

# MESSERLI | KRAMER

## ATTORNEYS & ADVISORS

On July 10, Governor Walz called legislators back to a special session starting Monday, July 13. Because the Governor issued another Peacetime Emergency Declaration he was required to call the legislature into session so that they would have the opportunity to vote to end his emergency powers. A resolution to end the peacetime emergency powers passed in the Senate but the House did not suspend the rules to take up the resolution leaving the Governor's emergency powers intact.

The primary goals of the second special session were to find agreement on police and public safety reform, a bonding bill, a tax bill, and the supplemental budget bill. If one body adjourns the other body must do so also, and Senate Majority Leader Gazelka said that the Senate would adjourn on July 20 at midnight if they did not receive a bonding bill from the House. They worked on these issues for a week without voting on any of the major bills although the House and Senate made significant work towards a compromise on a police and public safety reform. House and Senator leaders announced they had reached agreement on a compromise police reform bill on Monday July 20 and the bill was passed by both bodies after midnight. The House voted on the bonding/tax bill but with the Governor's emergency powers intact and without Republican minority support the bill did not pass. The House and Senate both adjourned early Tuesday morning ending the second special session. The major accomplishment of the second session was passing a police and public safety reform bill.

### **Police and Public Safety Reform-Passed**

On May 25, 2020 George Floyd was killed by a Minneapolis police officer and his death was captured on video and seen around the world. This spurred civil unrest in the Twin Cities as well as protests around the state and the country asking for police reform. The People of Color Indigenous Caucus (POCI) outlined out a list of police reform proposals that they wanted to see passed during the first special session. The House and Senate were not able to come to an agreement on police reforms during the first special session. The Police and Public Safety Reform bill was the only large policy bill that was passed during the second special session. The bill passed on a significant bipartisan basis. Notable provisions from the bill include:

- Bans peace officers from using chokeholds and similar restraints unless state law authorizes the use of deadly force to protect the officer or another from death or great bodily harm
- Bans "warrior"-style training and the Police Officer Standards and Training (POST) Board from recognizing it as a proper education course
- Establishes an independent unit of the Bureau of Criminal Apprehension to investigate when police kill people or are accused of sexual misconduct.
- Allows police department to offer incentives for officers to live within city or county limits
- Adds two citizen members to the 15-member POST Board

- Creates a new citizen council to advise the Board on police policy
- Orders the POST Board to write new model policies that require officers to intervene if they see improper use of force by colleagues
- Changes the arbitration system so that arbitrators are randomly assigned to grievance cases
- Changes to critical incident stress management teams and public safety peer counseling this is inclusive of probation officers

### **Senate Resolution No. 5**

On Monday, July 20 the Senate passed Senate Resolution No. 5 urging the Governor to exclude public schools from any further executive orders. They passed the resolution signaling their support that schools, rather than the Governor, should decide whether students return for in-person instruction this fall. The Senate passed the resolution on a 37-30 vote. The House did not vote on a same or similar resolution. Resolutions do not have the force of law but send a message about the GOP-led Senate's priorities.

### **House Resolution No. 1**

On Monday, July 20 the House passed House Resolution No. 1: declaring racism a public health crisis. The resolution created a House Select Committee dedicated to examining the House's legislative efforts through an intersectional race equity lens. The resolution also calls upon the House to actively participate in the dismantling of racism. The House passed the resolution on an 82-40 vote. The Senate did not vote on a same or similar resolution.

### **Other Legislation That Did Not Pass**

- [Bonding bill](#). Despite a major goal of the 2020 session, first special session and the second special session being agreement on a capital improvement project bill, it did not happen. Activity over the course of the week suggested a possible agreement on the \$1.35 billion bill. The House brought the bill forward for a bill on the House floor but came six votes short of passing. The bill failed to pass on the House floor without the necessary support of House Republican members who had vowed not to vote on a bonding bill while the Governor's emergency powers stay intact.
- [Tax bill](#). Getting another tax bill done was a goal of the 2020 session, first special session and the second special session that was not accomplished. There were tax provisions in the bonding bill including: full section 179 expensing on like-kind exchanges for tax years 2018 and 2019, a high priority for both the House and Senate; making student loan credit refundable; a reduction in the combined net receipt tax; property tax exemption for disabled veterans; \$4 billion in Workforce and Affordance Housing Agency grants; and construction sales tax exemptions for several projects.
- [Supplemental Budget bill](#). During the first special session House Democrats added the Governor's supplemental budget to the House bonding bill which drew criticism from the



Republican members of the House. The Governor's supplemental budget bill was slimmed down this session and the \$58 million supplemental budget was added to the bonding bill.

- *Emergency Powers.* House and Senate Republicans have consistently argued for an end to the Governor's emergency powers. It was reported that conversations had taken place between GOP legislators and the Governor but no agreement was reached. Minority Leader Daudt suggested that he would be introducing legislation soon.

### **Other Legislation That Passed**

- SF4 (Senator Housley/Representative Bernardy) Legislation to Reduce driving test wait times-[Chapter 2](#)
  - Allows and appropriates money for online drivers' license knowledge testing
  - Allows third-party testers to become certified to give behind-the-wheel driving tests
  - Creates reporting requirements for the Department of Public Safety

### **End of Session**

In the early morning hours of July 21 the Senate and House adjourned sine die without passing a bonding bill, tax bill, supplemental budget bill, or any changes to the Governor's emergency powers. All 201 House and Senate seats are on the ballot in November and the control of the House and Senate is at stake. The Governor could call another special session at any time. The current Peacetime Emergency Declaration expires on August 11 and he would need to call a special session if he wishes to again extend the peacetime emergency powers.

