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ATTORNEYS & ADVISORS

On September 9, Governor Walz called legislators back to a special session starting Friday, September 11. Because the Governor issued another Peacetime Emergency Declaration he was required to call the legislature into session so that they would have the opportunity to vote to end his emergency powers. A resolution to end the peacetime emergency powers passed in the Senate but the House did not suspend the rules to take up the resolution leaving the Governor's emergency powers intact.

## **No Bonding Bill: The Blackout Period Continues**

During the special session the state remained in a short blackout period on passing any budget-related bills. The blackout period was instituted because the state's bond sale took place August 11, a total of \$1.2 billion in general obligation bonds were sold and Minnesota refinanced \$704 million in existing bonds. This resulted in a savings of \$105 million. During the weeks leading up to and immediately after the sale, the state's financial situation is not able to change, so no budget or bonding bills can be passed. The state's blackout period will end September 20.

As the Senate got ready to adjourn Majority Leader Gazelka told members to be aware that they may return September 21 if an agreement could be made on a bonding bill that could be supported by all caucuses.

## **Confirmation of the Commissioner of Bureau of Mediation Services Janet Johnson**

Senators said Janet Johnson was effective dealing with labor disputes, is well qualified for the job, and continues to work in the field of mediation. They praised her for being responsive to members of the legislature and said she is well respected across the state. Janet Johnson was confirmed by a voice vote.

## **Confirmation of the Commissioner of the Public Utilities Commission Joseph Sullivan**

Senators said they received an outpouring of messages from constituents in support of the confirmation of Joseph Sullivan. He was praised for his communication to members, non-partisan nature, and his knowledge of energy policy. Joseph Sullivan was confirmed on a vote of 63-3.

## **Non-Confirmation of Commerce Commissioner Steve Kelley**

Commissioner Kelley is the second agency head to receive a non-confirmation this year. Department of Labor and Industry Commissioner Leppink received a non-confirmation at the third special session. Senators who spoke out against the confirmation of Steve Kelley said the non-confirmation was a long time coming, they were frustrated with his appeal of the Enbridge Line 3 oil pipeline, and cited communication issues. Senators who spoke out in favor of the confirmation of Steve Kelley said he was extremely qualified to do the job, it is the Governor's job to pick his team, and complemented Kelley for his work to expand telemedicine coverage and his work to have health plans agree to provide COVID-19 testing without co-pays.

In the end of a lengthy debate, the Senate voted not to confirm Steve Kelley as the Commissioner of Commerce on a vote of 31-33. There were members that chose to abstain from voting and members that did not vote with the majority of their party: Senator Bakk voted nay; Senator Tomassoni voted nay; Senator Senjem voted yay; Senator Abeler did not vote; Senator Anderson, P. did not vote; and Senator Limmer did not vote.

### **Veterans Restorative Justice Act**

#### *SF 14-Senator Chamberlain-Passed in the Senate*

The Veterans Restorative Justice Act provides a statutory set of guidelines for veterans' treatment courts. It recommends that veterans be eligible for diversionary program if their offense is below a severity level seven on the state's sentencing grid and if they swear that the offense was committed due to one of several factors including: service-connected sexual trauma, traumatic brain injury, PTSD, a substance abuse disorder, or a mental health condition.

The Veterans Restorative Justice Act was the only bill the Senate voted on during the special session. The bill passed with unanimous support from members. It was not taken up for consideration by the House.

### **End of Session**

At about 4:30pm the same day that the House and Senate were called into session, the House and Senate adjourned sine die. They adjourned without having made any changes to the Governor's emergency powers. The House and Senate could return September 21, at the earliest, to pass a bonding bill if they are able to come to an agreement. A bonding bill must originate in the House. The Governor could call another special session at any time. The current Peacetime Emergency Declaration expires October 12; Governor Walz would need to call another special session if he wishes to again extend the peacetime emergency powers.

