

major political party shall appear on the ballot in the position designated for the first party filing a nominating petition with the filing officer. The name of each political party nominating the candidate shall appear on the ballot with the candidate's name.

Sec. 9. **REPEALER.**

Minnesota Statutes 1994, section 204D.10, subdivision 2, is repealed.

Sec. 10. **EFFECTIVE DATE.**

This act is effective for the state primary election in 1996 and thereafter.

The amendments made by this act are suspended during any time that the decision of the eighth circuit court of appeals in Twin Cities Area New Party v. McKenna, No. 94-3417MN, is stayed or the mandate of the court is recalled. If the McKenna decision is reversed, the amendments made by this act expire and the prior law is revived. The purpose of this paragraph is to provide an orderly procedure for complying with the McKenna decision while retaining the prior law prohibiting simultaneous nominations to the extent permitted by the United States Constitution.

Presented to the governor March 30, 1996

Signed by the governor April 2, 1996, 3:15 p.m.

## CHAPTER 420—S.F.No. 1902

*An act relating to the council on affairs of Spanish-speaking people, the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, and the Indian affairs council; changing the name of the council on affairs of Spanish-speaking people; changing the composition and certain powers of the councils on affairs of Spanish-speaking people and Asian-Pacific Minnesotans; providing for appointments; changing statutory references; eliminating an expiration date; amending Minnesota Statutes 1994, sections 3.922, subdivisions 3 and 8; 3.9223; 3.9225, subdivision 1; and 3.9226, subdivisions 1, 2, 3, and 5.*

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

Section 1. Minnesota Statutes 1994, section 3.922, subdivision 3, is amended to read:

Subd. 3. **COMPENSATION; EXPENSES; EXPIRATION.** Compensation of nonlegislature members is as provided in section 15.059, but, because the council performs functions that are not purely advisory, the expiration dates provided in that section do not apply. Expenses of the council shall must be approved by two of any three members of the council designated by the council and then be paid in the same manner as other state expenses. The executive secretary shall inform the commissioner of finance in writing of the names of the persons authorized to approve expenses.

Sec. 2. Minnesota Statutes 1994, section 3.922, subdivision 8, is amended to read:

Subd. 8. **ADVISORY COUNCIL.** An advisory council on urban Indians is created to shall advise the board on the unique problems and concerns of Minnesota Indians who

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reside in urban areas of the state. The council ~~shall~~ must be appointed by the board and consist of five Indians residing in the vicinity of Minneapolis, St. Paul, and Duluth. At least one member of the council ~~shall~~ must be a resident of each city. The terms, compensation, and removal of members are as provided in section 15.059, but the expiration dates provided in that section do not apply.

Sec. 3. Minnesota Statutes 1994, section 3.9223, is amended to read:

**3.9223 COUNCIL ON AFFAIRS OF SPANISH-SPEAKING CHICANO/LATINO PEOPLE.**

Subdivision 1. **MEMBERSHIP.** A The state council on affairs of Spanish-speaking Chicano/Latino people is created to ~~consist~~ consists of seven 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 shall must accurately reflect the demographic composition of Minnesota's Spanish-speaking 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. Compensation of members is as provided in section 15.059, subdivision 3. 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. **SPANISH-SPEAKING CHICANO/LATINO PEOPLE.** For purposes of subdivisions 3 to 7, the term "Spanish-speaking Chicano/Latino person" means a person who uses Spanish as a primary method of communication or who is a spouse of a person who does 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:

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

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

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

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

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

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

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

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

(i) ~~review data provided by the commissioner of human services under section 257.072, subdivision 5, and present recommendations on the out-of-home placement of children of Hispanic people. 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~~

(j) ~~(9)~~ publicize the accomplishments of Spanish-speaking 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 ~~which that~~ will have their primary effect on Spanish-speaking Chicano/Latino people ~~shall 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 ~~shall 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, ~~subject to the approval of the governor,~~ an executive director who is experienced in administrative activities and familiar with the problems and needs of Spanish-speaking Chicano/Latino people. The council may delegate to the executive director powers and duties under this section ~~which 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 distribute a report to the governor and legislature by November 15 of each even-numbered 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 Spanish-speaking Chicano/Latino people, and list the specific objectives ~~which that~~ the council seeks to attain during the next biennium.

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Sec. 4. Minnesota Statutes 1994, section 3.9225, subdivision 1, is amended to read:

Subdivision 1. **CREATION.** A state council on Black Minnesotans consists of 11 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. Membership terms, compensation, removal of members, and filling of vacancies for nonlegislative members are as provided in section ~~15.059~~ 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.

Sec. 5. Minnesota Statutes 1994, section 3.9226, subdivision 1, is amended to read:

Subdivision 1. **CREATION MEMBERSHIP.** The state council on Asian-Pacific Minnesotans consists of ~~15~~ 23 members. ~~Eleven~~ Nineteen members are appointed by the governor and must be broadly representative of the Asian-Pacific community of the state. ~~The governor shall appoint two additional members in 1992, one each representing the communities of people from Malaysia and Sri Lanka, and six more additional members in 1993, one each representing the communities of people from Afghanistan, Bangladesh, Myanmar, Pakistan, Singapore, and Tibet, so that after 1993 the council consists of 23 members with 19 appointed by the governor.~~ 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, removal, and filling of vacancies for appointed members are as provided in section ~~15.059~~ 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 of representatives 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.

Sec. 6. Minnesota Statutes 1994, section 3.9226, subdivision 2, is amended to read:

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.

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Sec. 7. Minnesota Statutes 1994, section 3.9226, subdivision 3, is amended to read:

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;

(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) review data provided by the commissioner of human services under section 257.072, subdivision 5, and present recommendations on the out-of-home placement of Asian-Pacific 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 assist recent immigrants in adaptation into the culture and promote the study of English as a second language.

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Sec. 8. Minnesota Statutes 1994, section 3.9226, subdivision 5, is amended to read:

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 recommend to the council, and the council may 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.

**Sec. 9. EFFECTIVE DATE.**

Sections 1 to 8 are effective the day following final enactment.

Presented to the governor March 30, 1996

Signed by the governor April 2, 1996, 12:50 p.m.

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**CHAPTER 421—S.F.No. 2123**

*An act relating to children; clarifying the procedures peace officers must follow when deciding where to place a child placed on a health and welfare hold; requiring certain notices; clarifying the duties of related persons receiving a child on a 72-hour health and welfare hold; clarifying the reporting procedures and requirements for the placing officer to notify the county agency and the court; changing certain emergency licensing procedures; authorizing certain petitions and appearances; specifying review in certain cases; amending Minnesota Statutes 1994, sections 257.02; 257.03; 260.015, subdivision 14; 260.165, subdivision 3; 260.171, subdivision 2; and 260.173, subdivision 2; Minnesota Statutes 1995 Supplement, section 245A.035, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 257.*

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

Section 1. Minnesota Statutes 1995 Supplement, section 245A.035, subdivision 2, is amended to read:

Subd. 2. **COOPERATION WITH EMERGENCY LICENSING PROCESS.** (a) A county agency that places a child with a relative who is not licensed to provide foster care must begin the process of securing an emergency license for the relative as soon as possible and must conduct the initial inspection required by subdivision 3, clause (1), whenever possible, prior to placing the child in the relative's home, but no later than three working days after placing the child in the home. A child placed in the home of a relative

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