

**ARTICLE 6**  
**LIMITATIONS**

Nothing in this compact shall:

1. authorize or permit National Guard units or personnel to be placed under the operational control of any person not having the National Guard rank or status required by law for the command in question; or

2. deprive a properly convened court of jurisdiction over an offense or a defendant merely because of the fact that the National Guard, while performing duties pursuant to this compact, was utilized in achieving an arrest or indictment.

**ARTICLE 7**  
**CONSTRUCTION AND SEVERABILITY**

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of the United States or of any state or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

Presented to the governor May 14, 1993

Signed by the governor May 17, 1993, 3:09 p.m.

**CHAPTER 238—S.F.No. 34**

*An act relating to student exchange programs; regulating student exchange programs; imposing a penalty; appropriating money; amending Minnesota Statutes 1992, section 299C.61, subdivision 5; proposing coding for new law as Minnesota Statutes, chapter 5A.*

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

Section 1. **[5A.01] DEFINITIONS.**

Subdivision 1. SCOPE. The definitions in this section apply to this chapter.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. INTERNATIONAL STUDENT EXCHANGE VISITOR PLACE-  
MENT ORGANIZATION; ORGANIZATION. "International student exchange  
visitor placement organization" or "organization" means a person, partnership,  
corporation, or other entity that regularly arranges the placement of interna-  
tional student exchange visitors for the purpose, in whole or in part, of allowing  
the student an opportunity to attend school in the United States.

Subd. 3. INTERNATIONAL STUDENT EXCHANGE VISITOR; STU-  
DENT. "International student exchange visitor" or "student" means a person 18  
years of age or under, or up to age 21 if enrolled or to be enrolled in high school  
in this state, placed by an international student exchange visitor placement orga-  
nization, who enters the United States with a nonimmigrant visa.

**Sec. 2. [5A.02] ORGANIZATION REGISTRATION.**

(a) All international student exchange visitor placement organizations that  
place students in schools in the state shall register with the secretary of state.

(b) Information provided to the secretary of state under this chapter is a  
public record.

(c) Registration must not be considered or be represented as an endorse-  
ment of the organization by the secretary of state or the state of Minnesota.

**Sec. 3. [5A.03] ORGANIZATION APPLICATION FOR REGISTRA-  
TION.**

(a) An application for registration as an international student exchange visi-  
tor placement organization must be submitted in the form prescribed by the sec-  
retary of state. The application must include:

(1) evidence that the organization meets the standards established by the  
secretary of state by rule;

(2) the name, address, and telephone number of the organization, its chief  
executive officer, and the person within the organization who has primary  
responsibility for supervising placements within the state;

(3) the organization's unified business identification number, if any;

(4) the organization's United States Information Agency number, if any;

(5) evidence of Council on Standards for International Educational Travel  
listing, if any;

(6) whether the organization is exempt from federal income tax; and

(7) a list of the organization's placements in Minnesota for the previous aca-  
demic year including the number of students placed, their home countries, the  
school districts in which they were placed, and the length of their placements.

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(b) The application must be signed by the chief executive officer of the organization and the person within the organization who has primary responsibility for supervising placements within Minnesota. If the secretary of state determines that the application is complete, the secretary of state shall file the application and the applicant is registered.

(c) Organizations that have registered shall inform the secretary of state of any changes in the information required under paragraph (a), clause (1), within 30 days of the change.

(d) Registration under this chapter is valid for one year. The registration may be renewed annually.

#### Sec. 4. [5A.04] RULES.

(a) The secretary of state shall adopt by rule standards for international student exchange visitor placement organizations. In adopting the rules, the secretary of state may adopt standards established by the United States Information Agency and the Council on Standards for International Educational Travel. The secretary of state may incorporate standards established by the United States Information Agency or the Council on Standards for International Educational Travel by reference and may accept an organization's designation by the United States Information Agency or acceptance for listing by the Council on Standards for International Educational Travel as evidence of compliance with the standards.

(b) The secretary of state may adopt rules as necessary to carry out its duties under this chapter. The rules may provide for a reasonable registration fee not to exceed \$150 for each initial registration and \$50 for each annual renewal to defray the costs of processing registrations. Fees collected by the secretary of state under this provision shall be deposited in the state treasury and credited to the general fund and are added to the appropriation from which registration costs are paid.

(c) The secretary of state must require that an international student exchange visitor placement organization's application form for participation as a host family include a signed document complying with section 299C.62, subdivision 2, that gives the organization permission to conduct a background check on members of the host family. Sections 299C.60 to 299C.64 apply to the background check, except that for purposes of this section the term "background check crime" includes any felony.

#### Sec. 5. [5A.05] INFORMATIONAL DOCUMENT.

International student exchange organizations that have agreed to provide services to place students in the state shall provide an informational document in English, to each student, host family, and superintendent of the school district in which the student is being placed. The document must be provided before placement and must include the following:

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(1) an explanation of the services to be performed by the organization for the student, host family, and school district;

(2) a summary of this chapter prepared by the secretary of state; and

(3) telephone numbers that the student, host family, and school district may call for assistance. The telephone numbers shall include, at minimum, an in-state telephone number for the organization, and the telephone numbers of the organization's national headquarters, if any, the United States Information Agency, and the office of the secretary of state.

#### Sec. 6. [5A.06] COMPLAINTS.

The secretary of state may, upon receipt of a complaint regarding an international student exchange organization, report the matter to the organization involved, the United States Information Agency, or the Council on Standards for International Educational Travel, as the secretary of state considers appropriate.

#### Sec. 7. [5A.07] VIOLATIONS; MISDEMEANOR.

A person who fails to register as required by this chapter or who willfully and knowingly gives false or incorrect information to the secretary of state in filing statements required by this chapter, whether or not the statement or report is verified, is guilty of a misdemeanor.

Sec. 8. Minnesota Statutes 1992, section 299C.61, subdivision 5, is amended to read:

Subd. 5. **CHILDREN'S SERVICE PROVIDER.** "Children's service provider" means a business or organization, whether public, private, for profit, non-profit, or voluntary, that provides children's services, including a business or organization that licenses or certifies others to provide children's services. "Children's service provider" includes an international student exchange visitor placement organization under chapter 5A.

#### Sec. 9. EFFECTIVE DATE.

Sections 1 to 3, 5, 6, and 8, are effective January 1, 1994. Section 4 is effective the day following final enactment. Section 7 is effective January 1, 1994, and applies to crimes committed on or after that date.

Presented to the governor May 14, 1993

Signed by the governor May 17, 1993, 3:07 p.m.

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