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ATTORNEYS & ADVISORS

On June 10, Governor Walz called legislators back to a special session starting Friday, June 12. 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 was defeated in the House, leaving the Governor's emergency powers intact.

On the first day of the special session Senate Majority Leader Gazelka announced that the Senate planned to adjourn June 19 after they concluded their floor session. Speaker of the House Hortman said the House would stay in session as long as it took to accomplish their business. The primary goals of the session were to find agreement on CARES Act funding, police and public safety reform, a bonding bill, and a tax bill. If one body adjourns the other body must do so also. As promised, the Senate adjourned on July 19 ending the special session with none of their major priorities accomplished.

CARES Act Funding-Did Not Pass

House and Senate leadership came to an agreement on how to distribute the \$841 million in federal CARES Act funds to local governments. This money would have been sent out to 85 Minnesota counties who would receive \$121 per capita, except for Hennepin and Ramsey County who already received their money directly from the federal government. Cities greater than 200 people would receive \$75 per capita, and townships greater than 200 people would receive \$25 per capita, townships of over 5,000 would receive the city per capita amount. Townships with a population under 200 can apply through their county for this funding – and counties will receive extra funds to pay for those township funds. 10% of the funds would be set aside for economic support or emergency economic assistance.

The Senate passed the bill early in the week, but the House later passed an amendment that added the Governor's supplemental budget to the CARES Act funding bill. House Democrats said that the supplemental budget would save the General Fund \$7 million due to a transfer of funds from the COVID Aid Fund. House Republicans did not agree with the savings assessment, arguing it added \$152 million to the state's budget deficit, and viewed the amendment as breaking a deal rather than adding to agreed upon language. In the end, the House passed the bill as amended and the Senate did not pass the amended bill. Absent legislative agreement on this funding, the Governor is able to start the process of dispersing funding through the 10 day Legislative Advisory Committee (LAC) process.

Police and Public Safety Reform-Did Not Pass

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. In response to the death of George Floyd, the People of Color Indigenous Caucus (POCI) outlined out a list of police reform proposals that they wanted to see passed during special session.

The Senate passed five police reform bills that gave authority over implementation to the Peace Officer Standard and Training Board (POST) and included a ban on most chokeholds and neck restraints; a requirement for law enforcement to report use-of-force data to the state; a rewrite of use of force policies with the additional sanctity of life component; an establishment of a duty to intervene when officers see another officer using unjustified force; and provisions for officers health and safety through peer support and critical incident stress management programs.

On Thursday, the House took up a more comprehensive package of reforms that included nineteen bills and made sweeping changes to policing, including altering use-of-force laws, banning chokeholds, neck restraints and “warrior”-style training programs, providing mental health and autism training for officers, and allowing police departments to require that officers live within the city or county they serve. The bills also changed jurisdiction for prosecution of officer involved death cases from county attorneys to the Attorney General, provided citizen oversight councils over law enforcement, gave people convicted of felonies the right to vote when they are on parole or probation, and end cash bail for most people charged with misdemeanors. The House Republicans offered a series of amendments. An amendment successfully offered by Rep. Paul Novotny (R-Elk River) would require officers to take annual training on conflict de-escalation and the duty to intercede when another peace officer uses excessive or unreasonable force.

On the last night of session offers were exchanged between the Senate and the House. Given the different approaches taken by each body, agreement was not achieved by the end of the special session.

COVID-19 Human Services Program Waivers and Modifications Extensions-Passed

The Minnesota House and Senate passed measures to extend human services program waivers and modifications made in response to the COVID-19 pandemic. This bill passed on a bipartisan basis in both chambers. Without this bill extending several modifications and waivers until June 30, 2021 they would otherwise expire at the end of the Governor’s peacetime emergency powers.

The year-long extension will allow the state to understand which actions taken by the Commissioner of Human Services during the peacetime emergency should be made permanent. Under this bill, the remaining modifications and waivers made in response to the COVID-19 peacetime emergency would be allowed to remain in effect for up to 60 days after the end of the peacetime emergency in order to transition the affected programs effectively. The Governor has not yet signed this bill into law.

Small Business Grants-Passed

The House and Senate passed a bill with bipartisan support that will provide \$62.5 million in grants to small businesses impacted by the COVID-19 pandemic. The bill will allow the Department of Employment and Economic Development to provide grants of \$10,000 to businesses with 50 or fewer employees. Half of the funding will go toward businesses in Greater Minnesota, and at least \$10 million will go toward minority-owned businesses. The grants will be awarded by a lottery system. The Governor signed the bill into law on June 15.



Omnibus Human Services Bill-Passed

The House and Senate passed this bill in a largely bipartisan manner. This bill unanimously passed the Senate at the end of the regular session but the House ran out of time to pass the final bill. This bill modifies background requirements for guardians, updates provisions regarding substance use disorder programs, and it requires a child entering the foster care system to receive a fetal alcohol spectrum disorder screening. This bill increases the state's reimbursement payment for childcare providers that serve low-income families using federal money. This change to the state's Child Care Assistance Program will bring the state into compliance with federal rules on reimbursement rates. This bill also changes the civil commitment chapter in state law by allowing all mental health professionals to initiate a 72 hour hold. This also requires a foster care provider to contact the foster child's biological family if it is in the best interest of the child as soon as possible but no later than 72 hours. The Governor signed the bill into law on June 16.

Other Legislation That Did Not Pass

- *Bonding bill.* Despite the major goal of the 2020 session and the first special session to agree on a capital improvement project bill, it did not happen. Rumors over the course of the week suggested a possible agreement on the overall size of the bill at \$1.35 billion, however no bills were advanced for votes and this remains on the top of the list for potential future special sessions.
- *Tax bill.* Getting another tax bill done was a goal of the 2020 session that was not accomplished. During special session the only tax bill to be passed by both chambers was a minor bill creating a solid waste management tax exemption. An omnibus tax bill could still be considered during a later special session.
- *Saint Paul/Minneapolis Civil Unrest Funds.* Recovery from the recent civil unrest in Minneapolis and Saint Paul that followed the death of George Floyd was a focus of many legislators. There were bills introduced in the House and Senate to address the losses of business owners affected by the unrest. The House passed the PROMISE Act which calls for \$300 million to help rebuild communities, provide tax relief, and establish the Metropolitan Area Redevelopment Corporation to oversee planning and grants for impacted areas. This bill also contained more controversial provisions including authorization to use eminent domain in recovery efforts and the imposition of a 0.125% sales tax in the seven-county metropolitan area. Helping to rebuild the communities affected by the civil unrest will be a focus of future special sessions.
- *Emergency Powers.* House and Senate Republicans have consistently argued for an end to the Governor's emergency powers. While no agreements were reached on this topic it was reported productive conversations had taken place between GOP legislators and the Governor.

Other Legislation That Passed

- Establishing fees for replacement license plates. [Chapter 3.](#)
- Protecting tax exemptions for recycling activities for solid waste management companies impacted by COVID-19. [Chapter 4.](#)
- Education Policy Bill. The Governor has not yet signed this bill into law. [HF33.](#)



End of Session

At 6:03 am on Saturday morning June 20 the Senate adjourned, and the House adjourned not long after. The Legislature adjourned with little to show for their week-long efforts and with tensions running high. All 201 legislators are up for reelection in November and the control of the House and Senate is at stake. Negotiations on the remaining issues will not be easy but the discussions will continue. The Governor could call another special session at any time. The current Peacetime Emergency Declaration expires on July 12th and he would need to call a special session if he wishes to again extend the peacetime emergency powers.

