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STATE GOVERNMENT

So you're sayin' there's a chance: Why gun control is only mostly (but not completely) dead at the Legislature this year

By Peter Callaghan | 04/09/2019



MinnPost photo by Peter Callaghan

A Moms Demand Action rally was held in the State Capitol Rotunda earlier this year.

Two pieces of gun safety legislation aren't likely to pass the 2019 session of the Minnesota Legislature. But they're not dead. Not totally. Not yet anyway.

Last week, after House DFL leadership announced its decision to put two gun control measures — one dealing with universal background checks and another creating what are known as red flag warnings

— into a larger public safety bill, leaders of the GOP-controlled Senate declared both pieces of legislation weren't happening.

The reason? The decision to put those measures in a larger omnibus bill seemed to defy an offer from Senate Majority Leader Paul Gazelka. If the House went ahead and passed the two measure — **House File 8** and **House File 9** as stand-alone bills, Gazelka had promised, he would direct his Senate Judiciary Committee chair to hold hearings and take a vote on them.

Gazelka even said that should the bills pass the Judiciary Committee (unlikely given the makeup of the panel), he would schedule them for a vote on the Senate floor. "I've said, 'Let's give a hearing on those bills and bills on the other side of this issue as well and let's just see where they are,'" he said in late March. "There's a lot of people who are interested in this issue. There's a lot of people who would like to weigh in. And it's not just one side of the issue, it's both sides of this issue."

At the time, Gov. Tim Walz — a supporter of both bills — said he was willing to give the Senate GOP some credit for changing direction. And while acknowledging that any Senate hearings could be for show rather than substance, he called that progress.

"It may be a Kabuki Dance, but at least that's a dance," Walz said. "It's moving in the right direction. This needs to be a fair and honest discussion. But something changed from, 'No, never, over my dead body will we hear this,' to now we're saying, 'Yeah, we'll hear it.'"

'Basically dead'

House File 8 would expand the current system of criminal background checks for gun sales to gun show purchases and to sales and transfers of weapons among family and friends. House File 9, the red flag warning bill, would create a system by which police or family members could ask a judge to order guns removed from someone **who is a threat to others or themselves**.

Hortman and House Majority Leader Ryan Winkler defended the strategy to put the legislation in the public safety bill. Hortman said because there are budget implications in both, by House rules they must be included in the omnibus spending bill before they can pass as stand-alone measures.

And if the House passed them to the Senate separately as the only actions on the issues, she said, the Senate could defeat them, which means they wouldn't be around for end-of-session negotiations. "We don't think that's what Minnesotans want, and that's not what we're committed to do," Hortman said.

"We are bringing this to end-of-session negotiations," Hortman said. "We cannot have a conversation in conference committee on gun-violence prevention if we do not bring it to conference committee." House and Senate versions of a bill can be quite different, but as long as the topics are in some way



MinnPost photo by Peter Callaghan
Senate Majority Leader Paul Gazelka



MinnPost photo by Taryn Phaneuf
House Majority Leader Ryan Winkler

included in each body's bill, they can be considered when conference committees meet to work out conflicts over legislation.

It was that move, however, that led Gazelka to proclaim that the deal was off. "If we wanted to have a real conversation, we felt like they needed to have the hearings, have an up-or-down vote," he said. "If that was moving forward I committed to doing hearings in the Senate. They chose not to, which means those gun bills are basically dead."

Putting such controversial measures inside the budget bills also puts completing the session in jeopardy, Gazelka said. "We have to pass a two-year budget, which includes the judiciary budget, that is very dangerous because in the end those are bills we're not going to get support on the Senate side and they aren't going to go anywhere."

What about a conference committee with the House insisting on the gun bills? "We're not gonna ever agree to that," Gazelka said.

The side-door option

That seems pretty dead, then, especially since the back and forth last week also doesn't change the lack of votes for the bills in the Senate Judiciary Committee — or the Senate as a whole.

But it doesn't necessarily mean the debate is over. That's because both Hortman and Gazelka left one door open for the issue to continue in both the House and Senate. Specifically, if the House passes the measures in the omnibus bill — and as separate stand-alone legislation.

Hortman has said that the House DFL has been taking "a belt and suspenders" approach to key legislation. During a press conference on the Health and Human Services omnibus bill — which weighed in at a tight 998-pages — Hortman said that some sections of that bill could end up in both the omnibus and in stand-alone bills, specifically citing legislation dealing with vulnerable adults in assisted living and group homes. If that work ends up being agreed upon by the House and Senate, 200-some pages of the HHS omnibus bill could be removed from it.



MinnPost photo by Peter Callaghan

House Speaker Melissa Hortman speaking at a first-day-of-session rally with the gun safety group Moms Demand Action.

But to keep an issue alive over the final month and a half of session — in order “to secure their survival through the end of the legislative session,” Hortman said — the DFL leaders want to pass the measures as stand-alone legislation and as part of omnibus bills.

Hortman has said such a dual-path strategy could apply to the gun bills as well. But while the gun measures are important, she said she won't make them must-dos in any final deal. “We're not issuing ultimatums,” she said. “We're not laying down red lines.”

Asked about whether he would resurrect his offer on the two House gun bills if they reach the Senate outside an omnibus bill, Gazelka said he hadn't spoken with Hortman about it. “If they do an up-or-down vote separately ... then certainly we would agree to do hearings in the Senate. But we're not going to play games with it, if we're not going to have an open conversation then we're not going to take the time.”

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COMMENTS (2)

SUBMITTED BY GERRY ANDERSON ON [04/09/2019 - 03:19 PM](#).

So the Senate Republicans offer to take a look at the bills. Independently, like they should be and Dems say no.

Then gets lumped in to a big Bill Thought the Dems were against Big Omnibus bills.

Hmmmm

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SUBMITTED BY JAMES PARK ON [04/12/2019 - 07:33 AM](#).

Legislative tricks should not be needed.

Let each bill be considered separately
by both houses of our legislature.

If one or both fails in either house,
this means there were not enough votes.

This could mean starting with
less-controversial proposals for gun-control.

Or if there are not enough reasonable people
in the legislature to pass wise gun-control laws,
then some lawmakers should be replaced.

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