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MINNESOTA
COUNCIL ON LATINO AFFAIRS



ADVISE AND INFORM
**ON LEGISLATION
AND POLICY WITH**
LATINO
MINNESOTANS



SUMMARY OF AN **UNPRECEDENTED**
2020 LEGISLATIVE SESSION
LITTLE PROGRESS FOR LATINO COMMUNITIES

BACKGROUND: THE LEGISLATIVE WORK DEFINED BY COVID-19



After the legislature recessed in mid-March due to the COVID-19 emergency, it re-convened in April after new rules were approved so that committee hearings could take place remotely for the first time in history in order to ensure the safety of legislators and the public, while still providing an opportunity to participate and testify online.

While this process was functional, we recognize that it left a subset of our population at a disadvantage since there are residents that do not have access to internet or a computer or may be discouraged from participating remotely due to technological challenges.

Like most state agencies, MCLA responded to the pandemic with consist conversations with constituents to identify challenges and needs as distance learning plans and other measures were implemented across the state (COVID-19 testing, stay at home executive orders, obligatory use of masks, etc.).

The 2020 legislative session ended sine die on Monday May 18th, but it reconvened on Friday, June 12th during a special session called by Governor Walz to continue to address COVID-19 response legislation, public safety reform, bonding, and other issues, including education and human services. As a result of the civil unrest due to the murder of George Floyd, priorities at the legislature changed dramatically during the special session; however, we were still able to ensure that our most pressing items were still being considered.

The first special session saw police brutality prevention to top of the conversation following the murder of Mr. Floyd. MCLA supported initiatives, led by Representatives Carlos Mariani and Rena Moran, that not only focused on holding law enforcement agencies and officers accountable, but also could serve as the beginning of a restoration in faith and trust in a system that has not worked for black and brown communities throughout history.

Those essential proposals included modifications to the standards of use of force, the prohibition of warrior training conducted by law enforcement agencies, and the establishment of a Police-Community Relations Council. The Senate also took up policing reform, however no consensus or compromise was reached at the end of the first special session.

The first special session ended the morning of Saturday, June 20th with very little getting done and a long list unfinished business. For instance, the PROMISE Act, which aimed at offering relief to small businesses to rebuild the areas damaged by civil unrest passed the House but was not taken up by the Senate. Other bills like the Community Relief Emergency Fund for vulnerable communities, or the Bonding bill made little progress and were not included in Senate hearings.

Governor Tim Walz called a second special session on July 13 to expand his emergency powers and re-discuss \$1 billion in public works bill, the supplemental spending/tax bill, and police reform. The public had to wait until the end of the second special session on July 20 for both chambers to compromise in a police reform package. The Minnesota Police Accountability Act was signed into law by Governor Walz on July 23.

MCLA'S PRIORITIES IN EDUCATION



Despite a shift in how our work was conducted during a short time period, MCLA maintained a prioritization of legislative proposals that intentionally address systemic challenges in our educational system that impact our Latino community.

However, the 2020 regular session did not enact a traditional education policy bill but passed an Education COVID-19 bill that dealt with a number of issues that were part of the Governor's Executive Orders. To that end, four key policies in the delete all amendment of SF485 (Senator Nelson) and its House companion HF4415 (Davnie) were a result of continued negotiations between legislative leadership due to the ongoing pandemic. Key provisions that were enacted in this piece of legislation, signed by the governor on May 27, 2020, that were most relevant to the Latino community were:

Truancy

For school districts and charter schools that operate on an approved flexible learning year calendar, a student's absence, without valid excuse (March 1- June 30, 2020), did not bring the student within the definition of a continuing truant. This particular provision was helpful to the Latino community as challenges of technology and connectivity played a large part in absences of students during the distance learning period, as shared by parents.

School Aid and Formula Adjustments

School districts and charter schools were allowed some much-needed flexibility in spending in order to respond to the immediate needs of students and families during the pandemic. Such flexibility in Special Education funding and literacy incentive aid ensured school districts and charter schools maximized personnel capacity and purchase critical technology for students in need, in the form of Chromebook, laptops, hotspots, etc.

Emergency Powers Of PELSB

the Professional Educator Licensing and Standards Board must issue a one-year conditional Tier 3 license to an applicant that is otherwise qualified under Minnesota Statutes, section 122A.183, but was unable to complete a required licensure exam under Minnesota Statutes, section 122A.185, because of a COVID-19-related disruption. As a condition of renewing the Tier 3 license, the applicant must pass the required licensure exams under Minnesota Statutes, section 122A.185. The term of the renewed Tier 3 license under this section must be two years. The board must waive the licensure renewal fee. This ensures that teachers with a Tier 3 license, which includes our TOCAIT who serve our students, were not penalized by a bureaucratic process and offered flexibility to ensure fairness in license renewal during such an unprecedented time.

Construction and Skilled Trades Counseling

The Commissioner of Education is to work with the Commissioner of Labor and Industry to incorporate construction and skilled trades into career counseling services for middle and high school aged students. Career advisement should identify high-growth, in-demand skilled trades and include information on various career paths and associated jobs, the salary profiles of those jobs, and the credentials and other training desired by employers for those jobs. While the higher education attainment levels for the Latino community remain disproportionately low and remains a priority for MCLA to work towards addressing, a pathway to meaningful employment and livable wage certainly has the potential to close gaps.



Nevertheless, there were several MCLA legislative priorities in the area of education for the 2019-2020 session that did not move forward.

First, the top priority in education uniting the three Ethnic Councils and the Minnesota Indian Affairs Council, since 2017, has been the need to increase the percentage of teachers of color and American Indian teachers in Minnesota. Addressing this severe shortage is key to narrowing our state's persistent achievement and opportunity gaps, which disproportionately impact our constituent communities. While two provisions from this bill (HF3201, Kunesh-Podein/SF4166, Abeler) were included in the first and second iterations of the Governor's education policy bill, neither the state goal language to increase TOCAIT by two percentage points per year or the requiring of school districts to be build culturally responsive expectations and curriculum made it through final negotiations during the regular session.

Additionally, HF448/SF26 which would have been a significant step in addressing challenges that exist for educators in ensuring our English Language Learning (EL) students receive the equitable support needed, was not enacted this session. This bill would have increased funding from current \$704 per EL student to \$1400 per EL student per year and increase multipliers for schools with high EL populations from the current \$200 to \$1000 per student. Overall, the bill sought to increase the current \$59million in EL funding to \$142million annually. As 55% of all Latino students have Spanish as the primary language at home and make a substantial portion of the ELL population, MCLA will continue to advocate for proper funding for students in need of these services.

As the state needs to better equip and train our educators in their efforts to serve our children, the bipartisan effort in HF3556/SF3638 was a significant step in the right direction, while not having been enacted. A key provision of this bill would have granted to eligible districts the funding of trauma-informed and systematic professional development for all staff who work with students, including all principals and administrators, to support students with adverse childhood experiences, and to promote restorative practices and non-exclusionary discipline in schools. This proposed policy will be important as we move towards preparing the impact of the social and emotional toll this pandemic impacts our Latino children, who have been disproportionately impacted.

During the first special session in June, of the provisions in HF33/SF26, authored by Senator Carla Nelson and Representative Cheryl Youakim, that were moved and enacted during the special session, perhaps the most substantive equity focused provision was the prohibition of expulsion of pre-kindergarten and pre-school children unless all other disciplinary approaches have been exhausted and there is an ongoing threat to the safety of other children. This was an important step to address discriminatory and disparate expulsion policies that disproportionately impact black and indigenous children, in addition to children of color.

Additionally, Representative Mary Kunesh-Podein and members of the POCL caucus introduced an educational equity bill (HF36) that included most of the policy proposals that were included in Representative Youakim's initial omnibus bill and key provisions of this session's increase teachers of color bill (HF3201/SF4166). This piece of legislation was grounded in an equity frame and was comprehensive in its approach to focusing on structural and systemic issues to address the state's achievement and opportunity gaps. While this bill received a hearing in the House Education committee, no action was taken on the Senate side.



MCLA PRIORITIES IN ECONOMIC DEVELOPMENT AND TAXES



Due to the COVID-19 pandemic, much of the work done during the legislative session focused around financial relief for businesses and workers affected by the pandemic and the closures; and everything else took a back seat. Here is a summary of the bills **passed** during the 2020 legislative session:

A total of 15 bills passed to address the impact of the coronavirus in Minnesota communities, including Latinos, in some way. However, the undocumented population was still left out of critical relief such as the MN Unemployment Insurance program since it is funded with federal dollars, which come with an exclusion of residents without an authorized immigration status or living in mixed status families.

HF4531 is the most comprehensive bill since it allocates a significant amount of funding towards benefiting individuals and small business; authorizing about \$40 million for small businesses in state grants in addition to the \$600 billion of previously available federal loans. The funds in this bill also benefit childcare providers, tribal nations, and individuals experiencing homelessness. However, the rest of the funding provided in this bill was allocated for government agencies and public health organizations; only about \$100 million was made available to programs benefiting individuals, including Latinos.

Since a significant portion of Latinos work in the farming and food handling industries, it is important to note that HF4490 addresses challenges experienced by farmers and others working in the food supply chain. Of the \$600,000 allocated in the bill, one third went directly to farmers and \$125,000 was allocated for stores that qualify as retail food handlers; allowing them to purchase personal protective equipment (PPE) in small, \$500 bulk grants. The rest of the money was distributed among independent food processors which tend to employ a large number of Latino workers.

Lastly, HF4556 reduces the surplus of farm goods (produce and animal products) by allocating funding for food shelves to partner with farmers and purchase their surplus. This means that food shelves will have more food on hand that qualifying Latinos and others can access.

In general, the rest of the funding bills ensure that government agencies and healthcare providers can be effectively responsive to the changed needs given the healthcare crisis; while the non-funding bills change existing policy to accommodate more fluid needs, without impacting funding.

It is important to note that tracking the beneficiaries of new programs by ethnic group is very difficult at this time since we do not know how many Latinos will try to access benefits and if or how agencies will track such information.





LIST OF PROPOSALS IN THE AREA OF ECONOMIC DEVELOPMENT CARRIED BY THE COUNCIL AND OUTCOMES.

HF 3420 / SF 4150 – Regenerative poultry processing facility and industrial park appropriation.

- Authored by Rep. Todd Lippert (20B-DFL) and Sen. Michael Goggin (21-R)
- This bill allocates \$250,000 in planning dollars from the general fund for an industrial park in SE Minnesota that will create close to 100 jobs for Latinos in the region.
- This bill counts with strong bipartisan support.
- This bill had a hearing in the House of Representative and was laid over for inclusion.
- This bill did not make it through the legislature due to COVID-19 and civil unrest priority changes.

HF 4218 / SF 4434 – Bonding-Regenerative poultry industrial park.

- Authored by Rep. Todd Lippert (20B-DFL) and Sen. Bill Ingebrigtsen (8-R).
- This bill allocates \$250,000 in planning dollars as a general obligation bond for an industrial park in SE Minnesota that will create close to 100 jobs for Latinos in the region.
- This proposal counts with bipartisan support.
- This bill was included in the House Bonding bill.
- The Bonding bill did not make it through the legislature but there is the possibility that negotiations will likely continue.

HF 1323 / SF 565 – Veterans income modification for Property Tax Refund.

- Authored by Rep. Lisa Demuth (13A-R) and Sen. Jeff Howe (13R).
- This bill offers financial relief through the Property Tax Refund for Latino and other Veterans.
- This bill counts with bipartisan support.
- This bill did not make it through the legislature due to COVID-19 and civil unrest priority changes.

HF 3721 – Including ITIN users into our Homestead program.

- Authored by Rep. Alice Hausman (66A-DFL).
- This bill allows ITIN holders to file for Homestead and apply for the property tax refund, keeping more money in the pockets of the ITIN population.
- This bill counts with bipartisan support.
- This bill did not make it through the legislature due to COVID-19 and civil unrest priority changes.

HF 4146 – Single-language transaction on used car sales.

- Authored by Rep. Greg Davids (28B-R).
- This bill requires that used car dealerships use one language for the sale AND financing part of the transaction; protecting Latino consumers that often end up with unnecessarily expensive sales contracts because they were not served by Spanish-speaking financing staff.
- This bill counts with bipartisan support.
- This bill did not make it through the legislature due to COVID-19 and civil unrest priority changes.

OTHER IMPORTANT LAWS ENACTED AND EFFECTIVE AUGUST 1, 2020



Marriage by minors prohibited HF745*/SF1393/CH76

A new law prohibits marriage by minors by deleting statutory language that had allowed 16- and 17-year-old children to receive a marriage license with “the consent of the person’s legal custodial parents, guardian, or the court.”

Age to purchase tobacco now 21 years old HF331*/SF463/CH88

Anyone looking to buy tobacco products, including e-cigarettes, will have to be at least 21 years old. In addition to interrupting the cycle of addiction, the law, sponsored by Rep. Heather Edelson (DFL-Edina) and Sen. Carla Nelson (R-Rochester), will bring the state into line with federal statute.

Workers’ compensation HF4537*/SF4458/CH72

Employees in certain professions who contract COVID-19 are eligible for workers’ compensation benefits based on the presumption that they contracted the COVID-19 virus from their work. Under the law, the commissioner of labor and industry is also authorized to extend the implementation date of a new workers’ compensation data management system beyond its scheduled date of Aug. 31, 2020, if the commissioner determines that it should be extended due to COVID-19 and provides notice of the delay.

CCAP reimbursement rates get boost SSHF41*/SSSFnone/SSCH9

The Child Care Assistance Program will have its reimbursement rate boosted for those who provide care for low-income children. The program provides subsidies that allow these children to access early childhood opportunities while their parents are working or in school.



MOVING FORWARD



The second special session ended on Tuesday, July 21st with the only main proposal passed being the Police Accountability and Reform bill; leaving other important proposals still pending, such as the Bonding bill, which is how infrastructure projects get funded and keep construction workers employed, including Latinos.

The Minnesota Police Accountability Act bans “warrior training” and chokeholds, it also requires that officers intercede and report whenever excessive force is used by a police officer. It also strengthens transparency and community oversight of policing. Additionally, this new law expands autism awareness and mental health de-escalation training for police officers and change the circumstances under which officers can use deadly force. This is a good first step at reforming the way that police interact with Minnesotans of color, including Latinos. The goal is to ensure the safety of residents that have been historically and violently affected by interacting with police.

At this point, it is very likely that there will be additional special sessions. The pandemic has not been contained and the Governor will need to extend his Emergency Powers. In future sessions, negotiations will continue throughout the summer and fall among the branches of government in order to resolve Bonding, COVID relief, the supplemental budget, and other pressing issues.

In order to achieve the goals necessary to improve and strengthen the lives of our Latino population, we need to increase Latino civic participation by engaging decision makers in a more consistent manner. Our Council has been leveraging partnerships with Latino non-profits and other social entities throughout the years to increase community participation in our legislative process; we remain committed to expand these partnerships and engagement efforts.





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