

2021 REGULAR LEGISLATIVE SESSION RECAP

# UPDATES ON MCLA'S LEGISLATIVE PRIORITIES

MAY 2021



## MCLA'S REPORT ON OUR TOP LEGISLATIVE PRIORITIES

If the 2020 session was dubbed the “session of the pandemic”, this session should be dubbed the “paradoxical session”: 2021 presented opportunities to pass the state budget on time because of a projected surplus and an influx of federal funds to address the pandemic, and yet, the regular session ended on May 17 without a budget and the accompanying policy provisions. However, global agreements were reached before legislators adjourned, most importantly, setting global targets for budget and tax bills in the amount of \$52 billion. Also, they agreed on how the state’s America Rescue Plan (ARP) funds will be allocated. In the COVID-19 Flexible Fund, \$75 million will be invested in Summer Learning, and there will be a Broadband Funding Source for \$70 million. The Governor and the legislature will decide how \$1.233 billion of the ARP will be used during the next legislative session.

A divided state legislature continues to present challenges when discussing priorities, particularly those that may have the greatest impact on communities of color, including Latino Minnesotans. Some of these priorities, aligned with the vision of members of the People of Color and Indigenous (POCI) caucus are outlined in the following report.

As we write, the Conference Committees must have finance provisions completed by May 28 and policy provisions completed by June 4. It is expected that Governor Walz will need to call the legislature back on a Special Session on or before June 14 to vote on his emergency authority. What is still unclear is whether the conferees and top leadership will be able to agree on a budget and if it will pass before June 30 to avert a partial shutdown of state government, as was the case in 2011.



# EDUCATION



## INCREASE TEACHERS OF COLOR ACT OF 2021 | ITCA E-12 (H.F 217/ S.F 446) & ITCA HIGHER ED (HF 1041/SF 797)

For the fifth successive year, the three State Ethnic Councils and the Minnesota Indian Affairs Council worked in strong partnership with the Coalition to Increase Teachers of Color and American Indian Teachers (TOCAIT) to advocate for the Increase Teachers of Color Act of 2021.

ITCA 2021 is a set of comprehensive and interconnected policy provisions and investments that are necessary to address the persistent shortage of Black, Indigenous, and People of Color (BIPOC) teachers in Minnesota. The severe lack of diversity in the state’s teaching workforce is a fundamental reason that Minnesota continues to suffer from some of the country’s worst educational outcomes for BIPOC students. Addressing educational opportunity gaps have consistently been a chief priority for communities of color and Latinx communities specifically, as evidenced by every MCLA Community Listening Session engagement. Every year, concerns about poor educational outcomes and a lack of cultural understanding are highlighted in our discussions with Latinx families across the state.

Under MCLA leadership, the State Councils provided both chamber’s committees on Education and Higher Education with several joint letters of support for ITCA, as well as written, and oral testimony during the committee hearings process. This support was supplemented by regular meetings with all three bill authors (Rep. Hassan -H.F 217, Rep. Keeler -H.F 1041 and Senator Abeler S.F 446 & S.F 797), along with committee chairs in both legislative bodies. This bilateral strategy secured ITCA’s inclusion in all respective omnibus bill packages.

Of the four omnibus packages, the House Omnibus for E-12 (Chair Davnie, H.F 1065) was the most comprehensive iteration of ITCA, with H.F 993 (Chair Bernardy |Higher Ed) lagging behind and both Senate Omnibus bills (S.F 960 & S.F 975) failing to meet almost any ITCA funding proposals. The specifics of all iterations of ITCA can be found in the table below along with the provisions and funding levels that were included in the four omnibus bill packages.

ITCA 2021 Investments	Current Appropriations	ITCA		Senate Omnibus S.F 960 / S.F 975
		H.F 217 / S.F 446	H.F 1065 / H.F 993	
State TOCAIT Report	\$0	\$15,000	\$15,000	\$0
Grow Your Own	\$1,500,000	\$8,500,000	\$9,285,000	\$4,000
Collaborative Urban/ Greater MN Eds of Color	\$1,000,000	\$6,000,000	\$1,500,000	\$1,000,000
Teacher Mentorship/Retention	\$750,000	\$3,000,000	\$3,000,000	\$2,000
Equitable School Enhancement Grants	\$0	\$3,000,000	\$3,000,000	\$0
Come Teach in MN Bonuses	\$0	\$350,000	\$350,000	\$350,000
American Indian Teacher Prep	\$460,000	\$600,000	\$600,000	\$460,000
“Intro to Teaching” Concurrent Enrollment	\$375,000	\$500,000	\$500,000	\$375,000
Teacher Recruitment Marketing Campaign	\$0	\$500,000	\$500,000	\$500,000
<b>Total E-12 Funding</b>	<b>\$4,100,000</b>	<b>\$22,500,000</b>	<b>\$18,750,000</b>	<b>\$8,685,000</b>
<b>Total Higher Ed Funding</b>	<b>\$1,450,000</b>	<b>\$14,500,000</b>	<b>\$4,493,000</b>	<b>\$950,000</b>

Source: MCLA based on the Coalition of Teachers of Color analyses and House bill summary comparisons

At this time, the MCLA projects that the Special Session will convene during the week of June 14th. While nothing is certain, it appears that several ITCA provisions will pass at underfunded levels. The Grow Your Own, Teacher Mentorship/Retention, Come Teach in MN, Teacher Recruitment Marketing programs all have clear pathways to pass the Legislature. Of these measures, it is worth noting that the Governors office does not currently support Come Teach in MN or the Teacher Recruitment Marketing Campaign. It remains to be seen if the Legislature can get the Governor on board, the result of this will surely rest on what else is included in the bill that arrives to his desk.

# EDUCATION



The Grow Your Own program expansion has varying levels of support among the legislature and the Governor's office and will pass in some capacity. The Collaborative Urban Greater Minnesota Educators of Color (CUGMEC) program will most likely remain at current levels of funding as neither the Senate nor Governor's office support its expansion. The American Indian Teacher Preparation program appears to share the same fate as CUGMEC. Unfortunately, the State TOCAIT Report and Equitable School Enhancement programs do not enjoy support from either the Senate or Governor's office and are unlikely to pass this year.

In summary, the 2021 Legislative session is expected to yield some modest successes in pursuit of increasing teacher diversity and in so, improving Minnesota's educational system. It is worth mentioning that for the first time, ITCA 2021 was heard in both chambers and gained bipartisan support. However, the Legislature and Governor's office fell short in matching needed allocations in order to expand and enact enough ITCA provisions to meaningfully increase teacher diversity.

## **ENGLISH LEARNER REVENUE INDEXED TO BASIC EDUCATION REVENUE H.F 1939/ S.F 1964**

Ensuring that English Learners (ELs) have access to quality education has long been a priority of the MCLA and Latinx community at large. In 2014, the Learning English for Academic Proficiency and Success (LEAPS) Act was passed into law, with the Council's support. At the time, the LEAPS act was the nation's most comprehensive legislation in support of ELs. The law was successfully embedded into many existing statutes, including teacher licensure, early education, curriculum and instruction, higher education, and adult education. H.F 1939 & S.F 1964 sought to capture that momentum and index EL revenue to general education funding increases. This would establish proportional revenue increases automatically and would ensure that the progress of LEAPS would not stagnate.

When the 92nd Legislative Session opened in January, Representative Mariani and Senator Kunesh assumed leadership of this matter. Senator Kunesh successfully introduced S.F 1964 to the Senate on March 10th. The bill was then referred the Senate's Education Finance & Policy Committee. Unfortunately, H.F 1939 was not introduced before the first legislative deadline and therefore was unable to be considered in the House on a stand-alone basis. Despite this set back, Chair Richardson did agree to have an informational session regarding the Minnesota Department of Education's (MDE) status on the LEAPS implementation process. As it stands, there is language in Omnibus H.F 1065 regarding EL funding and the continuation of the LEAPS Act implementation but this language only reaffirms that the progress from the 2014 Leaps Act is still pending.

## **POST-SECONDARY ENROLLMENT OPTIONS (PSEO) PROGRAM | S.F 939**

S.F 939 was Chief Authored by Senator Nelson and aims to modify the current PSEO program to allow students greater flexibility in their enrollment process. Additionally, it adds and strikes some language for clarification purposes. The main modification that would impact Latinx communities is the allowance of student enrollment in a PSEO program beyond the current May 30th deadline if the student's district did not meet its dissemination of information requirements. Simply put, if a district does not fulfill its requirements to advertise PSEO options, students are afforded extra flexibility in enrolling in said under-advertised program. S.F 939 has no House companion and no such language exists in the House's Omnibus Bill, but it is unlikely to face opposition by the House in negotiations. At this point, nothing is certain, but these provisions do have a pathway to clear the Legislature and arrive at the Governors desk for signing and implementation.

# HEALTH EQUITY



## **MINNESOTACARE ELIGIBILITY EXPANSION (MNCARE) | H.F 11 / S.F 1029**

The Minnesota Care Eligibility Expansion Act was a top priority for the Council during the session. The ambitious bill sought to expand public healthcare eligibility for several different groups of people in Minnesota. These groups included individuals whose incomes were greater than the existing MinnesotaCare income limit of 200 percent of the federal poverty guidelines (FPG) and who met all other criteria, undocumented noncitizens, employees of small businesses (under 50 employees), and individuals with access to certain employer-subsidized coverage.

H.F 11 was authored and introduced by Representative Schultz in the House. It had its first reading on January 7th, 2021 and was referred to the Health Finance & Policy Committee. During the committee process, H.F 11 enjoyed strong support and 34 Representatives joined as co-authors. H.F 11 made its way through the Commerce Finance & Policy Committee before returning to Health Finance & Policy where it was adopted as amended. Despite its strong support in the House and a coordinated campaign of support (including MCLA and Minnesota Doctors for Health Equity (MDHEQ)), its companion in the Senate was not included. For a lack of support in the Senate, H.F 11 was not included in the House Omnibus H.F 2128 but some of its provisions were added in a few of the bills mentioned below.

The Minnesotan Latinx community has highlighted obstacles to healthcare as a primary concern in need of legislative action. Due to these concerns, transforming the initial enthusiasm that H.F 11 enjoyed in the House, into commitments of prioritization, will be key in achieving an inclusion of public healthcare eligibility expansions into future legislation.

## **DIGNITY IN PREGNANCY & CHILDBIRTH ACT | H.F 660 / S.F 877**

The Council tracked very closely and supported the Dignity in Pregnancy & Childbirth Act. This legislation requires hospitals that provide obstetric

care and birth centers to provide continuing education on anti-racism and implicit bias training for staff. The Dignity in Pregnancy and Childbirth Act also requires the Commissioner of Health to implement a plan that will improve community access to doula and midwives' services. Additionally, the Bill requires improved training practices for doulas and midwives, specifically tailored to meet the needs of groups with disparities in maternal and infant health outcomes. Lastly, it authorizes the commissioner of health to conduct maternal morbidity studies.

The Dignity in Pregnancy & Childbirth Act was authored by Representative Richardson in the House and Senator Torres Ray in the Senate. H.F 660 passed through three committees and was included in the House's Health Omnibus H.F 2128. The Senate version was not as successful but S.F 877's provision regarding doula training was included in the Senate's Health Omnibus S.F 2360.

Negotiations between the two chambers during the conference committee process indicate that some provisions of the Dignity in Pregnancy & Childbirth Act will likely pass during a Special Session. The two sides agree on doula training, and there appears to be some bipartisan support in expanding doula and midwife accessibility to communities with the highest disproportionality in maternal and infant health outcomes. Provision regarding anti-racism training enjoy less support but are not out of the realm of possibility.

In summary, moderate progress in addressing disparities in maternal and infant health outcomes for BIPOC populations including Latinx communities will be achieved during this Legislative session. However, due to the Legislature's inability to agree to a budget during the Regular Session, it remains to be seen how comprehensive the final Omnibus will be in the Special Session.

## **POSTPARTUM MEDICAL ASSISTANCE EXTENSION | H.F 521 / S.F 735**

The Postpartum Medical Assistance Extension Bill was authored by Representative Morrison in the House. The Senate companion was authored and

# HEALTH EQUITY



introduced by Senator Wiklund. The Bill expands Medical Assistance (MA) eligibility for pregnant women from two months to a year. All pregnant women making less than 278 percent of the federal poverty guidelines (FPG) will be eligible for this expansion.

H.F 521 easily passed through three House Committee stops before being adopted into House Omnibus H.F 2128. Its Senate companion was heard in Chair Benson's committee and amended, decreasing the eligibility period to half a year. It was adopted as amended and included in Senate Omnibus S.F 2360.

The MCLA sent out written support for the House's version although the Republican controlled Senate currently holds a stronger bargaining position but unfortunately the extension will likely be closer to six months than a year, with more limited benefits to communities of color, specifically Latinx families.

## **OTHER HEALTH PROVISIONS TRACKED BY THE MCLA**

In addition to the MCLA's Priority Issues, the Council has monitored and, in some cases, supported the following legislative efforts.

### **CRISIS STABILIZATION SERVICES | H.F 1305 / S.F 1292**

The MCLA provided support for Representative Rasmusson's Crisis Stabilization Services Bill. This legislation will require the Commissioner of Human Services to establish a statewide per diem rate for residential crisis stabilization service clinics. This effort is needed as current loopholes allow insurance companies to underpay providers resulting in a major decline in clinics that offer these essential services. This legislation will ensure that crisis stabilization clinics remain viable and can offer their life-saving services to Minnesotans in need.

## **LEGISLATION ON RECREATIONAL AND MEDICAL MARIJUANA**

The MCLA conducted an Equity Impact Analysis on H.F 600, which would legalize the use of recreational marijuana. The Equity Impact Analysis indicated that the Latinx community would benefit from such legislation as Latinx community members are penalized for cannabis usage at disproportionate rates by law enforcement. H.F 600 was passed by the House and is supported by Governor Waltz; however, the Senate rejected this measure eliminating its pathway to becoming law. House Majority Leader Winkler, chief author of H.F. 600 will still try to include it in final negotiations before the Special Session.

On a similar note, medical cannabis legislation was passed that modified Minnesota's Medical Marijuana program to allow for the combustion of cannabis flower, which was previously restricted. Cannabis flower will cost roughly a third of the price of oils, liquids, and pills. This will ensure that medical marijuana patients can afford their prescriptions.

## **BEHAVIOR HEALTH PROVIDER WORKFORCE DIVERSITY | H.F 970 / S.F 1362**

This legislation attempted to make several changes affecting mental health and substance use disorder treatment providers. It also required mental health licensing boards to increase geographic, racial, and cultural diversity. Additionally, it also attempted to require ongoing educational training programs to improve cultural competency amongst mental health providers to better serve diverse clients. Lastly it would have created a Culturally Informed and Culturally Responsive Mental Health Taskforce to serve under the commissioners of health and human services. This bill enjoyed early bipartisan support with Republican Senator Utke authoring the companion to Representative Vang's bill, however the Senate version died via inaction in Chair Benson's committee. H.F 970 was incorporated into the House Omnibus Bill but questions remain as to whether it will survive negotiations.

# ECONOMIC DEVELOPMENT AND TAXES



The regular Legislative session ended on May 17, 2021 without an agreement in omnibus bills containing important provisions in economic development. MCLA monitored and supported these bills during the session. These provisions, if enacted into law, could have a positive impact in the lives of working families, small business owners and communities of color in general, including many Latinx individuals and communities, promoting equity and inclusion for all Minnesotans.

The support contained in the economic development provisions is especially needed to overcome the profound impacts of the COVID-19 pandemic in our communities<sup>1</sup>. This support would help with the recovery process, especially in areas such as economic assistance to small businesses, tax benefits, workforce development and workers protections. Some of these provisions would also be very beneficial in areas of the economy with high rates of employment participation for woman of color and Latinx workers<sup>2</sup>. Finally, a bill which would allow individuals without proof of legal presence in the U.S. to obtain a driver's license would have not only a large positive impact on the lives of many families that live and work in the State of Minnesota, but would also make an important contribution to the local and the State economies at large<sup>3</sup>.

<sup>1</sup> Center on Women, Gender and Public Policy, University of Minnesota (2020, December). *COVID-19's Unequal Impacts on Minnesota Workers: A Race and Gender Lens*.

<sup>2</sup> UNITE HERE Local 17 (2021, January). *Minnesota hospitality workers face a jobs crisis. Women of color are particularly impacted*.

<sup>3</sup> Immigrant Law Center of Minnesota (2021, March). *Fact Sheet: Driver's Licenses for All (HF1163)*.

## OMNIBUS WORKFORCE AND BUSINESS DEVELOPMENT FINANCE AND POLICY BILL (SF1098/HF1342)

The bill contains the creation of important programs, the provision of funding, and rules and regulations that will have a positive impact in small businesses and workers, especially woman and communities of color, such as:

- Small Business COVID Support Grant Program
- Grant Program to Increase Access to Child Care
- Grant Program for Community-Based Business Development Services, including funds to support women of color entrepreneurs
- Prioritization of BIPOC Communities in the Delivery of Workforce Development Services
- Microenterprise Development Program
- Removing Barriers to Employment Grant Program
- Innovative Employment Solutions Grant Program
- Paid Family and Medical Leave Benefit Insurance Program
- Unemployment Insurance Eligibility for Youth Workers, Senior Workers, and School Workers
- Earned Sick and Safe Time
- Essential Workers Emergency Leave
- Emergency Rehire and Retention in the Hospitality Industry
- Safe Workplaces for Meat and Poultry Processing Workers

Some of these provisions are only part of the House version of the Omnibus Bill, and for that reason, the chances for their inclusion in the final bill remain to be seen.



# ECONOMIC DEVELOPMENT AND TAXES



## TAX OMNIBUS BILL (HF991/SF961)

This massive bill, in its House version, contains two important provisions for ITIN users, or persons that pay taxes using an Individual Tax Identification Number in lieu of a social security number: the expansion of the Working Families Tax Credit (WFTC) and the Homestead Property Tax Refund (HPTR) allowing ITIN users to claim this benefits. Although not being part of the Senate version of the Tax Omnibus Bill play against these provisions, the fact that both of them are also part of the original and the revised Governor's budget proposal, could be a positive factor for their inclusion in the final agreement.

## TRANSPORTATION OMNIBUS BILL (HF1684/SF1159)

The House version of the Transportation Omnibus Bill contains a provision that would allow people without proof of authorized presence in the U.S. to obtain a driver's license, AKA "Driver's License for All". The House version was passed amended with, although limited, bipartisan support, which would increase its chance of being include in the final version of the Omnibus Bill. Advocates of this provision are also hopeful that it could be passed as a stand-alone bill. MCLA played an important role supporting advocates with the Office of the Governor and with members of the legislature representing districts with high concentrations of Latinx residents.





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