



2016

Legislative

Summary

July 15, 2016

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Background

The Minnesota State Legislature operates on a two-year biennial cycle. The first year of the biennium, which begins in an odd-numbered year is primarily spent adopting the state budget for the next two year budget cycle. During the 2015 session, the legislature passed all of the necessary appropriations bills to keep state government operations going, but they did not pass two significant bills: a comprehensive transportation funding bill, and a tax bill.

The second year of a biennium usually involves passage of a capital investment (bonding) bill. The bonding bill funds public works infrastructure projects across the state. In addition, because the state budget bills are passed during odd-numbered legislative sessions, the legislature often passes supplemental budget bills in the second year to respond to changes in the economic forecast. In early 2016, a \$900 million surplus was projected for the current biennium. The legislature convened on March 8, 2016, and was constitutionally required to adjourn the regular session by May 23, 2016. In the final hours of session, the legislature passed an Omnibus Supplemental Budget Bill which was signed into law, and an Omnibus Tax Bill which did not become law. The legislature also attempted to pass a bonding bill, but did not do so by the constitutional adjournment deadline.

This summary contains an update on major topics that were addressed this session, as well as items that were proposed but did not pass into law. This summary will be updated if there is a special session involving major changes or policies that impact the City of Minneapolis.

Taxes

Although the House and Senate each proposed significant tax changes in 2015, the conference committee did not complete their work, and a tax bill was not passed. Using the 2015 tax bills as a starting point for negotiations, the House and Senate did come to an agreement on a tax bill in 2016, and in the final hours the bill passed and was sent to the Governor. In addition, a small number of select tax items were included in the Omnibus Supplemental Budget Bill, including an exemption for military pension income.

Despite the legislature successfully concluding their work in 2016 on the Omnibus Tax Bill (HF 848), a small but significant drafting error was discovered after the legislature adjourned that would have reduced revenue to the state by more than \$100 million over the next three fiscal years. Because of the error, Governor Dayton did not sign the bill, resulting in a pocket veto. The vetoed bill contained various tax changes totaling \$257.4 million in reduced revenues to the state in FY 16-17, including select items on the list that follows.

OMNIBUS TAX BILL (HF 848)

POCKET VETOED 6/6/16

- Local Government Aid (LGA)
 - \$20 million increase in the base appropriation

- Job Training Grants to Hennepin County
 - \$730,000 for the EMERGE Career and Technology Center
 - \$400,000 Cedar Riverside Opportunity Center
- New Markets Grant
 - \$30 million in one-time funding for a New Markets Grant program
 - Competitive grant process administered by the Minnesota Department of Employment and Economic Development
 - Targeted to community businesses in low-income areas
- State General Levy modifications
 - Exemption of first \$100,000 in commercial/industrial property value
- Income tax provisions
 - Income tax credits for student debt, and expansion of the Working Family Credit
 - Partial federal income tax conformity

Pensions

The Legislative Commission on Pensions and Retirement is a 14-member commission charged with oversight of the state’s public pension funds. The Commission usually adopts an annual Omnibus Pension Bill containing policy regarding Minnesota state pension funds, as well as provisions correcting errors, updating statutes, and approving specific provisions for individual people. This session, the House and Senate approved a pension bill that reduced cost-of-living adjustment for some retirees. The Governor vetoed the bill, and noted in his veto letter that the concessions burdened current retirees too heavily. Some additional details about the pension bill are noted below.

OMNIBUS STATE RETIREMENT BILL (CHAPTER 177, SF 588)

VETOED 6/01/16

- The vetoed Omnibus Pension Bill provided a one-year reduction in the cost-of-living adjustment for the Teachers Retirement Association and Minnesota State Retirement System retirees by 0.25% and 1.00% respectively, effective January 1, 2017. The reductions do not apply to the Minnesota State Patrol and Judges plans.
- The House and Senate also agreed to:
 - Incorporate changes related to an actuarial report on increased lifespans;
 - Provide a streamlined process for family members trying to access the survivor benefits of those killed in the line of duty; and
 - Assist some cities to include their volunteer firefighters in their plans.

Capital Investment

As in other even-numbered legislative sessions, a large focus of the House, Senate and Governor was on crafting bonding proposals in hopes of reaching agreement on a final compromise.

Governor Dayton proposed a \$1.2 billion bonding bill, which included almost no funding for any transportation-related projects, with the exception of funding for bridge projects in Minneapolis and St. Paul, including the 10th Avenue Bridge rehabilitation project at \$31.875 million. His proposal also included funding for the Minneapolis Emergency Operations Training Facility (EOTF) at \$2.5 million. The Governor’s proposal was heard in committee.

The Senate proposed approximately \$1.5 billion in capital improvement projects, but when taken up on the floor for a vote, it failed to achieve the requisite three-fifths majority to pass. Their proposal included \$2.5 million for the Minneapolis EOTF, \$1.029 million for the Pioneers and Soldiers Cemetery project in Minneapolis, and \$25 million for the I-35W/Lake Street Access Project.

The House proposed \$800 million in bonding, which, like the Senate, failed to garner enough votes to reach the three-fifths threshold. The House bill included funding for the I-35W/Lake Street Access Project at \$25 million, as well as \$1.029 million for the Pioneers and Soldiers Cemetery project.

On the last day of session, the House and Senate took up a compromise bill, HF 622. However, the constitutional adjournment deadline arrived before both bodies could pass the bill and send it to the Governor. Details of HF622 are included below.

CAPITAL INVESTMENT BILL (HF 622)

DID NOT PASS

The 2016 Capital Investment Bill, HF622, proposed nearly \$1 billion in capital improvement projects across the state and made several technical corrections to previous bond authorizations. The bill also provided \$300 million in one-time cash funding for transportation, including funding for the Local Bridge Replacement Program. Initially, the Local Bridge Replacement Program funding was included at \$149 million, but a revised bill reduced it to \$90 million. In addition, HF622 included \$45 million for affordable housing.

Minneapolis-related items included in the HF 622 Capital Investment bill as passed by the House included:

- \$25 million, I-35W/Lake Street Access Project
- \$1.029 million, Pioneers and Soldiers Cemetery Fence
- \$5 million, Norway House
- \$1 million, Family Partnership
- \$5 million, Hennepin Center for the Arts Art Space

Transportation

Like the 2015 Legislative Session, 2016 was often referred to as “The Transportation Session.” Both parties indicated that a top priority was the passage of a long-term transportation finance bill.

The House, Senate, and Governor agreed on the overall picture of the state needing roughly \$600 million per year spent on transportation infrastructure for the next 10 years to adequately address the deficiencies caused by underfunding. The House preferred to redirect existing transportation-related sales tax revenues that currently go to the state general fund to transportation purposes, prioritizing road and bridge investments. The Senate and the Governor supported a 6.5 percent increase in the gas tax at the wholesale level, and maintained that a transportation deal must include investment in transit, as well as roads and bridges.

In 2015, the House and Senate passed transportation funding bills. A conference committee was formed to resolve the differences between the two bills. While the Transportation Conference Committee met several times during the 2015 and 2016 sessions to try and form a compromise, they were unable to reach an agreement.

Data Practices

Like in 2015, the classification of body camera data pursuant to the Minnesota Government Data Practices Act was a major policy issue in 2016. Unlike in 2015, the House, Senate, and Governor were able to agree on legislation to address this complicated issue.

BODY CAMERAS (CHAPTER 171, SF 498)

SIGNED 5/31/16

Under current law, the Minnesota Government Data Practices Act generally classifies data as public with exceptions. After extensive discussion and committee action this session, body camera data legislation was negotiated and passed on to the Governor, who signed the bill into law. The law classifies body cam data generally as private/non-public data with some exceptions. Data becomes public when:

- The data is classified as inactive criminal investigation;
- Use of force by a peace officer results in substantial bodily harm;
- A Peace officer discharges his or her firearm in the course of duty;
- A data subject requests the data from the law enforcement agency and releases it to the public; or
- The data documents basis for discipline in personnel data.

The law also requires a minimum 90-day retention period for the data, and in some circumstances, up to one year. Local law enforcement agencies utilizing the technology are required to have a written policy regarding use and data access.

Public Safety

The Omnibus Supplemental Budget Bill and other policy bills regarding sentencing guidelines reform and firearms received significant attention this year.

OMNIBUS SUPPLEMENTAL BUDGET BILL (CHAPTER 189, HF 2743)

SIGNED 6/1/16

The Omnibus Supplemental Budget Bill contained funding and policy provisions for programs related to courts, public safety, corrections, crime, disaster assistance, and controlled substances. A few key provisions relevant to the City of Minneapolis include:

- Sex Trafficking:
 - \$820,000 appropriation for grants to state and local governments to support new or existing multijurisdictional efforts to investigate and provide technical assistance for sex trafficking crimes.
- Liquor Licensing:

- Authorization for four municipalities to issue special liquor licenses, including one for Cap's Grille in south Minneapolis and one for the St. Paul soccer stadium.

SENTENCING GUIDELINES (CHAPTER 160, SF 3481)

SIGNED 5/31/16

Under Minnesota law, the Sentencing Guidelines Commission is authorized to review and make recommendations to the Legislature for changing the state's criminal sentencing guidelines. If not acted upon by the legislature, either by adopting a substantial portion of or by expressly rejecting the recommendations, the Commission's proposals then become law. Several bills were heard in committee this session, some of which outright rejected the recommendations, but a compromise was reached and signed into law.

- Sentencing Guidelines:
 - Changes threshold amounts of sales and possession of controlled substance crimes;
 - Creates a new aggravated first degree crime, also known as a kingpin crime, that carries a mandatory minimum prison sentence of 86 months;
 - Lowers possession offenses involving trace amounts of a controlled substance from a fifth degree crime to a gross misdemeanor; and
 - Rejects the other recommendations made by the Commission to prevent them from becoming law.

Health and Human Services (HHS)

Initially, the House and Senate proposed numerous policy and finance changes in the Omnibus Supplemental Budget Bill related to HHS, and some new funding was passed for various programs.

OMNIBUS SUPPLEMENTAL BUDGET BILL (CHAPTER 189, HF 2743)

SIGNED 6/1/16

- Safe Harbors for Sexually Exploited Youth:
 - Increased the eligibility age from 18 to 24 years old
 - \$33,000 in FY17 for services for exploited youth
 - \$33,000 in FY 17 for emergency shelter and transitional housing

TEMPORARY FAMILY HEALTH CARE DWELLINGS (CHAPTER 111, SF 2555) SIGNED 5/12/16

A new law was passed to regulate the process for permitting a mobile residential dwelling unit to be placed on the property of a relative, guardian, or health care agent for the purposes of providing care to a physically or mentally impaired person. The permit is valid for six months and may be renewed only once for an additional six months. Cities and counties may opt-out of the legislation by adopting an ordinance. This law is effective September 1, 2016.

Jobs and Economic Development/ Disparities and Opportunities

The Omnibus Supplemental Budget Bill included a Jobs and Economic Development article, which increased appropriations made last year for programs in the Minnesota Department of

Employment and Economic Development (DEED), Housing Finance Agency (MHFA), and other agencies.

In addition to economic development, the Governor and legislative leaders agreed that taking steps to address racial disparities should be a priority of the 2016 session. In his supplemental budget proposal, Governor Dayton proposed \$100 million to fund programs to address racial disparities, including \$66.5 million for specified programs, and \$33.5 million in uncommitted funds. The Senate established the Finance Subcommittee on Equity, which proposed \$91 million in one-time funding to address racial economic disparities.

The Senate included an Equity Article in the Senate Supplemental Budget Bill. The House did not propose an equity-specific bill but did include funding for equity-related programs in some of their supplemental budget bills. The final equity package in the final Supplemental Budget Bill totaled \$35 million and will be administered through DEED and MHFA.

OMNIBUS SUPPLEMENTAL BUDGET BILL (CHAPTER 189, HF 2743)

SIGNED 6/1/16

A key priority of the City of Minneapolis was included in the Omnibus Supplemental Budget Bill:

- Summer Youth Employment:
 - \$1.0 million additional funding for Youth at Work competitive grants in FY17

Other Equity and Jobs provisions in the Omnibus Supplemental Budget Bill include:

- Department of Employment and Economic Development Grant Programs (FY17 funding)
 - \$2.5 million, Hennepin County Career Connections Pathways
 - \$1.5 million, Nontraditional Jobs for Women Grant
 - \$2 million, Southeastern Asian Communities Grant
 - \$1.5 million, Latino Communities Grant (CLUES)
 - \$2 million, Somali Youth and Community Resiliency grants
 - \$320,000, Capacity Building Grants
 - \$1.5 million, Neighborhood Development Center
 - \$750,000, YWCA Minneapolis
 - \$4.2 million, EMERGE Community Development Grants:
 - \$1.2 million, Twin Cities Rise Grant
 - \$1 million, Minneapolis Foundation North at Work Grant
 - \$2 million, Minnesota Redevelopment Grant Program
 - -\$9 million, Minnesota Investment Fund (one time reduction)
 - -\$11.5 million, Job Creation Fund (one time reduction)
- Minnesota Housing Finance Agency (MHFA) Grant Programs (FY17 funding)
 - \$500,000, Exploited Families Rental Assistance Program
 - \$500,000, Housing grants for projects with training centers
 - \$750,000, Workforce and Affordable Homeownership Development
 - \$500,000, Family stabilization plan funding
 - \$250,000, Grant for landlord risk incentives

Agriculture and Environment

The Omnibus Supplemental Budget Bill included several environment, natural resources and agriculture provisions, including language to expand access to healthy food and clean energy. Selected provisions are listed below.

OMNIBUS SUPPLEMENTAL BUDGET BILL (CHAPTER 189, HF 2743)

SIGNED 6/01/16

- Good Food Access Program:
 - \$250,000 was appropriated to the Department of Agriculture to establish a Good Food Access Program, including an account to fund loans and technical assistance for small food retailers and grocers to increase to “affordable, nutritious, and culturally appropriate food” for underserved communities.
 - The law also establishes a Good Food Access Program Advisory Committee which will be made up of members with experience in economic and community development, financing, public health, food retail, farming, food insecurity, and other backgrounds to help inform the decision-making process for funding applicants.
- Clean Energy Replacement:
 - In the past, large wind energy and solar energy facilities could not engage in repowering plans, such as replacing turbines and panels with newer, more efficient versions, without going through the regulatory process.
 - The bill included language to reduce the regulatory burden on replacement of solar cell and wind turbines.
 - Under the changes, turbines and panels can be replaced with newer, more efficient versions without going through the certification and licensing process, so long as the replacements do not exceed the current name place capacity.

VOLUNTARY SOLAR SITE MANAGEMENT (CHAPTER 181, HF 3353)

SIGNED 5/31/16

The bill permits owners and operators of large, ground-based solar sites generating more than 40KW, to publicly declare them as beneficial habitats for birds and pollinating insects. The owner must demonstrate they are following the Minnesota Board of Water & Soil Resources Pollinator Plan.

Other Issues

PRESIDENTIAL PRIMARY (CHAPTER 162, SF 2985)

SIGNED 5/22/16

The law provides a state-administered presidential nominating primary election that is separate from the caucus system, which is still maintained for other federal and state endorsing processes and does not affect the August primary election in presidential years.

OMNIBUS ELECTIONS POLICY BILL (CHAPTER 161, SF 2381)

SIGNED 5/22/16

- Alternative Absentee:
 - The law authorizes municipalities to allow voters to place their ballots in a ballot box for immediate counting when voting in-person absentee during the last seven days of an election, rather than by putting the ballot in an envelope.

- Emergency Provisions:
 - The law outlines procedures for local officials to change or combine polling places in an emergency, and directs state executive officials to work with the United States Department of Homeland Security to develop a state elections emergency plan.

VETERANS' PREFERENCE HEARINGS (CHAPTER 189, HF 2743)

SIGNED 6/1/16

Previously, a city with a Civil Service Commission would conduct a veteran's preference hearing, and cities without a Civil Service Commission would hold the hearing before a three person panel. In 2015, the legislature added language to the law to state that a veteran has a choice between a three-person panel and a Civil Service Commission, resulting in a direct contradiction in statute.

A provision in the Supplemental Budget Bill clarified this issue by allowing a veteran a choice between having a hearing before the Civil Service Commission, a merit system authority, or before an arbitrator. In addition, the veteran petitioning for a hearing to review the dismissal action must now apply within 30 days instead of 60 days.

VOLUNTARY PREKINDERGARTEN (CHAPTER 189, HF 2743)

SIGNED 6/1/16

- Authorizes local school districts and charter schools to provide for a voluntary prekindergarten program, giving priority funding to applicants in high poverty school districts.
- The district or charter may contract with an outside provider, such as Head Start, or other licensed and community based organizations that meet specific programming requirements.
- \$25 million appropriated and included in the Omnibus Supplemental Budget bill.

Selected Bills That Did Not Pass

FRANCHISE FEE MODIFICATION (HF 3470/SF3413)

Under current law, a municipality may impose franchise fees on utilities to raise revenue or to defray the municipal costs of utility operation. The bill would have created additional public notice requirements and allowed for a reverse referendum triggered by 5% of the number of voters in the last general election for imposition of a franchise fee that raises revenue.

REAL ID COMPLIANCE (SF 3589/HF 3959)

The federal government declared that by January 22, 2018, Minnesota driver's licenses will no longer be compliant with the provisions of the federal Real ID law. As a result, the current Minnesota driver's license would not be a valid identification to board commercial airlines, or enter military and other federal facilities. In 2009, the state legislature also passed legislation prohibiting state agencies from undertaking planning activities for Real ID compliance.

The House and Senate repealed the prohibition on planning activities, but the conference committee failed to reach agreement on a plan to begin issuing Real ID compliant licenses. The

impasse occurred over a House provision that would require proof of legal status in the United States as part of the application process to obtain a driver's license.

RESTORATION OF FELON VOTING RIGHTS

A provision in the Senate Omnibus Elections bill (SF 2381) would have allowed individuals with felonies to vote after they are no longer incarcerated. Currently, those with felony convictions must wait until their probation or parole period has expired to have their voting rights restored. The language was included in the Senate Omnibus Elections bill, but was not included in the conference committee report. The companion did not receive a hearing in the House.

MET COUNCIL REFORM (HF 2467/SF 2385)

Several bills relating to the governance of the Metropolitan Council and its role in transportation planning and programming were heard in the House and Senate. In the House, the Subcommittee on Metropolitan Council Accountability and Transparency heard HF 2467, which would establish a Blue Ribbon Commission to review the authority and governance of the Met Council. The bill would also provide for staggered terms for Met Council members, and required that members be a city council member, mayor, or county commissioner. The bill was passed and sent to the House State Government Finance Committee.

The Senate bill, SF 2385, provided staggered terms, and expanded the nominating committee from seven members to thirteen, where the governor would appoint seven members to the nominating committee, Metro Cities would appoint three city representatives, and the Association of Minnesota to appoint three county representatives. The nominating committee would present their finalists to the governor for appointment. The bill would also codify the Equity Advisory Committee.

SEWER ACCESS CHARGE (SAC) FEE MODIFICATION (HF 3644/SF 3520)

The bill would have prohibited Met Council from imposing SAC on a local government for an existing restaurant or bar due to an expansion of outdoor seating unless additional toilets or sinks were also added. HF 3644 was passed out of two committees, but was not heard in Rules Committee. The companion bill, SF 3520, was referred to the Senate State and Local Government Committee, where it did not receive a hearing.

SUNDAY LIQUOR SALES (FLOOR AMENDMENT TO HF 3699)

An amendment to HF 3699, the special liquor license bill, would have allowed municipalities to decide whether to allow Sunday liquor off-sales. The amendment failed 56-70. Other amendments to allow Sunday sales were subsequently withdrawn.

ENHANCED ASTHMA COVERAGE (HF 1453/SF 1737)

The bill would extend Medical Assistance coverage to certain enhanced asthma care services and products for children with poorly controlled asthma. The Governor included this provision in his supplemental budget recommendations.

SF 1737 was heard in the Senate Health, Human Services, and Housing Policy Committee and passed onto Finance, where it was included in the supplemental budget bill. HF 1453 was introduced and referred to the House Health and Human Services Reform Committee, but it did not receive a hearing.

PAID FAMILY LEAVE (HF 2963/SF 2558)

This bill created an insurance program to provide all Minnesota employees with a percentage of their wages, with an employer match, for up to 12 weeks so they can afford to take time off to bond with a new child, care for an elder or seriously-ill family member, or deal with pregnancy-related health concerns.

SF 2558 was approved several Senate committees and was ultimately included in the Senate Omnibus Tax Bill. This provision was not adopted by the Tax Conference Committee. HF 2963 was introduced and referred to the House Job Growth and Energy Affordability Policy and Finance Committee, where it was not heard.

INTERIM ORDINANCE (HF 2585/ SF 2694)

The legislation proposed to change the way local governments impose interim ordinances related to housing. The legislation would require the jurisdiction to have a notice published in a local paper for 10 days prior to the public hearing, and a public hearing must occur before the proposed ordinance would take effect. The House version, as amended, was included in the supplemental budget bill, but it was not included in the conference committee report.

SMALL CELL WIRELESS FACILITY (HF 3554/SF 3269)

The bill included “wireless communication service providers” among those utilities authorized to place small facilities in the public right of ways, without a public hearing and zoning authorization, as long as they do not interfere with the safety and convenience of ordinary travel.

HF 3554 was included in the House supplemental budget, but was not included in the final supplemental budget. SF 3269 was introduced and referred to Senate Jobs, Agriculture and Rural Development Committee but was not given a hearing.

TRANSGENDER RIGHTS (HF 3396/SF 3002)

The bill proposed to change the Minnesota Human Rights Act by recognizing male or female genders only, prohibiting the use of certain gender-specific public facilities by other than biological sex of person at birth, and prohibiting the establishment of certain gender-neutral

public facilities. HF 3396 was heard informationally in the House, and the Senate companion, SF 3002, was referred to the Senate Judiciary Committee and was not heard.

[LEVEL III SEX OFFENDER RESIDENCY RESTRICTIONS \(HF3260/SF 3126\)](#)

The bill would authorize local units of government to enact ordinances prohibiting level III sex offenders from residing within a certain distance from parks, schools, and other locations frequented by children and placing limits on the concentration of the predatory offenders in a given geographic area. HF 3260 was passed by the House Public Safety and Crime Prevention Policy and Finance Committee and referred to Government Operations and Elections Policy Committee. SF 3126 was introduced and referred to the Senate Judiciary Committee, where it did not receive a hearing.

[MASSAGE THERAPIST REGISTRATION \(HF 644/SF 1310\)](#)

The proposal attempted to create a statewide registry and licensing for massage and bodywork therapists. The Board of Nursing would administer the registration and licensure. HF 644 and SF 1310 were heard in several House and Senate committees but it was not included in the omnibus supplemental budget bill.

[DRIVER'S LICENSE REVOCATION \(HF3385/HF 3442\)](#)

The bill would enhance penalties for those convicted of driving with a suspended license. HF 3385 passed through two House committees and was sent to the House floor but it was not scheduled for floor action. SF 3442 did not receive a hearing in the Senate.

[CRIMINAL BACKGROUND CHECKS FOR GUN SALES \(HF 2897/SF 2493\)](#)

The bill would require a criminal background check before selling or transferring firearms between private parties, at gun shows, and online while also providing certain exceptions. HF 2897 was introduced and referred to the House Public Safety and Crime Prevention Policy and Finance Committee, but it did not receive a hearing. SF 2493 was introduced and referred to the Senate Judiciary Committee, where it received an informational hearing.

[JUDICIAL PROTECTIONS CONCERNING FIREARMS \(HF 3759/SF 2980\)](#)

HF 3759 was introduced and referred to the House Public Safety and Crime Prevention Policy and Finance Committee, where it did not receive a hearing. SF 2980 was introduced, referred to the Senate Judiciary Committee, and received an informational hearing.

[ORGANIZED GARBAGE COLLECTION MORATORIUM \(HF 3708/SF 3377\)](#)

The legislation placed a five-year moratorium on municipal authority to enact organized garbage collection agreements. The bill was heard in the House Government Operations Committee and referred to the House Rules Committee. The Senate companion was not heard.

URBAN AGRICULTURE (HF 3324/SF 3310)

The bill would establish a pilot grant program to increase urban agriculture capacity. The grant program would be administered by the Minnesota Department of Agriculture and focused on the production of plants, livestock, compost and poultry on public or private property. The bill requested \$20.0 million for the grant program with 50% of the total being available for communities of color and Native American tribal communities. The bill also included a provision for repayment of the grant amount if land purchased or leased with grant funds is used for a purpose other than urban agriculture. The bill was heard in the House but did not pass. SF 3310 was not heard in the Senate.