



# 2018 REPORT on the MINNESOTA LEGISLATURE

by the  
LEGISLATIVE EVALUATION ASSEMBLY  
of MINNESOTA, INC

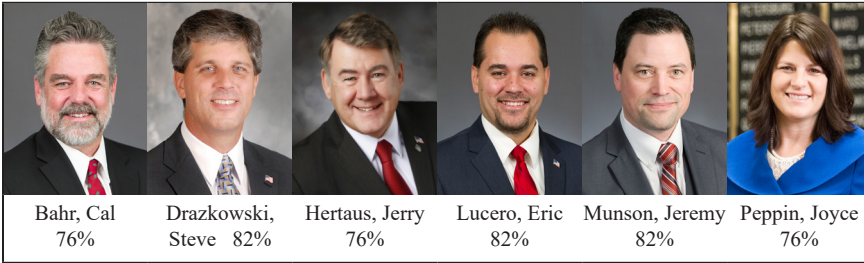
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## 2018 LEA HOUSE HONOREES



(No Senate Honorees)

### Honorable Mention Senate:

Bruce Anderson, Michelle Benson, Dan Hall, Mary Kiffmeyer, Warren Limmer, Andrew Mathews, Carla Nelson, Scott Newman, David Osmek, Torrey Westrom

### Honorable Mention House:

Tony Albright, Sarah Anderson, Peggy Bennett, Drew Christensen, Sondra Erickson, Dan Fabian, Pat Garafolo, Steve Green, Glenn Gruenhagen, Debra Kiel, Jon Koznick, Bob Loonan, Tim Miller, Jim Nash, Anne Neu, Jim Newberger, John Poston, Cindy Pugh, Duane Quam, Linda Runbeck, Dennis Smith, Bob Vogel

## 2018 LEGISLATIVE REVIEW

### Political Gamesmanship Overshadowed Representation of Minnesotans

*What they did:* The legislature passed 115 bills this past year, 107 in the final three weeks of session. Approximately 30 were multi-subject. Roughly half of the bills were technical fixes or minor modifications to existing statutes. Most of these were uncontroversial, passed both houses with overwhelming majorities and were signed into law by Governor Dayton. One example of a technical fix was the elimination of the ambiguity for what to do for emergency vehicles on the side of the road. The legislative fix was to plainly state that slowing down is a legal choice if moving over is unsafe.

There were 25 bills that passed with modest or significant opposition, 11 of which were vetoed by the governor. Of the 25 bills, six were described as omnibus bills, all of which included multiple policy provisions and usually included budget appropriations. Four of the six were vetoed in full, with only the bonding and the retirement bills, respectively, signed into law.

*What didn't get done:* Much of the work of legislators was lumped into multi-subject bills that were then vetoed by the governor, effectively vetoing hundreds of provisions. Issues considered high priorities by both governing parties early in the session—aligning Minnesota's tax law with the federal reform, appropriations for investments in additional school security, and health care reform—were left unresolved. While emergency funding was provided for MNLARS,

there was no long-term solution to this troubled vehicle licensing system.

*How they did it:* Our legislators continued down the path of increased gamesmanship and power politics. The restoration of legislative branch funding vetoed last year was done by deleting the title and contents of an unrelated bill, allowing it to bypass the normal committee process without a supermajority vote to suspend rules. The legislative leadership used an all-or-nothing approach in the omnibus bills that combined hundreds of policy and spending items. Even bills with broad bipartisan support were sometimes vetoed, because the bills contained both items the governor wanted and items he vowed to veto. These attempts to force the governor's hand failed, leaving important work undone. Both sides miscalculated badly in this high-stakes-strategy game.

Legislative leadership, special interests, and administrative elites increased their control over the entire legislative process. Committees were not properly used to examine and present individual bills, but to offer proposals for inclusion into one large bill. Committees did not conform bills to the single-subject constitutional requirement. Roll-call votes were infrequent, further undermining accountability. Committee testimony was long on emotional power and short on facts that could stimulate constructive discussions.

Individual representatives and senators were faced with voting all-or-nothing votes on omnibus bills whether they agreed with many of the provisions or not, violating the letter and spirit of the Minnesota Constitution in which the representatives should produce legislation based on the will of those they represent. A consequence of not using the traditional committee process to refine individual bills was the prevalence of poorly-crafted, hastily-passed omnibus legislation that likely will soon require statutory repair. Floor amendments were significantly limited because rules now require notice of proposed amendments of any significance before the bill is even heard on the floor, exacerbating the trend toward limiting public debate.

*Implications for future legislating:* It appears that we will get more of what we don't want—bills that are poorly considered and spend money we don't have. This tendency will create legislation that benefits a few at taxpayers' expense and is largely hidden from the voters. This process panders to narrow concerns that drive campaign contributions that further drive laws to be written where none are required, and helps the politically powerful achieve their agendas.

For many years, citizens have not sufficiently challenged legislators on the practice of multi-subject bills (MSBs). It has now become apparent that MSBs enable greater spending, cause otherwise unpassable legislation to become law, and facilitate an out-of-control government. This trend will continue if citizens don't demand change.

Players of this high-stakes, strategic game can apply the most pressure on legislators by choosing to submit controversial bills, spiced with popular provisions, late in the session. This process began with combining a few items in a single subject area, but has evolved into putting the entire legislative session into a few bills. This is a trend that can only be changed by citizens who care, and vote.

The concentration of partisan power is exacerbated by the concentration of political campaign contributions into the hands of party leadership. Campaign finance reform done in 1993 enabled this concentration of campaign contributions at the expense of individual candidates.

*What it should look like:* Minnesota's constitution was designed to guard against these legislative tendencies. The goal of the framers was to ensure lawmaking restraint through transparency and accountability. Three readings of single-subject bills on three separate days in both houses, public committee hearings with ethical respect for deadlines, and the governor's signature all work together to ensure open and thorough deliberation with public input for optimal consensus. Legislators should only consider bills that are deemed worthy by the full body of each house.

Just lawmaking requires vigorous debate among all

competing interests, with only those items that serve the whole society becoming law and those supported only by a few special interests being rejected.

Returning to the consideration of single-subject bills, divided among legislative committees and discussed openly, is a discipline that would reduce the incentive to pack everything into last-minute legislation at the end of the session. Proper legislative practices should be restored, returning accountability to legislators and transparency to the process.

LEA is pleased to see the commitment by both gubernatorial candidates Jeff Johnson and Tim Walz to vetoing or banning this unconstitutional process. We are further encouraged by legislative campaigns and major media emphasis on the issue of single-subject bills. It will be up to voters to insist on restoring constitutional process.

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## 2018 VOTES

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### 1. Omnibus Supplemental Budget and Policy Bill SF3656. Sen. Rosen. [HF4099. Rep. Knoblauch.]

This 985-page bill contained 55 articles. It had language to either create or repeal 75 separate statutes, and modify over 500 more. Over \$130 million in upward modifications were made to the two-year budgets for transportation, education, public safety, economic development, health and human services, and other areas of state government. There was language to create a Red River Basin Commission, to manage the Red River watershed. A number of policy changes pertained to the Legislative Budget Office (LBO), just created in statute the previous year. This bill created an LBO Oversight Commission, A Minnesota Health Policy Commission, and several other bureaucracies. The bill also requires the state's Information-Technology Department to include local governments in user acceptance testing of its software projects, and authorization for the Legislative Auditor to evaluate some proposed IT projects. New statutory language authorized electronic monitoring of certain types of assisted-care facilities at the request of a resident or resident's guardian. Requirements on the use of money obtained in the Attorney General's settlement with 3M are added. A Natural Resources Damages Account is created, and management procedures established. The bill included language increasing penalties for composing or reading text messages while driving. This is a partial list of the new or modified policies, statutes, and appropriations contained in this bill.

This bill is unconstitutional by any reasonable reading of the state's constitution's single-single subject clause. Though many of the provisions in this bill had merit on their own, this is a classic multi-subject "garbage" bill, containing a large number of unrelated provisions that should be considered

separately. The final version of this mega bill was so haphazard it even contained language for at least two separate bills (the Foster Care Sibling Bill of Rights, and a bill to dissolve the elected Ramsey County Soil and Water Conservation District) which had already passed overwhelmingly and were signed or the verge of signature. It obscures accountability by forcing legislators to vote on a mix of potentially good and bad provisions in a single bill. This supplemental spending was also unnecessary, given that funding for the legislature and emergency funds for MNLARS had already been passed, and that the budget approved last year increased spending by 9.2% over the previous biennium, far more than could be attributed to inflation or population growth. Some provisions in this bill were crafted specifically to put pressure on the governor to sign it.

LEA strongly believes this bill deserved a NO vote. It passed the Senate 35-32, and the House 76-49. The governor vetoed the bill.

## **2. Omnibus Agriculture Policy Bill**

**HF4133. Rep. P.H. Anderson. [SF3536. Sen. Weber.]**

The Omnibus Agriculture Policy Bill modified the Ag Best Management Practices Loan Program by expanding the list of eligible borrowers from private land owners to include public drainage ditch authorities and established a loan limit. It requires that saltwater aquatic farms be permitted as agricultural operations and establishes transportation and importation permits issued by the Dept. of Natural Resources. The bill raises the borrowing limits allowed by the Rural Finance Authority for issuing livestock expansion loans from \$40,000 to \$100,000 and expands disaster recovery loans to other types of disasters besides wind, hail, tornado and flood. It provides that those who receive the new custom-exempt food handler license would pay the same fee as those with a retail food handler license. It allows Limited Liability Companies with at least \$1,000,000 in liability insurance to qualify for this food handler license exemption. It establishes separate shelf life limits for grade A and AA eggs. It prohibits haulers from picking up milk from dairy farms that lack proper working bulk tanks and from picking up milk that was stored for more than 72 hours. It allows the MN Dept. of Agriculture (MDA) to issue emergency permits to move food in disaster situations. It modifies bio-fuel program requirements. It also prevents the MDA from adopting mandatory rules or water resource protection requirements for nitrogen fertilizer under the authority of the Groundwater Protection Act unless the requirements are approved by law.

Among the many subjects of this bill, it changes the role of local drainage ditch authorities from loan approver to borrower of federal funds. At a minimum, it modifies its role

from supporter for land owners to a competitor for federal funds. As for food safety and licensing, the public would be better served by having up or down votes on these provisions on a standalone basis. Changes to the Rural Finance Authority were modest, but they continue a micro-management approach to a broad range of programs.

LEA favored a NO vote. The bill passed 49-13 in the Senate and 85-37 in the House and was vetoed in its entirety by the Governor to prevent one provision from becoming law. This veto is one of many consequences of the irresponsible use of multi-subject bills.

## **3. Ratification of State Employee Labor Agreements**

**SF3154. Sen. Miller. [HF4067. Rep. O'Neill.]**

This bill ratified 14 different labor agreements or compensation plans for state employees for the current biennium.

None of the agreements were submitted in time for the 2017 legislature to ratify before the month they were to take effect. Two of these agreements had been submitted in September 2017 to the Legislative Coordinating Commission's Subcommittee on Employee Relations (SER), which voted to reject them less than a month later. The SER passed a resolution, stating concerns with the agreements and directing the parties to renegotiate agreements that could meet those concerns. Three more agreements sent to the SER in January 2018 had already been implemented because 30 days had passed without the SER voting on them. The other nine agreements were pending approval, having been submitted to the SER less than 30 days before the floor votes on this bill. The House approved a motion to suspend the rules and declare an urgency the day the bill passed the Senate, allowing a House floor vote without the bill ever having a committee hearing in the House.

LEA has consistently objected to the negotiation and ratification processes for these agreements, arguing that agreements should be ratified prior to implementation. Furthermore, the legislature should have more oversight to guard against labor groups exerting control over the process by electing a favorable governor to represent management. Though across-the-board compensation increases were smaller than those in the agreement for the last biennium, no attempt was made to renegotiate and address SER's objections. Namely, that credential-based step increases should be limited to employees receiving outstanding performance evaluations, that management had not shown these increases could be absorbed by existing budgets without reducing services provided to citizens, and that no extra benefits should be added as technical changes (which is how paid parental leave was added last biennium). From a true management perspective, certain types of jobs that are harder to fill or

retain may warrant larger increases in compensation, but instead the first agreement reached tends to set the pattern for all the other ones. The legislature ought to use separate bills for ratification of different agreements. A separate bill that made positive reforms to the process was tabled after floor debate, when amendment votes indicated that most legislators were willing to ratify all the agreements without reforms.

LEA favored a NO vote on this bill that failed to provide needed reforms enhancing legislative oversight and merit-based compensation. It passed the Senate 56-10, the House 93-33, and was signed into law.

#### **4. Modifying Governance of Met Council**

**HF3273. Rep. Dettmer. [SF2809. Sen. Pratt.]**

The bill modifies the governance of the Metropolitan Council. The Governor's exclusive power to appoint Met Council members is repealed and its membership is increased from 17 to 29. Each the seven county boards would appoint one commissioner. Municipal councils are created in the 16 Met Council districts, each having the power to appoint one locally-elected Met Council member. The mayors of Saint Paul and Minneapolis each appoint one local elected official. The Commissioner of Transportation is a member and must appoint three people, one for non-motorized transportation, one for freight transportation and another for public transit. All appointees are limited to four-year staggered terms, except the transportation commissioner and his appointees. The Met Council chair will be elected by its members instead of the governor and is compensated \$52,500. All other members get a \$20,000 yearly salary, except the Commissioner of Transportation, who does not receive additional compensation. The Transportation Commissioner's appointees are only allowed to vote on transportation-related matters. All other members of the Met Council may vote on all topics. The Transportation Advisory Board is eliminated.

This bill diminishes the governor's power over the Metropolitan Council and immediately limits the terms of many council members. It decentralizes authority and accountability by placing the fate of the Chair of the Met Council in the hands of the council rather than the governor. Each Met Council member would now become more accountable to their own local unit of government.

While these changes could be a step in the right direction, the Met Council remains a top-down, unelected structure with a budget of over \$1 Billion, unlike regional boards around the state and country that are voluntarily constructed using joint powers agreements.

A better approach to decentralized control would be to eliminate the state-created Met Council in its current

form. This would restore local governance of transportation, parks, utilities, and zoning to reflect community priorities. This would also improve accountability and allow each local jurisdiction to coordinate expanded transit and other service needs between their communities through joint powers agreements.

The proposed structure fails to address the core problem of usurping governance and taxing authority from locally elected governments. It makes real reform of the Met Council even harder. LEA favors a NO vote. The bill passed 36-30 in the Senate and 72-48 in the House, but was vetoed by Governor Dayton.

#### **5. Protests Disrupting Traffic**

**HF390. Rep. Zerwas. [SF676. Sen. Ingebrigtsen.]**

This bill increases the penalty for intentionally obstructing traffic at "airports" and "freeways" from a public nuisance to a gross misdemeanor, increasing jail penalties from 90 days to 1 year and fines from \$1,000 to \$3,000. It expands "unlawful interference with operator" to include all transit forms and broadens the type of possible violations to include "restricts passenger access to the transit vehicle".

This bill's increase in penalties may not be sufficient to deter protests that lead to violence. If these protests are not deterred and go unchecked, protests could lead to violence with people who have a legal right to protect themselves. This bill should have included enhanced penalties and liabilities based on the damages caused by protesters, which would have addressed issues where doctors are unable to save patients, medical transport of organ, blood and people, etc. and proportionally address property damages and bodily harm, some of which would require felony charges. LEA was disappointed in the inadequate penalties and that law enforcement did not weigh in on this legislation.

LEA firmly supports the constitutional right of peaceful protest, but not in a way that causes individual or social harm.

LEA supports a YES vote for this bill as a step in the right direction to secure life and property, with concerns noted above. The bill passed the Senate 40-27 and the House 71-55. It was vetoed by the governor.

#### **6. Liability for Trespass or Damage to Critical Infrastructure**

**SF3463. Sen. Utke. [HF3693. Rep. Smith.]**

This bill holds persons liable for trespass on, or damage to, critical public service infrastructure property. It also makes it a crime to promote, recruit and educate individuals to engage in such trespass and damage and allows them to be held jointly or severally liable for conspiring to damage or

disrupt critical infrastructure. The bill makes the crime a felony to intentionally damage property designated as critical infrastructure and would make trespassing at such locations unlawful, including the assembly of groups on private property.

This legislation is a response to the increasing number of instances where terrorists, political activists, and others seek to disrupt or damage critical infrastructure like powerlines, oil lines, or water lines. Without this legislation, innocent parties are forced to pay for damages caused by others.

LEA believes this bill is important, both for the security of such infrastructure, and in holding those liable for the damage or disruption and favored a YES vote. The bill passed in the Senate 37-28 and the House 77-46. The bill was vetoed by the governor.

## **7. Passing Stopped Emergency Vehicles Provision Modification**

**HF3249. Rep. Davids. [SF2977. Sen. Goggin.]**

This bill adds language to the move-over statute, allowing drivers to slow down when not possible to move over for stopped emergency, road maintenance, construction, or utility vehicles on the roadway.

The bill explicitly allows common sense actions by drivers in unsafe conditions while still protecting emergency personnel.

One of the hallmarks of a free society is for laws to be clearly and transparently written and enforced. LEA favored a YES vote. The bill passed 55-8 in the Senate, 125-0 in the House and was signed into law.

## **8. Pipeline Construction—Direction to PUC to Approve Pipeline Construction by Enbridge**

**HF3759. Rep. Fabian. [SF3510. Sen. Osmek.]**

This bill directs the Public Utilities Commission [PUC] to issue a certificate of need and a route permit to Enbridge to replace its existing pipeline. It requires PUC application proceedings for a certificate of need to be terminated as of the effective date of this act.

This bill addresses the failure of the PUC to make a decision after three years of deliberation. The impact would be to make the pipeline project the law by a date certain.

Governor Dayton's veto message states, "This bill is a crass and foolhardy attempt by the Legislature to destroy the integrity and the intelligence of the existing, statutory decision-making process. It would set an extremely dangerous precedent that would severely undermine the PUC's authority in future cases."

Executive agencies are created by the legislature to pursue policy goals, as specified by the legislature. It is rare, but

when those executive agencies stray from those goals, or fail to make necessary decisions, the legislature must step in. The LEA favored a YES vote. The bill passed the Senate 35-32 and the House 74-53. The bill was vetoed by the governor.

## **9. Municipal Waste Regulatory Certainty**

**HF2802. Rep. Lueck. [SF2807. Sen. Weber.]**

This bill provides regulatory certainty on effluent limitation to municipalities with publicly-owned treatment facilities. It provides that new effluent regulations will take effect no sooner than 16 years after a plant begins operating.

This legislation is a response to recognition that changing regulations require changed designs, and that needed plants under construction may never be built if municipalities must continue to restart projects before they are built and drain their financial resources in the process. This is consistent with the long-standing tradition of grandfathering in existing buildings when new codes are created. The 16-year minimum is also consistent with Thomas Jefferson's idea that "The Earth Belongs to the Living" and that a "generation," for political purposes, should be considered 17 years. Jefferson believed that each generation should be allowed to shape the world for itself without placing undue burdens or debt on future generations.

LEA believes this bill is important for the possibility of building new municipal water treatment facilities. LEA also believes this principle should be applied widely to both public and private sectors, and not simply be a legislative response to a crisis involving the building of municipal sewage plants. LEA favored a YES vote. The bill passed the Senate 39-26, the House 83-44, and was approved by the governor.

## **10. Legislative Approval Required for Water Pollution Fees**

**HF2940. Rep. Bliss. [SF2637. Sen. Ingebrigtsen.]**

This bill summarizes 23 responsibilities of the Minnesota Pollution Control Agency and provides guidelines that limit agency fees to be no greater than necessary for operations, and subject to the approval of the legislature.

This legislation would curtail the tendency of government agencies to operate as unchecked monopolies, using their power to charge unjustified fees to citizens. It provides an important check and balance on the built-in conflict of interest that exists when agencies are allowed to independently set fees without being accountable to anyone.

LEA believes this bill would be a valuable contribution to good governance principles and LEA favored a YES vote. The bill passed the Senate 40-27 and the House 77-41. The bill was vetoed by the governor.

# SENATE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	2018%	C%
R	35	Abeler, Jim	-	-	-	-	+	+	+	+	-	+	-	-	+	+	-	+	+	53	45
R	29	Anderson, Bruce	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	88
R	44	Anderson, Paul T.	-	-	-	-	+	+	+	+	+	+	-	-	+	+	-	+	+	59	63
D	3	Bakk, Thomas	+	-	A	A	+	-	+	-	+	+	+	-	-	A	-	+	+	48	19
R	31	Benson, Michelle	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	76
D	54	Bigham, Karla	+	-	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	35	8
D	51	Carlson, Jim	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	13
R	38	Chamberlain, Roger	-	-	-	-	+	+	+	+	+	+	+	-	+	A	-	+	+	60	74
D	59	Champion, Bobby Joe	+	+	-	+	-	A	-	-	-	-	A	-	-	A	-	+	-	20	8
D	57	Clausen, Greg	+	-	-	+	+	-	A	-	-	-	-	-	-	+	-	+	+	35	19
D	64	Cohen, Richard	+	A	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	35	8
D	48	Cwodzinski, Steve	+	-	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	35	28
R	16	Dahms, Gary	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	59
D	61	Dibble, D. Scott	+	+	-	+	-	-	+	-	-	-	-	-	-	-	-	+	-	29	12
R	20	Draheim, Rich	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	66
D	60	Dziedzic, Kari	+	+	-	+	-	-	-	-	-	-	-	-	-	+	-	+	-	29	15
D	40	Eaton, Chris	+	+	-	+	-	-	A	-	-	-	-	-	-	+	+	+	-	35	16
R	5	Eichorn, Justin	-	-	-	-	+	+	+	+	+	+	+	-	+	+	A	+	+	66	66
D	4	Eken, Kent	-	-	-	+	+	+	+	-	+	+	+	-	+	+	A	+	-	60	30
R	13	Fischbach, Michelle	+	-	-	-	+	+	+	+	A	+	+	-	+	+	-	+	+	66	60
D	49	Franzen, Melisa	+	-	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	35	18
D	19	Frentz, Nick	+	-	-	+	-	-	+	-	+	+	-	-	-	+	-	+	+	47	34
R	9	Gazelka, Paul	-	-	-	-	+	+	+	+	A	+	+	-	+	+	-	+	+	60	67
R	21	Goggin, Michael	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	63
R	56	Hall, Dan	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	77
D	67	Hawj, Foug	+	+	-	+	-	-	-	-	-	-	-	A	-	-	-	+	-	22	16
D	62	Hayden, Jeff	+	-	-	+	-	-	-	-	-	-	-	-	-	+	-	+	-	24	10
D	36	Hoffman, John	+	-	-	-	-	-	+	-	+	-	+	-	+	+	-	+	-	41	20
R	39	Housley, Karin	-	A	-	-	+	+	A	+	+	+	+	-	+	+	-	+	+	61	51
R	8	Ingebrigtsen, Bill	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	62
D	42	Isaacson, Jason	+	-	-	+	-	-	+	-	-	-	-	-	-	+	-	+	-	29	15
R	24	Jasinski, John	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	66
R	47	Jensen, Scott	-	A	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	66	66
R	1	Johnson, Mark	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	66
D	53	Kent, Susan	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	22
R	30	Kiffmeyer, Mary	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	72
D	52	Klein, Matt	+	-	-	+	-	-	+	-	-	-	+	-	-	+	-	+	+	41	37
R	32	Koran, Mark	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	64
D	41	Laine, Carolyn	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	12
R	17	Lang, Andrew	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	66
D	46	Latz, Ron	+	+	-	+	+	-	-	-	-	-	-	A	-	-	-	+	+	35	11
R	34	Limmer, Warren	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	79

## 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

**53%** = % of legislators' votes favored by LEA in 2018 session

**2018%** = legislator's 2017 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 2018 scored **75% or higher**, those receiving honorable mentions scored **at least 70%**.

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Corrections made to website if errors are discovered. Ver. 10/23/18

## SENATE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	2018%	C%
D	58	Little, Matt	+	-	-	+	-	-	A	-	+	+	-	-	-	+	-	+	+	41	34
D	11	Lourey, Tony	+	-	-	+	-	-	+	-	+	-	-	-	-	+	-	+	+	41	12
D	66	Marty, John	+	+	-	+	-	-	+	-	-	-	-	-	-	+	A	+	-	35	11
R	15	Mathews, Andrew	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	72
R	28	Miller, Jeremy	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	49
R	26	Nelson, Carla	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	55
R	18	Newman, Scott	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	67
D	37	Newton, Jerry	+	A	-	-	-	-	+	-	-	-	-	-	-	+	-	+	+	28	15
R	33	Osmek, David	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	71
D	65	Pappas, Sandra	+	+	-	+	-	-	-	-	-	-	-	-	-	-	-	+	+	29	7
R	55	Pratt, Eric	+	A	-	-	+	+	+	+	-	+	+	-	+	+	-	+	+	66	64
R	14	Relph, Jerry	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	66
D	45	Rest, Ann	+	+	-	+	-	A	-	-	-	-	-	-	-	-	-	+	+	28	20
R	23	Rosen, Julie	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	48
R	10	Ruud, Carrie	-	-	-	-	+	+	+	+	+	+	-	-	+	+	A	+	+	60	60
R	25	Senjem, David	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	56
D	7	Simonson, Erik	+	-	-	+	-	-	+	-	+	-	+	-	-	+	-	+	+	47	26
D	27	Sparks, Dan	-	-	-	+	+	+	+	-	+	+	+	-	+	+	-	+	+	65	24
D	6	Tomassoni, David	-	-	-	+	+	+	+	+	+	+	+	-	-	+	A	+	+	66	17
D	63	Torres Ray, Patricia	+	+	-	+	-	-	-	-	-	-	-	-	-	+	-	+	+	35	11
R	2	Utke, Paul	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	66
R	22	Weber, Bill	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	51
R	12	Westrom, Torrey	-	-	+	-	+	+	+	+	+	+	+	-	+	+	A	+	+	72	63
D	43	Wiger, Charles	+	-	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	35	15
D	50	Wiklund, Melissa	+	-	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	35	17

## HOUSE

Pty	Dist	Name	1	2	2	4	5	6	7	8	9	10	11	12	13	14	15	16	17	2018%	C%
R	55B	Albright, Tony	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	58
D	62B	Allen, Susan	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	A	35	20
R	12B	Anderson, Paul H.	-	-	-	-	+	+	+	+	+	+	A	-	+	+	-	+	+	60	58
R	44A	Anderson, Sarah	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	66
R	49A	Anselmo, Dario	-	-	A	-	-	+	+	+	+	+	+	-	-	+	-	+	+	53	54
D	44B	Applebaum, Jon	A	+	-	A	-	A	A	A	A	A	-	-	-	+	-	A	+	10	14
R	12A	Backer, Jeff	-	-	+	-	+	A	+	+	+	+	+	-	+	+	-	+	A	61	46
R	31B	Bahr, Cal	+	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	76	78
R	17B	Baker, Dave	-	-	A	-	A	+	+	+	A	A	+	-	+	+	-	+	+	50	42
R	52B	Barr, Regina	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	A	+	60	63
D	42B	Becker-Finn, Jamie	A	A	-	A	A	A	+	A	A	A	-	-	-	+	-	A	A	-1	13
R	27A	Bennett, Peggy	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	49
D	41A	Bernardy, Connie	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	27
R	5A	Bliss, Matt	-	-	-	-	+	+	+	+	+	+	+	A	A	+	-	+	+	61	61
D	20B	Bly, David	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	12
D	50B	Carlson, Andrew	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	37
D	45A	Carlson, Lyndon	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	19
R	56A	Christensen, Drew	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	53
D	62A	Clark, Karen	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	14
D	19B	Considine, Jack	+	-	-	+	-	-	A	-	-	-	A	-	-	+	-	+	+	27	30
R	24B	Daniels, Brian	-	-	A	-	+	+	+	+	+	+	+	-	+	+	-	+	+	66	45
R	31A	Daudt, Kurt	-	-	+	-	A	+	+	+	+	+	+	-	+	+	-	+	+	66	65
R	28B	Davids, Greg	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	64
D	63A	Davnie, Jim	+	+	-	A	-	A	+	-	-	A	-	-	-	+	-	+	+	34	15
R	38B	Dean, Matt	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	-	+	65	73

# HOUSE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	2018%	C%	
D	59B	Dehn, Raymond	+	+	-	+	-	-	+	-	-	-	-	-	+	-	+	+		41	20	
R	39A	Dettmer, Bob	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+		65	68
R	21B	Drazkowski, Steve	+	-	+	-	+	+	+	+	+	+	+	+	+	-	+	+		82	85	
D	3A	Ecklund, Rob	+	-	-	+	-	-	+	-	+	-	+	-	-	+	-	+	+		47	36
R	15A	Erickson, Sondra	-	A	+	A	+	+	+	+	+	+	+	-	+	+	-	+	+		74	74
R	1A	Fabian, Dan	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+		71	62
R	53B	Fenton, Kelly	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+		65	44
D	43A	Fischer, Peter	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+		41	17
D	46A	Flanagan, Peggy	+	A	A	A	-	-	+	-	-	A	-	-	-	+	-	+	A		19	27
R	54A	Franke, Keith	-	-	-	+	-	+	+	+	+	+	-	-	+	A	A	A	+		48	48
R	8B	Franson, Mary	-	-	A	-	+	+	+	+	+	+	+	-	+	+	-	+	+		66	66
D	45B	Freiberg, Mike	+	+	-	+	-	-	+	-	-	-	-	A	A	+	-	+	+		41	15
R	58B	Garofalo, Pat	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+		71	60
R	2B	Green, Steve	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+		71	64
R	2A	Grossell, Matt	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+		65	66
R	18B	Gruenhagen, Glenn	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+		71	71
R	23A	Gunther, Bob	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+		65	59
R	21A	Haley, Barb	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+		65	66
D	51B	Halverson, Laurie	+	+	-	+	-	-	+	-	-	A	-	-	-	+	-	+	+		41	16
R	22B	Hamilton, Rod	-	-	-	-	-	+	+	+	+	+	+	-	+	+	-	+	+		59	55
D	52A	Hansen, Rick	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+		41	16
D	66A	Hausman, Alice	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+		41	10
R	10A	Heintzeman, Josh	-	-	-	-	+	+	+	+	+	+	+	-	+	A	A	+	+		61	46
R	33A	Hertaus, Jerry	+	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+		76	72
D	40B	Hilstrom, Debra	+	-	-	+	-	-	+	-	-	-	-	A	A	+	-	+	+		34	15
R	47B	Hoppe, Joe	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+		65	68
D	61A	Hornstein, Frank	A	A	-	A	-	A	+	-	-	-	-	-	-	+	-	+	+		19	10
D	36B	Hortman, Melissa	+	A	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+		35	13
R	13A	Howe, Jeff	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+		65	56
R	42A	Jessup, Randy	-	-	-	+	+	+	+	-	+	+	+	-	+	+	-	+	+		65	62
R	32A	Johnson, Brian	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+		65	57
D	19A	Johnson, Clark	+	-	-	+	-	-	+	-	+	-	-	-	-	+	-	+	+		41	23
D	67B	Johnson, Sheldon	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		-50	9
R	54B	Jurgens, Tony	-	A	-	A	+	+	+	A	+	+	+	-	+	+	-	+	+		63	61
R	1B	Kiel, Debra	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+		71	59
R	14B	Knoblach, Jim	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+		65	63
D	37A	Koegel, Erin	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+		41	27
R	58A	Koznick, Jon	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+		71	56
R	9B	Kresha, Ron	-	-	-	-	+	+	A	+	+	+	+	-	+	+	A	+	+		61	51
D	41B	Kunesh-Podein, Mary	A	+	-	+	-	A	+	-	-	-	-	-	-	+	-	+	+		34	34
R	5B	Layman, Sandy	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+		65	66
D	59A	Lee, Fue	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+		41	37
D	66B	Lesch, John	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+		41	19
D	26A	Liebling, Tina	+	+	-	+	-	-	A	-	-	-	-	-	-	+	-	+	+		35	16
D	4A	Lien, Ben	-	-	-	+	-	-	+	-	+	+	-	-	-	+	-	+	+		41	21
D	43B	Lillie, Leon	A	+	-	A	A	-	A	-	A	A	A	A	A	A	A	A	A		-13	10
D	60A	Loeffler, Diane	+	+	-	+	-	-	+	-	-	A	-	-	-	+	-	+	+		41	13
R	39B	Lohmer, Kathy	-	-	-	-	+	+	+	A	+	+	+	-	+	+	-	+	A		54	66
R	48B	Loon, Jenifer	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+		65	62
R	55A	Loonan, Bob	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+		71	46
R	30B	Lucero, Eric	+	-	+	-	+	+	+	+	+	+	+	+	+	+	-	+	+		82	75
R	10B	Lueck, Dale	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+		65	49
D	67A	Mahoney, Tim	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+		41	17
D	65B	Mariani, Carlos	+	+	-	+	-	-	+	-	-	A	A	-	-	+	-	+	A		34	8
D	4B	Marquart, Paul	-	-	-	+	+	+	+	-	+	+	+	-	+	+	-	+	+		65	34
D	51A	Masin, Sandra	+	+	-	+	-	-	+	-	-	A	-	-	-	+	-	+	+		41	13



# HOUSE

Pty	Dist	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	2018%	C%
D	57A	Maye Quade, Erin	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	30
R	29A	McDonald, Joe	A	A	+	A	+	A	+	+	+	+	+	-	+	+	-	+	A	69	62
D	6B	Metsa, Jason	+	-	-	+	-	-	+	-	+	-	+	-	-	+	-	+	+	47	26
R	17A	Miller, Tim	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	55
D	65A	Moran, Rena	+	+	A	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	17
R	23B	Munson, Jeremy	+	-	+	-	+	+	+	+	+	+	+	+	+	+	-	+	+	82	82
D	64A	Murphy, Erin	+	A	-	A	-	A	A	-	-	-	-	-	-	+	-	+	+	19	13
D	3B	Murphy, Mary	+	+	-	-	-	-	+	-	-	A	-	-	+	+	-	+	+	41	22
R	47A	Nash, Jim	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	64
D	40A	Nelson, Michael	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	17
R	32B	Neu, Anne	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	70
R	15B	Newberger, Jim	-	A	+	A	+	+	+	+	+	+	+	-	+	+	-	+	+	74	67
R	8A	Nornes, Bud	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	58
R	13B	O'Driscoll, Tim	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	57
D	7B	Olson, Liz	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	37
D	60B	Omar, Ilhan	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	41
R	29B	O'Neill, Marion	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	59
D	28A	Pelowski, Gene	-	-	-	+	-	+	+	-	+	-	-	-	+	A	A	+	+	41	32
R	34A	Peppin, Joyce	-	-	+	-	+	+	+	+	+	+	+	+	+	+	-	+	+	76	77
R	24A	Petersburg, John	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	51
R	56B	Peterson, Roz	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	45
R	26B	Pierson, Nels	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	47
D	64B	Pinto, Dave	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	30
D	27B	Poppe, Jeanne	-	-	-	+	-	-	+	-	+	-	-	-	-	+	-	+	+	35	19
R	9A	Poston, John	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	69
D	48A	Pryor, Laurie	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	37
R	33B	Pugh, Cindy	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	67
R	25A	Quam, Duane	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	74
R	11B	Rarick, Jason	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	46
D	49B	Rosenthal, Paul	+	+	-	A	-	-	+	-	-	-	-	-	-	+	-	+	+	35	15
R	38A	Runbeck, Linda	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	74
D	6A	Sandstede, Julie	+	-	-	+	-	-	+	-	-	-	+	-	+	+	-	+	+	47	44
D	25B	Sauke, Duane	-	-	-	+	-	-	+	A	+	-	-	-	-	+	-	+	+	35	34
R	22A	Schomacker, Joe	-	-	-	-	A	+	+	+	A	A	+	-	+	+	-	+	+	48	56
D	7A	Schultz, Jennifer	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	36
R	35B	Scott, Peggy	-	-	+	-	+	+	A	+	+	+	+	-	+	A	A	+	+	63	68
D	50A	Slocum, Linda	A	A	A	+	-	A	+	-	-	A	-	A	A	+	A	A	A	13	7
R	34B	Smith, Dennis	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	55
D	11A	Sundin, Mike	+	-	-	+	-	-	+	-	-	-	+	-	-	+	-	+	+	41	24
R	16A	Swedzinski, Chris	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	63
R	14A	Theis, Tama	-	-	-	-	A	+	+	+	+	+	+	-	+	+	-	+	+	60	47
D	61B	Thissen, Paul	X	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0	12
R	16B	Torkelson, Paul	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	60
R	36A	Uglem, Mark	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	49
R	18A	Urdahl, Dean	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	52
R	20A	Vogel, Bob	-	-	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	71	55
D	63B	Wagenius, Jean	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	13
D	53A	Ward, JoAnn	+	+	-	+	-	-	+	-	-	A	-	-	-	+	-	+	+	41	18
R	37B	West, Nolan	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	66
R	35A	Whelan, Abigail	-	-	-	-	+	+	+	+	+	+	A	-	+	+	-	+	+	60	57
R	57B	Wills, Anna	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	55
D	46B	Youakim, Cheryl	+	+	-	+	-	-	+	-	-	-	-	-	-	+	-	+	+	41	31
R	30A	Zerwas, Nick	-	-	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	65	56

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

## **11. Nullify and Replace Wild Rice Water Quality Standards**

**HF3280. Rep. Lueck. [SF2983. Sen. Eichorn.]**

This bill adds new requirements and procedures for a sulfate standard in wild rice waters, appropriates \$50,000 to enact the new standards, and requires the commissioner of the DNR to produce a report on progress. It includes justification for its enactment, with explicit deference to the judgement of an administrative law judge who disapproved the proposed rule change by the MN Pollution Control Agency. This bill repeals a completion deadline of January 15th, 2019 that was established by rule.

The current law was adopted in 1973 but has never been enforced. A vital attribute of law is clarity and enforceability. This bill addresses the failures of previous law.

LEA favored a YES vote. The bill passed the Senate 38-28 and the House 79-48. The bill was vetoed by the governor.

## **12. Licensing Athletic Trainers and Modifying Licensing Requirements for Psychologists**

**SF614. Sen. Abeler. [HF822. Rep. Franson.]**

This bill upgraded the requirements for athletic trainers from registration to licensure, which includes a required full criminal background check. It provides profession title (or classification) protection by allowing unlicensed people who promote themselves as athletic trainers to be more easily subjected to cease-and-desist court orders and to criminal penalties for practicing without a license. Furthermore, it added more conditions for renewal of lapsed licenses, and eliminated the option of a temporary permit for practicing prior to passing the National Board of Certification exam. The bill also changed existing license requirements for psychologists and the scope of services that can be performed by individuals training to be psychologists.

No one testified against this bill and it encountered little legislative opposition. However, the changes to psychologists' licensing by reducing the threshold from five to two consecutive years of practice for new Minnesota residents to qualify for license reciprocity, while adding practice restrictions and a minimum number of total hours under supervision for trainees may have been justifiable as a separate bill, but they did not belong in a multi-subject bill that also established licensing of athletic trainers. The two subjects were combined in a procedural shortcut to get around the psychologist bill missing a deadline for something to pass out of committee.

In addition, supporters touted licensed athletic trainers and penalties for practicing without a license as giving the public a greater measure of protection, but claims of protection are oversold. For example, in the high-profile

USA Gymnastics training scandal, trainer licensure did not prevent abuse, nor was it necessary for prosecution when evidence of abuse was confirmed. Licensing athletic trainers may lead to more medical referrals for their services and open the door to those services being covered by medical insurers, but there are no guarantees that will happen. The bill was praised by legislators for finding common ground in a long-standing turf war between athletic trainers and physical therapists. While they disagree on whether athletic trainers should be allowed to work in medical facilities, both professions could agree on adding barriers for new practitioners. Though the vast majority of states license athletic trainers, this effort to change to licensing in Minnesota has now advanced while occupational licensing nationwide is facing more criticism for stifling employment opportunities and consumer options.

In the absence of a compelling public interest to increase regulation, LEA favored a NO vote on licensure that would impede the market for athletic trainers. Private certifications are readily available for nearly all professional licenses. It passed the Senate 65-0, the House 123-4, and was signed into law.

## **13. Ultrasound Before Abortion**

**SF2849. Sen. Benson. [HF3194. Rep. Whelan.]**

Under this bill, physicians who do abortions are required to provide a woman the option to view her ultrasound imaging prior to her having an abortion.

The bill only requires oral notification. Such notification is unverifiable and therefore unenforceable. However, if this bill results in more women viewing their ultrasounds, they will be better informed about what is happening in their bodies to their child and thereby more fully capable of informed consent.

More protection for the unborn is desirable and the effects of this bill would have to be studied to truly assess its impact. LEA sees this as a very modest step in the right direction and favored a YES vote. The bill passed the Senate 37-30, the House 79-48, and was vetoed by the governor.

## **14. Daycare Background Checks**

**SF2683. Sen. Kiffmeyer. [HF4249. Rep. Albright.]**

This bill requires the Commissioner of Human Services to collect fingerprints and photographs and conduct a national criminal history record check for licensed daycare providers, their employees, service providers, and individuals over the age of 13 living in homes that provide daycare services. It allows individuals to request the destruction of their data after they have not been affiliated with daycare for more than two years.

This is a single subject bill directed at furthering the protection of children by preventing known offenders from interacting with children in daycare facilities. This is consistent with government's role of providing security to its citizens.

LEA favored a YES vote on this bill. The bill passed the Senate 59-5, the House 127-0, and was signed by the governor.

### 15. Requiring Motels to Have and Pay For Sex-Trafficking-Prevention Training

**SF3367. Sen. Abeler. [HF3287. Rep. Whelan.]**

This bill created new mandates for operators of licensed hotels and motels to hold annual sex-trafficking-prevention training for nearly all their employees, to train employees accordingly within 90 days of hiring, to keep personnel records of such training, and to place a poster outlining proper situational responses in an area frequented by on-site employees. Employees confined to restaurant/catering roles, or who have no direct contact with guests, or are under age 16 and not involved in cleaning guest rooms are exempted from the mandated training. Failure to comply with the mandates, after six months' notice of non-compliance for the first violation, may result in license revocation and/or substantial administrative-penalty-order fines for each violation. Minnesota's Commissioner of Health must approve the training program and the content of the poster.

This was a bill that received very little critical review. There was, however, powerful testimony about people forced into prostitution. It is not that the training is a bad idea; many testified to its benefits. What was missing from the discussion were the grounds for forcing businesses to pay for such mandating training. Also missing was a review of the state's overly broad definition of the crime of sex trafficking. While the federal government's Trafficking in Persons Report follows the common understanding that trafficking, except for exploitation of minors, includes the use of force or fraud to coerce into prostitution, the definition in Minnesota statutes is not limited to coerced activities.

Many who spoke at the committee hearings provide sex-trafficking prevention programs; making them mandatory increases funds going to those providers and imposes training costs on smaller, mom-and-pop operators who may not be able to afford what the large operators have absorbed as a cost of doing business. The only concern expressed during hearings was by a bed-and-breakfast operator worried that the bill might provide a competitive advantage to individuals who market their personal living spaces for short-term rental, a growing industry unencumbered by Americans with Disabilities Act mandates or various training mandates.

This unfunded mandate for training that the market is beginning to address may be more about perception than actual results. The legislature would have done more to directly address sex trafficking law by narrowing the state definition of sex trafficking to better align with the federal definition. LEA favored a NO vote on this bill, which unfairly targeted businesses that have not spent on this training, which in turn provided an advantage to their competitors exempted from it or who have already invested in it. It passed the Senate 60-1, the House 125-0, and was signed into law.

### 16. Service Animal Fraud Prohibited

**HF3157. Rep. Green. [SF2646. Sen. Eichorn.]**

This bill prohibits people from falsely presenting their companion animals as service animals. The bill provides immunity for business owners from damage caused by service animals. It makes the misrepresentation of a companion animal as one's service animal a crime. Previous law granted



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certain rights and privileges to people accompanied by service animals, but citizens are free to declare almost any non-human companion a service animal.

The main thrust of this legislation is a reasonable way to combat service animal fraud. Subdivision 4 suggests that the Council on Disability may produce a brochure to help facilitate communication of the policy.

LEA favored a YES vote because this bill provides protection of private property and mitigates the fraud that causes harm to those who truly need service animals. The bill passed the Senate 67-0 and the House 125-1. It was signed by the governor.

### **17. Campaign Law and Finance Cleanup**

**SF3306. Sen. Kiffmeyer. [HF3837. Rep. O'Driscoll.]**

This bill incorporates an estimated 450 administrative rules into the statutes, clarifies non-campaign spending, and coordinated and non-coordinated spending. It addresses concerns regarding the investigation process and specifically the ambiguity related to discretion of the MN Campaign Finance and Public Disclosure Board's staff to expand an investigation beyond an original complaint. It now requires Board approval to expand the investigation in a probable-cause meeting where groups or associations

being investigated can be represented by counsel. It also increases the values of what must be recorded on statements of economic interest for cash securities from \$2,500 to \$10,000 and reorganizes the statutes to facilitate easier compliance.

This legislation modestly reduces the burden of compliance. For those currently using the campaign software, the changes will have little impact.

LEA believes a broader discussion of campaign finance reform is warranted. For example, subsidies in general, their discriminatory partisan distribution, and the plethora of rules for candidates create such complexity as to be counter-productive to the goal of an equitable participatory democracy. Nonetheless, this clarification of law is a modest but helpful step. The LEA favors a YES vote. The bill passed the Senate 57-10, the House 123-0, and was signed by the governor.

