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State of Minnesota

HOUSE OF REPRESENTATIVES

FOURTH SPECIAL SESSION

H. F. No. 3

09/11/2020 Authored by Noor, Winkler, Gomez, Davnie, Hassan and others
The bill was read for the first time and referred to the Jobs and Economic Development Finance Division

1.1 A bill for an act
1.2 relating to state government; establishing the PROMISE Act; creating a community
1.3 repair panel to consider claims and determine awards; classifying certain data;
1.4 creating redevelopment and relief programs; establishing a Metropolitan Area
1.5 Redevelopment Corporation; imposing a sales and use tax; requiring insurance
1.6 claims assistance; regulating certain leases; authorizing limited use of eminent
1.7 domain; exempting certain items from sales and use tax; requiring property tax
1.8 abatement for certain properties; establishing the Civil Unrest Investigatory
1.9 Commission; appropriating money; amending Minnesota Statutes 2018, section
1.10 297A.71, by adding a subdivision; Minnesota Statutes 2019 Supplement, section
1.11 297A.75, subdivisions 1, as amended, 2; proposing coding for new law as
1.12 Minnesota Statutes, chapter 473K.

1.13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.14 ARTICLE 1
1.15 PROMISE ACT

1.16 Section 1. TITLE.

1.17 This act may be cited as the "Providing Resources, Opportunity, and Maximizing
1.18 Investments in Striving Entrepreneurs (PROMISE) Act."

1.19 ARTICLE 2
1.20 COMMUNITY REPAIR PANEL

1.21 Section 1. PURPOSE; EMERGENCY ASSISTANCE FOR DAMAGE DUE TO
1.22 CIVIL UNREST.

1.23 Subdivision 1. Legislative findings. (a) The legislature recognizes the civil unrest that
1.24 occurred in Minnesota in May and June of 2020. While the immediate cause of the unrest
1.25 was the apparent murder of George Floyd by an officer of the Minneapolis Police

2.1 Department, it was compounded by other long-standing structural systems of inequality
2.2 and racism within the city, state, and nation. The legislature finds that the resulting protests
2.3 and acts of civil disobedience were largely a peaceful exercise of first amendment rights:
2.4 a genuine expression of grief at the death of Mr. Floyd and frustration and anger at the lack
2.5 of an adequate mechanism for communities long unheard or ignored by public institutions
2.6 to have their voices heard and meaningful action be taken as a result.

2.7 (b) The legislature further recognizes that some acts of protest and civil disobedience,
2.8 occurring among a small minority of participants, led to severe destruction or damage to
2.9 small businesses and other private property in Minneapolis, St. Paul, and other areas of the
2.10 state. In many cases, the damage and destruction impacted businesses and locations owned,
2.11 managed, or frequented by those communities that the acts of protest and civil disobedience
2.12 were intended to uplift. The physical and psychological toll from this devastation is immense
2.13 and touches all Minnesotans.

2.14 Subd. 2. **Intent of award process.** The award process established by this act is intended
2.15 to provide a onetime disaster assistance payment so that persons economically impacted by
2.16 the civil unrest are able to cover losses that are not eligible for compensation through
2.17 insurance policies. It furthers the public interest by ensuring affected communities have
2.18 access to immediate resources that allow them to regroup and rebuild, while minimizing
2.19 the uncertainty and expense of navigating complex and protracted administrative procedures
2.20 to seek relief.

2.21 Sec. 2. **DEFINITIONS.**

2.22 Subdivision 1. **Application.** The definitions in this section apply to this act.

2.23 Subd. 2. **Damage.** "Damage" means the following types of damage which are reasonably
2.24 the result of the civil unrest that occurred during the period of May 25, 2020, to June 8,
2.25 2020:

2.26 (1) physical damage to structures or personal property located within an eligible zone;
2.27 and

2.28 (2) economic damage impacting an organization's or business's operations within an
2.29 eligible zone including but not limited to a lost inventory, and lost wages or benefits of
2.30 employees.

2.31 Damage does not include the loss of future expected earnings, attorney fees, or other fees
2.32 incurred by an eligible person in applying for an award under this act.

2.33 Subd. 3. **Eligible person.** (a) "Eligible person" means:

- 3.1 (1) a nonprofit organization or a for-profit business located in an eligible zone;
 3.2 (2) an employee of a nonprofit organization or for-profit business whose regular work
 3.3 assignment is located in an eligible zone;
 3.4 (3) an individual who owns real property within an eligible zone; or
 3.5 (4) an individual who resides in an eligible zone.

3.6 (b) A for-profit business is not an eligible person if it employs more than the equivalent
 3.7 of 50 full-time employees. This limitation does not restrict the eligibility of individual
 3.8 employees of the business to file a claim.

3.9 Subd. 4. **Eligible zone.** "Eligible zone" means:

3.10 (1) in Minneapolis:

3.11 (i) Lake Street between Hennepin Avenue and West River Parkway, and any area within
 3.12 two city blocks of that portion of Lake Street in any direction; and

3.13 (ii) West Broadway Avenue, and any area within two city blocks of West Broadway
 3.14 Avenue in any direction;

3.15 (2) in Saint Paul, University Avenue between Rice Street and Highway 280, and any
 3.16 area within two city blocks of that portion of University Avenue in any direction; and

3.17 (3) any additional locations or zones designated by the governor as experiencing
 3.18 significant, widespread damage or destruction of private property due to the civil unrest
 3.19 described in section 1.

3.20 Subd. 5. **Award.** "Award" means a onetime payment of money to an eligible person in
 3.21 response to a properly submitted claim for disaster assistance under this act. An award is
 3.22 not a grant for purposes of Minnesota Statutes, sections 16B.97 to 16B.991, or other
 3.23 applicable law or rules governing grant administration, and does not constitute a payment
 3.24 from a public benefit program for purposes of any applicable federal or state law.

3.25 Subd. 6. **Panel.** "Panel" means the community repair panel established in this act.

3.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.27 Sec. 3. **COMMUNITY REPAIR PANEL.**

3.28 Subdivision 1. **Appointment.** (a) The governor shall establish a community repair panel
 3.29 to consider claims and determine awards for disaster assistance to eligible persons on behalf
 3.30 of the state. The panel must be established by October 1, 2020. The panel must consist of
 3.31 at least three and not more than nine attorneys appointed by the governor. In making

4.1 appointments, the governor must consult with members of the legislature whose districts
4.2 include an eligible zone and ensure that the appointees are knowledgeable and representative
4.3 of the impacted communities. Members of the panel must have experience in legal and
4.4 business issues involving the calculation and determination of damages in a judicial setting.
4.5 The governor shall designate one member of the panel to serve as chair.

4.6 (b) Within available appropriations, the commissioner of management and budget shall
4.7 determine the pay and expenses to be received by the panel. A member's total pay, not
4.8 including expenses, may not exceed \$25,000. The chair of the panel shall forward
4.9 documentation of salaries, expenses, and administrative costs incurred to the commissioner
4.10 of management and budget for payment of those amounts.

4.11 Subd. 2. **Staff; community outreach.** (a) The commissioner of management and budget,
4.12 in consultation with the panel, may hire employees or retain consultants necessary to assist
4.13 the panel in performing its duties under this section. Employees are in the unclassified state
4.14 civil service. The panel may also use consultants who are under a contract with the state or
4.15 current state employees to assist the panel in processing claims under this section.

4.16 (b) The panel must engage one or more nonprofit organizations with a primary mission
4.17 to serve communities located within each eligible zone to assist the panel in publicizing the
4.18 award opportunity provided by this act, and to provide technical assistance to applicants in
4.19 submitting a claim.

4.20 Subd. 3. **General duties; procedure.** The panel shall consider claims for damages and
4.21 determine award amounts as authorized by this section. The panel may adopt and modify
4.22 procedures, rules, and forms for receiving and considering claims, provided that the panel
4.23 must allow each eligible person who submits a claim to appear electronically or in person
4.24 before the panel or one of its members to describe the claim and respond to questions.
4.25 Procedures and rules of the panel are not rules for purposes of Minnesota Statutes, chapter
4.26 14, and Minnesota Statutes, section 14.386 does not apply.

4.27 Subd. 4. **Deadlines.** To be eligible to receive an award, an eligible person must file a
4.28 claim with the panel by November 1, 2020. On a case-by-case basis, the panel may accept
4.29 claims that are received after this deadline. The panel must make an award determination
4.30 for each claim no later than March 1, 2021.

4.31 Subd. 5. **Calculation of award amount.** (a) The panel shall determine a base award for
4.32 each eligible person that reflects the total damages incurred as described in the claim.
4.33 Damage that qualifies for compensation through an applicable insurance policy must be
4.34 excluded from the base award. After a base award is established, the panel may provide an

5.1 equity adjustment to increase or decrease the award, based on a review of the totality of the
5.2 eligible person's circumstances. Before any claim is reviewed for an award determination,
5.3 the panel must establish a reasonable maximum award amount that applies equally to all
5.4 eligible persons.

5.5 (b) The panel may not make an award determination for any eligible person until all
5.6 claims filed prior to the deadline established in subdivision 4 have been considered. Claims
5.7 arriving after the deadline may only be considered for an award after all awards for timely
5.8 claim filings have been determined.

5.9 (c) If the total amount of awards determined for all eligible persons exceeds the available
5.10 appropriation, the panel must make awards on a pro rata basis.

5.11 (d) The panel must not consider negligence or any other theory of liability on the part
5.12 of the eligible person or any other party in making an award determination.

5.13 Subd. 6. **Payment.** The panel shall promptly forward to the commissioner of management
5.14 and budget documentation of each award amount determined under this section. The
5.15 commissioner of management and budget shall pay that amount to the eligible person within
5.16 30 days after receiving the documentation and in the order in which the documentation from
5.17 the panel was received.

5.18 Subd. 7. **Immunity; indemnification.** Members of the panel, employees, and consultants
5.19 acting under the direction of the panel are employees of the state for purposes of Minnesota
5.20 Statutes, section 3.736.

5.21 Subd. 8. **Data practices; meetings.** (a) Data collected, created, or maintained by the
5.22 panel related to a claim filed by an eligible person are private data on individuals, as defined
5.23 in Minnesota Statutes, section 13.02, subdivision 12, or nonpublic data, as defined in
5.24 Minnesota Statutes, section 13.02, subdivision 9, except for:

5.25 (1) the name of an eligible person to whom an award is paid; and

5.26 (2) the amount awarded to that person.

5.27 (b) Data created by a member of the panel related to the member's service as a member
5.28 of the panel are not discoverable in any civil or administrative proceeding except a record
5.29 relating to any statement or conduct that may constitute a crime.

5.30 (c) Meetings of the panel are not subject to Minnesota Statutes, chapter 13D.

5.31 Subd. 9. **Effect of awards process.** (a) A determination by the panel regarding an award
5.32 is final and not subject to judicial review.

6.1 (b) The amount of damages incurred by an eligible person as calculated by the panel,
 6.2 or the eligible person's award determination, may not be used in a subsequent court
 6.3 proceeding in evidence or otherwise to determine any rights, duties, or responsibilities of
 6.4 the state, the eligible person, or any other party.

6.5 (c) A member of the panel must not testify in any civil or administrative proceeding
 6.6 regarding any matter involving or arising out of the member's service as a member of the
 6.7 panel, except as to a statement or conduct that may constitute a crime.

6.8 **Subd. 10. Panel recommendations for future action; truth and reconciliation.** (a)
 6.9 Upon conclusion of its work making award determinations, the panel must convene to
 6.10 consider and recommend to the governor and legislature future steps that may be taken to
 6.11 provide communities impacted by racism and race-based harm an opportunity to share their
 6.12 experiences in public and private institutions, and how those experiences impact the quality
 6.13 of life of those communities in Minnesota. The panel's recommendations must be informed,
 6.14 in part, by lessons learned from the claims submitted by eligible persons under this section,
 6.15 and adhere to a goal of providing an ongoing, meaningful structure to bring public attention
 6.16 to the truth of the experience of these communities. The recommendations must also suggest
 6.17 a process for engaging and reconciling those experiences with an expectation that all
 6.18 Minnesotans can live free of the harms caused by systemic and institutional racism in the
 6.19 state.

6.20 (b) A report describing the panel's work and recommendations under this subdivision
 6.21 must be submitted to the governor and to the speaker of the house, president of the senate,
 6.22 and majority and minority leaders of each body's respective political caucuses no later than
 6.23 May 1, 2021.

6.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.25 **Sec. 4. RELATIONSHIP TO OTHER LAW.**

6.26 **Subdivision 1. No state liability or duty created.** The establishment of the award process
 6.27 in this act is not an admission of liability by the state or a municipality or their employees
 6.28 and does not establish a duty of the state, a municipality, or their employees to compensate
 6.29 eligible persons for damage. The creation and funding of the compensation process under
 6.30 this act is not admissible in a judicial or administrative proceeding to establish liability or
 6.31 a legal duty.

7.1 Subd. 2. **Payments as additional compensation.** Payments made under this section are
7.2 intended to supplement and be in addition to any payments required to be made by a third
7.3 party under law or contract.

7.4 Subd. 3. **Payments from other sources.** (a) Notwithstanding any statutory or common
7.5 law or agreement to the contrary, a person who is not a third-party tortfeasor and who is
7.6 required to make payments to an eligible person may not eliminate or reduce those payments
7.7 as a result of compensation paid under this act. The obligation of any person other than the
7.8 state to make payments to an eligible person is primary as compared to any payment made
7.9 or to be made under this act. The persons referenced in and covered by this subdivision
7.10 include, without limitation:

7.11 (1) reparation obligors, as defined in Minnesota Statutes, section 65B.43, subdivision
7.12 9, whether they are insurers or self-insurers;

7.13 (2) health plan companies, as defined in Minnesota Statutes, section 62Q.01, subdivision
7.14 4;

7.15 (3) insurance companies, as defined in Minnesota Statutes, section 60A.02, subdivision
7.16 4;

7.17 (4) self-insured pools of political subdivisions organized under Minnesota Statutes,
7.18 section 471.617 or 471.981, including service cooperatives pools organized under Minnesota
7.19 Statutes, section 123A.21;

7.20 (5) risk retention groups, as defined in Minnesota Statutes, section 60E.02, subdivision
7.21 12;

7.22 (6) joint self-insurance plans governed by Minnesota Statutes, chapter 60F;

7.23 (7) joint self-insurance plans and multiple-employer welfare arrangements, governed
7.24 by Minnesota Statutes, chapter 62H, including agricultural cooperative health plans under
7.25 Minnesota Statutes, section 62H.18;

7.26 (8) workers' compensation insurers and private self-insurers, as defined in Minnesota
7.27 Statutes, section 79.01;

7.28 (9) the Minnesota Life and Health Insurance Guaranty Association governed by
7.29 Minnesota Statutes, chapter 61B;

7.30 (10) the Minnesota Insurance Guaranty Association governed by Minnesota Statutes,
7.31 chapter 60C;

8.1 (11) the Minnesota Joint Underwriting Association governed by Minnesota Statutes,
8.2 chapter 62I;

8.3 (12) all insurers providing credit life, credit accident and health, and credit involuntary
8.4 unemployment insurance under Minnesota Statutes, chapter 62B, but also including those
8.5 coverages written in connection with real estate mortgage loans and those provided to
8.6 borrowers at no additional cost;

8.7 (13) the Minnesota unemployment insurance program provided under Minnesota Statutes,
8.8 chapter 268;

8.9 (14) coverage offered by the state under medical assistance and MinnesotaCare; and

8.10 (15) any other plan providing health, life, disability income, or long-term care coverage.

8.11 (b) A third-party tortfeasor who is required to make payments, including future payments,
8.12 to an eligible person may not eliminate or reduce those payments as a result of compensation
8.13 paid to an eligible person under this act.

8.14 Subd. 4. **Qualification for public assistance programs.** Payments made to eligible
8.15 persons under this act shall not be counted as income, assets, or resources for purposes of
8.16 determining eligibility for health care, income maintenance, and assistance programs under
8.17 Minnesota Statutes, chapters 119B, 256B, 256D, 256I, 256J, 256L, and 256S, for eligible
8.18 persons and their households. The commissioner of human services shall seek any federal
8.19 approvals necessary to exclude payments made to eligible persons when determining
8.20 eligibility for a program that receives federal funding or a federal match, in order to continue
8.21 to receive that federal funding or federal match for services provided to eligible persons
8.22 and their households. Until and unless federal approval to exclude payments to eligible
8.23 persons when determining eligibility for a specific federal program is obtained, the
8.24 commissioner shall provide health coverage or income or other assistance under that program
8.25 using state-only dollars, to eligible persons and their households who otherwise meet program
8.26 eligibility requirements.

8.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.28 Sec. 5. **APPROPRIATIONS.**

8.29 Subdivision 1. **Compensation to eligible persons.** \$125,000,000 in fiscal year 2021 is
8.30 appropriated from the general fund to the commissioner of management and budget for the
8.31 purpose of making awards to eligible persons as authorized by this act. This is a onetime
8.32 appropriation.

9.1 Subd. 2. **Administrative expenses.** \$5,000,000 in fiscal year 2021 is appropriated from
 9.2 the general fund to the commissioner of management and budget to pay salaries, expenses,
 9.3 and administrative costs of the community repair panel, including any costs associated with
 9.4 consultants or other staff, necessary to make award determinations under this act. This is a
 9.5 onetime appropriation.

9.6 Subd. 3. **Report.** No later than April 15, 2021, the commissioner of management and
 9.7 budget must submit a report to the chairs and ranking minority members of the legislative
 9.8 committees with jurisdiction over finance and ways and means on the expenditure of funds
 9.9 appropriated under this section. The report must list the amount of compensation paid to
 9.10 each eligible person and must detail any administrative expenses incurred by the special
 9.11 master in conducting its work.

9.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

9.13 **ARTICLE 3**

9.14 **REBUILDING GENERAL DEVELOPMENT PROGRAMS**

9.15 Section 1. **CIVIL UNREST IMMEDIATE RELIEF PROGRAM.**

9.16 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
 9.17 the meanings given.

9.18 (b) "Commissioner" means the commissioner of employment and economic development.

9.19 (c) "Community organization" means an organization that has the experience and capacity
 9.20 to make grants and loans to entities under this section, including providing outreach to
 9.21 affected populations and technical assistance to applicants. The cities of Minneapolis and
 9.22 Saint Paul qualify as community organizations under this section.

9.23 (d) "Entity" includes any business or nonprofit organization. This includes businesses,
 9.24 cooperatives, utilities, industrial, commercial, retail, and nonprofit organizations.

9.25 Subd. 2. **Establishment.** The commissioner shall establish a program to make grants to
 9.26 community organizations to develop and implement local economic relief programs designed
 9.27 with the primary goal of assisting areas adversely affected by civil unrest during the
 9.28 peacetime emergency declared in governor's Executive Order No. 20-64 by preserving
 9.29 incumbent entities and encouraging new entities to locate in those areas. To this end, local
 9.30 programs should include outreach to cultural communities, support for microenterprises,
 9.31 and preferences for entities that were already under stress from the COVID-19 peacetime
 9.32 emergency.

10.1 Subd. 3. Available relief. (a) The local programs established by community organizations
10.2 under this section may include grants or loans as provided in this section. Prior to awarding
10.3 a grant to a community organization for a local program under this section:

10.4 (1) the community organization must develop criteria, procedures, and requirements
10.5 for:

10.6 (i) determining eligibility for assistance;

10.7 (ii) the duration, terms, underwriting and security requirements, and repayment
10.8 requirements for loans;

10.9 (iii) evaluating applications for assistance;

10.10 (iv) awarding assistance; and

10.11 (v) administering the grant and loan programs authorized under this section;

10.12 (2) the community organization must submit its criteria, procedures, and requirements
10.13 developed pursuant to clause (1) to the commissioner of employment and economic
10.14 development for review; and

10.15 (3) the commissioner must approve the criteria, procedures, and requirements as
10.16 developed pursuant to clause (1) to be used by a community organization in determining
10.17 eligibility for assistance, evaluating, awarding, and administering a grant and loan program.

10.18 (b) The relief authorized under this section includes:

10.19 (1) grants to entities. These grants are not to exceed \$250,000 per entity. Grants may be
10.20 awarded to applicants only when a community organization determines that a loan is not
10.21 appropriate to address the needs of the applicant; and

10.22 (2) loans to entities, with or without interest, and deferred or forgivable loans. The
10.23 maximum loan amount under this subdivision is \$500,000 per entity. The lending criteria
10.24 adopted by a community organization for loans under this subdivision must:

10.25 (i) specify that an entity receiving a deferred or forgivable loan must remain in the local
10.26 community a minimum of three years after the date of the loan. The maximum loan deferral
10.27 period must not exceed three years from the date the loan is approved; and

10.28 (ii) require submission of a plan for continued operation. The plan must document the
10.29 probable success of the applicant's plan and probable success in repaying the loan according
10.30 to the terms established for the loan program.

11.1 (c) All loan repayment funds under this subdivision must be paid to the commissioner
 11.2 of employment and economic development for deposit in the general fund.

11.3 Subd. 4. **Monitoring and reporting.** (a) Participating community organizations must
 11.4 establish performance measures that include but are not limited to the following components:

11.5 (1) the number of loans approved and the amounts and terms of the loans;

11.6 (2) the number of grants awarded, award amounts, and the reason that a grant award
 11.7 was made in lieu of a loan;

11.8 (3) the loan default rate;

11.9 (4) the number of jobs created or retained as a result of the assistance, including
 11.10 information on the wages and benefit levels, the status of the jobs as full-time or part-time,
 11.11 and the status of the jobs as temporary or permanent;

11.12 (5) the amount of business activity and changes in gross revenues of the grant or loan
 11.13 recipient as a result of the assistance; and

11.14 (6) the new tax revenue generated as a result of the assistance.

11.15 (b) The commissioner of employment and economic development must monitor the
 11.16 participating community organizations' compliance with this section and the performance
 11.17 measures developed under paragraph (a).

11.18 (c) Participating community organizations must comply with all requests made by the
 11.19 commissioner under this section.

11.20 (d) By December 15 of each year the program is in existence, participating community
 11.21 organizations must report their performance measures to the commissioner. By January 15
 11.22 of each year the program is in existence, after the first, the commissioner must submit a
 11.23 report of these performance measures to the chairs and ranking minority members of the
 11.24 committees of the house of representatives and the senate having jurisdiction over economic
 11.25 development that details the use of funds under this section.

11.26 Subd. 5. **Business subsidy requirements.** Minnesota Statutes, sections 116J.993 to
 11.27 116J.995, do not apply to assistance under this section. Entities in receipt of assistance under
 11.28 this section must provide for job creation and retention goals and wage and benefit goals.

11.29 Subd. 6. **Administrative costs.** The commissioner of employment and economic
 11.30 development may use up to four percent of the appropriation made for this section for
 11.31 administrative expenses of the department or for assisting participating community
 11.32 organizations with their administrative expenses.

12.1 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 12.2 expires the day after the last loan is repaid or forgiven as provided under this section.

12.3 Sec. 2. **CIVIL UNREST IMMEDIATE RELIEF PROGRAM.**

12.4 \$167,570,000 in fiscal year 2021 is appropriated from the general fund to the
 12.5 commissioner of employment and economic development for the civil unrest immediate
 12.6 relief program. Of this amount, \$17,500,000 is for a grant to the city of Minneapolis and
 12.7 \$17,500,000 is for a grant to the city of Saint Paul. Of the amount granted to the city of
 12.8 Minneapolis, \$5,000,000 is for the city to acquire and hold property, either directly or
 12.9 through an appropriate entity, in the area of the Lake Street business corridor to prevent
 12.10 displacement, retain existing businesses, and maintain the character of the community. Of
 12.11 the amount granted to the city of Saint Paul, \$5,000,000 is for the city to acquire and hold
 12.12 property, either directly or through an appropriate entity, in affected areas to prevent
 12.13 displacement, retain existing businesses, and maintain the character of the community. Of
 12.14 this appropriation, the commissioner of management and budget must transfer \$750,000 to
 12.15 the Office of the Legislative Auditor for fiscal agent responsibilities to the Civil Unrest
 12.16 Investigatory Commission in article 9. This is a onetime appropriation and is available until
 12.17 June 30, 2021.

12.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.19 **ARTICLE 4**

12.20 **METROPOLITAN AREA REDEVELOPMENT CORPORATION**

12.21 Section 1. **[473K.01] DEFINITIONS.**

12.22 Subdivision 1. **Application.** For the purposes of this chapter, the terms defined in this
 12.23 section have the meanings given them.

12.24 Subd. 2. **Board.** "Board" means the governing body of the corporation or Metropolitan
 12.25 Area Redevelopment Corporation established in section 473K.03.

12.26 Subd. 3. **Bonds.** "Bonds" means obligations as defined in section 475.51, subdivision
 12.27 3.

12.28 Subd. 4. **City.** "City" means a statutory or home rule charter city in the metropolitan
 12.29 area. Until December 31, 2025, "city" means only the cities included in Executive Order
 12.30 No. 20-64. Thereafter, "city" includes any city in the metropolitan area.

12.31 Subd. 5. **Metropolitan area.** "Metropolitan area" means the counties of Anoka, Carver,
 12.32 Dakota, Hennepin, Ramsey, Scott, and Washington.

13.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

13.2 Sec. 2. **[473K.03] METROPOLITAN AREA REDEVELOPMENT CORPORATION.**

13.3 Subdivision 1. **Findings; creation; purpose.** The legislature finds that the adverse
 13.4 impacts of past and ongoing racial discrimination in the metropolitan area in all areas of
 13.5 life, including economic and small business development, health, education, and housing,
 13.6 requires creation of a public entity that is led by people of color and indigenous people to
 13.7 bring specific, personal knowledge and experience to the work of addressing the adverse
 13.8 impacts. The Metropolitan Area Redevelopment Corporation is established as a public
 13.9 corporation and political subdivision of the state with jurisdiction in the metropolitan area.
 13.10 The corporation shall identify and address the adverse impacts of racial discrimination in
 13.11 the metropolitan area by facilitating access by people of color and indigenous people to
 13.12 resources for development, improvement, and expansion of health care facilities and services,
 13.13 small businesses, safe and affordable housing, and other benefits of society that have
 13.14 historically been unavailable to them due to systemic barriers. The corporation shall foster
 13.15 equitable economic development to prevent gentrification and displacement of low-income
 13.16 residents, homes, and small businesses owned by people of color and indigenous people.
 13.17 The corporation shall foster enterprise development and wealth creation in communities
 13.18 adversely affected by racial discrimination and poverty.

13.19 Subd. 2. **Membership; qualifications; appointment.** (a) The board of the corporation
 13.20 consists of nine members appointed by the Executive Council. Until appointments made
 13.21 after December 31, 2025, each member appointed must live in an area of a city that was
 13.22 affected by the civil unrest between May 26, 2020, and June 10, 2020. For appointments
 13.23 made after December 31, 2025, a member may be from any part of the metropolitan area.

13.24 (b) Each appointee must be a person of color or an indigenous person. At least five
 13.25 members must have an interest in and knowledge of the needs of the areas affected by the
 13.26 civil unrest. At least four members must have experience with or knowledge of public health,
 13.27 economic development, urban redevelopment, nonprofit finance, or community
 13.28 empowerment. The appointing authority is encouraged to also consider a candidate's
 13.29 experience as a leader in community-based organizations working on economic development.

13.30 Subd. 3. **Chair; other officers.** The chair of the corporation shall be selected by and
 13.31 from among members of the corporation to serve a one-year term. The chair may be
 13.32 reappointed by the members.

13.33 Subd. 4. **Terms.** The initial terms of five members, determined by lot, shall end the first
 13.34 Monday in January 2024. The initial terms of four members, determined by lot, shall end

14.1 the first Monday in January 2022. Thereafter, each member shall serve a four-year term
14.2 and until the member's successor is appointed. A member may be reappointed.

14.3 Subd. 5. **Vacancies.** A vacancy occurs as provided in section 351.02 or upon a member's
14.4 removal under subdivision 6. A vacancy must be filled by the appointing authority in
14.5 subdivision 2 for the balance of the term in the same manner as a regular appointment.

14.6 Subd. 6. **Removal.** A member may be removed by the board for inefficiency, neglect
14.7 of duty, or misconduct in office. A member may be removed only after a hearing of the
14.8 board. A written copy of the charges must be given to the board member subject to the
14.9 allegations in the charges at least ten days before the hearing. The board member must be
14.10 given an opportunity to be heard in person or by counsel at the hearing. The board may
14.11 temporarily suspend a board member if written charges are submitted against the member.
14.12 The board must immediately reinstate the suspended board member if the board finds that
14.13 the charges against the member are not substantiated. If a board member is removed, a
14.14 record of the proceedings, together with the charges and findings, must be filed with the
14.15 appointing authority in subdivision 2.

14.16 Subd. 7. **Compensation.** Members of the corporation shall be paid \$10,000 per year, at
14.17 times and in the amounts provided in the bylaws. Members may also be reimbursed for
14.18 reasonable expenses as provided in section 15.059, subdivision 3.

14.19 Subd. 8. **Audits.** The state auditor shall audit the finances of the corporation.

14.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.21 Sec. 3. **[473K.05] POWERS; DUTIES.**

14.22 Subdivision 1. **General authority.** The Metropolitan Area Redevelopment Corporation
14.23 has all powers necessary or convenient to accomplish the purposes for which it is created
14.24 and the duties assigned to it in law.

14.25 Subd. 2. **Bylaws.** The corporation shall adopt bylaws for the regulation of its affairs and
14.26 rules of procedure for governing its actions, not inconsistent with law.

14.27 Subd. 3. **Meetings; data practices; records.** The board must meet regularly at least
14.28 once a month. Meetings are subject to chapter 13D, the Minnesota Open Meeting Law. The
14.29 corporation is subject to chapter 13, the Minnesota Government Data Practices Act, and the
14.30 records retention law in section 15.17.

14.31 Subd. 4. **Executive director; staff; facilities.** (a) The corporation may hire an executive
14.32 director. Compensation shall be determined by the board. Until the corporation has hired

15.1 an executive director, the commissioner of employment and economic development, or the
15.2 commissioner's designee, shall serve as executive director and facilitate hiring an executive
15.3 director.

15.4 (b) The mayor of each city shall appoint a member of the city council or a department
15.5 head to serve as liaison to the corporation. The liaison shall attend all meetings to the extent
15.6 practicable, assist the board with assessing proposals, and help facilitate projects funded by
15.7 the board.

15.8 (c) The Metropolitan Council and any state agency, upon request by the executive
15.9 director, shall provide staff, technical and administrative assistance, and the use of facilities
15.10 for meetings. The council and state agencies must provide the assistance within existing
15.11 resources available to the council or state agency.

15.12 Subd. 5. **Redevelopment plans.** (a) The board shall develop both short-term and
15.13 long-term plans for the redevelopment of the cities. The board must consult with the mayors
15.14 and city councils, and all interested and affected parties, in the development of the plans.
15.15 The plans must provide for maximum grant amounts, the purposes for which grants may
15.16 be used, how grantees must account for use of grant funds, how results will be determined,
15.17 and what reports must be submitted to the corporation and the cities in which grant funds
15.18 are spent.

15.19 (b) The redevelopment plans must:

15.20 (1) be developed by the communities using a design process that includes using art and
15.21 culture to support and define the community;

15.22 (2) identify the expertise needed to implement long-term community redevelopment
15.23 plans;

15.24 (3) maximize resources from multiple sources and sectors;

15.25 (4) support projects that will act as incubators for small business ownership, including
15.26 ownership of the land and buildings in which the businesses and institutions grow; and

15.27 (5) use public investment as seed money to encourage public-private partnerships.

15.28 Subd. 6. **Grants.** (a) In addition to any other requirements in this chapter, the board shall
15.29 develop criteria for awarding grants and provide for the equitable distribution of grant funds.
15.30 All grants must be approved by the board before distribution.

15.31 (b) A grantee must be a nonprofit organization, organized under Internal Revenue Code,
15.32 section 501(c)(3). The organization must be one that is led by a person of color or an

16.1 indigenous person, or has a staff and board of which at least 51 percent are people of color
16.2 or indigenous people.

16.3 (c) At least 15 percent of the funds available each year must be used for grants to
16.4 organizations with annual operating budgets of less than \$500,000.

16.5 (d) A grantee must substantially complete the project funded within two years of entering
16.6 into the grant agreement unless another time frame is specified in the grant agreement.

16.7 (e) Projects that may be funded include but are not limited to projects that:

16.8 (1) conduct community engagement processes to determine community priorities and
16.9 develop strategies to accomplish those priorities;

16.10 (2) plan and implement commercial and economic development projects;

16.11 (3) acquire property in order to obtain site control and ensure the property is maintained
16.12 and secured against further deterioration or incompatible development;

16.13 (4) serve as incubators for small business ownership, ownership of the land and buildings
16.14 in which the businesses and institutions grow;

16.15 (5) develop and improve a grantee's organizational infrastructure, including developing
16.16 database management systems, financial systems, and other administrative functions that
16.17 increase the organization's ability to access new funding sources;

16.18 (6) improve a grantee's organization with training and skills development, planning, and
16.19 other methods of increasing staff capacity and cultural competency; and

16.20 (7) increase the capacity of the grantee to improve other services in the community, such
16.21 as health care and education.

16.22 (f) A grantee may partner with other existing organizations, public or private, that have
16.23 useful specialized expertise or capacity, including but not limited to faith-based groups,
16.24 schools, health care clinics, government agencies, or for-profit entities.

16.25 Subd. 7. **Report.** By March 1 each year, the board must submit an annual report to the
16.26 chairs and ranking minority members of the legislative committees with jurisdiction over
16.27 government operations, jobs and economic development, and taxes. The report must include
16.28 aggregate and detailed information on the grants awarded, including the locations, amounts,
16.29 uses, and any other information that the board determines would be of interest or use to the
16.30 legislature.

16.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

17.1 **Sec. 4. [473K.07] FINANCING; BONDING.**

17.2 Subdivision 1. **Account.** (a) A metropolitan area redevelopment account is established
 17.3 in the special revenue fund. Money in the account, including interest, is appropriated to the
 17.4 commissioner of management and budget to make payments to the Metropolitan Area
 17.5 Redevelopment Corporation at least quarterly each year.

17.6 (b) The Metropolitan Area Redevelopment Corporation must use the funds for the
 17.7 purposes of this chapter, including to make grants, pay debt service on any bonds issued
 17.8 under this section, and to pay the compensation and reasonable expenses of board members.

17.9 Subd. 2. **Bonds.** The corporation may request a city, a county in the metropolitan area,
 17.10 or the Metropolitan Council to issue bonds, the proceeds of which may be used to make
 17.11 grants under this chapter. Notwithstanding any limit on debt in a home rule charter, ordinance,
 17.12 or law, a city, county, or the Metropolitan Council may issue bonds under chapter 475
 17.13 without an election in order to provide money for grants approved by the corporation. The
 17.14 bonds may be issued as general obligation sales tax revenue bonds or any other debt
 17.15 obligation form available to the city, and the issuing entity and the corporation may pledge
 17.16 the sales tax revenues to the repayment of the bonds.

17.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

17.18 **Sec. 5. METROPOLITAN COUNTY SALES AND USE TAX.**

17.19 Subdivision 1. **Tax imposed; rates.** Notwithstanding Minnesota Statutes, section
 17.20 297A.99, subdivisions 1, 2, 3, 5, 12, and 13, or any other law, a metropolitan county as
 17.21 defined in Minnesota Statutes, section 473.121, subdivision 4, beginning January 1, 2021,
 17.22 shall impose a sales and use tax at a rate of 0.125 percent on retail sales and uses taxable
 17.23 under Minnesota Statutes, chapter 297A, that are made within the imposing county's
 17.24 boundaries or delivered to a destination within the imposing county's boundaries.

17.25 Subd. 2. **Reverse referendum.** If by, a petition signed by voters equal in number
 17.26 to 20 percent of the voters who voted in the county at the last state general election, requesting
 17.27 a vote on the tax imposed by this section is filed with the county auditor, a tax must not be
 17.28 imposed under this section until it has been submitted to the voters at the general election
 17.29 held on November 3, 2020, and a majority of votes cast on the question of approving the
 17.30 imposition of a tax under this section are in the affirmative. The petition submitted to the
 17.31 county auditor must meet the standards adopted by rule of the secretary of state for the
 17.32 format and content of petitions.

18.1 Subd. 3. **Administration, collection, and enforcement.** The administration, collection,
18.2 and enforcement provisions in Minnesota Statutes, section 297A.99, subdivisions 4 and 6
18.3 to 12, apply to all taxes imposed under this section.

18.4 Subd. 4. **Allocation; account.** The commissioner of revenue must retain and deposit to
18.5 the account created by Minnesota Statutes, section 473K.07, the proceeds from a tax imposed
18.6 under this section to be used for purposes specified in Minnesota Statutes, chapter 473K.

18.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

18.8 **ARTICLE 5**

18.9 **REBUILDING INSURANCE PROVISIONS**

18.10 Section 1. **INSURANCE CLAIMS.**

18.11 Subdivision 1. **Commissioner; responsibilities.** The commissioner of commerce must
18.12 provide assistance to the public in order to ensure the timely resolution of property, casualty,
18.13 and liability claims for businesses affected by civil unrest during the peacetime emergency
18.14 declared by Executive Order 20-64. The commissioner must provide assistance via telephone
18.15 and publicly release information regarding the claims submission process. The commissioner
18.16 must accept, review, and work to resolve complaints regarding the handling of claims related
18.17 to businesses affected by civil unrest during the peacetime emergency declared by Executive
18.18 Order 20-64. The commissioner must review the information submitted under subdivision
18.19 2 for compliance with relevant statutes and regulations.

18.20 Subd. 2. **Insurers; responsibilities.** (a) An insurer that writes property, casualty, or
18.21 liability insurance in Minnesota must submit the following information to the commissioner
18.22 of commerce:

18.23 (1) the number of claims related to businesses affected by riot or civil commotion during
18.24 the peacetime emergency declared by Executive Order 20-64 that it has rejected or has not
18.25 fulfilled;

18.26 (2) the number of policies that were not renewed for businesses:

18.27 (i) affected by riot or civil commotion during the peacetime emergency declared by
18.28 Executive Order 20-64; or

18.29 (ii) unaffected but located in the geographic area where the riot or civil commotion
18.30 occurred;

18.31 (3) any increase in rates for businesses:

19.1 (i) affected by riot or civil commotion during the peacetime emergency declared by
 19.2 Executive Order 20-64; or

19.3 (ii) unaffected but located in the geographic area where the riot or civil commotion
 19.4 occurred; and

19.5 (4) any other information requested by the commissioner which is relevant to the
 19.6 evaluation of an insurer's compliance with relevant statutes and regulations.

19.7 (b) The information required to be submitted under this subdivision must be:

19.8 (1) in form and substance acceptable to the commissioner;

19.9 (2) provided upon request of the commissioner; and

19.10 (3) provided to the commissioner by January 1, 2021, and June 1, 2021.

19.11 (c) Only insurers who have received claims, not renewed policies, or increased rates, as
 19.12 described in paragraph (a), must submit information to the commissioner.

19.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

19.14 **ARTICLE 6**

19.15 **REBUILDING LEASE PROVISIONS**

19.16 Section 1. **COMMERCIAL AND RESIDENTIAL LEASE ASSISTANCE;**
 19.17 **PEACETIME EMERGENCY.**

19.18 (a) A renewed or new commercial or residential lease must not require a rental amount
 19.19 that is more than the amount of rent charged for the residential or commercial property on
 19.20 or immediately before March 1, 2020, for entities that receive or are eligible to receive state
 19.21 funding related to the civil unrest, including incumbent entities that are recipients of entity
 19.22 grants or loans through the civil unrest immediate relief program or a person eligible for an
 19.23 award determined by the emergency assistance community repair panel in areas affected
 19.24 by civil unrest during the peacetime emergency declared in Executive Order 20-64. To
 19.25 calculate the amount of rent charged prior to March 1, 2020, the landlord may use either an
 19.26 average of monthly rent charged for January, February, and March 2020, or, if rent was
 19.27 charged on an annual basis, the last annual rent paid by the residential or commercial tenant
 19.28 prior to March 1, 2020. A lessor of a commercial or residential property affected by this
 19.29 section may increase rent on April 1 of each year in an amount equal to the percentage
 19.30 provided by the commissioner of the Housing Finance Agency consistent with paragraph
 19.31 (b).

20.1 (b) By February 1 of each year, the commissioner of the Housing Finance Agency must
 20.2 determine the percentage change in the Consumer Price Index for all urban consumers
 20.3 (CPI-U) during the 12-month period ending in November of the previous year and publish
 20.4 that percentage on the Housing Finance Agency website and make that information available
 20.5 upon request.

20.6 (c) A residential tenant may file an action against a landlord under Minnesota Statutes,
 20.7 section 504B.381, and if the court finds a violation of this section has occurred, the court
 20.8 must order equitable and monetary damages, if any, to the tenant. A residential tenant has
 20.9 an affirmative defense to an action brought under Minnesota Statutes, section 504B.285 or
 20.10 504B.291, if the landlord for the residential property has violated this section. In a tenant
 20.11 action to enforce this section under Minnesota Statutes, section 504B.381, or in an action
 20.12 brought by a commercial lessee to enforce this section, the court shall award a prevailing
 20.13 commercial or residential tenant reasonable attorney fees and costs.

20.14 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 20.15 applies to leases signed or renewed on or after that date, and expires April 1, 2024.

20.16 **ARTICLE 7**

20.17 **REDEVELOPMENT TOOLS**

20.18 Section 1. **LIMITED USE OF EMINENT DOMAIN.**

20.19 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
 20.20 the meanings given them.

20.21 (b) "City" means the cities included in Executive Order 20-64.

20.22 (c) "Events" mean the civil unrest that resulted in damaged property in the cities between
 20.23 May 26, 2020, and June 10, 2020, that are the subject of Executive Order 20-64.

20.24 (d) "Eligible zone" means:

20.25 (1) in Minneapolis:

20.26 (i) Lake Street between Hennepin Avenue and West River Parkway, and any area within
 20.27 two city blocks of that portion of Lake Street in any direction; and

20.28 (ii) West Broadway Avenue, and any area within two city blocks of West Broadway
 20.29 Avenue in any direction;

20.30 (2) in Saint Paul, University Avenue between Rice Street and Highway 280, and any
 20.31 area within two city blocks of that portion of University Avenue in any direction; and

21.1 (3) any additional locations or zones designated by the governor as experiencing
 21.2 significant, widespread damage or destruction of private property due to the civil unrest
 21.3 described in Executive Order 20-64.

21.4 (e) "Property owner" includes all persons with any interest in the property subject to a
 21.5 taking, whether as proprietors, tenants, life estate holders, encumbrancers, beneficial interest
 21.6 holders, or otherwise.

21.7 Subd. 2. **Authority.** Notwithstanding any home rule charter provision, city ordinance,
 21.8 or Minnesota Statutes, section 117.025, subdivision 11, paragraph (b), a city may use eminent
 21.9 domain to acquire real property or interests in real property for the purposes of this section.

21.10 Subd. 3. **Public purpose.** It is a public purpose for a city to use the power of eminent
 21.11 domain to acquire real property or an interest in real property in an eligible zone, and then
 21.12 resell the property subject to redevelopment agreements in order to support the ability of
 21.13 the businesses and uses directly and adversely affected by the events to be reestablished
 21.14 consistent with the needs of the neighborhoods and property owners.

21.15 Subd. 4. **Debt financing.** For the purposes of this section, the city may issue obligations
 21.16 under Minnesota Statutes, chapter 475, without an election, and not subject to debt limitations
 21.17 in the home rule charter or in statute.

21.18 Subd. 5. **Resale of property acquired by eminent domain.** Any property acquired by
 21.19 the city by eminent domain under this section may be sold to private parties, subject to the
 21.20 redevelopment agreement. The redevelopment agreement must include reasonable limitations
 21.21 on the use of the property and must be approved by a redevelopment oversight committee
 21.22 established by the city.

21.23 Subd. 6. **Effective date; expiration.** This section is effective the day following final
 21.24 enactment and expires December 31, 2022.

21.25 **ARTICLE 8**

21.26 **TAX PROVISIONS FOR AFFECTED PROPERTIES**

21.27 Section 1. Minnesota Statutes 2018, section 297A.71, is amended by adding a subdivision
 21.28 to read:

21.29 Subd. 53. **Properties destroyed or damaged during protests and unrest in May and**
 21.30 **June of 2020.** (a) The sale and purchase of the following items are exempt if the items are
 21.31 used to repair, replace, clean, or otherwise recover from real and personal property damage
 21.32 and destruction after May 24, 2020, and before June 16, 2020, resulting from protests and

- 22.1 unrest in the cities included in the peacetime emergency declared in the governor's Executive
22.2 Order No. 20-64:
- 22.3 (1) building materials and supplies used or consumed in, and equipment incorporated
22.4 into, the construction, replacement, or repair of real property;
- 22.5 (2) capital equipment, including retail fixtures, office equipment, and restaurant
22.6 equipment, with a cost of \$5,000 or more and a useful life of more than one year; and
- 22.7 (3) building cleaning and disinfecting services related to mitigating smoke damage and
22.8 graffiti on and in impacted buildings.
- 22.9 (b) The exemption in this subdivision only applies to materials, supplies, and services
22.10 purchased to repair, replace, or clean buildings owned by a government entity or by a private
22.11 owner provided the building housed one or more of the following entities at the time of the
22.12 damage or destruction:
- 22.13 (1) a commercial establishment with annual gross income of \$30,000,000 or less in
22.14 calendar year 2019;
- 22.15 (2) a nonprofit organization; or
- 22.16 (3) a low-income housing development that meets the certification requirements under
22.17 section 273.128, whether or not the development was occupied at the time of its damage or
22.18 destruction.
- 22.19 (c) The tax must be imposed and collected as if the rate under section 297A.62,
22.20 subdivision 1, applied and then refunded in the manner provided in section 297A.75. The
22.21 exemption under paragraph (a) applies to sales and purchases made after May 25, 2020,
22.22 and before December 1, 2022.
- 22.23 (d) Both the owner and occupants of the real property at the time of the damage or
22.24 destruction may apply for a refund under this subdivision but may only request a refund for
22.25 the goods and services they paid for, or were contracted and paid for on their behalf. The
22.26 exemption does not apply to purchases of an owner if the owner did not own the real property
22.27 at the time of the damage or destruction.
- 22.28 **EFFECTIVE DATE.** This section is effective the day following final enactment and
22.29 applies retroactively to sales and purchases made after May 25, 2020.

23.1 Sec. 2. Minnesota Statutes 2019 Supplement, section 297A.75, subdivision 1, as amended
23.2 by Laws 2020, chapter 83, article 1, section 74, is amended to read:

23.3 Subdivision 1. **Tax collected.** The tax on the gross receipts from the sale of the following
23.4 exempt items must be imposed and collected as if the sale were taxable and the rate under
23.5 section 297A.62, subdivision 1, applied. The exempt items include:

23.6 (1) building materials for an agricultural processing facility exempt under section
23.7 297A.71, subdivision 13;

23.8 (2) building materials for mineral production facilities exempt under section 297A.71,
23.9 subdivision 14;

23.10 (3) building materials for correctional facilities under section 297A.71, subdivision 3;

23.11 (4) building materials used in a residence for veterans with a disability exempt under
23.12 section 297A.71, subdivision 11;

23.13 (5) elevators and building materials exempt under section 297A.71, subdivision 12;

23.14 (6) materials and supplies for qualified low-income housing under section 297A.71,
23.15 subdivision 23;

23.16 (7) materials, supplies, and equipment for municipal electric utility facilities under
23.17 section 297A.71, subdivision 35;

23.18 (8) equipment and materials used for the generation, transmission, and distribution of
23.19 electrical energy and an aerial camera package exempt under section 297A.68, subdivision
23.20 37;

23.21 (9) commuter rail vehicle and repair parts under section 297A.70, subdivision 3, paragraph
23.22 (a), clause (10);

23.23 (10) materials, supplies, and equipment for construction or improvement of projects and
23.24 facilities under section 297A.71, subdivision 40;

23.25 (11) materials, supplies, and equipment for construction, improvement, or expansion of
23.26 a biopharmaceutical manufacturing facility exempt under section 297A.71, subdivision
23.27 45;

23.28 (12) enterprise information technology equipment and computer software for use in a
23.29 qualified data center exempt under section 297A.68, subdivision 42;

23.30 (13) materials, supplies, and equipment for qualifying capital projects under section
23.31 297A.71, subdivision 44, paragraph (a), clause (1), and paragraph (b);

24.1 (14) items purchased for use in providing critical access dental services exempt under
24.2 section 297A.70, subdivision 7, paragraph (c);

24.3 (15) items and services purchased under a business subsidy agreement for use or
24.4 consumption primarily in greater Minnesota exempt under section 297A.68, subdivision
24.5 44;

24.6 (16) building materials, equipment, and supplies for constructing or replacing real
24.7 property exempt under section 297A.71, subdivisions 49; 50, paragraph (b); and 51; ~~and~~

24.8 (17) building materials, equipment, and supplies for qualifying capital projects under
24.9 section 297A.71, subdivision 52; and

24.10 (18) building materials, equipment, supplies, and capital equipment for constructing or
24.11 replacing real property, and cleaning and disinfecting services for impacted property exempt
24.12 under section 297A.71, subdivision 53.

24.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

24.14 Sec. 3. Minnesota Statutes 2019 Supplement, section 297A.75, subdivision 2, is amended
24.15 to read:

24.16 Subd. 2. **Refund; eligible persons.** Upon application on forms prescribed by the
24.17 commissioner, a refund equal to the tax paid on the gross receipts of the exempt items must
24.18 be paid to the applicant. Only the following persons may apply for the refund:

24.19 (1) for subdivision 1, clauses (1), (2), and (14), the applicant must be the purchaser;

24.20 (2) for subdivision 1, clause (3), the applicant must be the governmental subdivision;

24.21 (3) for subdivision 1, clause (4), the applicant must be the recipient of the benefits
24.22 provided in United States Code, title 38, chapter 21;

24.23 (4) for subdivision 1, clause (5), the applicant must be the owner of the homestead
24.24 property;

24.25 (5) for subdivision 1, clause (6), the owner of the qualified low-income housing project;

24.26 (6) for subdivision 1, clause (7), the applicant must be a municipal electric utility or a
24.27 joint venture of municipal electric utilities;

24.28 (7) for subdivision 1, clauses (8), (11), (12), and (15), the owner of the qualifying
24.29 business;

24.30 (8) for subdivision 1, clauses (9), (10), (13), and (17), the applicant must be the
24.31 governmental entity that owns or contracts for the project or facility; ~~and~~

25.1 (9) for subdivision 1, clause (16), the applicant must be the owner or developer of the
 25.2 building or project; and

25.3 (10) for subdivision 1, clause (18), the applicant must be an owner or occupant of the
 25.4 real property at the time of its damage or destruction.

25.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

25.6 Sec. 4. **PROPERTY TAX RELIEF FOR PROPERTIES DAMAGED BY FIRE OR**
 25.7 **VANDALISM.**

25.8 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
 25.9 the meanings given.

25.10 (b) "Damage amount" means the difference between (1) a property's estimated market
 25.11 value as determined on January 2, 2020, and (2) the property's estimated market value as
 25.12 determined under subdivision 4.

25.13 (c) "Qualifying property" means a property that:

25.14 (1) is located in the area included in the peacetime emergency declared in the governor's
 25.15 Executive Order No. 20-64;

25.16 (2) was damaged or destroyed due to the unrest in the cities of Minneapolis and St. Paul
 25.17 and surrounding communities after May 24, 2020, and before June 16, 2020;

25.18 (3) has a damage amount equal to at least 25 percent of the property's estimated market
 25.19 value, excluding the value of the land, as determined on January 2, 2020; and

25.20 (4) has not received abatements or credits under Minnesota Statutes, sections 273.1231
 25.21 to 273.1235, for a disaster or emergency that occurred in 2020.

25.22 (d) "Utility property" means property appraised and classified for tax purposes by order
 25.23 of the commissioner of revenue under Minnesota Statutes, sections 273.33 to 273.3711.

25.24 Subd. 2. **Application.** The owner of a property that is not a utility property must apply
 25.25 to the county board and county or local assessor by September 1, 2020, in a manner
 25.26 prescribed by the assessor, in order to be eligible for an abatement under subdivision 3. The
 25.27 owner of a utility property must apply to the commissioner of revenue by September 1,
 25.28 2020, in a manner prescribed by the commissioner, in order to be eligible for an abatement
 25.29 under subdivision 3.

25.30 Subd. 3. **Abatements.** (a) Notwithstanding Minnesota Statutes, sections 270C.86 and
 25.31 375.192, the county board and commissioner of revenue must grant abatements in the

26.1 amounts provided in paragraphs (b) and (c) for qualifying properties that submitted an
26.2 application under subdivision 2.

26.3 (b) For a qualifying property with a damage amount equal to less than 50 percent of the
26.4 property's estimated market value, excluding the value of the land, as determined on January
26.5 2, 2020, the abatement amount is equal to 50 percent of the net property tax due on the
26.6 property in 2020.

26.7 (c) For a qualifying property with a damage amount equal to at least 50 percent of the
26.8 property's estimated market value, excluding the value of the land, as determined on January
26.9 2, 2020, the abatement amount is equal to 100 percent of the net property tax due on the
26.10 property in 2020.

26.11 (d) If application is made after payment of all or a portion of the taxes being abated, the
26.12 portion of the abatement already paid must be refunded to the taxpayer by the county
26.13 treasurer as soon as practicable.

26.14 Subd. 4. **Reassessments required.** For the purposes of this section, the county or local
26.15 assessor must reassess all damaged property for which an application is submitted under
26.16 subdivision 2, except that the commissioner of revenue must reassess all utility property
26.17 for which an application is submitted under subdivision 2.

26.18 Subd. 5. **Valuation increase prohibited.** (a) The estimated market value for qualifying
26.19 properties that receive an abatement under subdivision 3 must not exceed the property's
26.20 estimated market value as determined under subdivision 4 until assessment year 2025,
26.21 provided that the property retains the same ownership it had as of May 25, 2020.

26.22 (b) Owners of property meeting the requirements of this subdivision must submit any
26.23 information the county or local assessor or commissioner of revenue deems necessary to
26.24 determine continued eligibility under this subdivision by December 15 of each year prior
26.25 to the assessment year for which the property qualifies under paragraph (a).

26.26 Subd. 6. **Reimbursement and appropriation.** (a) The county auditor must certify the
26.27 abatements granted under this section to the commissioner of revenue for reimbursement
26.28 to each taxing jurisdiction in which qualifying property is located. The commissioner must
26.29 make the payments to the taxing jurisdictions containing qualifying property, other than
26.30 school districts and the state, at the time distributions are made under Minnesota Statutes,
26.31 section 473H.10, subdivision 3. Reimbursements to school districts must be made as provided
26.32 in Minnesota Statutes, section 273.1392. No reimbursement is to be paid to the state treasury.

27.1 (b) An amount necessary to make payments required by this section is appropriated to
 27.2 the commissioner of revenue from the general fund in fiscal year 2021.

27.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

27.4 **ARTICLE 9**

27.5 **CIVIL UNREST INVESTIGATORY COMMISSION**

27.6 Section 1. **CIVIL UNREST INVESTIGATORY COMMISSION.**

27.7 Subdivision 1. **Purpose; finding of facts and time line of public responses.** (a) The
 27.8 legislature and governor of the state of Minnesota recognize that the civil unrest that occurred
 27.9 in Minnesota in May and June of 2020 raises questions about the nature of orders given,
 27.10 responses made, and actions taken by civil authorities. The Minnesota public lacks a
 27.11 comprehensive and accurate timeline of events and the role played in those events by:

27.12 (1) local authorities;

27.13 (2) Minneapolis Police Department;

27.14 (3) Minneapolis Fire Department;

27.15 (4) State Patrol;

27.16 (5) National Guard;

27.17 (6) appointed and elected officials; and

27.18 (7) all other responsible parties whose duties commanded the public response to the
 27.19 unprecedented events that tragically unfolded.

27.20 (b) Civil authorities remain actively engaged at this moment in time to perform ongoing
 27.21 duties and manage the ongoing public interests in responding to unrest, and to help affected
 27.22 citizens.

27.23 (c) However, the creation of an accurate timeline of civic responses is a crucial task that
 27.24 must be completed to provide confidence to the Minnesota public regarding the capacity
 27.25 of civil government in the current and future responses. Further, an investigation into
 27.26 decisions and actions cannot be undertaken by persons currently in state or local government,
 27.27 whose ongoing duties and past responsibilities render the persons too involved for
 27.28 dispassionate analysis.

27.29 (d) Therefore, a Civil Unrest Investigatory Commission is established to examine and
 27.30 create a public record of all actions, choices, orders, and responses by all local governments,

28.1 police and military authorities, and elected officials who were crucial to the government's
28.2 response to the civil unrest that unfolded in May and June 2020.

28.3 Subd. 2. **Duties of commission.** The commission must take public and private testimony,
28.4 hold public meetings, construct a timeline of official responses and actions, and issue a
28.5 public report with an accurate and dispassionate analysis of the responses of Minnesota
28.6 appointed and elected officials.

28.7 Subd. 3. **Cooperation.** The commission must be given access to all records and
28.8 documents held by any government entity that are in any way associated with the civil unrest
28.9 of May and June 2020. Within legal and constitutional rights, all elected and appointed
28.10 officials must cooperate with requests made by the commission.

28.11 Subd. 4. **Data.** All materials and information held by or created by the commission must
28.12 be made public upon completion of the report required under this act.

28.13 Sec. 2. **COMMISSION STRUCTURE.**

28.14 (a) The chief justice of the Minnesota Supreme Court must appoint a panel of ten neutral
28.15 persons to constitute the Civil Unrest Investigatory Commission. Appointees must: (1) have
28.16 no current involvement with any political party; (2) have played no role in the events of
28.17 May and June 2020; and (3) have the highest personal probity and ability to command public
28.18 confidence. Members must be chosen for expertise in management of public crises and
28.19 knowledge of government responses to civil unrest.

28.20 (b) The commission must be established by July 1, 2020. The chief justice must designate
28.21 one member of the panel to serve as chair.

28.22 (c) The chief justice must determine the pay and expenses received by the panel. A
28.23 member's total pay, not including expenses, must not exceed \$1,000.

28.24 (d) The commission may issue subpoenas, take testimony under oath, and hire outside
28.25 investigators and counsel.

28.26 (e) The legislative auditor must act as fiscal agent for the commission and must provide
28.27 administrative support to the commission.

28.28 Sec. 3. **DUTIES AND REPORT.**

28.29 (a) The Civil Unrest Investigatory Commission must:

28.30 (1) conduct and record interviews of all elected and appointed officials who played a
28.31 role in the response to civil unrest as it occurred in May and June 2020;

29.1 (2) establish a timeline of decisions taken and choices made by elected officials, including
29.2 the mayor of Saint Paul, the mayor of Minneapolis, and the governor;

29.3 (3) conduct a review of the responses of police, National Guard, and other responders;

29.4 (4) conduct a review of use of force versus protesters;

29.5 (5) analyze the effect of social media in promoting civil unrest; and

29.6 (6) create a timeline of events, with a detailed explanation of the choices made by public
29.7 officials.

29.8 (b) The commission may:

29.9 (1) determine, if possible, whether actions taken were consistent with the duties of elected
29.10 and appointed officials; and

29.11 (2) suggest best practices and specific policies and procedures that should be considered
29.12 for future responses in the event of civil unrest.

29.13 (c) The commission must issue a report no later than December 15, 2020, with the
29.14 commission's findings.

29.15 **Sec. 4. EFFECTIVE DATE.**

29.16 This act is effective the day following final enactment.