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State of Minnesota

HOUSE OF REPRESENTATIVES

FIFTH SPECIAL SESSION

H. F. No. 39

10/12/2020 Authored by Nash
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to investigation of civil unrest; creating a commission to investigate and
1.3 determine facts surrounding government responses to the tragic events and civil
1.4 unrest of May and June 2020; appropriating money.

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

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

1.7 Subdivision 1. **Purpose; finding of facts and time line of public responses.** (a) The
1.8 legislature and governor of the state of Minnesota recognize that the civil unrest that occurred
1.9 in Minnesota in May and June of 2020 raises questions about the nature of orders given,
1.10 responses made, and actions taken by civil authorities. The Minnesota public lacks a
1.11 comprehensive and accurate time line of events and the role played in those events by local
1.12 authorities, state military and police, appointed and elected officials, and all other responsible
1.13 parties whose duties commanded their public response to the unprecedented events that
1.14 tragically unfolded.

1.15 (b) Civil authorities remain actively engaged at this moment in time to performing their
1.16 ongoing duties and in managing the ongoing public interests in responding to unrest, and
1.17 in helping affected citizens.

1.18 (c) However, the creation of an accurate time line of civic responses is a crucial task
1.19 that must be completed to provide confidence to the Minnesota public in the capacity of
1.20 civil government in this and future responses. Further, the investigation into decisions and
1.21 actions cannot be undertaken by persons currently in state or local government, whose
1.22 ongoing duties and past responsibilities render them too involved for dispassionate analysis.

(d) Therefore, the Civil Unrest Investigatory Commission must examine and create a public record of all actions, choices, orders, and responses by all local governments, police and military authorities, and elected officials who were crucial to the government's response to the civil unrest that unfolded in May and June 2020.

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

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

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

Sec. 2. **COMMISSION STRUCTURE.**

(a) The chief justice of the Minnesota Supreme Court must appoint a panel of ten neutral persons who shall make up the Civil Unrest Investigatory Commission. Appointees must have no current involvement with any political party, have played no role in the events of May and June 2020, and must have the highest personal probity and ability to command public confidence. Members must be chosen for their expertise in management of public crises and their knowledge of government responses to civil unrest.

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

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

(d) The Office of the Legislative Auditor is appropriated on an open and standing basis those funds that are, in the determination of the chair of the commission, necessary to meet the expenses of the panel in conducting duties under this act.

(e) The commission may issue subpoenas, take testimony under oath, and hire outside investigators.

(f) The legislative auditor must act as fiscal agent for the commission, and must provide administrative support to the commission.

3.1 Sec. 3. **DUTIES AND REPORT.**

3.2 (a) The Civil Unrest Investigatory Commission must:

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

3.5 (2) establish a timeline of decisions taken and choices made by elected officials, including
3.6 the mayors of Saint Paul and Minneapolis, and the governor;

3.7 (3) conduct a review of the responses of police, national guard, and other responders;

3.8 (4) create a time line of events, with detailed explanation of choices made by public
3.9 officials; and

3.10 (5) issue a report, no later than August 1, 2021, with findings.

3.11 (b) The commission may:

3.12 (1) determine if possible whether actions taken were in accord with the duties of elected
3.13 and appointed officials; and

3.14 (2) suggest best practices that should be considered for future responses in the event of
3.15 civil unrest.

3.16 Sec. 4. **EFFECTIVE DATE.**

3.17 This act is effective the day following final enactment.