

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1353

03/02/2015 Authored by Laine; Moran; Anderson, S.; Mullery; Mariani and others

The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act  
1.2 relating to state government; revising laws governing Minnesota ethnic councils;  
1.3 proposing coding for new law in Minnesota Statutes, chapter 15; repealing  
1.4 Minnesota Statutes 2014, sections 3.9223; 3.9225; 3.9226.

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

1.6 Section 1. **[15.0145] ETHNIC COUNCILS.**

1.7 Subdivision 1. **Three ethnic councils; creation.** (a) The Minnesota Council on  
1.8 Latino Affairs includes public members who are Americans with an ethnic heritage from  
1.9 Mexico, any of the countries in Central or South America, Cuba, the Dominican Republic,  
1.10 or Puerto Rico.

1.11 (b) The Minnesota African Heritage Council includes public members who are  
1.12 Americans of black African ancestry.

1.13 (c) The Council on Asian-Pacific Minnesotans includes public members who are  
1.14 Americans with an ethnic heritage from any of the countries east of, and including,  
1.15 Afghanistan or the Pacific Islands.

1.16 (d) The councils are part of the legislative branch.

1.17 Subd. 2. **Membership.** (a) Each council has 15 voting members. Eleven members  
1.18 of each council are public members appointed by the governor. Four members of each  
1.19 council are legislators.

1.20 (b) The governor shall appoint 11 members of each council as follows:

1.21 (1) the Minnesota Council on Latino Affairs must include one member representing  
1.22 each of the state's congressional districts and three members appointed at-large. The  
1.23 governor must attempt to ensure that the demographic composition of council members

accurately reflects the demographic composition of Minnesota's Latino community, including recent immigrants, as determined by the state demographer;

(2) the Minnesota African Heritage Council must include members who are broadly representative of the African heritage community of the state. At least three members must be first or second generation African immigrants, who generally reflect the demographic composition of these African immigrants, as determined by the state demographer; and

(3) the Council on Asian-Pacific Minnesotans must include one member from each of the five ancestries with the state's highest percentages of Asian-Pacific populations, as determined by the state demographer. The other six members must be broadly representative of the rest of the Asian-Pacific population, with no more than one council member from any one ancestry. For purposes of this clause, ancestry refers to heritage that is commonly accepted in Minnesota as a unique population.

(c) Four legislators are voting members of each council. The speaker of the house and the house minority leader shall each appoint one member to each council. The Subcommittee on Committees of the senate Committee on Rules and Administration shall appoint one member of the majority caucus and one member of the minority caucus to each council.

(d) The governor may appoint a commissioner of a state agency or a designee of that commissioner to serve as an ex-officio, nonvoting member of a council.

Subd. 3. **Appointments; terms; removal.** (a) In making appointments to a council, the governor shall consider an appointee's proven dedication and commitment to the council's community and any expertise possessed by the appointee that might be beneficial to the council, such as experience in public policy, legal affairs, social work, business, or management. The executive director of a council and legislative members may offer advice to the governor on applicants seeking appointment.

(b) Terms, compensation, and filling of vacancies for members appointed by the governor are as provided in section 15.059. Removal of members appointed by the governor is governed by section 15.059, except that: (1) a member who missed more than half of the council meetings convened during a 12-month period automatically is removed from the council; and (2) a member appointed by the governor may be removed by a vote of three of the four legislative members of the council. The chair of a council shall inform the governor of the need for the governor to fill a vacancy on the council. Legislative members serve at the pleasure of their appointing authority.

(c) A member appointed by the governor may serve no more than a total of eight years on a council. A legislator may serve no more than eight consecutive years or 12 nonconsecutive years on any one council.

3.1 Subd. 4. **Training; executive committee; meetings; support.** (a) A member  
3.2 appointed by the governor must attend orientation training within the first six months of  
3.3 service for each term. The commissioner of administration must arrange for the training  
3.4 to include but not be limited to the legislative process, government data practices, open  
3.5 meeting law, Robert's Rules of Order, fiscal management, and human resources. The  
3.6 governor must remove a member who does not complete the training.

3.7 (b) Each council shall annually elect from among the members appointed by the  
3.8 governor a chair and other officers it deems necessary. These officers and one legislative  
3.9 member selected by the council shall serve as the executive committee of the council.

3.10 (c) A majority of voting members of a council constitutes a quorum. A quorum is  
3.11 required to conduct council business. A council member may not vote on any action if the  
3.12 member has a conflict of interest under section 10A.07.

3.13 (d) Each council shall receive administrative support from the commissioner of  
3.14 administration under section 16B.371.

3.15 Subd. 5. **Executive director; staff.** (a) The Legislative Coordinating Commission  
3.16 must appoint an executive director for each council. The executive director must be  
3.17 experienced in administrative activities and familiar with the challenges and needs of  
3.18 the ethnic council's larger community. The executive director serves in the unclassified  
3.19 service at the pleasure of the Legislative Coordinating Commission.

3.20 (b) The Legislative Coordinating Commission must establish a process for recruiting  
3.21 and selecting applicants for the executive director positions. This process must include  
3.22 consultation with the executive committee of the applicable council.

3.23 (c) The executive director must collaboratively lead the council in fulfilling its  
3.24 duties. The executive director must consult with the commissioners of administration and  
3.25 management and budget to ensure appropriate financial, purchasing, human resources, and  
3.26 other services for operation of the council. The executive director must appoint other staff  
3.27 necessary to carry out the duties of the council.

3.28 Subd. 6. **Duties.** (a) A council shall advise the governor and the legislature on  
3.29 issues confronting the constituency of the council. This includes, but is not limited to,  
3.30 presenting the results of surveys, studies, and community forums to the appropriate  
3.31 executive departments and legislative committees.

3.32 (b) A council shall advise the governor and the legislature of administrative  
3.33 and legislative changes needed to improve the economic and social condition of the  
3.34 constituency of the council. This includes but is not limited to working with legislators to  
3.35 develop politically feasible legislation to address these issues and to work for passage of  
3.36 the legislation.

4.1 (c) A council shall advise the governor and the legislature of the implications and  
4.2 effect of proposed administrative and legislative changes on the constituency of the  
4.3 council. This includes but is not limited to tracking legislation, testifying as appropriate,  
4.4 and meeting with executive departments and legislators.

4.5 (d) A council shall serve as a liaison between state government and organizations that  
4.6 serve the constituency of the council. This includes but is not limited to working with these  
4.7 organizations to carry out the duties in paragraphs (a), (b), and (c), and working with these  
4.8 organizations to develop informational programs or publications to involve and empower  
4.9 the constituency in seeking improvement in their economic and social conditions.

4.10 (e) A council shall perform or contract for the performance of studies designed  
4.11 to suggest solutions to the problems of the constituency of the council in the areas of  
4.12 education, employment, human rights, health, housing, social welfare, and other related  
4.13 areas.

4.14 (f) In carrying out duties under this subdivision, councils may act to advise on issues  
4.15 that affect the shared constituencies of more than one council.

4.16 Subd. 7. **Powers.** The Legislative Coordinating Commission may, upon request,  
4.17 enter into a contract on behalf of a council. The Legislative Coordinating Commission  
4.18 may accept gifts, grants, and funds on behalf of a council, and these gifts, grants, and  
4.19 funds are appropriated to the Legislative Coordinating Commission for purposes of the  
4.20 applicable council.

4.21 Subd. 8. **Reports.** A council must report on the measurable outcomes achieved  
4.22 in the council's current strategic plan along with the specific objectives and outcome  
4.23 measures proposed for the following year. The council must submit the report by January  
4.24 15 each year to the chairs of the committees in the house of representatives and the senate  
4.25 with primary jurisdiction over state government operations. Each report must cover the  
4.26 calendar year of the year before the report is submitted. By February 1 each year, a  
4.27 council must request the chairs of the committees in the house of representatives and the  
4.28 senate with primary jurisdiction over state government operations to appear before the  
4.29 committees to present the annual report. The specific objectives and outcome measures  
4.30 for the following current year must focus on three or four achievable objectives, action  
4.31 steps, and measurable outcomes for which the council will be held accountable. The  
4.32 strategic plan may include other items that support the purposes of the council but should  
4.33 not distract from the primary proposals presented. The funding request of each council,  
4.34 after approval by the Legislative Coordinating Commission, must also be presented by  
4.35 February 1 in each odd-numbered year.

5.1       Sec. 2. **TRANSITION.**

5.2           (a) Members of a council on the effective date of section 1 continue to serve on the  
5.3 council until the end of their current term. However, if a member of a council has served  
5.4 eight years or more on the council at any time before December 31, 2015, the term of that  
5.5 member expires December 31, 2015. If a council has more members on the effective date  
5.6 of this section than is provided for by section 1, positions on the council shall not be filled  
5.7 until the expiration of a term results in fewer members on the council than provided for in  
5.8 section 1. Membership qualifications newly specified in section 1 must be complied with  
5.9 as soon as possible when terms of current members expire.

5.10          (b) The Legislative Coordinating Commission must appoint an executive director  
5.11 for each council no later than November 15, 2015. An incumbent executive director of a  
5.12 council may apply to be appointed by the Legislative Coordinating Commission but, if  
5.13 not selected, the employment of the incumbent ends when the Legislative Coordinating  
5.14 Commission appoints a new executive director. Other council staff are transferred to  
5.15 employment with the reformulated councils specified in section 1.

5.16       Sec. 3. **REVISOR INSTRUCTION.**

5.17          In the next and subsequent editions of Minnesota Statutes, the revisor of statutes  
5.18 shall substitute the names of councils as follows in each place where the names occur:

5.19          (1) Minnesota African Heritage Council, in place of Council on Black Minnesotans;  
5.20 and

5.21          (2) Minnesota Council on Latino Affairs, in place of Council on Affairs of  
5.22 Chicano/Latino People.

5.23       Sec. 4. **REVISOR'S INSTRUCTION.**

5.24          The revisor of statutes shall change cross-references to the repealed sections in  
5.25 section 5 with section 15.0145 and make changes necessary to correct punctuation,  
5.26 grammar, or sentence structure.

5.27       Sec. 5. **REPEALER.**

5.28          Minnesota Statutes 2014, sections 3.9223; 3.9225; and 3.9226, are repealed.

5.29       Sec. 6. **EFFECTIVE DATE.**

5.30          Sections 1 to 5 are effective July 1, 2015. Authority of the Legislative Coordinating  
5.31 Commission to appoint executive directors under Minnesota Statutes, section 15.0145,  
5.32 subdivision 5, is effective the day following final enactment.

**3.9223 COUNCIL ON AFFAIRS OF CHICANO/LATINO PEOPLE.**

Subdivision 1. **Membership.** The state Council on Affairs of Chicano/Latino People consists of 11 members appointed by the governor, including eight members representing each of the state's congressional districts and three members appointed at large. The demographic composition of the council members must accurately reflect the demographic composition of Minnesota's Chicano/Latino community, including migrant workers, as determined by the state demographer. Membership, terms, compensation, removal of members, and filling of vacancies are as provided in section 15.0575. Because the council performs functions that are not purely advisory, the council is not subject to the expiration date in section 15.059. Two members of the house of representatives appointed by the speaker and two members of the senate appointed by the Subcommittee on Committees of the Committee on Rules and Administration shall serve as nonvoting members of the council. The council shall annually elect from its membership a chair and other officers it deems necessary.

Subd. 2. **Chicano/Latino people.** For purposes of subdivisions 3 to 7, the term "Chicano/Latino person" means a person who was born in, or whose ancestors are from, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Peru, Panama, Paraguay, Puerto Rico, Uruguay, or Venezuela.

Subd. 3. **Duties.** The council shall:

(1) advise the governor and the legislature on the nature of the issues confronting Chicano/Latino people in this state, including the unique problems encountered by Chicano/Latino migrant agricultural workers;

(2) advise the governor and the legislature on statutes or rules necessary to ensure Chicano/Latino people access to benefits and services provided to people in this state;

(3) recommend to the governor and the legislature legislation to improve the economic and social condition of Chicano/Latino people in this state;

(4) serve as a conduit to state government for organizations of Chicano/Latino people in the state;

(5) serve as a referral agency to assist Chicano/Latino people to secure access to state agencies and programs;

(6) serve as a liaison with the federal government, local government units, and private organizations on matters relating to the Chicano/Latino people of this state;

(7) perform or contract for the performance of studies designed to suggest solutions to problems of Chicano/Latino people in the areas of education, employment, human rights, health, housing, social welfare, and other related programs;

(8) implement programs designed to solve problems of Chicano/Latino people when authorized by other statute, rule, or order; and

(9) publicize the accomplishments of Chicano/Latino people and their contributions to this state.

Subd. 4. **Review and recommendation authority.** All applications for the receipt of federal money and proposed rules of a state agency that will have their primary effect on Chicano/Latino people must be submitted to the council for review and recommendation at least 15 days before submission to a federal agency or initial publication in the State Register.

Subd. 5. **Powers.** The council may contract in its own name. Contracts must be approved by a majority of the members of the council and executed by the chair and the executive director. The council may apply for, receive, and expend in its own name grants and gifts of money consistent with the power and duties specified in this section.

The council shall appoint an executive director who is experienced in administrative activities and familiar with the problems and needs of Chicano/Latino people. The council may delegate to the executive director powers and duties under this section that do not require council approval. The executive director and council staff serve in the unclassified service. The executive director may be removed at any time by a majority vote of the entire council. The executive director shall recommend to the council the appropriate staffing necessary to carry out its duties. The commissioner of administration shall provide the council with necessary administrative services.

Subd. 6. **State agency assistance.** Other state agencies shall supply the council upon request with advisory staff services on matters relating to the jurisdiction of the council. The council shall cooperate and coordinate its activities with other state agencies to the highest possible degree.

Subd. 7. **Report.** The council shall prepare and submit a report to the governor and legislature by November 15 of each year. The report shall summarize the activities of the

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council since its last report, list receipts and expenditures, identify the major problems and issues confronting Chicano/Latino people, make recommendations to address issues, and list the specific objectives that the council seeks to attain during the next biennium. The council shall report on outcome measures.

#### **3.9225 COUNCIL ON BLACK MINNESOTANS.**

Subdivision 1. **Creation.** A state Council on Black Minnesotans consists of 13 members appointed by the governor. The members of the council must be broadly representative of the Black community of the state and include at least five males and at least five females. One member of the council must be a person whose ethnic heritage is from West Africa, and one member of the council must be a person whose ethnic heritage is from East Africa. Membership terms, compensation, removal of members, and filling of vacancies for nonlegislative members are as provided in section 15.0575. Because the council performs functions that are not purely advisory, the council is not subject to the expiration date in section 15.059. Two members of the house of representatives appointed by the speaker and two members of the senate appointed by the Subcommittee on Committees of the Committee on Rules and Administration shall serve as nonvoting members of the council. The council shall annually elect from its membership a chair and other officers it deems necessary.

Subd. 2. **Definitions.** For the purpose of this section:

(1) "Black" describes persons who consider themselves as having origin in any of the Black racial groups of Africa;

(2) "East Africa" means the eastern region of the continent of Africa, comprising areas occupied by the countries of Burundi, Kenya, Rwanda, Tanzania, Uganda, and Somalia; and

(3) "West Africa" means the western region of the continent of Africa comprising areas occupied by the countries of Mauritania, Senegal, The Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Cote d'Ivoire, Ghana, Togo, Benin, Nigeria, Burkina Faso, and those parts of Mali and Niger south of the Sahara.

Subd. 3. **Duties.** The council shall:

(a) advise the governor and the legislature on the nature of the issues confronting Black people in this state;

(b) advise the governor and the legislature on statutes or rules necessary to ensure that Black people have access to benefits and services provided to people in this state;

(c) recommend to the governor and the legislature any revisions in the state's affirmative action program and other steps that are necessary to eliminate underutilization of Blacks in the state's work force;

(d) recommend to the governor and the legislature legislation to improve the economic and social condition of Black people in this state;

(e) serve as a conduit to state government for organizations of Black people in the state;

(f) serve as a referral agency to assist Black people to secure access to state agencies and programs;

(g) serve as a liaison with the federal government, local government units, and private organizations on matters relating to the Black people of this state;

(h) perform or contract for the performance of studies designed to suggest solutions to problems of Black people in the areas of education, employment, human rights, health, housing, social welfare, and other related areas;

(i) implement programs designed to solve problems of Black people when authorized by other statute, rule, or order;

(j) review data provided by the commissioner of human services under section 260C.215, subdivision 5, and present recommendations on the out-of-home placement of Black children. Recommendations must be presented to the commissioner and the legislature by February 1, 1990; November 1, 1990; and November 1 of each year thereafter; and

(k) publicize the accomplishments of Black people and their contributions to this state.

Subd. 4. **Review of grant applications.** All applications by a state department or agency for the receipt of federal funds which will have their primary effect on Black Minnesotans shall be submitted to the council for review and recommendation at least 30 days before submission to a federal agency.

Subd. 5. **Powers.** (a) The council may contract in its own name, but no money shall be accepted or received as a loan nor indebtedness incurred except as otherwise provided by law. Contracts shall be approved by a majority of the members of the council and executed by the chair and the executive director. The council may apply for, receive, and expend in its own name grants and gifts of money consistent with the power and duties specified in subdivisions 1 to 7.

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(b) The council may solicit and accept payments for advertising, use of exhibition space, or commemorative videos or other items in connection with publications, events, media productions, and informational programs that are sponsored by the council. These revenues must be deposited in an account in the special revenue fund and are appropriated to the council to defray costs of publications, events, media productions, or informational programs consistent with the powers and duties specified in subdivisions 1 to 7. The council may not publish advertising or provide exhibition space for any elected official or candidate for elective office. The council must report by January 15 each year to the chairs and ranking minority members of the house of representatives and senate funding divisions with jurisdiction over the council on the amount and source of each payment received under this paragraph in the prior fiscal year.

(c) The council shall appoint an executive director who is experienced in administrative activities and familiar with the problems and needs of Black people. The council may delegate to the executive director powers and duties under subdivisions 1 to 7 which do not require council approval. The executive director serves in the unclassified service and may be removed at any time by the council. The executive director shall recommend to the council, and the council may appoint the appropriate staff necessary to carry out its duties. Staff members serve in the unclassified service. The commissioner of administration shall provide the council with necessary administrative services.

Subd. 6. **State agency assistance.** Other state agencies shall supply the council upon request with advisory staff services on matters relating to the jurisdiction of the council. The council shall cooperate and coordinate its activities with other state agencies to the highest possible degree.

Subd. 7. **Report.** The council shall prepare and submit a report to the governor and legislature by November 15 of each year. The report shall summarize the activities of the council since its last report, list receipts and expenditures, identify the major problems and issues confronting Black people, make recommendations to address issues, and list the specific objectives which the council seeks to attain during the next biennium. The council shall report on outcome measures.

### **3.9226 COUNCIL ON ASIAN-PACIFIC MINNESOTANS.**

Subdivision 1. **Membership.** The state Council on Asian-Pacific Minnesotans consists of 23 members. Nineteen members are appointed by the governor and must be broadly representative of the Asian-Pacific community of the state. Each Asian-Pacific ethnic community from the area described in subdivision 2 may be represented by no more than one council member. In making appointments, the governor shall consider an appointee's proven dedication and commitment to the Asian-Pacific community and any special skills possessed by the appointee that might be beneficial to the council, including at a minimum experience in public policy, legal affairs, social work, business, management, or economics. Terms, compensation, and filling of vacancies for appointed members are as provided in section 15.0575. Because the council performs functions that are not purely advisory, the council is not subject to the expiration date in section 15.059. Two members of the house of representatives appointed under the rules of the house of representatives and two members of the senate appointed under the rules of the senate shall serve as nonvoting members of the council. In making legislative appointments, the speaker of the house and the Subcommittee on Committees of the Committee on Rules and Administration of the senate shall consult with the council in an effort to select appointees knowledgeable and interested in the affairs of the Asian-Pacific community. The council shall annually elect from its membership a chair and other officers it deems necessary. The council shall encourage Asian-Pacific ethnic communities and organizations to designate persons to serve as liaisons with the council. Liaisons may participate in council meetings, but may not vote, and may serve on council committees.

The council shall adopt rules to implement designation of Asian-Pacific ethnic communities to be represented with seats on the council.

Subd. 2. **Definition.** For the purpose of this section, the term Asian-Pacific means a person whose ethnic heritage is from any of the countries in Asia east of, and including, Afghanistan, or the Pacific Islands.

Subd. 3. **Duties.** The council shall:

(1) advise the governor and the legislature on issues confronting Asian-Pacific people in this state, including the unique problems of non-English-speaking immigrants and refugees;

(2) advise the governor and the legislature of administrative and legislative changes necessary to ensure that Asian-Pacific people have access to benefits and services provided to people in this state;



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(3) recommend to the governor and the legislature any revisions in the state's affirmative action program and other steps that are necessary to eliminate underutilization of Asian-Pacific people in the state's work force;

(4) recommend to the governor and the legislature legislation to improve the economic and social condition of Asian-Pacific people in this state;

(5) serve as a conduit to state government for organizations of Asian-Pacific people in the state;

(6) serve as a referral agency to assist Asian-Pacific people to secure access to state agencies and programs;

(7) serve as a liaison with the federal government, local government units, and private organizations on matters relating to the Asian-Pacific people of this state;

(8) perform or contract for the performance of studies designed to suggest solutions to the problems of Asian-Pacific people in the areas of education, employment, human rights, health, housing, social welfare, and other related areas;

(9) implement programs designed to solve the problems of Asian-Pacific people when authorized by other law;

(10) publicize the accomplishments of Asian-Pacific people and their contributions to this state;

(11) work with other state and federal agencies and organizations to develop small business opportunities and promote economic development for Asian-Pacific Minnesotans;

(12) supervise development of an Asian-Pacific trade primer, outlining Asian and Pacific customs, cultural traditions, and business practices, including language usage, for use by Minnesota's export community;

(13) cooperate with other state and federal agencies and organizations to develop improved state trade relations with Asian and Pacific countries; and

(14) assist recent immigrants in adaptation into the culture and promote the study of English as a second language.

Subd. 4. **Review of grant applications and budget requests.** State departments and agencies shall consult with the council concerning any application for federal money that will have its primary effect on Asian-Pacific Minnesotans before development of the application. The council shall advise the governor and the commissioner of management and budget concerning any state agency request that will have its primary effect on Asian-Pacific Minnesotans.

Subd. 5. **Powers.** (a) The council may contract in its own name but may not accept or receive a loan or incur indebtedness except as otherwise provided by law. Contracts must be approved by a majority of the members of the council and executed by the chair and the executive director. The council may apply for, receive, and expend in its own name grants and gifts of money consistent with the powers and duties specified in this section.

(b) The council shall appoint an executive director who is experienced in administrative activities and familiar with the problems and needs of Asian-Pacific people. The council may delegate to the executive director powers and duties under this section that do not require council approval. The executive director serves in the unclassified service and may be removed at any time by the council. The executive director shall appoint the appropriate staff necessary to carry out the duties of the council. All staff members serve in the unclassified service. The commissioner of administration shall provide the council with necessary administrative services.

Subd. 6. **State agency assistance.** At its request, state agencies shall supply the council with advisory staff services on matters relating to its jurisdiction. The council shall cooperate and coordinate its activities with other state agencies to the highest possible degree.

Subd. 7. **Report.** The council shall prepare and submit a report to the governor and legislature by November 15 of each year. The report shall summarize the activities of the council since its last report, list receipts and expenditures, identify the major problems and issues confronting Asian-Pacific people, make recommendations to address issues, and list the specific objectives that the council seeks to attain during the next biennium. The council shall report on outcome measures.