



2021 REPORT on the MINNESOTA LEGISLATURE

by the
LEGISLATIVE EVALUATION ASSEMBLY
of MINNESOTA, INC








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CREDO — *The Legislative Evaluation Assembly of Minnesota (LEA) is a non-partisan and non-profit organization, established to inform the citizens of Minnesota of both important legislation and the voting performance of each Minnesota state legislator. LEA bases its evaluation on our declared American founding principles of self-evident truths and inalienable rights. These principles provide a basis for a constitutionally limited government established to sustain life, liberty, justice, property rights and free enterprise. LEA encourages the use of the material in its Reports, in whole or in part, with attribution, by any group or individual.*

2021 LEA HOUSE HONOREES *(No Senate Honorees)*

						
Drazkowski, Steve 87%	Green, Steve 92%	Grossell, Matt 87%	Lucero, Eric 92%	Mekeland, Shane 92%	Mortensen, Erik 87%	Munson, Jeremy 92%

HONORABLE MENTION: House:

Kurt Daudt, Josh Heintzeman, Duane Quam, Kristin Robbins

2021 LEGISLATIVE REVIEW

Failure of Representative Government in Minnesota

The Legislative branch failed to perform its constitutional duties—to represent their constituents’ interests and to be a check on the power of the executive branch. Instead, this was reversed. We had one-man rule. Emergency-powers policies were made by the governor and his administration, who consulted his party leaders and allied interest groups. The media and a sizable percentage of Minnesotans seem to have accepted this suspension of representative government as necessary during the pandemic.

In the last decade, legislative power and decision-making has been increasingly concentrated in the hands of a few leaders. This year Governor Walz and his administration worked directly with top legislative leaders in closed-door meetings to craft legislation. This has come at the expense of the primary legislative function, which is the citizens’ shaping of laws through discussion and debate with their representatives. Legislators have accepted the passive role of voting on bills crafted by others, often without adequate scrutiny. The reach of the administrative state into the everyday lives of Minnesotans reflects a systemic failure of the legislative branch to represent Minnesotans, allowing others to hijack their government.

This easy transition from discussion-centered, representative government to authoritarianism, where discussions are

unnecessary, shows how fragile representative government is. The lack of open legislative debate involving citizens leads to frustration, anger, and the sense the government is not legitimate.

This year, the governor refused to have a dialogue with the legislature and retained his emergency power through the end of the fiscal year without resistance from a majority of legislators. Inflating the crisis of the pandemic, he imposed restrictions that crushed small businesses, entertainment, churches, and others, while big-box businesses and politically powerful entities flourished. Some of the governor’s early unilateral policies may have helped to address the COVID-19 pandemic. However, later measures could have been enacted through the usual legislative route, not through executive orders. The pandemic was ten months old when the 2021 legislative session began. The urgency of time-critical action had passed. The legislature should have canceled the “Emergency” and resumed their sworn duties as lawmakers. The docile behavior of the Minnesota legislature in the face of this enormous power grab by the executive is a historic failure.

LEA evaluates legislators based on their floor votes. The increasing dominance of unconstitutional multi-subject “omnibus” bills continues. Thirty years ago, it was common to pass hundreds of single-subject, understandable, and well-vetted bills in a legislative session. Today, more and more of each legislative session is packed into omnibus bills. In 2017, 99 bills passed. In the 2020 regular session, only 53 bills were passed. In the 2021 regular session, only 31 bills were passed. In the first 2021 special session, 13

omnibus bills were passed, containing the bulk of the legislative agenda for 2021. When legislators vote in special session on 500-page bills with hundreds of provisions, proper scrutiny is unlikely. Legislative evaluation becomes almost impossible for LEA and for citizens. These massive, elite imposed, unconstitutional bills undercut the principle of a government of the people.

This year more policies and spending were based on skin color in direct violation of fundamental principles of equality under the law. The bills also required recordkeeping based on separation by race, embedding racism into our statutes, and promoting racial division despite the rhetoric that they will do the opposite. This year's legislation exacerbated racism in our society.

LEA reports on the performance of the Minnesota legislature, based on the Minnesota constitution, our credo, and the founding principles of the United States. When a government institution fails to do its duty and abdicates its responsibility to elites in power, the only word that properly applies is "failure."

1. Omnibus State Government Finance and Policy Bill

SS1SF2. Sen. Kiffmeyer. [SS1HF12. Rep. Nelson, M.]

Summary: This bill appropriates \$1.3 billion for state government operations. The peacetime emergency declared on March 13, 2020, is terminated as of July 1, 2021—fifteen and a half months after it began. Noncontroversial additions are made to military and veterans' policy. It authorizes Lease Revenue bonds to fund renovation and expansion of buildings that are part of the capital campus, specifically excluding this debt from any statutory debt limits. Miscellaneous provisions include a charging fee for electric vehicles and a Commission on Cybersecurity.

New requirements for elections include instructions for registration applications, new rules for recounts, security for absentee ballot drop boxes (video recording each continually during the entire voting period, ballots removed once a day, date-stamped and secured in a locked space), and electioneering is prohibited within 100 feet of a ballot drop box. Also, precincts after redistricting must be established 19 weeks before the state primary. Registering voters must provide a valid Driver's License, identification card number, or the last four digits of a Social Security number – unless the voter has not been issued one of those numbers.

The bill provides governance for the \$2.833 billion in COVID Federal funds that Minnesota will receive from the American Rescue Plan (ARP). Political leaders agreed to break funding into three buckets: immediate COVID-19 response (\$500 million), long-term pandemic recovery (\$1.15 billion), and revenue replacement (\$633 and \$550 million in the 2022-2023 and 2024-2025 bienniums). A Federal COVID-19 Flexible Response Account was created, using many of the provisions of the previously enacted Minnesota Flexible Response Account created in March 2020 that expired on December 31, 2020. Specifically, it uses the COVID-19 Response Commission to approve requests over \$2.5 million, compared to \$1.0 million in the original

2020 bill. Amounts under \$2.5 million can be approved by the Commissioner of Minnesota Management and Budget.

Analysis: This bill covers a broad array of appropriations, policies, and governance, eliminating the possibility of citizen representation on each of the major subjects considered by the bill. Lease revenue bonds authorized by the bill and excluded from statutory debt capacity limits are counter to sound fiscal management. It is misleading to consider charges between departments as revenue and inconsistent with statutory intent.

These changes to election law will not lead to public confidence in election integrity. Security for ballot drop boxes has been enhanced, but the need for such drop boxes is unjustified and allows for more ballot handlers that could tamper with ballots. We must ensure that only eligible voters vote, and tampering is made difficult. The law continues to allow voters to register without routinely available identification verification and follow-up until the following February, which is far too late to ensure election integrity. Votes from ineligible voters who register fraudulently are still counted. Voting should be made easy, but past a certain point, citizens can and should be happy to bear the inconvenience necessary to ensure clean, honest elections.

Regarding governance of federal COVID-19 funds, many reasonable efforts were included to channel funds to people most in need. Unfortunately, this bill specifies race-based funding distribution. Any governing approach that presumes that people of one race should be governed one way and everyone else in a different way conflicts with the intent and the language of the 14th Amendment and the Civil Rights Acts of 1964 and 1965. It rejects the ideal of equality under the law that men and women of every race and ethnicity have given their lives to achieve.

Recommendation: LEA favored a NO vote on this bill. It passed the Senate 54-12; the House 70-63, and became law.

2. Omnibus Tax Bill

SS1HF9. Rep. Marquart. [SS1SF26. Sen. Nelson.]

Summary: This bill has 16 articles, 216 sections, plus subdivisions and paragraphs under many of the sections. The Senate-provided summary is 28 pages long for this 240-page bill. Article 1 attempts to conform with federal tax law changes, including those related to The Tax Cuts and Jobs Act of 2017 and to various "COVID" bills passed in 2020 and 2021. It also establishes a nonrefundable credit for film production equal to 25% of eligible film costs in Minnesota. This credit is facilitated by DEED (Department of Employment and Economic Development).

Article 4 focuses on sales and use taxes, primarily the timing of payment, establishes an exemption for season ticket purchasing rights to collegiate events, and exempts fundraising sales by or for nonprofit student groups. It includes retroactive exemption provisions for construction materials used for building projects in four specific cities. Article 7 provides aid to cities and counties for a variety of needs. Most notable is the appropriation of \$29.4

million for grants to thirteen counties that must pay a refund of property taxes to a pipeline company because of overvaluation.

Article 8 approved requests from twenty cities and counties to raise sales taxes by .5 percent for locally approved capital improvement projects. This is a significant change from the standard practice of raising property taxes related to debt service. This bill prohibits the inclusion of the related debt in statutory debt limit calculations. Article 9 creates additional flexibility for the use of Tax Increment Financing for ten specific cities.

Article 10 allows proceeds of the county transportation sales tax to be used to pay capital costs of constructing buildings and other facilities for maintaining transportation or transit projects or improvements. It also allows municipalities to use street reconstruction bond proceeds to construct bicycle lanes, sidewalks, and paths that are incidental to the street reconstruction.

Article 11 is titled Miscellaneous and includes 46 sections with provisions about data privacy, transfers of money between entities, a variety of appropriations, rules for lobbyists, and fixes to the Health and Human Services bill. It also codifies an executive order recognizing the legal relationship between Tribal Nations and the state of Minnesota.

Analysis: The pipeline grant mentioned in the summary is one of many tax credits and grants included in this bill. The meetings by the Senate Committee on Taxes were dominated by a series of requests for government funding that were typically laid over for consideration in this omnibus bill. Of particular concern is the authorization (only six cities previously had authorization) for 16 additional cities, most with populations under 10,000, to raise sales taxes for local projects. Like so much of city and county debt, this debt must be excluded from statutory debt limit calculations, effectively removing statutory limits on borrowing.

This bill adds complexity to the Minnesota tax code. Complexity usually works in favor of the politically well-connected and against the general population.

Recommendation: This bill is a multi-subject bill and would earn a NO vote from LEA for that reason alone. Furthermore, we cannot condone the expansion of ways for cities to take on debt outside of statutory debt limits nor the scores of appropriations approved without discussion or debate by legislators. Real tax reform is needed that moves expenditures out of the tax code. LEA recommends a NO vote. The bill passed the Senate 54-11, the House 69-55, and was signed by the governor.

3. Regulating Charitable Bail Organizations

SF415. Sen. Koran.

Summary: The bill prohibits Charitable Bail Organizations (CBOs) from posting bail for someone charged with a violent offense and for those with a previous conviction for a violent offense or those who register as predatory offenders. It mandates reporting requirements for CBOs that post bail for more than two individuals in 180 days. A CBO must register with the state court

administrator before soliciting and accepting donations from the public and before posting bail on behalf of a defendant. The CBO must annually report to the state court administrator: the number of defendants that received bail; the amount of bail posted; and the total bail money amount returned to the CBO. The state court administrator must aggregate information and annually report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety. The state court administrator may impose sanctions and costs on a CBO for violations and develop a complaints process against CBOs for investigating complaints and imposing disciplinary action. A sheriff or district court administrator may not accept bail from a CBO that is not compliant. Before accepting bail, a sheriff or district court administrator must collect: The name, address, taxpayer ID number, and legal structure of the CBO; the name and title of the person posting bail on behalf of the CBO; and the amount posted. Data collected is public. A sheriff or district court administrator must report information to the state court administrator.

Analysis: The bill adds transparency by addressing the problem of anonymous bail posting for violent rioters and other violent offenders. Crowd-funding technology and deep-pocketed organizations have allowed multiple violent criminals to be released and too often re-offend. Currently, there is no reporting on the number of people bailed out by CBOs. This bill fixes that and holds CBOs accountable. However, the bill does not hold individuals accountable. Although it stops CBOs from directly depositing bail for violent offenders, money is fungible, and billionaires can still post bail directly to a bail bondsman. The bill also does not rein in CBOs paying for pre-trial justice like court fines, legal fees, and lost wages.

Recommendation: This bill lacked clarity regarding the definition of a CBO that should be addressed in future bills if legislators propose to address concerns regarding charitable bail organizations. As an important first step, LEA favored a YES vote on the bill. The Senate voted 36-30 in favor. There was no House vote.

4. Psychology Interjurisdictional Compact (PSYPACT) Creation

SF193. Sen. Benson. [HF269. Rep. Morrison.]

Summary: This bill provides for the regulation and expansion of access to licensed psychological services across state lines via the formation of an interstate compact structure. It establishes terms enabling psychologists who are not licensed in Minnesota to practice here on a telepsychology or temporary in-person basis, provided their home state licensure is in order and that state becomes a member of the compact group. The law sets forth general acceptance criteria for a practitioner's home state licensure and establishes a cooperative mechanism for dealing with adverse actions against a psychologist operating within the compact framework. Oversight authority is granted to a newly established

Psychology Interjurisdictional Compact Commission consisting of designated representatives from participating states. The organizational structure, role, and scope of authority of the Commission are delineated. Sharing of practitioner information will be accomplished via the use of a coordinated licensure and disciplinary action information system.

Analysis: The bill addresses the problem of limited resources for people with mental health needs, enabling qualified psychologists from other states to offer certain services in Minnesota (and vice versa). The stimulus for this legislation likely arose from the pandemic-related shift to electronic meetings and work-at-home services. It requires providers offering psychological services to be in adequate compliance with licensing standards among the reciprocal states within the compact, thereby ensuring an overall standard of professional quality, and brings about a regulatory mechanism to enforce these standards.

Recommendation: LEA favored a YES vote on this bill. It passed the Senate 67-0, the House 133-0, and was signed into law.

5. Continuing Education for Internet Installers

SF659. Sen. Draheim. [HF682. Rep. Ecklund.]

Summary: This bill describes requirements for continuing education courses for internet installers in manufactured homes to receive certification and maintain their license.

This straightforward single-subject legislation treats internet installers like electricians and plumbers who must prove competence in keeping up with developments in their field to maintain their professional license.

Analysis: LEA supports such licensure and continuing education courses when an installation of a product affects the safety or financial risk to a homeowner. Electrical fires and water leaks clearly reflect such risks. It is not clear to LEA that internet installations fit into this category as internet cabling is not a fire threat and is anyway being replaced by wi-fi devices. LEA believes this bill is unnecessary regulation of labor and that the market and courts provide adequate checks and balances against faulty installations of this type.

Recommendation: LEA favored a NO vote. The bill passed in the Senate 67-0, and the House 131-0, and was signed into law.

6. Omnibus Higher Education

SS1HF7. Rep. Bernardy. [SS1SF18. Sen. Tomassoni.]

Summary: This bill appropriates \$3.5 billion for the Office of Higher Education, Minnesota State Colleges and Universities, the University of Minnesota, and the Mayo Clinic. It establishes requirements for data reporting on transfer students based on race and ethnicity. It provides supplemental tuition funding for up to five years for foster children in social services and student teaching grant stipends for underrepresented racial and ethnic groups. It establishes a loan repayment program for teachers in underrepresented racial and ethnic groups. It establishes a grant

program for training Minnesota higher education employees to meet competency standards and amends a program for training employees for large companies. It establishes a hunger-free campus designation to provide grants to post-secondary schools to maintain a hunger-free campus and amends “Z-degrees” with zero textbook costs. It requires Minnesota state colleges to accept expanded credit for work-based experiences. It authorizes a teacher-of-color and American Indian scholarship program. A pilot program for direct admission of students from high school to college, emphasizing students of color, is also added.

Analysis: This legislation was the product of lobbying of the triumvirate by the administrations of the budget recipients—advocates representing “equity” for racial and ethnic groups, and social services. It represents their effort to increase patronage and address widening employment gaps between the children of traditional families and those from broken families and certain racial and ethnic groups. This bill is focused on paying for the training of students who will be employed by large employers, with an emphasis on racial minorities, and not a program for independent success. This legislation was thrust on legislators in a special session with the encouragement of party leadership after elite negotiations.

LEA does not believe this act was produced by a representative process or public discussion. Rather, it was the result of unchecked organizational interests and superficial judging of people’s performance based on skin color and wealth, rather than culture, values, self-motivation, freedom, and many other social variables that affect financial success. The bill’s creators also treated people as members of groups rather than as individuals, in violation of the principle of equal justice for individuals before the law. Previous attempts of governments to educate students to become self-sufficient entrepreneurs have failed when there is no marketplace competition in schools. This bill funnels billions of dollars into public institutions of higher education, creating an effective government monopoly that will reduce traditional educational options for minorities and generate more bloated and inefficient educational bureaucracies. LEA supports the idea of tuition vouchers for students with financial needs and the withdrawal of direct state payments to institutions of higher learning.

Recommendation: LEA supported a NO vote. The bill passed the Senate 66-0, the House 71-57, and became law.

7. Omnibus Agriculture Bill

SS1HF8. Rep. Sundin. [SS1SF25. Sen. Westrom.]

Summary: Article 1 of the bill appropriates \$139 million for the Department of Agriculture, Board of Animal Health, Agricultural Utilization Research Institute, Emerging Farmer Account, and Dairy Development and Profitability Enhancement. \$39 million of this total is for protection Services. \$8.4 million is for Agricultural Marketing and Development. \$50 million goes to research, including at the University of

Minnesota, into advancements in Agriculture, bioenergy, and bio-products. \$20 million goes to support local agricultural societies, food distribution, low-interest loans, grants to colleges and universities, and farmer “outreach.” The bill requires the MN Commissioner of Agriculture to start a dairy development and profitability enhancement program, explicitly targeted to certain ethnic, disability, social and racial groups, with a yearly progress report to legislative leaders and committees. Article 2 of the bill allocates \$700,000 to DEED for broadband development.

Analysis: The bill ignores equality under the law by selecting recipients by sex, race, ethnicity, and disability, as determined by the Agriculture Commissioner. The bulk of the appropriations are for agricultural programs that in theory will benefit all farmers in the state. However, the discretion given to the commissioner is not consistent with an impartial Rule of Law. The state has neither the standing nor competence to “train” farmers to be profitable. The broadband appropriations are very small and unlikely to have a significant impact. Public interventions such as this, trying to compete with private technology vendors, have a long and sad history. Some of the research appropriations are grants to colleges and universities. It is arguably misleading to put them in an agriculture bill. A great deal of latitude is given to the agency. For example, the bill only details the spending of \$4.7 million of the \$39 million in Protection Services and only \$2.2 million of the \$8.4 million in Agricultural Marketing and Development.

Recommendation: LEA favored a NO vote on this bill. Aside from violating the single-subject rule, and undermining equality under the law, it mixes justifiable agricultural research with mandates and attempts to expand uncompetitive and ecologically damaging biofuel programs. The legislation passed the Senate 63-3, the House 112-20, and was signed by the governor.

8. Omnibus Housing Bill

SS1HF4. Rep. Hausman. [SS1SF16. Sen. Draheim.]

Summary: This bill appropriates \$125 million for the Housing Finance Agency (HFA). These totals include funds for financial literacy training, rental assistance to the mentally ill, housing rehabilitation loans, and a program for increasing homeownership among indigenous people. The bill allows the HFA to issue \$100 million in housing infrastructure bonds, of which \$15 million is dedicated to manufactured home park improvements. Another provision expands the scope of rehabilitation loans to include the replacement of manufactured homes. The bill voids the governor’s moratorium executive orders on evictions, but it creates a new moratorium that will expire 105 days after the date of enactment. The bill stipulates that money received from the federal Homeowner Assistance Fund under the American Rescue Plan may not be used to reimburse the federal Coronavirus Relief Fund.

The bill changes HFA’s definition of “low or moderate income,” raising the upper threshold from 80% to 115% of state or area median income. The bill strengthens requirements on

landlords to accommodate service animals for all disabled, rather than just the blind and deaf. There is a repeal of the rule that service animals must come from recognized training schools.

The bill creates a 24-member task force to develop standards for homeless shelters and to examine the need for state oversight of shelters. Members include specifically named advocacy groups, such as Street Voices of Change, as well as former shelter residents and officials from state and local governments.

Analysis: This bill has serious flaws. Some appropriations undermine equality under the law by targeting benefits to specific ethnic groups. Definition changes to housing appropriations seem intended to expand funding for purposes not clearly defined. The eviction moratorium impairs the obligation of contracts and deprives landlords of property rights without due process, thus extending the unconstitutional provisions of the executive order it replaces. During the moratorium’s off-ramp phase-out period, a tenant that applies for COVID-19 rental assistance can even avoid being evicted until June 1, 2022. The Shelter Taskforce creates a conflict of interest by appointing political lobbying groups to recommend policy. Lastly, the bill violates the single-subject rule of the constitution, changing numerous policies, statutes, and rules in one bill.

Recommendation: LEA favored a NO vote on this bill. The legislation passed the Senate 66-0, the House 72-58, and was signed by the governor.

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Legislative Evaluation Assembly

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SENATE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	2021%	c%
R	35	Abeler, Jim	-	-	+	+	-	-	-	-		+	+	-	-	-		31	44
R	29	Anderson, Bruce	-	-	+	+	-	-	-	-		+	+	-	+	-		38	82
I	3	Bakk, Thomas	-	-	+	+	-	-	A	-		+	A	-	-	-		20	19
R	31	Benson, Michelle	+	+	+	+	-	-	-	-		+	+	-	+	-		54	66
D	54	Bigham, Karla	-	-	A	+	-	-	-	-		-	-	-	-	-		4	10
D	51	Carlson, Jim	-	-	-	+	-	-	-	-		-	-	-	-	-		8	13
R	38	Chamberlain, Roger	-	+	+	+	-	-	-	-		+	+	-	-	-		38	61
D	59	Champion, Bobby Joe	+	-	-	+	-	-	-	-		-	-	-	-	-		15	10
D	57	Clausen, Greg	-	-	-	+	-	-	-	-		-	-	-	-	-		8	17
R	47	Coleman, Julia	-	-	+	+	-	-	-	-		+	+	-	-	-		31	31
D	48	Cwodzinski, Steve	-	-	-	+	-	-	-	-		-	-	-	-	-		8	19
R	16	Dahms, Gary	-	-	+	+	-	-	-	-		+	+	-	-	-		31	52
D	61	Dibble, D. Scott	+	-	-	+	-	-	-	-		-	-	-	-	-		15	13
R	27	Dornink, Gene	-	-	+	+	-	-	-	-		+	+	-	-	-		31	31
R	20	Draheim, Rich	-	-	+	+	-	-	-	-		+	+	-	+	-		38	46
R	58	Duckworth, Zach	-	-	+	+	-	-	-	-		+	+	-	-	-		31	31
D	60	Dziedzic, Kari	A	A	-	+	-	-	-	-		-	-	-	-	-		1	14
D	40	Eaton, Chris	-	-	-	+	-	-	+	-		-	-	-	-	-		15	16
R	5	Eichorn, Justin	+	-	+	+	-	-	-	A		+	+	+	+	-		54	50
D	4	Eken, Kent	-	-	-	+	-	-	-	-		+	-	-	-	-		15	29
D	62	Fateh, Omar	+	+	-	+	-	-	-	-		-	-	-	-	-		23	23
D	49	Franzen, Melisa	-	-	-	+	-	-	-	-		-	-	-	-	-		8	18
D	19	Frentz, Nick	-	-	-	+	-	-	-	-		-	-	-	-	-		8	23
R	9	Gazelka, Paul	-	-	+	+	-	-	-	-		+	+	-	-	-		31	58
R	21	Goggin, Michael	+	+	+	+	-	-	-	-		+	+	+	-	A		54	49
D	67	Hawj, Foung	+	-	-	+	-	-	-	-		-	-	-	-	-		15	17
D	36	Hoffman, John	-	-	-	+	-	-	-	-		+	-	-	-	-		15	19
R	39	Housley, Karin	-	-	+	+	-	-	-	-		+	+	-	-	-		31	44
R	13	Howe, Jeff	-	+	+	+	-	-	-	-		+	+	+	+	-		54	56
R	8	Ingebrigtsen, Bill	-	-	+	+	-	-	-	-		+	+	-	+	-		38	58
D	42	Isaacson, Jason	-	-	-	+	-	-	-	-		-	-	-	-	-		8	15
R	24	Jasinski, John	-	-	+	+	-	-	-	-		+	+	-	-	-		31	46
D	44	Johnson Stewart, Ann	-	-	-	+	-	-	-	-		-	-	-	-	-		8	8
R	1	Johnson, Mark	-	-	+	+	-	-	-	-		+	+	-	-	-		31	49
D	53	Kent, Susan	-	-	-	+	-	-	-	-		-	-	-	-	-		8	18
R	30	Kiffmeyer, Mary	-	A	+	+	-	-	-	-		+	+	-	+	-		38	64
D	52	Klein, Matt	-	-	-	+	-	A	-	-		-	-	A	-	-		1	23
R	32	Koran, Mark	-	-	+	+	-	-	-	-		+	+	-	+	-		38	48
D	41	Kunesh-Podein, Mary	+	-	-	+	-	-	-	-		-	-	-	-	-		15	23
R	17	Lang, Andrew	-	-	+	+	-	-	-	-		+	+	-	-	-		31	48
D	46	Latz, Ron	-	-	-	+	-	-	-	-		-	-	-	-	-		8	11
R	34	Limmer, Warren	-	-	+	+	-	-	-	-		+	+	-	-	-		31	74

NO SENATE VOTE

NO SENATE VOTE

KEY

R – Republican
D – Democratic-Farmer-Labor
I – Independent
+ Vote favored by LEA
- Vote not favored by LEA
A indicates legislator excused, absent, or not voting

Governor's Action
S - Sign
***S** - Sign with line-item vetoes
V- Veto
N- Not Applicable

31.5% = % of legislators' votes favored by LEA in 2021 sessions

2021% = legislator's 2021 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 2021 scored **85% 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	2021%	c%	
D	66	Marty, John	+	+	-	+	-	-	+	-	NO SENATE VOTE	-	-	-	-	-	NO SENATE VOTE	31	12	
R	15	Mathews, Andrew	-	-	+	+	-	-	-	-		+	+	-	+	-		-	38	52
D	7	McEwen, Jennifer	+	+	-	+	-	-	+	-		-	-	-	-	-		-	31	31
R	28	Miller, Jeremy	-	-	+	+	-	-	-	-		+	+	-	-	-		-	31	44
D	64	Murphy, Erin	-	-	-	+	-	-	-	-		-	-	-	-	-		-	8	12
R	26	Nelson, Carla	-	-	+	+	-	-	-	-		+	+	-	-	-		-	31	50
R	18	Newman, Scott	-	+	+	+	-	-	-	-		+	+	-	-	-		-	38	59
D	37	Newton, Jerry	-	-	-	+	-	-	-	-		-	-	-	-	-		-	8	14
R	33	Osmeck, David	+	+	+	+	-	-	-	-		+	+	+	-	-		-	54	62
D	65	Pappas, Sandra	-	-	-	+	-	-	-	-		-	-	-	-	-		-	8	8
D	56	Port, Lindsey	-	-	-	+	-	-	-	-		-	-	-	-	-		-	8	8
R	55	Pratt, Eric	-	+	+	+	-	-	-	-		+	+	-	-	-		-	38	53
D	14	Putnam, Aric	-	-	-	+	-	-	-	-		-	-	-	-	-		-	8	8
R	11	Rarick, Jason	-	-	+	+	-	-	-	-		+	+	-	-	-		-	31	40
D	45	Rest, Ann	-	-	-	+	-	-	-	-		-	-	-	-	-		-	8	20
R	23	Rosen, Julie	-	-	+	+	-	-	-	-		+	+	-	-	-		-	31	46
R	10	Ruud, Carrie	-	-	+	+	-	-	-	-		+	+	-	-	-		-	31	55
R	25	Senjem, David	-	-	+	+	-	-	-	-		+	+	-	-	-		-	31	52
I	6	Tomassoni, David	-	-	+	+	-	-	-	-	+	-	-	-	-	-	23	18		
D	63	Torres Ray, Patricia	+	+	-	+	-	-	-	-	-	-	-	-	-	-	23	12		
R	2	Utke, Paul	-	-	+	+	-	-	-	-	+	+	-	-	-	-	31	51		
R	22	Weber, Bill	-	-	+	+	-	-	-	-	+	+	-	-	-	-	31	45		
R	12	Westrom, Torrey	-	-	+	+	-	-	-	-	+	+	-	-	-	-	31	60		
D	43	Wiger, Charles	-	-	-	+	-	-	-	-	-	-	-	-	-	-	8	16		
D	50	Wiklund, Melissa	-	-	-	+	-	-	-	-	-	-	-	-	-	-	8	16		

HOUSE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	2021%	c%			
D	44B	Acomb, Patty	-	-	NO HOUSE VOTE	+	-	-	-	-	-	NO HOUSE VOTE	NO HOUSE VOTE	-	-	-	-	8	12			
D	59B	Agbaje, Esther	-	-		+	-	-	-	-	-			-	-	-	-	-	-	-	8	8
R	19A	Akland, Susan	+	+		+	-	+	-	+	+			+	+	+	+	-	+	+	75	75
R	55B	Albright, Tony	+	+		+	A	+	-	+	+			+	+	+	+	-	+	+	78	60
R	12B	Anderson, Paul H.	+	+		+	-	+	-	+	-			+	+	+	+	-	+	+	67	57
R	12A	Backer, Jeff	+	+		+	-	+	-	+	+			+	+	+	+	-	+	+	75	51
D	34B	Bahner, Kristin	-	-		+	-	-	-	-	-			-	-	-	-	-	-	-	8	10
R	31B	Bahr, Cal	+	-		+	-	+	+	+	+			+	+	+	+	-	+	+	75	79
R	17B	Baker, Dave	+	+		+	-	A	A	+	+			+	+	+	+	-	+	+	62	44
D	42B	Becker-Finn, Jamie	-	-		+	-	-	-	-	-			-	-	-	-	-	-	-	8	12
R	27A	Bennett, Peggy	+	+		+	-	+	-	+	+			+	+	+	+	-	+	+	67	51
D	56B	Berg, Kaela	-	-		+	-	-	-	-	-			-	-	-	-	-	-	-	8	8
D	41A	Bernardy, Connie	-	-		+	-	-	-	-	-			-	-	-	-	-	-	-	8	24
D	57A	Bierman, Robert	-	-		+	-	-	-	-	-			-	-	-	-	-	-	-	8	13
R	5A	Bliss, Matt	+	+		+	-	+	-	+	+			+	+	+	+	-	+	+	75	66
R	47B	Boe, Greg	+	+		+	A	+	-	+	+			+	+	+	+	-	+	+	69	50
D	25B	Boldon, Liz	-	-		+	-	-	-	-	-			-	-	-	-	-	-	-	8	8
R	1A	Burkel, John	+	+		+	-	+	-	+	+			+	+	+	+	-	+	+	75	75
D	50B	Carlson, R. Andrew	-	-	+	-	-	-	-	-	-	-	-	-	-	-	-	8	23			
D	39B	Christensen, Shelly	-	-	+	-	-	-	-	-	-	-	-	-	-	-	-	8	13			
R	24B	Daniels, Brian	+	+	+	-	+	-	+	+	+	+	+	+	-	+	+	75	51			
R	31A	Daudt, Kurt	+	+	+	-	+	+	+	+	+	+	+	+	-	+	+	83	68			
R	28B	Davids, Greg	+	+	+	-	A	A	+	-	+	+	+	+	-	+	+	52	63			
D	63A	Davnie, Jim	-	-	+	-	-	-	-	-	-	-	-	-	-	-	-	8	14			
R	13A	Demuth, Lisa	+	+	+	-	+	-	A	+	+	+	+	+	-	+	+	69	50			

HOUSE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	2021%	c%
R	39A	Dettmer, Bob	+	+		+	-	+	-	+	-			+	+	-	+	67	64
R	21B	Drazkowski, Steve	+	A		+	-	+	+	+	+			+	+	+	+	87	86
D	3A	Ecklund, Rob	-	A		+	-	-	-	-	-			-	-	-	-	5	26
D	49A	Edelson, Heather	-	-		+	-	-	-	-	-			-	-	-	-	8	13
D	49B	Elkins, Steve	-	-		+	-	-	-	-	-			-	-	-	-	8	13
R	15A	Erickson, Sondra	+	A		+	-	+	-	+	+			+	+	-	+	69	72
D	41B	Feist, Sandra	-	-		+	-	-	-	-	-			-	-	-	-	8	8
D	43A	Fischer, Peter	-	-		+	-	-	-	-	-			-	-	-	-	8	14
R	54A	Franke, Keith	+	A		+	-	-	-	-	A			A	-	-	-	10	35
R	8B	Franson, Mary	+	+		+	-	+	-	+	+			+	+	-	+	75	67
D	45A	Frazier, Cedrick	-	-		+	-	-	-	-	-			-	-	-	-	8	8
D	19B	Frederick, Luke	-	-		+	-	-	-	-	-			-	-	-	-	8	8
D	45B	Freiberg, Mike	-	-		+	-	-	-	-	-			-	-	-	-	8	14
R	58B	Garofalo, Pat	+	+		+	-	+	+	+	+			+	-	-	+	75	61
D	62B	Gomez, Aisha	-	-		+	-	-	-	-	-			-	-	-	-	8	13
R	2B	Green, Steve	+	+		+	-	+	+	+	+			+	+	+	+	92	70
D	63B	Greenman, Emma	-	-		+	-	-	-	-	-			-	-	-	-	8	8
R	2A	Grossell, Matt	+	A		+	-	+	+	+	+			+	+	+	+	87	73
R	18B	Gruenhagen, Glenn	+	+		+	-	+	-	+	+			+	+	-	+	75	71
R	21A	Haley, Barb	+	+		+	-	+	-	+	+			+	+	-	+	75	56
R	22B	Hamilton, Rod	+	+		+	-	+	-	+	-			A	-	-	+	50	52
D	52A	Hansen, Rick	-	-		+	-	-	-	-	-			-	-	-	-	8	15
D	56A	Hanson, Jessica	-	-		+	-	-	-	-	-			-	-	-	-	8	8
D	62A	Hassan, Hodan	-	-	NO HOUSE VOTE	+	-	-	-	-	-			-	-	-	A	5	9
D	66A	Hausman, Alice	-	A		+	-	-	-	A	-			-	-	-	-	2	10
R	35A	Heinrich, John	+	+		+	-	+	+	A	+			A	+	-	+	72	78
R	10A	Heintzeman, Josh	+	+		+	-	+	+	+	+			+	+	-	+	83	58
D	64A	Her, Kaohly	-	-		+	-	-	-	-	-			-	-	-	-	8	11
R	33A	Hertaus, Jerry	+	+		+	-	+	-	+	+			+	-	-	+	67	73
D	66B	Hollins, Athena	-	-		+	-	-	-	-	-			-	-	-	-	8	8
D	61A	Hornstein, Frank	-	-		+	-	-	-	-	-			-	-	-	-	8	11
D	36B	Hortman, Melissa	-	-		+	-	-	-	-	-			-	-	-	-	8	13
D	50A	Howard, Michael	-	-		+	-	-	-	-	-			-	-	-	-	8	13
D	57B	Huot, John	-	-		+	-	-	-	-	-			-	-	-	-	8	12
R	5B	Igo, Spencer	+	+		+	-	+	-	+	+			+	+	-	+	75	75
R	32A	Johnson, Brian	+	+		+	-	+	-	+	+			+	+	-	+	75	60
D	60A	Jordan, Sydney	-	-		+	-	-	-	-	-			-	-	-	-	8	13
R	54B	Jurgens, Tony	+	+		+	-	-	-	-	-			+	-	-	-	33	48
D	4A	Keeler, Heather	-	-		+	-	-	-	-	-			-	-	-	-	8	8
R	1B	Kiel, Debra	+	+		+	-	+	-	+	+			+	+	-	+	75	58
D	44A	Klevorn, Ginny	-	-		+	-	-	-	-	-			-	-	-	-	8	13
D	37A	Koegel, Erin	-	-		+	-	-	-	-	-			-	-	-	-	8	19
D	48B	Kotyza-Witthuhn, Carlie	-	-		+	-	-	-	-	-			-	-	-	-	8	8
R	58A	Koznick, Jon	+	+		+	-	-	-	+	-			+	-	-	+	50	56
R	9B	Kresha, Ron	+	+		+	-	+	+	A	A			+	+	-	+	72	52
D	59A	Lee, Fue	-	-		+	-	-	-	-	-			-	-	-	-	8	23
D	26A	Liebling, Tina	-	-		+	-	-	-	-	-			-	-	-	-	8	15
D	43B	Lillie, Leon	-	-		+	-	-	-	-	-			-	-	-	-	8	11
D	20B	Lippert, Todd	-	-		+	-	-	-	-	-			-	-	-	-	8	13
D	6B	Lislegard, Dave	-	-		+	-	-	-	-	-			-	-	-	-	8	16
D	61B	Long, Jamie	-	-		+	-	-	-	-	-			-	-	-	-	8	13
R	30B	Lucero, Eric	+	+		+	-	+	+	+	+			+	+	+	+	92	82
R	10B	Lueck, Dale	+	+		+	-	+	-	+	+			A	-	-	+	59	47
D	65B	Mariani, Carlos	-	-		+	A	A	-	-	-			-	-	-	-	2	8
D	4B	Marquart, Paul	-	-		+	-	-	-	-	-			-	-	-	-	8	33
D	51A	Masin, Sandra	-	-		+	-	-	-	-	-			-	-	-	-	8	13

HOUSE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	2021%	c%
R	29A	McDonald, Joe	+	A		+	-	+	-	+	+			A	+	A	+	65	61
R	15B	Mekeland, Shane	+	+		+	-	+	+	+	+			+	+	+	+	92	88
R	17A	Miller, Tim	+	-		+	-	+	-	+	+			+	+	-	+	67	62
D	42A	Moller, Kelly	-	-		+	-	-	-	-	-			-	-	-	-	8	13
D	65A	Moran, Rena	-	-		+	-	-	-	-	-			-	-	-	-	8	15
D	33B	Morrison, Kelly	-	-		+	-	-	-	-	-			-	-	-	-	8	10
R	55A	Mortensen, Erik	+	+		+	-	A	+	+	+			+	+	+	+	87	87
R	27B	Mueller, Patricia	+	+		+	-	+	-	+	+			+	-	-	+	67	67
R	23B	Munson, Jeremy	+	+		+	-	+	+	+	+			+	+	+	+	92	89
D	3B	Murphy, Mary	-	-		+	-	-	-	-	-			-	-	-	-	8	21
R	47A	Nash, Jim	+	+		+	-	+	-	+	+			+	+	-	+	75	65
D	40A	Nelson, Michael	-	-		+	-	-	-	-	-			-	-	-	-	8	16
R	11B	Nelson, Nathan	+	+		+	-	+	-	+	+			+	-	-	+	67	57
R	32B	Neu Brindley, Anne	+	A		+	-	+	+	+	+			+	+	-	+	78	73
D	60B	Noor, Mohamud	-	-		+	-	-	-	-	-			-	-	-	-	8	13
R	30A	Novotny, Paul	+	+		+	-	+	+	+	-			+	+	-	+	75	73
R	13B	O'Driscoll, Tim	+	+		+	-	+	-	+	+			+	+	-	+	75	57
R	23A	Olson, Bjorn	+	+		+	-	+	-	+	+			+	-	-	+	67	67
D	7B	Olson, Liz	-	-		+	-	A	-	-	-			-	-	-	-	5	22
R	29B	O'Neill, Marion	+	+		+	-	+	+	+	+			+	-	-	+	75	63
D	28A	Pelowski, Gene	-	A		+	-	-	-	-	-			-	-	-	-	5	31
R	24A	Petersburg, John	+	+		+	-	+	-	+	-			+	+	A	+	69	48
R	20A	Pfarr, Brian	+	+		+	-	+	-	+	+			+	+	-	+	75	75
R	26B	Pierson, Nels	A	+	NO HOUSE VOTE	+	-	A	-	+	-	NO HOUSE VOTE	NO HOUSE VOTE	+	+	-	+	52	50
D	64B	Pinto, Dave	-	-		+	-	-	-	-	-			-	-	-	-	8	22
R	9A	Poston, John	+	+		+	-	+	-	+	+			A	+	-	+	69	60
D	48A	Pryor, Laurie	-	-		+	-	-	-	-	-			-	-	-	-	8	23
R	25A	Quam, Duane	+	+		+	-	+	+	+	+			+	+	-	+	83	73
R	38A	Raleigh, Donald	+	+		+	-	+	-	+	+			+	+	-	+	75	75
R	8A	Rasmusson, Jordan	+	+		+	-	+	+	+	+			+	-	-	+	75	75
D	51B	Reyer, Liz	-	-		+	-	-	-	-	-			-	-	-	-	8	8
D	52B	Richardson, Ruth	-	-		+	-	-	-	-	-			-	-	-	-	8	12
R	34A	Robbins, Kristin	+	+		+	-	+	+	+	+			+	+	-	+	83	65
D	53B	Sandell, Steve	-	-		+	-	-	-	-	-			-	-	-	-	8	13
D	6A	Sandstede, Julie	-	-		+	-	-	-	-	-			-	-	-	-	8	26
R	22A	Schomacker, Joe	+	+		+	-	+	-	+	A			+	+	-	+	69	56
D	7A	Schultz, Jennifer	-	-		+	-	-	-	-	-			-	-	-	-	8	26
R	35B	Scott, Peggy	+	+		+	-	+	+	+	+			A	+	-	+	78	69
D	36A	Stephenson, Zack	-	-		+	-	-	-	-	-			-	-	-	-	8	13
D	11A	Sundin, Mike	-	-		+	-	-	-	-	-			-	-	-	-	8	21
R	16A	Swedzinski, Chris	+	A		+	-	+	-	+	+			+	+	-	+	69	62
R	14A	Theis, Tama	+	+		+	-	+	-	+	+			+	+	-	+	75	49
D	67A	Thompson, John	-	-		A	-	-	-	-	-			A	-	A	-	-13	-13
R	16B	Torkelson, Paul	+	+		+	-	+	-	+	+			A	+	-	+	69	61
R	18A	Urdahl, Dean	+	+		+	-	+	-	-	-			+	-	-	+	50	50
D	40B	Vang, Samantha	-	-		+	-	-	-	-	-			-	-	-	-	8	12
D	38B	Wazlawik, Ami	-	-		+	-	-	-	-	-			-	-	-	-	8	12
R	37B	West, Nolan	+	+		+	-	+	-	+	+			+	-	-	+	67	53
D	46A	Winkler, Ryan	-	-		+	-	-	-	-	-			-	-	-	-	8	9
D	14B	Wolgamott, Dan	-	-		+	-	-	-	-	-			-	-	-	-	8	13
D	67B	Xiong, Jay	-	-		+	-	-	-	-	-			-	-	-	-	8	13
D	53A	Xiong, Tou	-	-		+	-	-	-	-	-			-	-	-	-	8	12
D	46B	Youakim, Cheryl	-	-		+	-	-	-	-	-			-	-	-	-	8	23

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

9. Employers Prohibited from Inquiring about Past Pay

HF403. Rep. Her.

Summary: This bill defines an inquiry into an applicant's past salary history as a discriminatory employment practice. Employers are prohibited from asking the applicant about the applicant's compensation history. The applicant is allowed to voluntarily offer salary history, but the employer may not inquire.

Analysis: Employers and employees operate in a competitive environment. Government prohibition on gathering information that is vital to that competitive process serves no purpose and will have undesirable unintended consequences.

Recommendation: LEA favored a NO vote. The bill passed the House 80-51. There was no Senate floor vote.

10. Peacetime Emergency Requires Legislative Assent

SF4. Sen. Osmek.

Summary: This bill seeks to change the process for a governor to declare and extend a peacetime emergency past 30 days. Under the current law, the governor can declare an emergency and then extend the emergency repeatedly with the approval of the executive council. To end an emergency, the legislature must veto the extension with a majority vote in both houses. This bill requires the approval of both houses of the legislature to extend an emergency past 30 days. It also adds a prohibition on starting a new emergency to avoid the need to get legislative approval for an extension.

Analysis: It is very rare to require the legislature to veto what the governor has done. This is because the legislature represents the will of the people, and it is presumed that in a serious emergency, legislators can be expected to do what is necessary. There is good reason to allow the governor to take action to respond to an emergency, but 30 days is plenty of time to convince legislators that an emergency must be extended if the justification is good. Current law allows the governor not only to declare an emergency but to extend the emergency indefinitely as long as at least one house of the legislature refuses to stop it. If an emergency is serious, it is important to make the case and convince the legislature that the emergency is necessary.

Recommendation: LEA favored a YES vote. The bill passed the Senate 38-29. There was no House floor vote.

11. Voter I.D.

SF173. Sen. Newman.

Summary: This bill adds a photo ID requirement for voting, creates a voter ID card for those who choose to apply for it, establishes provisional ballots, and makes appropriations to implement these changes.

The new Voter ID card is one of several acceptable kinds of photo ID. Applicants for the card must submit documentation sufficient to provide identity, residence, and citizenship or submit a sworn affidavit explaining why such documentation is unavailable.

Photo ID must be shown to an election judge when voting in person. If registering on Election Day, a voter who lacks documentation may cast a provisional ballot which will be sealed and kept separate, so the voter can personally appear and provide proof up to seven days after the election. Absentee voters must provide a photo ID and proof of residence to the voter's witness—or an affidavit that they were unable to obtain a photo ID. Mail elections require the same proof of identity and residence.

The authors of the bill sought to avoid placing obstacles in the paths of voters. Voter ID cards are provided free of charge. State offices may not charge fees for the documentation needed to prove eligibility. Voters with religious objections can receive cards marked "Valid without Photo." The "Safe at Home" program for victims of violence will continue to protect the personal data of voters in the program.

Analysis: This bill is designed to close security holes in Minnesota's voting laws without causing hardship to voters.

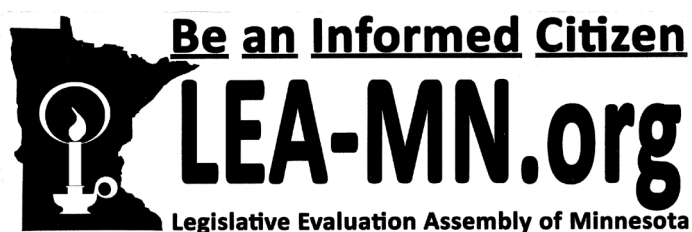
Recommendation: LEA favored a YES vote. It passed the Senate 34-32. It did not see a floor vote in the House.

12. Omnibus Health and Human Services

SS1HF33. Rep. Liebling. [SS1SF37. Sen. Benson.]

Summary: This bill appropriates approximately \$18 billion for the Department of Human Services (DHS), a little over \$1 billion for programs and boards linked to the MN Department of Health (MDH), and is over 500 pages of small changes to scores of statutes, regulations, and policies. It touches DHS health care programs, licensing, health licensing boards, prescriptions, telehealth, economic issues, childcare and protection, disability services, dental care, and "miscellaneous." The Commissioner of Health is ordered to "develop recommendations to expand access to data in the all-payer claims database ... to additional outside entities for public health or research purposes." Of special note are the changes to fees, regulations, limitations, and expanded authority given to the various boards, agencies, and task forces. This bill micro-manages health care, dental care, childcare services, social services, obstetric care, and foster care.

Analysis: This bill is an excellent example of a huge bill that could not have been seriously discussed sufficiently before



passage. Of the scores of provisions in the bill, many of them could have and should have been stand-alone bills.

Here are just a couple examples of new policy statutes folded into this omnibus bill. One adds workers or supervisors of private or public youth-recreation programs to the list of mandatory reporters of suspected child abuse. A second example is a new statute that requires birth centers to develop and make available “a continuing-education course on anti-racism training and implicit bias.” A grant is given to the U of M School of Public Health’s Center for Antiracism Research for Health Equity to develop the model curriculum. The Commissioner of Health is also ordered, “in partnership with patient groups and culturally-based community organizations,” to “promote racial, ethnic, and language diversity in the midwife and doula workforce.”

This bill highlights the unchecked expansion of state bureaucracy and power involving itself in areas it has no competence and no justification to interfere. If the professionals regulated by these statutes feel overburdened with regulations, this bill makes it worse.

Amazingly, a bill with the identical title “Omnibus health and human services bill.” (HF2128/SF2360) was already passed in the 2021 regular session. The house research summary table of contents for the regular session bill and special session bill are almost identical. The regular session bill is also 500 pages of provisions that should be stand-alone bills. This is 500 more pages of different provisions, covering scores of additional aspects in the same general areas.

Recommendation: LEA favors a NO vote on this bill. It was passed 62-4 in the Senate, 69-56 in the House, and was signed by the governor.

13. Energy Conservation and Optimization Act

HF164. Rep. Stephenson. [SF227. Sen. Rarick.]

Summary: This bill adds the term “optimization” to the existing area of MN statutes governing energy conservation plans and increases the state’s percent reduction goal for energy savings and optimization from 1.5 to 2.5 percent of annual retail sales of electricity and natural gas. The MN Commerce Commissioner must issue an annual report that estimates progress toward the goal and makes recommendations for administrative and legislative initiatives that would move toward meeting the goal. The percentages of gross operating revenue from residential customers that various levels of utilities are required to spend on pre-weatherization and energy-conservation measures for low-income households are also significantly increased. In lieu of direct assistance, a consumer-owned utility may contribute the money to an Energy Conservation Account established within the MN Department of Commerce. The Commerce Commissioner must consult political subdivisions and community nonprofit organizations when establishing low-income energy conservation programs and may contract out to those stakeholders the implementation

of the programs funded by the Energy Conservation Account. The bill also expands regulation of and incentives for consumer-owned electric cooperatives, municipal utilities, and large public utilities to promote load management and engage in fuel switching toward fuels that emit less greenhouse gases. Utilities can submit rate increase requests to the Public Utilities Commission that are tied to recovering costs associated with energy conservation and optimization measures. Utilities are already required to file energy conservation plans at least every three years with the Commerce Commissioner. Effective June of 2023, each consumer-owned utility must also provide annual updates detailing to-date expenditures made and energy savings achieved under the plan.

A host of environmental organizations have been working for over half a decade to get this bill passed. It had broad bipartisan support and was a priority of Governor Walz as a component of his plan to eliminate greenhouse-gas emissions from electricity in Minnesota by 2040. The ability of smaller utilities to farm out their low-income energy assistance efforts and for utilities in general to recover energy-conservation expenses through rate-increase requests defused some of the opposition to the bill.

Analysis: LEA does not see the general public interest served by imposing ever-smaller levels of energy consumption and greenhouse gas emission; to the contrary, these measures are likely to constrict economic opportunity for most Minnesotans. With the possible exception of the healthcare industry, the energy industry is already the most-regulated sector of the economy, and Minnesota is regulated to the extent that we must rely more on out-of-state power plants for energy. Now, even more resources will go toward regulatory compliance and switching to less-reliable fuels for maintaining the power grid. Curiously, though there are many definitions in the bill, there is no definition provided for “optimization.” It can only be deduced as “most favorable use” by language specifying that energy efficiency measures cannot be limited to mere reduction in energy consumption; utilities hoping to recover expenses must demonstrate that the measures led to a net reduction in greenhouse-gas emissions. We agree with a legislator who argued that this bill will jack up the rates and the electrical bills, and exclude the ratepaying customers from the list of vested-interest stakeholders that get to decide how much the energy sector needs to be transformed. Already, Minnesota’s two largest natural-gas utility providers have submitted unusually high rate-increase requests, based at least in part on implementing policies linked to this bill. This bill was opportunistically given the acronym ECO Act.

Recommendation: LEA favored a NO vote. The bill passed the Senate 58-9, the House 88-46, and became law.



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2021 LEGISLATIVE REPORT

14. Inmate Release Support

SF519. Sen. Osmek. [HF553. Rep. Koegel.]

Summary: This bill requires the Department of Corrections Commissioner to provide assistance to released inmates related to state identification cards, criminal history, and rules for expungement, medical services, job, and housing information, and requires homelessness follow-up reports broken down by race, gender, and county of release.

Analysis: This bill increases the role of the state in helping released inmates reenter society and/or become social dependents. While it is appropriate for correctional facilities to provide necessary legal information to prisoners on their release, the bill assigns social work to the wrong people. The Department of Corrections is trained in the security of prisoners. Helping people with housing and welfare falls under the expertise of the Department of Human Services. If prisoners need assistance, a DHS representative should be assigned to help and follow up. It is inappropriate to give corrections personnel human services tasks.

Further, categorization of records by race is a form of systemic racism, classifying individuals by the color of their skin rather than by their legal status, educational certifications, or accomplishments. This violates the goals of the civil rights legislation that treats all people equally, regardless of race, religion, or sex.

Recommendation: LEA favored a NO vote. The bill passed the Senate 66-0, the House 124-7, and was signed into law.

15. Price Gouging Prohibited

HF844. Rep. Stephenson.

Summary: This bill reacts to “abnormal” markets, “essential” goods and services, and “unconscionably excessive” prices. It allows the governor, when declaring an emergency, to “activate” this section of the law and prohibit sellers from offering “essential” goods and services for “excessive” prices.

Analysis: A free economy depends on buyers and sellers to offer prices and payments that match conditions. Shortages are caused by disruptions and resolved by those who overcome obstacles, sometimes at great cost, to offer things to buyers. The profit motive is vital to this process. This law allows the governor to prohibit sellers from pricing their wares at prices that make their efforts worthwhile. When employed, this law will merely result in important goods and services remaining unavailable during a market disruption. Planned economies the world over have demonstrated the foolishness of this policy.

Recommendation: LEA favored a NO vote. The bill passed the House 71-62. There was no Senate floor vote.