

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 1419

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|------------|------|--|
| 03/05/2015 | 571 | Introduction and first reading Referred to State and Local Government |
| 03/09/2015 | 617 | Author added Hawj |
| 04/14/2015 | 1550 | Author added Saxhaug See SF888, Art. 2, Sec. 5, 86, 87, Sub. 3, 88(a) |

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

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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

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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,

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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

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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:

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(1) the Minnesota Council on Latino Affairs must include one member representing

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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.

APPENDIX

Repealed Minnesota Statutes: 15-3250

No active language found for: 3.9223No active language found for: 3.9225No active language found for: 3.9226