



March 25, 2017
Vol. XLIX No. 4

League of Women Voters Minnesota Legislative Update

The Capitol Letter™, a publication of the Legislative Task Forces, provides reports from LWV Minnesota volunteer lobbyists on action at the state legislature. You will find information on bills related to LWV Minnesota positions, web links to legislators, committees and other important information. New bills will be in boldface followed by the name(s) of the author(s) and LWV Minnesota's position on that bill: Support, Oppose, Support in Part, Oppose in Part, or Watch.

LWV Minnesota advocates on public policy issues for the purpose of creating a strong democracy. Our positions are reached through a study and consensus process and are detailed in our [Program for Action](#). The reports in each Capitol Letter™ are largely the work of volunteer citizen lobbyists.

The work of LWV Minnesota is entirely nonpartisan; we never support or oppose parties or candidates.

Finding bills, committees and legislators:

If you would like more information about a bill, committee or legislator cited in the Capitol Letter, please visit the Minnesota State Legislature webpage: <http://www.leg.state.mn.us/>

LWV Minnesota also conducts voter education and outreach. Our voter service work is separate from our advocacy work and is never used to advance a particular policy agenda or issue.

Table of Contents

[Election Law](#)
[Redistricting](#)
[Public Data](#)
[Money in Politics](#)
[Natural](#)
[Resources/Environment](#)

[Water Action Day at the Capitol](#)

[Legislative Testimony](#)

Join LWV Minnesota's Action Alert Network

Receive Legislative Alerts so you can take action on key bills in committees or on the floor.

Click [here](#) to Subscribe to Action Alerts

 Click [here](#) to subscribe to the Capitol Letter™

[Join](#) The Voter- Virtual Edition, a Facebook group

Members can join a Legislative Task Force. Please visit [Advocacy Registration](#)

Committee Deadlines

House and Senate leadership announced [committee deadlines](#) for the 2017 session. According to a memo from [House Speaker Kurt Daudt](#) (R-Crown) and [Senate Majority Leader Paul Gazelka](#) (R-Nisswa), the committee deadlines are:

- March 10 — committees must act favorably on bills in the house of origin;
- March 17 — committees must act favorably on bills, or companion bills, that met the first deadline in the other house; and,
- March 31 — committees must act favorably on major appropriation and finance bills.

Following committee deadlines, the bulk of the Legislature's work shifts to the floors of the House and Senate. Legislators are constitutionally required to adjourn the 2017 session by May 22.

ELECTION LAW

LWVUS Position: *Voting is a fundamental citizen right that must be guaranteed. Voting Rights: Protect the right of all citizens to vote; encourage all citizens to vote.*

LWV Minnesota Position: *Support improvements in election laws regulating election procedures, voting and school district elections. Support restoration of voting rights for individuals living in the community on probation or parole due to a felony conviction.*

Bettie Reuther and Kathy Tomsich, LWV MN volunteer lobbyists

The House and Senate have introduced Omnibus Elections Bills. There are significant differences in these companion bills so they will be discussed separately.

New HF729 the House Omnibus Elections Bill. Rep. Shelly Fenton (R – Woodbury). Support. This bill contains technical changes to election administration, electronic rosters and special elections along with other provisions. One provision will move the state primary ballot from August to the first Tuesday after the third Monday in June. The early voting bill HF463, supported by LWV Minnesota, was incorporated in the Omnibus bill. It expands the time period for the envelope-free form of in-person early voting where a voter can drop the voter's ballot directly into the ballot box.

The House Omnibus Elections Bill differs substantially from the Senate Omnibus Elections Bill, SF 514, since it does not introduce provisional ballots into our election system nor does it make public the party affiliation of election judges. An amendment proposed by Rep. Duane Quam (R-Byron) to incorporate these provisions into the House omnibus bill was soundly defeated in a 2-15 roll-call vote. Many committee members objected to this amendment because of the high cost to local governments that provisional ballots would create.

The House Elections Committee approved the Omnibus Elections Bill on March 16 and the bill moves next to the House Floor. Note: The Secretary of State supports this bill.

Hearing for Senate Omnibus Elections Bill

SF 514 Senate Omnibus Elections Bill. Sen. Mary Kiffmeyer (R – Big Lake). Oppose. The Senate Omnibus Elections Bill was discussed in the third issue of the [Capitol Letter](#)[™]. There have been some changes to this bill related to provisional ballots for challenged voters and the self-certification procedure. Challenged voters who vote a provisional ballot will no longer have to make a trip to an elections office to prove their vote should be counted. Instead, election officials will review the Statewide Voter Registration System (SVRS) for the day of the election to determine the eligibility status of a challenged voter. The reason for this is that the SVRS is a database that is updated every day and the rosters used at the polling site are printed prior to election day. Changes may occur and challenges could be removed prior to election day. It should be noted that the SVRS is not always accurate so there are still problems with this provision.

The second change would restrict the types of challenged voters who must vote a provisional ballot to four types of challenges instead of eight: Name, Felony, Citizenship, and Guardianship. The bill allows a voter who is challenged because of residency to self-certify residency in the precinct. This is the current procedure for these types of challenges.

There are many other provisions in this 62-page bill that we have not discussed and to which we object; many of them will be costly for the Office of Secretary of State and local governments. Note: The Secretary of State does not support this bill.

This bill was heard in the Local Government Committee and will next go the Finance committee where we expect to see a fiscal note for this bill. LWV Minnesota testified at this hearing. The testimony is [here](#).

ACTION

Contact your state Senator to urge a NO vote on the Senate Omnibus Elections Bill because it introduces Provisional Ballots and makes public the party affiliation of election judges. There is no need for provisional ballots. Local governments will be burdened with the cost of processing those ballots.

REDISTRICTING – A LWV Minnesota Legislative Priority

LWV US Position: Promote an open governmental system that is representative, accountable, and responsive. (*Impact on the Issues*, p. 7). Congressional districts and government legislative bodies should be apportioned substantially on population. Redistricting should not dilute effective representation of minority citizens. Efforts that attempt or result in partisan gerrymandering should be opposed. (*Impact on the Issues*, p. 18). The League rejects voting by electors based on proportional representation in lieu of the present “winner-take-all” method. (*Impact on the Issues*, p. 22).

LWV Minnesota Position: Support timely redistricting based substantially on population and affecting all state and local governmental bodies. Support regular and equitable reapportionment, with definition procedures established to ensure prompt redistricting by the Legislature or by a reapportionment commission. Support procedures which provide for: compact, contiguous districts giving advantage to no particular person or group; public accessibility to legislative or commission deliberations and action; prompt judicial review. (*Program for Action*, p. 13).

Nick Harper, LWV MN Volunteer Lobbyist

Some Good News for Redistricting

At this point in the session, we are watching for redistricting provisions to show up in omnibus bills. No redistricting provisions have shown up in either the Elections Omnibus bill

([SF 514/HF 729](#)) or the Senate State Government Finance Omnibus bill ([SF 605](#)). The House State Government Finance Omnibus bill HF 691 was posted online Sunday, March 26. It contains Rep. Anderson’s redistricting bill but it has been modified to remove the one provision which League opposed: the provision not allowing the legislature to appoint a redistricting commission consisting of non-legislators. This is good news - your phone calls and letters made a difference! The other provisions in Rep. Anderson’s bill placing redistricting principles into statute were included in the Omnibus Bill.

It is unlikely that omnibus bills will be amended to add redistricting provisions, including the bill that LWV supports that would create a non-partisan redistricting commission, either during floor debates or in conference committee, but we will continue to monitor for changes.

PUBLIC DATA

LWV US Position: Democratic government depends on informed and active participation at all levels of government. Governmental bodies must protect the citizen’s right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible.

LWV Minnesota Position: Support legislative reform through improved procedures for providing information.

Nick Harper, LWV MN Volunteer Lobbyist

Data Practices Omnibus Bills: Both the House ([HF 857](#)) and the Senate ([SF 817](#)) data practices omnibus bills are heading to the floor, where, if passed, they will be referred to conference committee. One provision of interest to the League is only in the House version. The provision instructs Legislative Commission on Data Practices and Personal Data Privacy to perform a study. The study must then recommend options for expanding public access to legislative records and meetings and facilitating increased public access, participation, and accountability in the legislative process.

Data Practices Provisions in the Elections Omnibus Bills: The Senate Elections Omnibus bill ([SF 514](#)) includes the changes to public information lists from SF 771 that were discussed in [the previous Capitol Letter](#). These provisions are not included in the House version of the omnibus bill.

The Senate Elections Omnibus also includes a provision from HF 63 that would make election judge party affiliation public. That data is currently not public.

Neither of these provisions is in the House Elections Omnibus bill. The League opposes both of these provisions.

MONEY IN POLITICS

LWVUS Position: *Methods of financing political campaigns should ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office and allow maximum citizen participation in the political process.*

Joan Sullivan, volunteer lobbyist

LWVMN is particularly concerned that two bills dealing with campaign finance, both authored by members of the Republican majority, might pass this session:

NEW Companion bills **SF 839 and HF 2419: Would greatly weaken the power of the Minnesota Campaign Finance Disclosure Board (CFDB). OPPOSE.**

This set of bills – introduced in the Senate by **Sen. Mary Kiffmeyer (R, Big Lake)** and in the House by **Rep. Tim O'Driscoll (R, Sartell)**– would take away the long-held authority of the Minnesota Campaign Finance and Disclosure Board to clarify the statutes passed by the legislature on campaign finance, called “rulemaking”. The motive for these bills seems to be that the authors object to the CFDB’s considering a new rule to “nail down” exactly what constitutes “cooperation” between a candidate for state office and an independent expenditure committee supporting him or her. The problem is that cooperation, while forbidden, has been left vague in the state statute. Candidates need further guidance so they can know whether or not they are in compliance – both parties in the recent past in Minnesota have been fined large amounts by the CFDB for being in violation of the cooperation statute.

It is not an exaggeration to say that, if this set of bills is enacted, the fox would be guarding the henhouse as to campaign funding at the state level – the legislature would then get to oversee itself in this area, and this power would be taken away from the executive branch of government.

The Senate version has been passed along to the Finance committee, so now we are concerned that it might still be tucked into the Omnibus finance bill there, as well as in the House. Our hope is that Gov. Dayton would stand by his word and veto an Omnibus bill which wrongly contains a policy bill such as this and has nothing to do with state finance and the budget process.

Click [here](#) to read a position statement for SF 839 from Minnesota Citizens for Clean Elections, Common Cause, and LWV Minnesota.

NEW Companion bills **SF 605 and HF 691: Would eliminate the public campaign subsidy. Sen. Mary Kiffmeyer and Rep. Rep. Steve Drazkowski (R, Mazeppa).**

OPPOSE

SF 605, the Omnibus State Government Finance Bill, incorporates a bill authored also by **Sen. Mary Kiffmeyer (R, Big Lake)**, to totally abolish the campaign finance public subsidy program which reimburses Minnesota citizens who choose to contribute to a candidate’s campaign for statewide office (up to \$50, must be donated through this program only). This program has been popular, and in 2016, most candidates used it to partially fund their campaigns. Its repeal would further reduce the participation in democracy by ordinary citizens making small donations, and only further increase the influence of well-funded donors and “outside groups” otherwise known as independent expenditure committees.

We are waiting for the results of the hearing in the Senate on the Omnibus finance bill **SF605**, held on 3/24/17. The Senate hearing that day allowed no verbal testimony; only written positions could be submitted.

HF 691 was posted Sunday, Mar. 26th and contains the provision repealing the subsidy program. LWV Minnesota opposes the elimination of the campaign finance public subsidy program.

NATURAL RESOURCES/ ENVIRONMENT

LWVUS Position: Natural resources should be managed as interrelated parts of life-supporting ecosystems. Resources should be conserved and protected to assure their future availability. Pollution of these resources should be controlled in order to preserve the physical, chemical and biological integrity of the ecosystem and to protect public health.

Gwen Myers, Gretchen Sabel, Kathleen Doran-Norton LWVMN lobbyists

As has been clear from early *Capitol Letter* reports on environmental bills, powerful legislators are at work at the Capitol to weaken permitting processes, to reduce citizens' ability to participate in governmental decision making, and to have water pollution standards determined by legislative politics rather than by scientists in the MPCA. The net effect, if the ideas in these bills become law, will be to so loosen Minnesota's environmental protections, that the preservation of the physical chemical and biological integrity of our ecosystem will be threatened, as will public health.

NEW: SF 723/HF 888, Omnibus environment and natural resources appropriations and policy provisions modifications. Sen. Bill Ingebrigtsen (R-Alexandria)/Rep. Dan Fabian (R-Roseau) Oppose.

As of Thursday, March 23, SF723, introduced February 3 as the Environment and Natural Resources bill, became the 154 page Environment Omnibus bill.

Often, committees will not vote on bills they hear. They will take testimony, members will ask questions and debate among themselves, and then the committee chair will announce, "The bill will be laid over for possible inclusion in the omnibus bill." Supporters and opponents are left to guess, based on the committee's reception of the bill, whether it will actually be included. That decision is made behind closed doors.

Omnibus bills are supposed to include language from bills heard in committees, however the following tweet from [Rep. Jamie Becker-Finn](#) (DFL-Roseville) during the House Environment Policy and Finance committee's hearing on HF 888 gives a better picture:

*Enviro omnibus: 7 sections from 5 bills never heard + 15 sections never seen before = 22 sections public never heard.*¹

Although the House has not managed to get their bill posted on their website, at this writing, there are more than 124 sections in the bill.

SF 723 is posted. Below are a few of its provisions²:

- Forbids the DNR from making rules against lead shot in upland game hunting, e.g. pheasants. Lead shot fragments in the environment cause the deaths of thousands of wild animals and birds annually. Lead shot is forbidden in duck hunting.
- Cuts funding to the Board of Soil and Water Resources (BWSR) for wetland administration – Wetland Conservation Act (WCA).
- Decimates the Buffer law, reduces buffer width, impedes enforcement and rolls back deadlines beyond the end of the Dayton administration.
- Puts the DNR, not BWSR, in charge of wetland banking for mining projects. DNR has a mining-promotion division and this reduces the protection of wetlands required in the WCA.
- Weakens protection of [calcareous fens](#) in favor of irrigation. Calcareous seepage fens are one of the rarest natural communities in the United States; they support a disproportionately large number of rare plant species in Minnesota, and are highly susceptible to disturbance.
- Prohibits local communities from banning plastic bags, one of several "pre-emption" proposals by the legislature.
- Repeals a law requiring the MPCA to adopt rules to control particulate emissions from

silica sand mining, thus putting the health of citizens in frac-sand counties at risk.

- Suspends recent Water Quality Rules pertaining to wastewater, taking us back to 2014.
- Relieves factory farms of the required environmental impact statement if they have fewer than 2000 animal units, rather than the current 1000. One animal unit is defined as a 1000 lb. beef cow. One 300 lb. pig = .4 AUs, so they are increasing from 1000 to 2000 beef cattle and from 2,500 pigs to 5000 pigs, with their required manure lagoons.
- Eliminates the Environmental Quality Board, which has cross-agency jurisdiction, made up of the commissioners of state agencies with responsibility for environmental decisions as well as five citizen members. It also serves as a public forum for developing long-range strategies to protect and enhance environmental quality.

Some version of this bill will undoubtedly pass on the Senate floor, as will a version of HF 888. A conference committee will be appointed, and eventually a conference report will emerge, to be presented to each body.

Look for Action Alerts on these bills in the near future.

¹Bluestem Prairie post, 3/25/17 <http://www.bluestemprairie.com/>

²Thanks to Izaak Walton League lobbyist Don Arnosti for his list of a few items from SF 723

Challenges to Local Control

Local Control: LWVUS = Protect the citizen's right to know and facilitate participation in government decision making.

Aside from an all-out assault on the environment described above, one of the 2017 session's recurring themes is the issue of pre-emption - the minimization of local control, dealing citizens out of participation. It comes up repeatedly from year to year, sometimes from Democrats, but this year from Republicans, in a host of different ways - local land-use and zoning affecting the environment, wage and benefit laws, and more. It presumes that every community's solutions should follow in lock-step with the rest of Minnesota, and that local citizens and their elected government representatives are not capable of protecting their own, unique community's interests. Find a letter to legislative leaders from the League of MN Cities and others protesting this trend and explaining the problems [here](#).

Minnesota Water Action Day at the Capitol

Wednesday, April 19

Now is the time to sign up for Minnesota Water Action Day

More Information Below

Water Action Day at the Capitol
Wednesday, April 19, 8 a.m. – 4 p.m.

Rally at 1:00 p.m.

LWV Minnesota is working as part of Minnesota Environmental Partnership on a day of Water Action at the State Capitol on April 19, just before Earth Day.

When – Wednesday, April 19, roughly 8:00 a.m.-4:00 p.m. – Meetings with legislators throughout the day.

Where to meet – Christ Lutheran Church, 105 University Ave W, St. Paul. (Across Park Street from the new MN Senate office building.) Briefings, training session on engaging with legislators, coffee, goodies.

Activities –

- Networking with friends from around the state on water issues
- Mini events throughout the day featuring multiple ways to engage with legislators
- 1:00 Rally in the newly renovated Capitol Rotunda

Transportation – Buses from around the state are being arranged. The Green Line stops between the church and the Capitol.

Now is the time to [sign up](#) for [Minnesota Water Action Day](#)! Please identify yourself as "League of Women Voters" when you do, and click the "volunteer" button if you'd like to help.

LWV Upper Mississippi River Region ILO Action Committee members Lynne Markus, Lonni McCauley and Gretchen Sabel are part of the planning team for this event and will get in touch with League volunteers to find unique roles for us with our skills. Some of the areas where we will be helping include:

1. Calling legislators' staff to schedule visits.
2. Assisting with day-of-event activities at the home base (check-in, meals, directing people to training, etc).
3. Call banks: calling people in targeted districts in March to encourage them to register for Water Action Day.

This is a great way to show League's values and help make this day a success.



Statement for the Committee on Local Government
Senate File 514 – Elections Omnibus Bill
Kathy Tomsich, League of Women Voters Minnesota
March 7, 2017

My name is Kathy Tomsich. I have been head election judge for over 12 years in Ramsey County. I am also a volunteer lobbyist for the League of Women Voters Minnesota. League does not support or oppose any candidate or political party. We work to ensure that voting is free, fair and accessible for all citizens.

The League of Women Voters strongly opposes SF 514 for several reasons but I will focus on two of them:

Requiring challenged voters to vote a provisional ballot is an unnecessary and costly change to our election system. No data has been presented that tells us our current system for handling challenged voters has resulted in ineligible voters being allowed to vote.

Provisional ballots will make elections more complicated and cumbersome for the voter, election judges, and election officials. States that have adopted provisional ballots have found them to be expensive to process. Minnesota cities and counties will be burdened with the cost of processing provisional ballots. Challenged voters will no longer know on Election day if their ballot will be counted or not. This will discourage voting.

We oppose making public the party affiliation of election judges. Under current law, election officials know the party affiliation of election judges and are required to staff polling sites with judges from each major party. No data has been presented to indicate that election judges have been a threat to the integrity of our election system. Making an election judge's party affiliation public will make citizens less willing to volunteer and make it more difficult for election officials to recruit judges.

Minnesota citizens are proud of our election system as evidenced by the high rate of voting in our state. Along with being costly to implement and completely unnecessary, SF 514 will burden our election officials and discourage voters from voting.

Please vote NO on SF 514.

Thank you for your time.

Position Statement on S.F. 839

As introduced this bill was a non-controversial legislative adoption of non-controversial rules that were proposed by the Campaign Finance and Public Disclosure Board. It was nothing that would attract attention. That changed when the bill was amended in the State Government Finance Policy and Elections committee on February 21, 2017. The amendment severely limits the rulemaking authority of the Board, which has long had general rulemaking authority that it has used to produce rules helpful to those regulated by the Board.

Under the bill, the Board may only adopt rules where no interpretation of law or rule is required after May 31, 2017. The requirement of no interpretation would result in a challenge to virtually any rule adopted by the Board since the usual purpose of a rule is to clarify the meaning of a statute. The bill has been directed to the Senate Finance committee, apparently in an effort to include it in a budget bill that would be difficult for the Governor to veto. This of course violates the rule that no policy provisions should be included in budget bills.

The apparent impetus for this bill is a rulemaking being considered by the Board that would define what constitutes cooperation between a candidate and an independent expenditure committee. Where too much cooperation occurs, candidate contribution limits are meaningless. The proposed rule is in fact non-partisan. It advises both political parties as to how to avoid violating the statute. Both parties have been subjected to large fines by the Board for violating the statute.

The Board has the unenviable responsibility to regulate legislators while the legislature sets the budget of the Board. The board's budget has been kept at a minimal level for many years. Now the legislature apparently wants to go one step further and defeat the Board's ability to make rules. The regulated body gets to restrict the regulation that is the public's only assurance that there is some oversight of the legislature. This is a clear overreach by the legislature that is offensive to and violates the balance between the legislative and executive branches of Minnesota government.

Minnesota Citizens for Clean Elections

Common Cause Minnesota

Minnesota League of Women Voters



THE LEAGUE
OF WOMEN VOTERS
MINNESOTA

550 Rice Street – Saint Paul,
Minnesota 55103

Phone 651-224-5445 – Fax
651-290-2145

info@lwvmn.org

www.lwvmn.org

Statement for the Senate Judiciary Committee
Senate File 1087
Gwen Myers, League of Women Voters Minnesota
March 10, 2017

Mr. Chairman, Members of the Committee:

My name is Gwen Myers; I am a volunteer lobbyist for the League of Women Voters Minnesota. As you know, the League is not an environmental organization; rather we are a good government organization. It is our mission to encourage informed and active participation in government. League does not support or oppose any candidate or political party, but we do advocate for positions based on grass-roots consensus among our members.

Along with protecting the right of every citizen to vote, we support the right of these citizens to know what their government is doing and, just as important, to participate in government decisions at all levels. Transparency and Citizen Participation are top priorities. In addition, our members have taken strong positions over the years to conserve and protect the physical, chemical and biological integrity of our ecosystem and to protect public health, which explains our particular interest in this bill.

The League has several problems with SF1087, including its provision for changes to the environmental review process (the provision allowing project proposers to complete the Environmental Impact Statement, rather than the Responsible Governmental Unit) and the elimination of the Minnesota Environmental Quality Board. Today, however, the issue is the elimination of the contested case proceedings, an avenue for citizen participation, in favor of a far more complex and expensive judicial proceeding.

The contested case hearing is part of the Administrative Procedures Act which all state agencies must follow. As you know, these procedures open government decisions such as rulemaking, permits, environmental review and enforcement decisions for public input and require oversight by an Administrative Law Judge. The process is orderly and provides opportunities for both the public and the regulated communities to comment on the science that underlies the decisions. Public comments are solicited at several points in the process; these comments are meticulously documented and addressed as part of the proceedings.

Protecting the environment is among government's most important responsibilities, for us and for our grandchildren. The League of Women Voters Minnesota believes that making it more difficult for Minnesota citizens to take part in governmental processes to this end undermines our most important goal: preserving Minnesota's Clean Water and Clean Air.

We urge you to vote NO on SF 1087.

Thank you.