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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2397

03/02/2023 Authored by Hussein, Hassan, Richardson, Noor and Hollins
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to state government; establishing the Minnesota Migration Act and
1.3 Minnesota Migration Act account; requiring a report; appropriating money to study
1.4 and provide reparation grants for American descendants of chattel slavery who
1.5 reside in this state; proposing coding for new law in Minnesota Statutes, chapter
1.6 363A.

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

1.8 Section 1. [363A.60] MINNESOTA MIGRATION ACT ACCOUNT.

1.9 The Minnesota Migration Act account is established in the special revenue fund in the
1.10 state treasury. Funds in the account are appropriated to the commissioner of human rights
1.11 for the administration of the grants awarded by the Minnesota Migration Act Advisory
1.12 Council.

1.13 Sec. 2. MINNESOTA MIGRATION ACT.

1.14 Subdivision 1. Findings. The legislature finds:

1.15 (1) beginning in 1619 and continuing through 1863, slavery enriched American industries
1.16 and commercial and financial institutions and transformed the newly established United
1.17 States into an international economic power through the oppressive, dehumanizing, and
1.18 tortuous system of enslaved Black labor;

1.19 (2) slave owners invested heavily in the territory that is now known as the state of
1.20 Minnesota and after slavery ended in the United States, the slave owners were compensated
1.21 for the loss of their slaves. Those persons who were held in bondage were never compensated
1.22 for their labor, despite the promise of "40 acres and a mule";

2.1 (3) although slavery was illegal in Minnesota, Dred Scott and Harriet Scott were held
2.2 in military bondage at Fort Snelling, along with other African Americans who were used
2.3 for enslaved labor by United States Army agents. This was in violation of the Northwest
2.4 Ordinance of 1787 and the Missouri Compromise of 1820;

2.5 (4) in the aftermath of slavery, African American citizens of this country continued to
2.6 face brutal discrimination as evidenced by Jim Crow laws, such as forced segregation, mass
2.7 atrocities in Tulsa and Rosewood, the lynching period in history, and to this day mass
2.8 incarceration;

2.9 (5) in Minnesota, systemic discrimination was perpetrated through redlining and racial
2.10 covenants; access to housing; environmental injustice; and the removal of St. Paul's Rondo
2.11 neighborhood, which was the center of American descendants of chattel slavery business
2.12 and residential, spiritual, and cultural life, for the construction of I-94 and other interstate
2.13 systems that harmed Black communities in Minnesota;

2.14 (6) that structural institutionalized racism in Minnesota and all of American society has
2.15 led to overwhelming Black-white disparities in housing, business investment, economic
2.16 prosperity, health and wellness, life expectancy, and infant mortality;

2.17 (7) that according to the November 2020 edition of the New England Journal of Medicine,
2.18 reparations are considered the most effective means of breaking down the societal structure
2.19 related to power, money, and access to resources and may be the only solution that can be
2.20 applied intergenerationally that would be an investment in the future and in reducing
2.21 disparities;

2.22 (8) that local and state governments throughout the United States have demonstrated a
2.23 commitment to addressing disparities by creating programs to generate public and private
2.24 sources of funding, including dedicating tax revenues from enterprises that have historically
2.25 profited from targeting African American consumers and other forms of discrimination that
2.26 have fueled Black-white disparities; and

2.27 (9) that the tragic murder of George Floyd by a Minneapolis police officer has stirred a
2.28 local, national, and international reckoning of the immorality of the racial hierarchy that
2.29 exists under our democratic institutions and defies the founding values of this nation "that
2.30 all men are created equal, that they are endowed by their Creator with certain unalienable
2.31 Rights, that among these are Life, Liberty and the pursuit of Happiness."

2.32 Subd. 2. **Acknowledgment and apology.** The state shall issue an apology for the past
2.33 occurrence of chattel slavery and notable slave owners in Minnesota. Minnesota
2.34 acknowledges and issues an official apology:

3.1 (1) for holding Dred and Harriet Scott in military slavery at Fort Snelling;

3.2 (2) to the family of Elias Clayton, Elmer Jackson, and Isaac McGhie for the lynching
 3.3 that took place in 1920 in Duluth and shall issue an antilynching proclamation and legislation
 3.4 for the state;

3.5 (3) to the Rondo neighborhood and other Black communities for the construction of the
 3.6 I- 94 freeway and other highways that were constructed in Black communities in Minnesota;

3.7 (4) to the families of George Floyd, Philando Castille, Hardel Sherrell, and Jamar Clark
 3.8 and the state shall implement remedies to reform law enforcement in the state;

3.9 (5) for allowing racial housing covenants in deeds in the state and committing to work
 3.10 to create generational wealth for the American descendants of chattel slavery;

3.11 (6) for having the word "slavery" removed from the Minnesota state constitution; and

3.12 (7) for the systemic racism in the state and the impact slavery has had on descendants
 3.13 of chattel slavery in this state, and the state shall commit to ending systemic racism in the
 3.14 state that prevents upward mobility of Minnesota's Black residents.

3.15 **Sec. 3. MINNESOTA MIGRATION ACT ADVISORY COUNCIL; CREATION;**
 3.16 **DUTIES; REPORTS.**

3.17 Subdivision 1. **Advisory council established.** The Minnesota Migration Act Advisory
 3.18 Council is established to analyze the past economic benefits of slavery and institutional
 3.19 racism that accrued to owners and businesses that received those benefits and to identify
 3.20 and document the money received from the dehumanizing activity of slavery by identifying
 3.21 the public and private institutions that benefited from anti-Black practices. The focus of the
 3.22 committee shall be to develop criteria to determine how to distribute funding to compensate
 3.23 persons and address systems harmed by these anti-Black practices and to distribute grants
 3.24 to achieve those compensation goals. Nothing in this section acts as a substitution for the
 3.25 need for reparations to the descendants of slaves from the federal government. The advisory
 3.26 council shall, among other issues, address the following:

3.27 (1) review international standards of remedy for wrongs and injuries caused by the state,
 3.28 including full reparations and special measures, as understood by various relevant
 3.29 international protocols, laws, and findings;

3.30 (2) provide input to the state on how to issue a formal apology on behalf of the people
 3.31 of Minnesota for the perpetration of gross human rights violations and crimes against
 3.32 humanity on enslaved African and American descendants of chattel slavery;

4.1 (3) review which laws and policies that continue to disproportionately and negatively
4.2 affect African Americans as a group and perpetuate the lingering material and psychosocial
4.3 effects of slavery can be eliminated;

4.4 (4) review and study how the injuries resulting from matters described in this subdivision
4.5 can be reversed and how to provide appropriate policies, programs, projects, and
4.6 recommendations for the purpose of reversing the injuries;

4.7 (5) determine what form of compensation to African Americans who are descendants
4.8 of persons enslaved in the United States can be achieved;

4.9 (6) determine what form of compensation should be awarded, through what
4.10 instrumentalities, and who should be eligible for the grants awarded by the advisory council
4.11 and distribute those grants as provided in this section; and

4.12 (7) determine if any other forms of rehabilitation or restitution are appropriate to remedy
4.13 issues identified by the advisory council.

4.14 Subd. 2. **Membership.** (a) The advisory council shall consist of the following 19 voting
4.15 members, appointed by the commissioner of the Department of Human Rights in consultation
4.16 with the governor and the Council for Minnesotans of African Heritage, except as otherwise
4.17 specified, and six nonvoting members. All members must be chosen with an emphasis on
4.18 appointing members who are descendants of persons believed to have been enslaved in the
4.19 United States, or members of the American descendants of chattel slavery with lived
4.20 experience of racial discrimination and who were impacted by policies which have caused
4.21 intergenerational trauma. The advisory council shall include:

4.22 (1) two members of the house of representatives, one from the majority party appointed
4.23 by the speaker of the house and one from the minority party appointed by the minority
4.24 leader;

4.25 (2) two members of the senate, one from the majority party appointed by the senate
4.26 majority leader and one from the minority party appointed by the senate minority leader;

4.27 (3) two members who are educators or who have worked in the education system;

4.28 (4) two members who are leaders in the business and labor community;

4.29 (5) two members who are community activists engaged in solving issues caused by racial
4.30 disparities;

4.31 (6) two members who are leaders in the faith community;

4.32 (7) two members who are professionals or have worked in the health care industry;

5.1 (8) three members who are historians, economists, legal analysts, or policy experts who
5.2 have expertise in issues the advisory council is studying;

5.3 (9) two youth members; and

5.4 (10) the commissioners of housing finance, health, human services, human rights,
5.5 employment and economic development, and education, or their designees, who shall be
5.6 ex officio nonvoting members of the council.

5.7 (b) The council is governed by Minnesota Statutes, section 15.059, and the advisory
5.8 council shall expire five years after the date of enactment.

5.9 (c) The chair shall convene the council at least monthly.

5.10 (d) The commissioner of human rights shall provide staff and administrative services
5.11 for the advisory council.

5.12 (e) The council is subject to Minnesota Statutes, chapter 13D.

5.13 Subd. 3. **Goals and outcomes; report.** The advisory council shall establish goals related
5.14 to addressing the directive to the advisory council provided in this section and determine a
5.15 baseline against which progress shall be monitored and set measurable outcomes. The goals
5.16 established must include guidelines for grants distributed by the advisory council. The
5.17 advisory council shall use existing measures and data collection systems to determine
5.18 baseline data against which progress shall be measured. The council shall include the
5.19 proposed goals and the measurable outcomes to meet these goals, including the grant making
5.20 in its initial report to the legislature due March 31, 2024.

5.21 Subd. 4. **Conflict of interest.** Advisory council members must disclose to the council,
5.22 refrain from participating in discussions, and recuse themselves from voting on any matter
5.23 before the council if the member has a conflict of interest. A conflict of interest means a
5.24 financial association that has the potential to bias or have the appearance of biasing a council
5.25 member's decision related to the Minnesota Migration Act grant decision process or other
5.26 council activities under this section.

5.27 Subd. 5. **Grants.** (a) The commissioner of human rights shall submit a report of the
5.28 grants proposed by the advisory council to be awarded for the upcoming fiscal year to the
5.29 chairs and ranking minority members of the legislative committees with jurisdiction over
5.30 health, human services policy and finance, education, employment and economic
5.31 development, and housing policy and finance, by March 31 of each year, beginning March
5.32 31, 2024.

6.1 (b) The commissioner of human rights shall award grants from the Minnesota Migration
6.2 Act account under Minnesota Statutes, section 363A.60. The grants shall be awarded to
6.3 proposals selected by the advisory council that address the priorities in this section, unless
6.4 otherwise appropriated by the legislature.

6.5 Subd. 6. **Reports.** The advisory council shall report annually to the chairs and ranking
6.6 minority members of the legislative committees with jurisdiction over health, human services
6.7 policy and finance, education, employment and economic development, and housing finance
6.8 and policy by March 31 of each year, beginning March 31, 2024. The report shall include
6.9 information about the individual projects that receive grants and the overall role of the
6.10 project in addressing inequalities and systematic problems caused by the institution of
6.11 slavery. The report must describe the grantees and the activities implemented, along with
6.12 measurable outcomes as determined by the council. At a minimum, the report must include
6.13 information about who has received the grants and who the funding will benefit.

6.14 Sec. 4. **APPROPRIATION; MINNESOTA MIGRATION ACT ADVISORY**
6.15 **COUNCIL.**

6.16 (a) \$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the
6.17 general fund to the commissioner of human rights for the Minnesota Migration Act Advisory
6.18 Council to complete the work in section 3 related to the effects of systemic racism on Black
6.19 Minnesotans who are descendants of persons who were treated as chattel slaves in this state.
6.20 A portion of this funding may be used to hire additional staff to support the administration
6.21 and operation of the Minnesota Migration Act Advisory Council.

6.22 (b) \$100,000,000 in fiscal year 2024 is appropriated from the general fund to the
6.23 Minnesota Migration Act account under Minnesota Statutes, section 363A.60.