducted via interactive television so long as the Governor's state of emergency is in effect and members of the public can listen in. The bill delays deadlines or temporarily suspends rules affecting many areas of law, including proceedings in district and appellate courts, alterations to wills, foreclosures on agricultural property, and motions contesting child support cost-of-living adjustments. It allows commercial driver's licenses to be issued without eye exams or in-person photographs. It permits issuance of marriage licenses over the phone without in-person appearances attesting to the legality of the marriage. It grants the Commissioner of Health authority to waive, or delay, statutory requirements in matters including hospital construction, x-rays, administrative appeals, temporary health care facilities, and many other statutes. The bill funds \$1,250,000 in purchases for hunger relief by Second Harvest Heartland, while requiring these purchases to be made from Minnesota farmers and processors. It provides medical assistance coverage for COVID-19 testing for the uninsured. It directs coverage of telemedicine for procedures regularly covered only by in-person treatment, including mental health and respiratory therapy.

HF4556 also includes non-COVID-19 provisions such as modifying passenger vehicle registration taxes, allowing a coroner or medical examiner to access the criminal justice data network for identifying a deceased person, and adjusting appropriations to the Department of Human Services to conform with the February 2020 forecast.

This bill is a monument to the belief that the State can paper over all harms while throttling productive activities indefinitely. It was introduced a month into the COVID-19 emergency, when the harms of the statewide shutdown were already clearly apparent. A thorough deliberation of alternatives was needed, but instead the legislators passed the bill on the same day it was introduced.

LEA favored a NO vote. The bill passed in Senate 64-3, and House 103-31, and was signed into law.

7. Insulin Affordability

HF3100. Rep. Howard. [SF3164. Sen. Jensen.]

The “Alec Smith Insulin Affordability Act,” named after a Minnesotan who died at 26 while struggling to afford his dosage of insulin medication, creates an insulin safety-net program that orders manufacturers with gross revenue of over \$2 million from insulin sales to establish a copayment assistance program and hotlines. Insulin products are exempt if the wholesale acquisition cost of the insulin is \$8 or less per milliliter. MNsure will produce an application form for people in urgent need of insulin. The manufacturer, within ten business days, will process an application and determine eligibility for their program. Prices are set so the individual will not pay more than \$50 for a three-month supply. Manufacturers failing to comply may be assessed administrative penalties of \$200,000 to \$600,000 per month. The bill also provides \$547,000 to MNsure to train navigators and provide information, \$76,000 to the Board of Pharmacy to implement the safety-net program, and \$136,000 to the Commissioner of Health to implement a program assessment survey.

This bill is a Minnesota state attempt to fix drug pricing problems caused by federal law: patent laws, regulations, third-party price setting, and cronyism. While this bill is called the insulin “affordability” act, it does not make insulin more affordable generally, but only for those who meet the new safety net requirements. Insulin is an established medication that was affordable for nearly everyone from the 1920s through the 1980s before the regulatory process was corrupted at the federal level. LEA believes that a proper fix to this problem is patent reform and market competition that will reduce the cost of insulin and encourage production, rather than penalties that discourage production or raise prices on others. Free markets have already lowered the price in India to below the the safety-net price. LEA believes the Minnesota legislature should challenge current federal laws and offer proposals for creating a competitive insulin market.

LEA supports the idea of making insulin readily available for people like Alec Smith, but this legislation is a bad way to solve the problem of affordability. It penalizes insulin production rather than encouraging it. LEA would prefer state medical assistance programs to provide generic insulin to people in need, while pushing for federal reforms to increase economic competition.

LEA favored a NO vote. The bill passed in the Senate 67-0 and in the House 111-22, and was signed by the governor.

8. Opiate Response Grants

HF4601. Rep. Koegel. [SF4577. Sen. Koran.]

This bill directs the MN Human Services commissioner to award opiate epidemic response grants totaling \$2,713,000 to 17 specific groups from the opiate epidemic response fund. \$1.1 million will go for Naloxone distribution, \$642,000 goes to Native American organizations, \$720,000 goes to African-American Community Organizations, and \$100,000 will go to a group that largely services rural Minnesotans.

A Minnesota Department of Health report, “Race Rate Disparity in Drug Overdose Deaths,” indicated that American Indians are six times more likely and African-Americans two times more likely to die of a drug overdose than whites. The report states that this disparity is connected to “poverty, racism, classism, social isolation, sexual exploitation, and other social inequities.” It does not list factors like good parenting, life goals, good education, and personal inner strength that enable people to overcome hardships and avoid overdoses. The distribution of grants went to community organizations claiming to represent the specific minorities highlighted by the report. There was no demand for public accountability or transparency on expenditures or how much they reduced the disparities.

LEA believes that this bill is a clear example of identity-group politics and corruption. There is no assurance to the taxpayer that funds given to reduce opioid addiction will not be misdirected by recipients for other activities like political activism or activist salaries. There was no effort to ensure funds were given to impartially benefit all Minnesota opioid victims equally. The political pandering in this bill conflicts with ideals of civil rights and social justice that Americans have fought hard to achieve. Funds distributed for reducing opioid addiction should be given in a color-blind manner, in which case it would serve citizen needs in the exact proportions of all races and identity groups more accurately than the Department of Health’s identity-group-based analysis.

LEA favored a NO vote. The bill passed in the Senate 67-0 and in the House 123-5 and was signed by the governor.

9. Prescription Drug Price Transparency Act

SF1098. Sen. Rosen. [HF1246. Rep. Morrison.]

This bill requires drug manufacturers to report to the MN Commissioner of Health specified information on drug prices and costs. It applies to prescription drugs whose 30-day supply is more than \$100 and whose price increases 12% in 12 months or 16% in 24 months for brand name prescriptions; or 50% in 12 months for generic prescriptions. There are also reporting requirements for new brand-name drugs costing \$500 or more for 30-day supply, or new generic drugs costing \$500 that are not 15% below brand prices. Reporting information requirements include, but are not limited to, costs, profitability, patent dates, and other support documentation for prices. The bill directs the Commissioner of Health to post certain information on drug prices and report annually to the legislature on the transparency impact of this legislation. A schedule for penalties is to be established by the Commissioner, not to exceed \$10,000 per day. Receipts are to be deposited in the Health Care Access Fund, a Minnesota Care funding source.

There are concerns about the handling of trade secrets. While the Commissioner is directed to gather data from drug manufacturers, publishing that information appears to be at the sole discretion of the Commissioner. Justifying pricing is orders of magnitude more difficult than providing pricing. Interpretations of pricing will be subjective, and motivations will be viewed as

suspect. As with most regulations, the more intrusive they are, the bigger the advantage to bigger manufacturers.

Price transparency is foundational for consumers to make the price vs. value decisions. This is the heart of free market competition. The criteria for establishing those prices are mostly irrelevant. This issue is important. Drug prices are a large part (23%) of our health care spending. The justification of this level of detail in regulating drug prices is weak...except perhaps for shaming purposes. There is no assurance that this detailed support documentation will lower prices to consumers. This bill is a costly, complex approach to creating transparency that could have been accomplished simply by posting the prices of drugs. LEA favored a NO vote. It passed the Senate 63-2, the House 99-33, and was signed by the governor.

10. Police Officer Oversight and Training

SS2HF1. Rep. Mariani. [SS2SF37. Sen Limmer.]

This bill affects law enforcement oversight, policies, training and appropriations. A 15-member community relations council is created under the POST (Peace Officer's Standards and Training) Board to improve community relations. Peace officers' use-of-force data must be stored in a central repository created by the POST Board. Several other provisions require peace officers to submit additional paperwork on their activities. The POST board must establish a subcommittee to investigate licensure actions.

A statutory home-rule charter city or county is permitted to incentivize peace officers to be residents of the community that they are policing. Officers are prohibited from using certain techniques, such as chokeholds unless deadly force is authorized. Deadly force is no longer authorized to apprehend a fleeing suspect. Autism training is mandated. The POST board is authorized to issue licensing sanctions to peace officers under the use-of-force policy. Law-enforcement agencies can no longer provide or reimburse a course that gives officers warrior-style training. Peace officers are required to inform on other officers to the superintendent of the BCA, or at the FBI's request, if they see use-of-force violations. The methods of training and selecting arbitrators by the Commissioner of the Bureau of Mediation Services are modified. Arbitrators are term-limited and must undergo implicit-bias training.

The bill includes a collection of loosely-related provisions intended to address excessive use of force by police. New committees and positions are created, some of which are reserved for specific advocates or identity groups, and paperwork burdens are increased on police. Certain techniques to apprehend presumably violent suspects are prohibited. Political bodies are given more power to sanction police. The junk science of implicit-bias training is wrongfully mandated for arbitrators. Police departments are burdened with obligations to inform on one another, and restrictions on what they may do. Centralizing disciplinary processes is unlikely to improve either the process or the result. The stampede to "do something" about George Floyd yielded a rushed and deeply-flawed law.

LEA favored a NO vote. The bill passed by a vote of 102-29 in the House and 60-7 in the Senate. It was signed into law.

11. Resolution Declaring Racism a Public Health Crisis.

SS2HR1. Rep. Richardson.

This resolution declares that racism is a public health crisis. It asserts a reinterpretation of the history of racism in America. It asserts that racism is embedded in the foundation of America, beginning in 1619. It asserts systemic racism is a system of structured opportunity that assigns value based on how one looks. It resolves that the Minnesota House of Representatives will actively participate in the dismantling of systemic racism by assessment of human resources, vendor selection, reviewing practices related to hiring, promotions, and leadership appointments. It resolves to insert race-based criteria into future bills related to public health, family stability, early childhood education, economic development, public safety, housing, and the delivery of human services.

This identity-based resolution imposes race-based criteria as the basis for law. It demands that all government actions be measured by equality of outcome rather than equality of opportunity. It contradicts the founding idea of the equal worth of all people. It replaces the free exchange of ideas, goods and services and replaces it with a race-based theory of value. This is a comprehensive violation of the LEA credo. Addressing racism should be focused on ensuring the availability of opportunities and promoting models of success. LEA favored an NO vote. It passed the House 82-40. There was no Senate vote.



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SENATE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	2020%	c%
R	35	Abeler, Jim	+	+	A	+	-	+	-	-	-	-				+	+	-	-	+	+	50	44
R	29	Anderson, Bruce	+	+	+	+	-	-	-	-	-	-				+	-	-	-	+	+	44	84
R	44	Anderson, Paul T.	+	+	+	+	-	-	-	-	-	-				-	-	-	-	+	+	38	46
D	3	Bakk, Thomas	-	-	-	+	-	-	-	-	-	-				+	-	-	-	-	A	10	19
R	31	Benson, Michelle	+	+	+	+	-	-	-	-	-	-				+	-	-	-	+	+	44	68
D	54	Bigham, Karla	-	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	19	11
D	51	Carlson, Jim	-	-	-	A	-	-	-	-	-	-				-	-	-	-	+	+	10	14
R	38	Chamberlain, Roger	+	+	+	+	-	-	-	-	-	-				-	-	+	-	+	+	44	66
D	59	Champion, Bobby Joe	-	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	19	10
D	57	Clausen, Greg	-	-	-	A	-	-	-	-	-	-				-	-	-	-	+	+	10	18
D	64	Cohen, Richard	-	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	19	9
D	48	Cwodzinski, Steve	-	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	19	22
R	16	Dahms, Gary	+	+	+	+	-	-	-	-	-	-				+	-	-	-	+	+	44	54
D	61	Dibble, D. Scott	-	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	19	13
R	20	Draheim, Rich	+	+	+	+	-	-	-	-	-	-				A	-	-	-	+	+	37	48
D	60	Dziedzic, Kari	-	-	-	A	-	-	-	-	-	-				-	-	-	-	+	+	10	15
D	40	Eaton, Chris	-	-	-	A	-	-	-	-	-	+				-	-	-	-	+	+	17	16
R	5	Eichorn, Justin	+	+	+	+	-	-	-	-	-	-				+	-	+	-	+	+	50	49
D	4	Eken, Kent	+	+	-	+	-	-	-	-	-	-				-	-	-	-	+	+	31	30
D	49	Franzen, Melisa	+	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	25	19
D	19	Frentz, Nick	-	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	19	27
R	9	Gazelka, Paul	+	+	+	+	-	-	-	-	-	-				-	-	-	-	+	+	38	61
R	21	Goggin, Michael	+	+	+	+	-	-	-	-	A	-				A	-	-	-	+	+	37	48
R	56	Hall, Dan	+	+	+	+	-	-	-	-	-	-				-	-	-	-	+	+	38	67
D	67	Hawj, Founj	-	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	19	17
D	62	Hayden, Jeff	-	-	-	+	-	-	-	-	-	-				-	-	-	-	-	+	13	11
D	36	Hoffman, John	+	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	25	19
R	39	Housley, Karin	+	+	+	A	-	-	-	-	-	-				+	-	-	-	+	+	37	46
R	13	Howe, Jeff	+	+	+	+	-	+	-	-	+	-				+	-	+	+	+	+	69	56
R	8	Ingebrigtsen, Bill	+	+	+	+	-	-	-	-	-	-				+	-	-	-	+	+	44	59
D	42	Isaacson, Jason	-	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	19	16
R	24	Jasinski, John	+	+	+	+	-	-	-	-	-	-				-	-	-	-	+	+	38	49
R	47	Jensen, Scott	+	+	+	+	-	-	-	-	-	-				+	-	-	-	+	+	44	49
R	1	Johnson, Mark	+	+	+	+	-	+	-	-	-	+				+	-	+	-	+	+	63	54
D	53	Kent, Susan	-	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	19	20
R	30	Kiffmeyer, Mary	+	+	+	+	-	-	-	-	-	-				+	-	+	-	+	+	50	66
D	52	Klein, Matt	-	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	19	28
R	32	Koran, Mark	+	+	+	+	-	-	-	-	-	-				+	-	-	-	+	+	44	50
D	41	Laine, Carolyn	-	-	-	A	-	-	-	-	-	-				-	-	-	-	-	+	4	12
R	17	Lang, Andrew	+	+	+	+	-	-	-	-	-	+				+	-	-	-	+	+	50	52
D	46	Latz, Ron	-	-	-	A	-	-	-	-	-	-				-	-	-	-	+	+	10	11
R	34	Limmer, Warren	+	+	+	+	-	-	-	-	-	-				A	-	-	-	+	+	37	76

NO SENATE VOTE

KEY

R – Republican
D – Democratic-Farmer-Labor
 + Vote favored by LEA
 - Vote not favored by LEA
A indicates legislator excused, absent, or not voting
X – not a member at time of vote

Governor's Action

S - Sign
 ***S** - Sign with line-item vetoes
V- Veto
N- Not Applicable

35.6% = % of legislators' votes favored by LEA in 2020 sessions

2020% = legislator's 2020 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 2020 scored **90% or higher**, those receiving honorable mentions scored **at least 80%**.

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Corrections made to website if errors are discovered.

SENATE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	2020%	c%
D	58	Little, Matt	-	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	19	25
D	66	Marty, John	-	-	-	+	-	-	-	-	-	+				-	-	-	-	+	+	25	11
R	15	Mathews, Andrew	+	+	+	+	-	-	-	-	-	+				+	+	-	-	+	+	56	55
R	28	Miller, Jeremy	+	+	+	+	-	-	-	-	-	-				-	-	-	-	+	+	38	45
R	26	Nelson, Carla	+	+	+	+	-	-	-	-	-	-				-	-	-	-	+	+	38	51
R	18	Newman, Scott	+	+	+	+	-	-	-	-	-	-				+	-	-	-	+	+	44	61
D	37	Newton, Jerry	-	-	-	A	-	-	-	-	-	-				-	-	-	-	+	+	10	15
R	33	Osmeck, David	+	+	+	+	-	-	-	-	-	A				+	-	-	-	+	+	44	62
D	65	Pappas, Sandra	-	-	-	A	-	-	-	-	-	-				-	-	-	-	+	+	10	8
R	55	Pratt, Eric	+	+	+	+	-	-	-	-	-	-				-	-	-	-	+	+	38	55
R	11	Rarick, Jason	+	+	+	+	-	-	-	-	-	-				+	-	-	-	+	+	44	41
R	14	Relph, Jerry	+	+	+	+	-	-	-	-	-	-				-	-	-	-	+	+	38	48
D	45	Rest, Ann	-	-	-	A	-	-	-	-	-	-				-	-	-	-	+	+	10	20
R	23	Rosen, Julie	+	+	+	+	-	-	-	-	-	-				-	-	+	-	+	+	44	47
R	10	Ruud, Carrie	+	+	+	+	-	-	-	-	-	-				-	-	-	-	+	+	38	55
R	25	Senjem, David	+	+	+	+	-	-	-	-	-	-				-	-	+	-	+	+	44	53
D	7	Simonson, Erik	-	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	19	24
D	27	Sparks, Dan	-	-	-	A	-	-	-	-	-	-				-	-	-	-	+	+	10	23
D	6	Tomassoni, David	-	-	-	+	-	-	-	-	-	-				+	-	-	-	+	+	25	17
D	63	Torres Ray, Patricia	-	-	-	A	-	-	-	-	-	+				-	-	-	-	+	+	17	12
R	2	Utke, Paul	+	+	+	+	-	-	-	-	-	+	+			+	-	-	-	+	+	56	56
R	22	Weber, Bill	+	+	+	+	-	-	-	-	-	-				-	-	+	-	+	+	44	47
R	12	Westrom, Torrey	+	+	+	+	-	-	-	-	-	-				+	-	-	-	+	+	44	62
D	43	Wiger, Charles	-	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	19	16
D	50	Wiklund, Melissa	-	-	-	+	-	-	-	-	-	-				-	-	-	-	+	+	19	17

NO SENATE VOTE

HOUSE

Pty	Dist	Name	1	2	2	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	2020%	c%
D	44B	Acomb, Patty	-			+	A	-	-	-	-	-	-	-	-	-	-	-	-	+	+	16	15
R	55B	Albright, Tony	+			+	-	+	-	-	-	-	+	+	+	+	-	+	-	+	+	59	58
R	12B	Anderson, Paul H.	+			A	-	-	-	-	-	+	+	+	+	+	-	+	-	+	+	53	56
R	12A	Backer, Jeff	+			+	-	-	-	-	-	+	+	+	A	-	-	+	-	+	+	47	47
D	34B	Bahner, Kristin	-			A	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	10	10
R	31B	Bahr, Cal	+			+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	94	80
R	17B	Baker, Dave	+			+	-	-	-	-	-	-	+	+	+	-	A	A	-	+	+	41	41
D	42B	Becker-Finn, Jamie	-			+	A	-	-	-	-	-	-	-	-	A	-	-	-	+	+	14	13
R	27A	Bennett, Peggy	+			+	-	+	-	-	-	-	+	+	+	+	-	+	-	+	+	59	49
D	41A	Bernardy, Connie	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	25
D	57A	Bierman, Robert	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
R	47B	Boe, Greg	+			+	-	-	-	-	-	-	+	+	+	-	-	-	-	+	+	41	41
D	19A	Brand, Jeff	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
D	56A	Cantrell, Hunter	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
D	50B	Carlson, R. Andrew	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	26
D	45A	Carlson, Lyndon	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	19
D	39B	Christensen, Shelly	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
D	54A	Clafin, Anne	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
D	19B	Considine, John (Jack)	-			A	A	-	-	-	-	-	-	-	-	-	-	-	-	+	+	7	23
R	24B	Daniels, Brian	+			+	-	+	+	-	-	+	+	+	+	+	-	+	-	+	+	71	47
R	31A	Daudt, Kurt	+			+	-	-	+	-	+	+	+	+	+	+	-	+	+	+	+	76	66
R	28B	Davids, Greg	+			+	-	+	-	-	+	+	+	A	A	+	-	+	-	+	+	61	63
D	63A	Davnie, Jim	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
D	59B	Dehn, Raymond	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	20
R	13A	Demuth, Lisa	+			+	-	-	-	-	-	-	+	+	-	+	-	-	-	+	+	41	41

NO HOUSE VOTE

HOUSE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	2020%	c%
R	39A	Dettmer, Bob	+			+	-	-	-	-	-	+	+	+	+	-	-	+	-	+	+	53	64
R	21B	Draskowski, Steve	+			A	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	97	86
D	3A	Ecklund, Rob	-			+	-	-	-	-	-	-	+	+	-	-	-	-	-	+	+	29	30
D	49A	Edelson, Heather	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
D	49B	Elkins, Steve	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
R	15A	Erickson, Sondra	+			+	-	+	-	-	+	A	+	+	+	+	+	+	-	+	+	72	72
R	1A	Fabian, Dan	+			+	A	-	+	-	+	+	+	+	+	+	+	+	-	+	+	78	63
D	43A	Fischer, Peter	-			A	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	10	15
R	8B	Franson, Mary	+			+	-	+	-	-	+	+	A	+	+	-	+	+	-	+	+	66	66
D	45B	Freiberg, Mike	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
R	58B	Garofalo, Pat	+			+	-	+	-	A	-	-	A	+	+	+	-	+	-	+	+	54	60
D	62B	Gomez, Aisha	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
R	2B	Green, Steve	+			+	-	+	+	-	+	+	+	+	+	+	+	+	+	+	+	88	67
R	2A	Grossell, Matt	+			+	A	+	+	-	+	+	+	+	+	+	+	+	-	+	+	85	69
R	18B	Gruenhagen, Glenn	+			A	-	+	-	-	+	+	A	+	+	-	+	+	+	+	+	67	70
R	23A	Gunther, Bob	+			A	A	+	-	-	-	+	+	+	+	+	-	+	-	+	+	61	58
R	21A	Haley, Barb	+			+	-	-	-	-	-	-	-	+	+	-	-	-	-	+	+	35	52
D	51B	Halverson, Laurie	-			A	A	-	-	-	-	-	-	-	-	-	-	-	-	+	+	7	15
R	22B	Hamilton, Rod	+			A	A	-	-	A	-	-	-	+	+	-	-	+	-	+	+	34	52
D	52A	Hansen, Rick	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	16
D	62A	Hassan, Hodan	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	A	10	11
D	66A	Hausman, Alice	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	10
R	35A	Heinrich, John	+			+	-	+	+	-	+	+	+	+	+	+	+	+	+	+	+	88	82
R	10A	Heintzeman, Josh	+			+	-	+	+	-	+	+	+	+	+	+	+	+	-	+	+	82	54
D	64A	Her, Kaohly	-			+	A	-	-	-	-	-	-	-	-	-	-	-	-	+	+	16	12
R	33A	Hertaus, Jerry	+			+	-	+	+	-	+	A	A	+	+	+	+	+	+	+	+	81	74
D	61A	Hornstein, Frank	-			+	A	-	-	-	-	-	-	-	-	-	-	-	-	+	+	16	11
D	36B	Hortman, Melissa	-			+	-	-	-	-	-	-	-	-	-	-	A	-	-	+	+	16	13
D	50A	Howard, Michael	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
D	57B	Huot, John	-			+	A	-	-	-	-	-	-	-	-	-	-	-	-	+	+	16	15
R	32A	Johnson, Brian	+			+	-	-	+	-	+	-	+	+	+	+	+	+	-	+	+	71	58
D	60A	Jordan, Sydney	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	18
R	54B	Jurgens, Tony	+			+	-	-	-	-	-	-	-	+	+	-	-	-	-	+	+	35	51
R	1B	Kiel, Debra	+			+	A	-	+	-	+	-	+	+	+	+	-	+	-	+	+	66	57
D	44A	Klevorn, Ginny	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
D	37A	Koegel, Erin	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	21
D	48B	Kotzya-Witthuhn, Carlie	-			A	A	-	-	-	-	-	-	-	-	-	-	-	-	+	+	7	8
R	58A	Koznick, Jon	+			+	A	+	-	-	+	-	A	+	+	+	-	+	-	+	+	61	56
R	9B	Kresha, Ron	+			+	-	-	-	-	+	-	A	+	+	+	-	+	-	+	+	53	49
D	41B	Kunesh-Podein, Mary	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	25
R	5B	Layman, Sandy	+			+	-	-	-	-	-	+	-	+	+	-	-	-	-	+	+	41	48
D	59A	Lee, Fue	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	26
D	66B	Lesch, John	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	19
D	26A	Liebling, Tina	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	16
D	4A	Lien, Ben	-			A	A	-	-	-	-	-	-	-	+	-	-	-	-	+	+	14	20
D	43B	Lillie, Leon	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	11
D	20B	Lippert, Todd	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
D	6B	Lislegard, Dave	-			+	A	-	-	A	-	-	-	+	+	-	-	-	-	A	+	20	20
D	61B	Long, Jamie	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
R	30B	Lucero, Eric	+			+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	94	80
R	10B	Lueck, Dale	+			+	-	-	-	-	-	+	+	+	+	-	-	+	-	+	+	53	45
D	67A	Mahoney, Tim	-			A	A	-	-	-	-	-	-	-	-	+	A	-	-	-	+	5	16
D	56B	Mann, Alice	-			A	A	-	-	-	A	-	-	A	A	A	-	-	-	+	+	1	7
D	65B	Mariani, Carlos	-			A	A	-	-	-	-	-	-	-	-	-	-	-	-	+	+	7	8
D	4B	Marquart, Paul	+			+	-	-	-	-	-	-	-	+	+	-	-	-	-	+	+	35	34
D	51A	Masin, Sandra	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	13

NO HOUSE VOTE

HOUSE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	2020%	c%
R	29A	McDonald, Joe	+			A	-	+	-	-	+	+	+	A	A	+	-	+	-	+	+	55	61
R	15B	Mekeland, Shane	+			+	-	+	+	-	+	A	+	+	+	+	+	+	+	+	+	85	86
R	17A	Miller, Tim	+			+	+	+	-	A	+	-	+	+	+	-	+	-	+	+	+	72	61
D	42A	Moller, Kelly	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
D	65A	Moran, Rena	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	16
D	33B	Morrison, Kelly	-			A	A	-	-	-	-	-	-	-	-	-	-	-	-	+	+	7	10
R	23B	Munson, Jeremy	+			+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	94	88
D	3B	Murphy, Mary	-			+	A	-	-	-	-	-	-	-	-	-	-	-	-	A	+	7	22
R	47A	Nash, Jim	+			+	-	+	+	-	A	+	+	+	+	A	+	+	+	+	+	81	63
D	40A	Nelson, Michael	-			A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	3	16
R	11B	Nelson, Nathan	+			+	-	-	-	-	-	+	+	+	+	+	+	-	-	+	+	59	52
R	32B	Neu, Anne	+			+	-	-	+	-	+	+	+	+	+	+	+	+	+	+	+	82	72
D	60B	Noor, Mohamud	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
R	8A	Nornes, Bud	+			+	-	-	-	-	+	+	+	+	+	+	-	+	+	+	+	71	58
R	30A	Novotny, Paul	+			+	-	-	-	-	+	-	+	+	+	+	+	+	+	+	+	71	71
R	13B	ODriscoll, Tim	+			+	-	-	+	-	+	-	A	+	+	+	+	+	-	-	+	60	55
D	7B	Olson, Liz	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	26
R	29B	ONeill, Marion	+			A	A	+	-	+	+	-	A	+	+	+	+	+	+	+	+	77	61
D	28A	Pelowski, Gene	+			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	24	31
D	5A	Persell, John	-			A	A	-	-	-	-	-	-	-	-	-	-	-	-	+	+	7	11
R	24A	Petersburg, John	+			+	-	-	-	-	-	-	+	+	+	-	-	+	-	+	+	47	45
R	26B	Pierson, Nels	+			+	-	+	-	-	-	-	A	+	+	-	+	+	-	+	+	53	49
D	64B	Pinto, Dave	-			A	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	10	24
D	27B	Poppe, Jeanne	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	18
R	9A	Poston, John	+			A	A	-	-	-	-	-	+	+	+	-	+	-	-	+	+	41	58
D	48A	Pryor, Laurie	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	26
R	25A	Quam, Duane	+			+	-	+	-	-	+	-	A	+	+	A	+	+	+	+	+	67	72
D	52B	Richardson, Ruth	-			+	-	-	-	A	-	-	-	-	-	-	-	-	-	+	+	16	15
R	34A	Robbins, Kristin	+			+	-	+	-	-	-	-	+	+	+	-	+	+	-	+	+	59	56
R	38A	Runbeck, Linda	+			A	A	+	+	A	-	+	+	+	+	+	+	+	-	+	+	77	74
D	53B	Sandell, Steve	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
D	6A	Sandstede, Julie	-			A	-	-	-	-	-	-	-	+	+	-	-	-	-	+	+	22	31
D	25B	Sauke, Duane	-			A	A	-	-	-	-	-	-	-	-	-	-	-	-	+	+	7	22
R	22A	Schomacker, Joe	+			+	-	-	-	-	+	-	+	+	+	+	+	+	-	+	+	65	55
D	7A	Schultz, Jennifer	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	27
R	35B	Scott, Peggy	+			+	-	+	+	-	-	-	+	+	+	+	+	+	-	+	+	71	68
D	36A	Stephenson, Zack	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
D	11A	Sundin, Mike	-			+	-	-	-	-	-	+	-	+	+	-	-	-	-	-	+	29	23
R	16A	Swedzinski, Chris	+			+	-	+	+	-	+	-	+	+	+	+	+	-	-	+	+	71	62
D	55A	Tabke, Brad	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
R	14A	Theis, Tama	+			+	A	-	-	-	+	-	A	+	+	+	-	+	-	+	+	54	46
R	16B	Torkelson, Paul	+			+	-	-	-	-	+	+	+	+	+	+	+	+	-	+	+	71	60
R	18A	Urdahl, Dean	+			A	A	-	-	-	-	-	-	+	+	-	+	+	-	+	+	41	50
D	40B	Vang, Samantha	-			+	A	-	-	-	-	-	-	-	-	-	-	-	-	+	+	16	15
R	20A	Vogel, Bob	+			+	A	+	+	-	+	+	+	+	+	+	-	+	-	+	+	78	60
D	63B	Wagenius, Jean	-			A	A	-	-	-	-	-	-	-	-	-	-	-	-	+	+	7	13
D	38B	Wazlawik, Ami	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	14
R	37B	West, Nolan	+			+	-	-	-	-	-	-	A	+	+	+	+	+	-	+	+	53	50
D	46A	Winkler, Ryan	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	9
D	14B	Wolgamott, Dan	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
D	67B	Xiong, Jay	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	15
D	53A	Xiong, Tou	-			+	-	-	A	-	-	-	-	-	-	-	-	-	-	+	+	16	15
D	46B	Youakim, Cheryl	-			+	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	18	26

NO HOUSE VOTE

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

12. Firearm Transfer Background-Check Requirements Modified

HF8. Rep. Pinto.

This bill increases requirements for background checks by removing a provision that could allow a transferee to only show valid ID to receive a firearm. As a result, recipients in gun transfers (with specific exceptions) must show either a transferee permit or a carry permit. Exceptions include firearms dealers, law enforcement agencies and transfers between immediate family members. The bill gives discretion to local law officers to deny a transferee permit to a person deemed to be a danger to self or others. A denial must be based on documented past contact with law enforcement.

Though the bill retains wording requiring transferors to file a report about each transfer to any non-carry permit holder, it removes wording that waived this requirement if the recipient was the holder of a transferee permit. The bill specifies that both the transferor and transferee must retain a paper or digital copy of the transfer report for 20 years and must present it to law enforcement on request. The report must include detailed information about the firearm and the recipient, and a sworn oath that the transferee is not prohibited from receiving a firearm. Failure to produce this report on request would become a gross misdemeanor. Penalties are raised to a gross misdemeanor for failure to return a revoked permit within 5 days of learning of the revocation, and to a felony for making a false statement to obtain a transferee permit.

Constitutionally guaranteed liberties like the 2nd Amendment should not require government permission to exercise. The US Supreme Court has ruled that the right to keep and bear arms is a citizen's individual right. This bill revives the discretion of local law enforcement to deny that right, and imposes administrative burdens on citizens exercising that right. Citizens should not be made criminals if they violate complex bureaucratic rules on gun transfers.

LEA favored a NO vote. The bill passed the House 69-62. There was no Senate vote.

13. Prohibition of Firearm Possession by Dangerous Individuals

HF9. Rep. Richardson.

This bill, a "red flag law," enables law enforcement, city attorneys, or county attorneys to petition a court for an "extreme risk protection order" (ERPO) hearing within 14 days of filing the petition, to prohibit individuals from possessing a firearm if they are deemed to pose significant danger to themselves or others by possessing a firearm. If petitioners allege that an individual poses an immediate significant risk of inflicting bodily harm, an Emergency ERPO can be enforced for 14 days prior to a hearing.

The respondent must be willing to use considerable effort and incur legal expenses to preserve or reclaim his property and restore his reputation, even though he may never have been convicted of or charged with a crime. An initial ERPO extends for not less than six months and not more than two years. The ERPO can then be extended for six to 24 months at a time. Application

for termination of an order is limited to one application for each year the order is in effect. The respondent must prove at a termination hearing that he is not a threat to himself or others.

A bedrock principle of our constitutional republic is the presumption of innocence until proven guilty. Red flag laws turn that concept on its head, presuming that an individual is an extreme risk and treating him or her accordingly, taking away property and the right to possess a firearm.

LEA favored a NO vote. The bill passed 68-62 in the House. There was no Senate vote.

14. MN Minimum Tobacco Products Age Raised to 21

HF331. Rep. Edelson. [SF463. Sen. Chamberlain.]

This bill raises Minnesota's minimum age for tobacco-products use to 21, and creates additional restrictions and penalties on use of both natural and synthetic products, including e-cigarettes. Besides prohibitions on underage sale and consumption, no one in MN under 21 will be allowed to enter a tobacco-products shop that receives 90% or more of revenues from tobacco sales. Monetary and licensing penalties are also significantly increased on retailers violating tobacco laws. To pass compliance checks at least annually, retailers must decline to sell to anyone under 21 and ID check anyone under 30. The \$50 fine that can be imposed on individuals who sell tobacco products to underage persons will now also apply to those who give products to them. Localities retain the ability to impose more stringent tobacco regulations. At the same time, underage persons could no longer be fined for illegal purchases or for using false ID in a purchase attempt. They can, however, be compelled to do community service and participate in tobacco cessation or tobacco-free education programs.

In December 2019, language authorizing the U.S. Food and Drug Administration (FDA) to enforce a national minimum tobacco-sale age of 21 was part of a federal omnibus spending bill signed into law. States must show compliance with this federal law, if they want access to federal Substance Abuse Prevention and Treatment Block Grants.

This law disrespects retailers, customers, and citizens' rights. People age 18 can vote, enter contracts, and make health decisions, but this law removes their agency in tobacco decisions and assigns all responsibility for violations to retailers. The new prohibitions on keeping a person under 21 from merely entering a tobacco-products shop, even for work or with parents, will be tougher than the laws restricting underage access to bars. But, a tobacco user does not constitute the same immediate danger to others as someone driving under the influence, or engaging in domestic abuse or disorderly conduct while intoxicated. When states and localities do more of the enforcement, they collect more of the penalties; however, duplication of federal laws to create more state revenue risks neglect of more serious laws. This could drive retailers out of business, bolstering dangerous black-market activity. LEA is not convinced the state law increasing the minimum age for tobacco and the extra enforcement of it is a prudent use of state power. It favored a NO vote on the bill that passed the Senate 43-21, the House 89-41, and became law.

15. Horse Racing and Card Club Fees and Regulations

HF4597. Rep. Tabke. [SF4504. Sen. Pratt.]

This bill doubles the state racing commission fee for regulating horse racing and parimutuel betting from 1 to 2 percent on any amount wagered, and it allows an exception to the minimum number of days a licensee must conduct live racing in order to operate a card club if circumstances are beyond the licensee's control. It expands the uses to which a licensee's payments to a horseperson's organization can be used to include capital improvements and expense reimbursements. It changes from "shall" to "may" the imposition of additional fees by the commission upon licensees to reimburse costs for regulating card clubs.

There is an appearance of corruption in this bill, as the government allowed card-club operators regulatory relief in exchange for a doubling of regulatory fees. The bill states that this arrangement expires on Dec 31, 2021. Perhaps the next horse trade will be extending the doubling of the commission fee in exchange for licensees not having to reimburse the commission for regulatory costs. Giving the commission that much discretion absolves it of responsibility and muddles the law.

LEA favored a NO vote on the bill because of the potential for extortion, and the increase in the government's regulatory fees. The bill passed in the House 97-34, the Senate 65-2, and was signed into law.

16. Renewable Energy Subsidies and Energy Transition Grants

HF1842. Rep. Wagenius. [SF2084. Sen. Osmek.]

This bill defines the allocation of funds from the Renewable Development Account (RDA). Allocations include \$20 million for the extension through 2022 of Xcel Energy's existing Solar Rewards program that requires the utility to pay owners of small solar systems an incentive linked to amount of energy produced. A new program, the Prairie Island Net Zero Project, will be granted \$46.2 million over 3 years through the MN Commissioner of Commerce to promote zero net emissions and the use of renewable energy by the Prairie Island Indian Community. Smaller amounts are allocated to various renewable energy opportunities including \$2.75 million for a grant to Granite Falls for a new turbine for its hydropower facility. The bill also appropriates \$2 million for a new Community Energy Transition Grants program targeted for community economic redevelopment and worker retraining in communities phasing out older power plants.

The funding of the RDA comes from Xcel Energy's ratepayers who have contributed \$327 million since 1994, when Xcel gained the right to store nuclear casks on Prairie Island. The account had \$58 million as of June 2019.

Hearings focused on the growth of subsidized renewable installations and jobs, but no testimony was heard on the viability of the renewable-energy strategy. Policymakers should review what is working and what is not. The 4th and 5th generation nuclear-power technology addresses risks of earlier generations and should be part of Minnesota's clean-energy strategy. Also,

this bill is a grab bag of subsidies, incentives, exemptions, and new programs, each of which deserved more scrutiny and consideration in separate bills.

LEA favored a NO vote. It passed the Senate 59-8, the House 84-49, and was signed by the governor.

17. Banning Uses of TCE (Trichloroethylene)

SF4073. Sen. Chamberlain. [HF3376. Rep. Wazlawik.]

This bill bans most uses of trichloroethylene (TCE) by June of 2022. A business that proposes to replace TCE use with an alternative must use a chemical demonstrated to be less toxic to human health, and reviewed in a form determined by the MN Pollution Control Agency (MPCA) Commissioner. Exceptions for hospital and medical research uses are allowed, as well as for processing TCE waste and for use in "closed" systems where no TCE is emitted from the facility. \$250,000 of interest-free, small-business loans are made available for reducing use of TCE.

This was officially named the "White Bear Area Neighborhood Concerned Citizens Group Ban TCE Act," with area legislators as the chief authors. Neighborhood citizens pushed hard for a ban after the MPCA fined a company \$7 million and temporarily closed it due to many years of violating air-pollution standards for TCE, and also due to workers' families experiencing dangerous exposure to lead dust tracked home in clothing contaminated at the company's factory. The National Toxicology Program categorizes TCE as reasonably anticipated to be a human carcinogen, particularly for the liver or kidneys, based on limited studies on humans, and sufficient evidence from studies on animals. Acute overexposure can result in life-threatening respiratory and circulatory failures. Currently, TCE is listed as one of the first 10 chemicals scheduled for EPA review per the Toxic Substances Control Act, following which there will be a determination if uses meet the law's safety standards or if further restrictions are warranted.

As a solvent, TCE has had a variety of uses over the past 100 years, primary as a cleaning agent or in the manufacture of refrigerants. It has been used to clean kerosene-fueled rocket engines, and its most common use is as a degreaser for metal parts. Its use was declining in favor of the less-toxic alternative trichloroethylene, but revived when the alternative was targeted for elimination by the international Montreal Protocol for being an ozone-threatening chemical. Other alternatives are emerging. TCE does break down rapidly in open air and sunlight. Moreover, TCE contamination in soil and groundwater has been remediated with chemical treatment or extraction, and research has identified naturally-occurring bacteria that can degrade it.

This ban on TCE, the first in the nation, once again puts Minnesota at the forefront of banning a commonly-used chemical or product. It is a neighborhood-motivated reaction to one bad actor violating already-existing laws, when more stringent standards and harsher responses against violators could have been considered rather than sweeping prohibitions. Banning TCE in one state negates efforts of responsible companies making sizable investments in equipment for mitigating emissions, and also interferes with market forces developing alternatives,



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as well as the scientific and legal processes that have been set up to control its use. LEA favored a NO vote. It passed the Senate 66-1, the House 117-17, and was signed into law.

18. Cosmetology License Exemptions

SF2898. Sen. Housley. [HF3202. Rep. Christensen.]

This bill exempts hairstyling from the definition of cosmetology such that hairstyling--cleaning drying, arranging, styling shampooing, conditioning or using topical agents--shall not require a cosmetology license. It exempts "makeup services," including the application of makeup applied using an airbrush, or the application of a cosmetic to enhance the face or skin, such that it shall not require an esthetician license. It also eliminates continuing education and licensing requirements for eyelash technicians. It relieves the facility in which only non-cosmetology services are being performed from the requirement of a salon license.

SF2898 removes unnecessary regulation of eyelash technicians added in a 2016 law that LEA opposed. Licensing should only be required for professions where there is a significant risk of harm to the recipient of the service, not for the activities exempted in this bill. Credentialing institutions have a vested interest in expanding licensing requirements. Licensing of extremely specific occupational areas stifles competition and can be unreasonably burdensome.

LEA Favored a YES vote on the bill that passed 64-3 in the Senate and 128-4 in the House. The governor signed the bill.

19. Drone and Electronic Tracking

SF3072. Sen. Limmer. [HF3012. Rep. Lesch.]

This bill requires government entities to obtain search warrants for the use of drones, specifies when drone use is authorized, stipulates limitations on drones, and indicates required documentation. It requires warrants prior to accessing electronic systems such as cell phones, automobile GPS devices and/or other location disclosing devices.

This bill generally forbids state officials from spying without warrants. Exceptions to this requirement of obtaining a warrant for use of drones include for probable cause, emergency situations, public events, terrorist attacks, natural or man-made disasters, and for training or public relations, or written requests from government entities. Exceptions to the requirement of obtaining a warrant for electronic communication information are if the agency has valid consent, or for danger to the life or physical safety of an individual.

This bill protects Minnesotans from unreasonable searches via electronic communication. Requirement of warrants extends 4th amendment protection to handle new technology with this bill. While there are many exceptions to the requirement of obtaining a warrant that may be abused, it is a good first step for limiting abuse of drone and GPS technology. LEA favored a YES vote on the bill. The bill passed in the Senate 66-0, the House 131-2, and was signed into law.