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P.O. Box 155, Brandon, MN 56315

320-762-6574

### **Constitutional Amendments: Minnefornia? -- You need to have a conversation with the GOP legislator nearest you.**

With a week under their belt, the GOP majorities are starting to look at adding constitutional amendment questions to November's ballot. A question about the definition of marriage is already on the ballot, and now GOP leaders are considering which and how many to add to the ballot. Constitutional ballot questions do not require a signature by the Governor to be placed on the ballot. For the first time in at least 40 years, the GOP controls both bodies of the legislature and sees this as an opportunity to solidify aspects of their agenda into the constitution. Any given election could change the current dynamic, and this opportunity may not come around again for some time.

Beyond a policy agenda, campaign strategy is another consideration for political leaders. What are the advantages and disadvantages to constitutional ballot questions? A new legislative map comes out on February 21, and legislators will find themselves with new "turf" to learn. One line of thinking is that by dividing DFL campaign efforts between defeating ballot questions and electing new challengers, the GOP incumbents will gain an edge. Another line of thinking is that ballot questions draw out independent voters to the election which can lead to unpredictability, which incumbents don't like. Certain ballot questions, such as "right to work", could cause the largest union political mobilization efforts seen in a long time.

Senate Majority Leader Dave Senjem (GOP Rochester) recently said he believes that two ballot questions are all they should move forward with. In the same breath he mentioned the popularity of "voter ID." Governor Dayton vetoed an election bill last session because it would have required voters to provide ID before voting. Legislators in both parties know from their own pollsters how popular voter ID is. The DFL may try to head this amendment off by finding compromise language that can go into statute instead of the constitution. GOP leaders say photo ID is needed to safeguard the election process. DFLers argue it will disenfranchise elderly and low income people who may not have a state issued ID. Local government officials complain about the costs associated with enforcing such a mandate.

Fighting for third place on the ballot and a potential #2 spot should voter ID work its way through the legislative process are two questions. Making Minnesota a "right to work" state whereby union membership is voluntary is a favored question by many conservatives and business groups. The politics are dicey though, and some don't want to light a fire under rank and file union members. A second question would impact the legislature's budget making process. One approach would be to require a super majority (60 or 67%) of legislators in both bodies to vote affirmatively on state tax increases (income and sales are the two largest). Another option for the budget question would say that the legislature can only spend up to 98% of available revenues in any given year.

There's a lot to say and argue about on each of these amendments. However, from a rural school perspective, the questions pertaining to the budget process are the most concerning. Rural schools are highly reliant on state aid for basic support, and the legislature controls the rules over how schools can generate local property tax revenue (more on that fight later). Consider how frustrating and time consuming the referendum process has been over the last decade. This is largely due to the fact that state budgets have been running in the red. It's extremely difficult to get a tax increase through the legislature under the current simple majority requirement. To break a special session budget deadlock in 2003, Governor Pawlenty acquiesced to a "health impact fee" on tobacco products. In 2007, six House GOP members joined the DFL majority and voted to override Pawlenty's veto of a gas tax increase supported by business groups across the state. Only one of them remains to tell about it

today. Senate DFLers had a veto proof majority of 45 that year (they have 30 members today - things can change fast). In 2008, voters approved the “Legacy Amendment” which raised the sales tax to support outdoor heritage and cultural legacy projects and programs.

It is extremely difficult to raise tax rates at the capitol. It is extremely difficult to add products, services and transactions into the current tax mix as well. If a super majority is required to pass a tax bill that has the net effect of raising revenue, then tax reform is almost certainly gone. The metro area, slated to gain new legislative turf under the new map, is more concerned with sales and income tax rates than property taxes. Metro property taxes are spread over a huge residential and commercial & industrial tax base. A budget amendment will harm MREA’s long term mission of creating equity in the education funding system. Districts will become more and more reliant on property taxes. Opportunities for rural students could be squeezed as rural communities fight over local taxes. Rural communities already struggle immensely with local tax base issues; publicly owned land, Seasonal & Recreational property, agriculture production land valuations and more elderly living on fixed incomes.

If your rural legislator is sensitive to the impacts felt this fall by the loss of the Homestead Market Value Credit, they have a 50/50 shot at the Capitol of doing something about it. Under any of these budget amendments they will have to secure the support of their metro-majority counterparts to do something about it. Talk to your legislator soon, and ask them not to put rural Minnesota’s economic future in such a political imbalance. If this amendment doesn’t move forward, it will be because rural GOP members band together and pressure their leadership to abandon this one.

### **Emerging Issues**

Business groups and national reform organizations are pushing [HF 1870](#) this session. The bill would change tenure for teachers in Minnesota. Supporters of the bill want to end what they call LIFO or “Last In First Out” practices whereby staffing decisions are based solely on seniority. [HF 1870](#) is up Tuesday morning in the House Education Reform committee.

[HF 1860](#) was heard last week and would send referendum dollars to students attending charter schools in their resident district. Expect more challenges to school district referendum authority to bubble up this year. [HF 1858](#) is floating around and it would only allow districts to hold referendum elections during a general election (even numbered years). We expect this bill to be heard soon.

The legislature is sorting through these in the initial stages. While many of these bills are controversial, none have the power of a constitutional amendment, and all will require agreement of the House, Senate, and Governor to become law. Therefore, keep your eye on the constitutional amendments affecting budgets and taxes, and get close to the GOP legislators who represent you or are near you. They are the only votes that count in the constitutional amendment game.