

Rights Act of one remedy while preserving another remedy. A party with a charge pending in the human rights department on the effective date of Laws 1978, chapter 793, section 74 could have elected either to continue the charge for investigation by the department or, as expressly stated in Laws 1978, chapter 793, section 74, could have withdrawn the charge and filed a civil action in district court within 90 days of the withdrawal. Therefore, notwithstanding that any party's charge was filed prior to the effective date of Laws 1978, chapter 793, section 74, a party who after the effective date of the 1978 act, withdrew a charge from the department and complied with the time limits of the 1978 act for filing an action in district court, may maintain the action. The state may not raise the defense of res judicata in connection with any such action commenced before the effective date of this section.

Sec. 13. **EFFECTIVE DATE.**

Sections 1 to 12 are effective the day following final enactment.

Approved June 6, 1983

CHAPTER 277 — S.F.No. 616

An act relating to the council for the handicapped; providing for appointment of members to the council; decreasing the number of council members; making the council permanent; clarifying the purposes of committees within the council; describing duties; amending Minnesota Statutes 1982, sections 256.481; and 256.482; repealing Minnesota Statutes 1982, section 256.483.

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

Section 1. Minnesota Statutes 1982, section 256.481, is amended to read:

256.481 HANDICAPPED PERSON; DEFINITION.

For the purposes of sections 256.481 to ~~256.483~~ 256.482 "handicapped person" means ~~one who, because of a substantial physical, mental or emotional disability or dysfunction requires special services in order to enjoy the benefits of our society any person who:~~

- (a) has a physical, mental, or emotional impairment which substantially limits one or more major life activities;
- (b) has a record of such an impairment; or
- (c) is regarded as having such an impairment.

Sec. 2. Minnesota Statutes 1982, section 256.482, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

256.482 COUNCIL FOR THE HANDICAPPED.

Subdivision 1. **ESTABLISHMENT; MEMBERS.** There is hereby established the council for the handicapped which shall consist of ~~30~~ 21 members appointed by the governor. At least fifteen council members shall be handicapped persons or parents or guardians of handicapped persons. Twenty members shall be appointed from the general public, and ten shall be appointed from organizations which provide services for the handicapped. Members shall be appointed from the general public and from organizations which provide services for handicapped persons. A majority of council members shall be handicapped persons or parents or guardians of handicapped persons. There shall be at least one member of the council appointed from each of the state development regions. The commissioners of the departments of education, public welfare and, health, economic security, and the state commissioner of health, human rights and the directors of the division of vocational rehabilitation and state services for the blind or their designees shall serve as ex officio, without a vote, on the council, or shall designate a representative to the council members of the council without vote. In addition, there shall may be ex officio representation, without vote, from the programs serving mentally retarded persons and from the programs serving blind persons in the department of public welfare and members from other programs bureaus, divisions, or sections of state departments which are directly concerned with the provision of services for to handicapped persons. There shall be at least one member of the council appointed from each of the state development regions.

The terms of members serving as of December 31, 1983, shall expire on that date. Thereafter, notwithstanding the provisions of section 15.059, each member of the council appointed by the governor shall serve a three-year term and until his or her successor is appointed and qualified, provided that of the members initially appointed to serve starting in 1984, one-third shall be appointed for one year, one-third for two years, and one-third for three years as designated by the governor. The compensation and removal of all members shall be as provided in section 15.059. The governor shall appoint a chairman chair of the council from among the members appointed from the general public or handicapped persons or their parents or guardians. Vacancies shall be filled by the appointing authority for the remainder of the unexpired term. The council shall not expire and the terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.

Subd. 2. **EXECUTIVE DIRECTOR; STAFF.** The council may select an executive director of the council by a vote of a majority of all council members. The executive director shall be in the unclassified service of the state and shall act as secretary to the council and shall perform such other duties as the council may require of him provide administrative support for the council and provide administrative leadership to implement council mandates, policies, and objectives. The council executive director shall approve employment of such

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clerical help and other employees as are necessary, upon the recommendation of the executive director employ and direct staff authorized according to state law and necessary to carry out council mandates, policies, activities, and objectives. Salaries for of the executive director and staff shall be established in the manner prescribed by ~~chapter 15A state law,~~ and the executive director and staff shall be reimbursed for all the actual and necessary expenses incurred as a result of ~~his~~ their council responsibilities.

Subd. 3. **RECEIPT OF FUNDS.** Whenever any person, firm or corporation offers to the council funds by the way of gift, grant or loan, for purposes of assisting the council to carry out its powers and duties, the council may accept such offer by majority vote and upon such acceptance the ~~chairman~~ chair shall receive such funds subject to the terms of the offer, but no money shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

Subd. 4. **ORGANIZATION; COUNCILS AND COMMITTEES.** The council shall organize itself in conformity with its responsibilities under sections 256.481 to ~~256.483~~ 256.482 and shall establish ~~councils and committees~~ which shall give detailed attention to the special needs of each category of handicapped persons. The members of such ~~councils and committees~~ shall be designated by the ~~chairman~~ chair with the approval of a majority of the council and ~~each council or committee shall have members from, and in approximately the same ratio as, the three groups represented on the council.~~ Councils Committees established shall include a council on employment which shall carry out the duties and responsibilities formerly entrusted to the governor's commission on employment of handicapped persons, and a council on children which shall carry out the duties and responsibilities related to handicapped children formerly entrusted to the Minnesota advisory board on handicapped, gifted and exceptional children committee on children which shall study the special needs of handicapped children and a committee on employment which shall study the special employment needs of handicapped persons. The council shall serve as liaison in Minnesota for the president's committee on employment of the handicapped and for any other organization for which it is so designated by the governor or state legislature.

Subd. 5. **DUTIES AND POWERS.** The council shall have the following duties and powers:

(1) to advise and otherwise aid the governor; appropriate state agencies, including but not limited to the departments of education, public welfare, economic security, human rights, and the divisions of vocational rehabilitation and services for the blind; the state legislature; and the public on matters pertaining to public policy and the administration of programs, services and facilities for handicapped persons in Minnesota;

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(2) to encourage and assist in the development of coordinated, interdepartmental goals and objectives and the coordination of programs, services and facilities among all state departments and private providers of service as they relate to handicapped persons;

(3) to serve as a source of information to the public regarding all services, programs and legislation pertaining to handicapped persons;

(4) to review and make comment to the governor, state agencies, the legislature, and the public concerning adequacy of state programs, plans and budgets for services to handicapped persons and for funding under the various federal grant programs;

(5) to research, formulate and advocate plans, programs and policies which will serve the needs of handicapped persons;

(6) to advise the ~~department~~ departments of labor and industry and the ~~state board of education~~ economic security on the administration and improvement of the workers' compensation law as the law relates to programs, facilities and personnel providing assistance to injured and handicapped workers;

(7) to advise the workers' compensation division of the department of labor and industry and the workers' compensation court of appeals as to the necessity and extent of any alteration or remodeling of an existing residence or the building or purchase of a new or different residence which is proposed by a licensed architect under section 176.137.

Sec. 3. REPEALER.

Minnesota Statutes 1982, section 256.483, is repealed.

Sec. 4. EFFECTIVE DATE.

This act is effective the day following final enactment.

Approved June 6, 1983

CHAPTER 278 — S.F.No. 723

An act relating to public welfare; providing guidelines for considering race and ethnic origin in foster care and adoption placement; requiring recruitment, periodic review, reporting, and recordkeeping; providing for a voluntary task force; amending Minnesota Statutes 1982, sections 257.01; 257.071, subdivision 2, and by adding subdivisions; 259.27, subdivisions 1 and 2; 259.28; 260.181, subdivision 3; 260.191, subdivision 1; 260.192; and 260.242, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 257 and 259.

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