



COUNCIL ON BLACK MINNESOTANS

August 1981

1981 LEGISLATIVE REPORT

Steven L. Belton Executive Director

July 1, 1981 marked the first anniversary of the Council on Black Minnesotans and while the myriad problems that necessitated establishment of the Council have not changed significantly in a year, it is nonetheless important that an agency was created and continues to research issues of Black people and lobby state government in their behalf.

No individual or organization offered a comprehensive black legislative agenda to the 1981 Minnesota legislature. And while those of us who lobbied on behalf of Black people did initiate some legislation, the balance of our efforts were spent reacting to the legislative initiative of others. Unfortunately, in many areas our interests were unrepresented and unprotected.

The picture wasn't all bad, however. Undoubtedly, the single most important issue of the 1981 legislative session was appropriation of a new state budget for the 1981-83 biennium. On this issue we were represented by many. Especially important was the appointment of Representative Randy Staten, the only Black in the Minnesota legislature, to the House Appropriations Committee and publication of the "State Counter Budget" by the Minneapolis Urban Coalition which did much to educate and sensitize the fiscally conservative Minnesota legislature to the needs of Minnesota's Black citizens.

But, the energetic efforts of a few are and will continue to be inadequate to protect and advocate the interests of many.

It strikes me as ironic that any 10-year-old boy or girl in our communities can deliver a 30-minute diatribe on his or her favorite sport, but may know nothing of the state legislature.

Obviously, most people find basketball more interesting than politics, and certainly this is not peculiar to our communities alone. But no less obvious is that more than a few adults don't know whether Robert Ashbach is a Philadelphia 76er or a Minnesota Senator.

The point is that we don't have to make a choice between our recreational and political interests. We need both — but our legislative interests cannot be relegated to second team.

The CBM will do its part to correct our reactive posture and begin to make state government more responsive to our needs. But for each of us as individuals, now is the time to take interest and get involved. ■



Clarence E. Harris Chairman

After more than four months of intensive, and sometimes frustrating work, the Legislature ended the 1981 session on a note of compromise.

Few people were completely satisfied with the results of the legislative session, but when one considers what might have happened, I think the Legislature did a reasonably good job.

The Council on Black Minnesotans has been very active in the legislature during the past several months and that activism has paid off by getting the additional resources for the second half of the next biennium. Even though many agencies received funding cuts, the Council emerged from the session with no reduction in 1982 and with an increase in staff and budget for 1983. We think this a reasonable compromise in a very tight budget year.

Even though the Council is still very new, we think it has had a significant impact on the passage of legislation that will benefit Black people of Minnesota.

The work of the Council will intensify over the next several months as we develop programs to address the concerns of Black people and begin preparing our legislative agenda for next year.

We invite individuals and organizations serving the Black community to utilize the services of the Council because we are a service organization and the one reason for our existence is to help make Minnesota a better place for Black people to live and pursue their goals. With your help, we can make it happen. ■

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LEGISLATIVE SUMMARY

Introduction

The four part report which follows discusses several bills introduced during the 1981 legislative session which are of particular, and in some instances general importance to Black people.

The "New Law" section reports on bills which were passed by both houses of the legislature and ultimately signed into law by the governor.

The section on "Bill Introductions" reports on bills which for any of several possible reasons did not culminate in law.

"Focus" provides an in-depth examination of new laws and regulations in the areas of welfare and human rights — issues which have been traditionally important to Blacks and which were without coincidence subject to substantial legislative activity during the 1981 session.

References precede discussion of each piece of legislation and indicate (for new law) the chapter of Minnesota Statutes in which the law is codified and a senate file (S.F.) number and house file (H.F.) number where applicable. Also listed are the chief Senate and House authors of each bill.

To acquire additional information such as co-authors or committee assignment of bills you may contact the House Index Department, Room 211 State Capitol, St. Paul 55155, (612) 296-6646. Or, Senate Index, Room 231 State Capitol, St. Paul 55155, (612) 296-2887. Copies of bills and resolutions are mailed at your request by contacting the Chief Clerk's office, Room 211 State Capitol, St. Paul 55155 (612) 296-2314.

New Law

Business

Chapter 270 (S.F. 120/H.F. 165)

Authors: Senator Petty (DFL, Minneapolis, 58)

Representative Ellingson (DFL, Brooklyn Center, 45B)

Creates new law governing business corporations in the state of Minnesota in the following areas: Incorporation of the business; items in the articles and bylaws of the corporation; qualifications of corporate directors and officers; procedures governing the issuance of shares and payment of dividends; shareholder rights; penalty exemption of directors; procedures regarding mergers, acquisitions and sale of assets; and dissolution of corporation. See Minnesota Laws, Chapter 270 for effective dates.

Civil/Human Rights

Chapter 330 (S.F. 1188/H.F. 1277)

Authors: Senator D. Moe (DFL, St. Paul, 65)

Representative Greenfield (DFL, Minneapolis, 57B)

Relating to human rights; clarifying and explaining the meaning of reprisal; permitting the filing of a charge of unfair discriminatory practice directly in district court; granting the Commissioner of Human Rights authority to dismiss without prejudice cases filed with the department prior to June 30, 1978, and to prioritize cases for investigation; and eliminating the requirement that the commissioner provide a bond. Effective August 1, 1981.

Chapter 364 (S.F. 939/H.F. 1072)

Authors: Senator Berglin (DFL, Minneapolis, 59)

Representative Staten (DFL, Minneapolis, 56A)

Allows charging parties to recover damages resulting from mental anguish or suffering; increases the upper limit on punitive damages from \$1,000 to \$6,000; and exempts governmental bodies and boards from personal liability. Effective August 1, 1981.

Chapter 326 (S.F. 964/H.F. 1427)

See Employment Section for information on authors and summary of law.

Community Development

Chapter 367 (S.F. 1095/H.F. 1253)

Authors: Senator R. Moe (DFL, Ada, 2)

Representative Eken (DFL, Twin Valley, 2B)

Authorizes Commissioner of Economic Security to provide financial assistance for community action agencies to carry out community action programs. Effective August 1, 1981.

Employment

Chapter 020 (S.F. 139/H.F. 183)

Authors: Senator Berglin (DFL, Minneapolis, 59)

Representative Greenfield (DFL, Minneapolis, 57B)

Removes staff of the Council on Black Minnesotans from the classified service (to facilitate hiring of Blacks or other minorities for staff positions and to reduce hiring delays incumbent on classified service system). Effective July 1, 1981.

Chapter 052 (S.F. 692/H.F. 411)

Authors: Senator Dieterich (DFL, St. Paul, 62)

Representative Kelly (DFL, St. Paul, 66B)

Places employees of the judicial district administrator office, e.g., bailiff and law clerks, in the Ramsey County unclassified service. Effective upon filing for certification.

Chapter 082 (S.F. 581/H.F. 876)

Authors: Senator Chmielewski (DFL, Sturgeon Lake, 14)

Representative Staten (DFL, Minneapolis, 56A)

Allows the commissioner of Economic Security to advance up to 20 percent of a summer youth employment contract to a participating organization. Effective August 1, 1981.

Chapter 181 (S.F. 560/H.F. 1034)

Authors: Senator Hughes (DFL, Maplewood, 50)

Representative Voss (DFL, Blaine, 47B)

Eliminates residency requirements of Minneapolis and St. Paul municipal government, i.e., city employees are no longer required to live in or move to the employing city. Effective May 14, 1981.

Chapter 326 (S.F. 964/H.F. 1427)

Authors: Senator Berglin (DFL, Minneapolis, 59)

Representative Staten (DFL, Minneapolis, 56A)

Prohibits any state department or agency from accepting a bid or proposal for contract in excess of \$50,000 with any business which has 20 or more full-time employees unless the firm or business has an affirmative action plan for the employment of protected classes. Plans must be approved by the Commissioner of Human Rights. See Minnesota Laws, Chapter 326 for effective date.

Chapter 356 (S.F. 1390/H.F. 1443)

Authors: Senator Willett (DFL, Park Rapids, 4)

Representative M. Sieben (DFL, Newport, 51B)

Formation of a new "super agency", Department of Planning, Energy and Development which merges the State Planning Agency, Crime Control Planning Board, Department of Economic Security and the Minnesota Energy Agency. Effective July 1, 1981.

Housing

Chapter 097 (S.F. 523/H.F. 347)

Authors: Senator Waldorf (DFL, St. Paul, 66)

Representative O'Connor (DFL, St. Paul, 66A)

Excludes Minneapolis/St. Paul from a state housing revenue bonding limit to allow participation in Minneapolis/St. Paul family housing program.

The program will allow the cities to jointly issue \$235 million in revenue bonds to help provide housing for sale to low and moderate income families. Effective upon local approval.

Chapter 306 (S.F. 887/H.F. 1005)

Authors: Senator Kroening (DFL, Minneapolis, 54)

Representative Peterson (DFL, Minneapolis, 60B)

Authorizes temporary rule making powers for the Housing Finance Agency to define terms; provides a revolving account; allows the agency to make certain loans; allows municipalities with less than 2,500 population to elect to exempt themselves from the state building code. Effective May 30, 1981.

Welfare

Chapter 40 (S.F. 324/H.F. 117)

Authors: Senator Berglin (DFL, Minneapolis, 59)

Representative Hokanson (DFL, Richfield, 37A)

Voucher or vendor payments will replace cash payments previously received by general assistance recipients in emergency situations. Allows the state 30 days to verify an application. Effective May 30, 1981.

Chapter 231 (S.F. 502/H.F. 610)

Authors: Senator Solon (DFL, Duluth, 7)

Representative Welch (DFL, Cambridge, 18A)

Conforms state law with federal regulation providing that a family which loses AFDC eligibility because of an increase in income is eligible for medicaid benefits for four months after losing AFDC eligibility. Effective August 1, 1981.

Chapter 335 (S.F. 1328/H.F. 0003)

Authors: Senator Tennessen (DFL, Minneapolis, 56)

Representative McCarron (DFL, St. Paul, 46A)

Clarifies and amends the Community Social Services Act which governs state and federal funding of social services; defines groups of persons for whom counties are responsible; establishes certain funding levels. See Minnesota Laws, Chapter 355 for effective dates. ■

Bill Introductions

Civil/Human Rights

S.F. 1010/H.F. 884

Authors: Senator Frank (DFL, Spring Lake Park, 46)

Representative Simoneau (DFL, Fridley, 46B)

This bill would allow cases of employment discrimination to be submitted to binding arbitration at the election of either the charging party or respondent. Bound over for interim study.

S.F. 1217

See Employment section for information on author and discussion of bill.

Day Care

S.F. 754/H.F. 973

Authors: Senator Spear (DFL, Minneapolis, 57)

Representative Norton (DFL, St. Paul, 65A)

This bill would require child care costs to be based on a sliding fee schedule. Nullified in session.

Employment

S.F. 1217

Author: Senator Dieterich (DFL, St. Paul, 62)

This bill would impose affirmative action duties on school districts and the State Board of Education; provide a penalty for school districts which failed to comply; and authorize a grant program for certain administrative interns. No House author. Nullified in committee.

Memorial

S.F. 245/H.F. 125

Authors: Senator D. Moe (DFL, St. Paul, 65)

Representative Norton (DFL, St. Paul, 65A)

This bill would declare Dr. Martin Luther King Jr.'s birthday a state holiday. Nullified in committee.

Welfare

S.F. 618/H.F. 677

Authors: Senator Knutson (R, Burnsville, 53)

Representative Heintz (R, Plymouth, 43A)

Comprehensive bill would revise payment and eligibility for general assistance, medical assistance and other programs. Nullified in session.

H.F. 1212

Author: Representative Greenfield (DFL, Minneapolis, 57B)

Bill would create a food stamp advisory council to advise the commissioner of public welfare. No Senate author. Nullified in committee. ■



Welfare

Aid to Families With Dependent Children (AFDC)

The most significant change affecting AFDC recipients is that stepparents are now responsible for providing income and maintenance for stepchildren that are in the home. Previously, if a stepparent was in a home with an AFDC recipient, his or her income was disregarded and the stepchildren received AFDC on the basis of the continued absence of a parent. The new rules provide that the stepparent's income will be deemed accessible to the stepchild unless the stepparent is unemployed or incapacitated.

Another significant change is a proration rule for new AFDC recipients. Under this rule, the AFDC recipient will receive a prorated monthly award based on the date on which he or she became eligible. Previously, a recipient received an entire month's grant regardless of the day of the month the recipient applied for the grant. The new rule provides that an eligible recipient can receive a grant based only on the number of days in the month for which the recipient was eligible. Proration would operate in the following manner: If a person applied on the 21st of the month for an AFDC grant and became subsequently eligible, such applicant would receive only one third (10/30) of their normal monthly grant (assuming 10 days eligibility and a 30-day month).

The above changes are effective July 1, 1981.

On July 16, 1981 the Department of Health and Human Services will begin a demonstration project for a new Work Fair Program. Under this program any "employable" AFDC recipient whose children are over three-years-old and who did not secure a full-time job would be required to participate in a community work experience project. Recipients will be paid minimum wages and will not receive employee benefits or unemployment compensation.

Daycare

Previously, AFDC mothers were the only welfare recipients entitled by DPW rules to daycare services. Now, mandatory daycare services for AFDC mothers will be a county option. Counties will now be allowed to individually decide whether they can afford to provide this service.

Counties Participating	Appropriation	Families Served	
Previous biennium	22	\$350,000	350
Current biennium	35	187,000	90
			(projected)

Each county will be appropriated a smaller amount of money than before because of the increased number of participating counties. The impact on AFDC families will be that fewer families will be served and the service available will be drastically reduced.

Many parents may be forced to stay home and take care of their children instead of working because daycare will be too costly in relation to the income derived from employment. Others may choose to leave their children with less expensive and perhaps less qualified daycare providers.

The reduction in USDA food programs and other sources of assistance will also mean that nutritional as well as educational benefits available to daycare recipients will be substantially reduced.

The federal Title XX daycare programs will continue, however, only AFDC mothers will receive this service. WIN and many Non-WIN mothers will be cut from this program. AFDC mothers will continue to experience difficulty becoming eligible for Title XX programs because of lack of sufficient funds and an anticipated increase in the demand for this service.

Food Stamps

The federal food stamp program will experience significant changes over the next two years beginning with an adjustment in the ceiling on annual gross income allowed of applicants. Presently the annual gross income of a food stamp recipient can not exceed 130 percent of poverty level. Most knowledgeable sources expect the federal government to lower the income ceiling and thereby render many present recipients ineligible and preclude many applicants from eligibility.

It is expected that within the next two years it will become mandatory for food stamp eligibility to be determined on the basis of retrospective accounting, which at the present time is only a state option. Retrospective accounting dictates that a recipient's benefits in the current month are based on the recipient's income in the previous month. The recipient's income would be monitored by the agency from a monthly report submitted by the recipient. Failure to submit the monthly report in a timely manner would render the recipient ineligible for food stamps.

One beneficial change that is anticipated is more rigorous outreach requirements. State and county offices would be required to contact agencies that deal with potential food stamp recipients and provide eligibility and application information. This will be an advantage for many black recipients because it would aid them in preparing for changes within the program.

General Assistance (GA)

There are now approximately 17,500 general assistance recipients and it is projected there will be more than 18,000 cases for the next fiscal year. Nearly one-half of these cases will be made ineligible by new guidelines. The new regulations mandate that anyone who is "employable" will no longer be eligible for GA. Also persons unemployed because of lack of marketable skills are only eligible for five weeks in a calendar year.

In two-parent families the full-time earnings of an employed spouse will now be deducted against the general assistance payments to the unemployed spouse. Depending on the extent of the employed spouse's earnings, recipients may or may not lose eligibility.

The new regulations may have a substantial ripple effect on many black homes. If both parents are employable and/or lack marketable skills, the impact may be drastic. Moreover, in some instances parents may also be ineligible for AFDC if they are no longer needed in the home to take care of the minor children (see section on AFDC). Changes are effective July 1, 1981.

General Assistance Medical Care (GAMC)

GAMC programs will be substantially reduced in the next biennium beginning with a reduction in payments for medical services from the 75th percentile* to 50th percentile. GAMC has also reduced payments for inpatient hospital care for the mentally ill or chemically dependent by up to 45 percent; payment for all other types of inpatient care has been reduced by as much as 35 percent; and payment for outpatient services may be reduced by 25 percent. All of these cuts are in addition to the overall payment reduction from the 75th to the 50th percentile.

Compounding these reductions is that GAMC will utilize 1979 medical expense figures in computing the percentile payment. Inflation has risen so high during the past two years that GAMC will actually be paying a very small portion of actual medical expenses. Our sources have projected a distinct possibility that many doctors will stop providing services to GAMC recipients because of these reductions.

There is also a new county option available during the next biennium which provides that each county has the authority

to restrict GAMC payments to certain providers (a provider being a doctor, drugstore, etc.) Hennepin County GAMC recipients may be restricted to Hennepin County Medical Center for inpatient care and other services as a result of this new county option. Changes are effective July 1, 1981.

*"Percentile" is a formula used by Minnesota counties and the Minnesota Department of Public Welfare for determining the amount it will pay for medical fees and expenses based on a range of "customary and usual fees for a particular medical service."

Housing Subsidy

The Minneapolis Housing Authority (MHA) and the federal department of Housing and Urban Development (HUD) have low-interest loans available for low-income families. MHA's low-interest loan program previously provided loans at 8 percent interest, but now provides an interest range from 3 to 11 percent, effective June 1, 1981. The ceiling on adjusted gross income for applicants has been raised from \$16,000 to \$18,000 per year to keep up with inflation.

MHA has changed their home improvement grant program to require that if a grant recipient moves at any time within ten years of receiving the grant they must pay back 100 percent of the grant. The program's previous guidelines provided for repayment of a prorated portion of the original grant depending on the number of years the grant recipient had lived in the home before moving.

The Community Development Agency of Minneapolis has discontinued its Home Ownership Program 4. Its new program, the Minneapolis and St. Paul Family Housing Program offers mortgage finance at 11-7/8 percent interest rate on the purchase of new housing. CDAM offers 30-year mortgages to families with an adjusted gross income of \$25,960 or less.

Medical Assistance

Similar to GAMC, medical assistance recipients will receive smaller payments in the next biennium based on a reduction of payments from the 75th to the 50th percentile.* The Medical Assistance program will also utilize a 1979 fee schedule.

New regulations provide that the income and resources of the stepparent within a household will be considered in determining medical assistance eligibility for stepchildren. Previously stepparent income was not considered in determining eligibility for stepchildren.

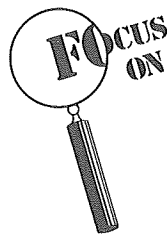
The Catastrophic Health Expense program was eliminated by the legislature for the next biennium. This program had diverted families from filing bankruptcy because of unanticipated exorbitant medical expenses. Changes are effective July 1, 1981.

Utility Assistance

The two basic programs through which low-income families can receive utility assistance are the Low-Income Energy Assistance Program (LIEAP) and the Energy Crisis Intervention Program (ECIP).

The LIEAP program receives money from the federal government through the windfall profit tax. At time of press, Congress had yet to appropriate funds for the federal fuel assistance agency and there was no information available on the actual changes of LIEAP for the next biennium.

ECIP is set up for public housing residents and is limited to \$200 per applicant or family. Guidelines provide that applicants must have received a notice of intent to shutoff and that must produce crisis or cause a life threatening situation. If it does not restore service, the applicant is ineligible for the program. ■



Discrimination and Contract Compliance

Background

In November 1980 the Council on black Minnesotans along with three other state agencies sponsored a hearing on the enforcement of laws prohibiting employment discrimination in Minnesota. The purpose of the hearing was to elicit public testimony on specific problems and suggestions for improvement of the human rights enforcement process.

The majority of testimony focused on problems with the Minnesota Department of Human Rights (MDHR) and included many detailed accounts of negative encounters with that department.

The transcript of that hearing produced over 20 specific complaints with the MDHR and suggested changes in the Minnesota Human Rights Act (MHRA). The most common concerns expressed were essentially that: (1) Complaint resolution was too slow, (2) Successful complainants were often inadequately compensated under the MHRA because of the ceiling on punitive damages (\$1,000) and the exclusion of recovery for mental suffering and (3) Discriminatory reprisal had become increasingly common and the MHRA had provided inadequate definition of and the protection against this unlawful practice.

The findings of our hearings were bolstered by a report issued January 23, 1981 by the Program Evaluation Division of the State Legislative Audit Commission (LAC) entitled "Evaluation of the Minnesota Department of Human Rights". The LAC reported among other things that:

- There is now an accumulated inventory of over 2,600 open cases in the department.
- At the present rate of case processing it will take at least two and one-half years to close the outstanding cases filed with the department even if no new charges were filed.
- For cases closed in 1980, 549 days or 1.5 years elapsed on the average between filing and closure.
- As of October 1980, 138 cases filed before July 1976 were still opened, at which time these cases were 5.2 years old.

As a result of our hearing and the hearings that followed the LAC report, two of the Bills discussed in this report were passed into law. In addition, a new contract compliance bill was introduced and passed into law.

Human Rights

Chapter 330 (S.F. 1188/H.F. 1277)

This amendment to the MHRA will operate to reduce, if not eliminate, the substantial case backlog. The legislature assured this by granting broad new powers to the Commissioner of Human Rights including the authority to dismiss without prejudice any or all charges filed with the department over three years ago.

The new law provides that cases filed prior to June 30, 1978 may be dismissed by the commissioner without prejudice to the charging party. Although the provision appears to be arbitrarily harsh, it is slightly mollified by the stipulation that a charge dismissed under this section may be brought in a civil action in district court prior to February 1, 1982 even though the six month statute of limitations will have long expired.

Also, the MDHR has indicated they will only dismiss files which are inactive for such reasons as inability to locate parties, witnesses or evidence.

The dismissal provision clearly provides ample substance for controversy. Proponents of this provision reason that if "justice delayed is justice denied", then the department should focus its resources on the most recently filed cases — presumably while justice is still available. Moreover, it is commonly known and well documented that the older the charge, the less likelihood of a monetary resolution in favor of the complainant. The LAC study found that:

While more than half of the cases closed within an average of three months after filing involve a remedy to the charging party, only about a quarter of the cases closed within an average of 21 months involve a remedy and only 12 percent of those closed within an average of 42 months involve a remedy to the charging party.

While the dismissal of the mature cases may assist in eliminating the substantial case inventory, other provisions of Chapter 330 provide the commissioner with new authority aimed at slowing the ever increasing number of charges filed. The commissioner is granted authority to "determine the order in which charges are processed based on their particular social or legal significance, administrative convenience, difficulty of resolution or other standard consistent" with the MHRA. In addition, the commissioner may now dismiss a charge for lack of sufficient documentation or evidence or, when a charge is determined to be "frivolous or without merit".

Charging parties acquire new rights under Chapter 330. A charge of discriminatory practice may now be filed directly in district court. Under the old law a charge had to be filed with the MDHR and either disposed or withdrawn before a charging party could sue in district court.

The Chapter also provides the charging party opportunity to review the respondent's answer to his complaint. Before this change, the respondent was served a copy of the charging party's complaint but the charging party was not privy to the respondent's answer.

Lastly, Chapter 330 clarifies and broadens the meaning of reprisal (with particular detail given to reprisals in employment) and allows the commissioner authority to apply for immediate injunctive relief against reprisal without first filing an additional, distinct charge of unlawful discriminatory practice.

Chapter 364 (S.F. 939/H.F. 1072)

The principle changes mandated by this amendment to the MHRA are that the ceiling on recoverable punitive damages has been increased from \$1,000 to \$6,000 and mental anguish suffering caused by discrimination may now be recovered.

Not surprisingly, Chapter 364 was strongly supported by public testimony at the legislative hearings on the bill. Witnesses testified that hearing examiners and judges are generally reluctant to award punitive damages; that punitive awards were frequently less than the maximum of \$1,000 and; that \$1,000 was generally inadequate compensation to the victim of discrimination in relation to the suffering incurred.

While passage of the bill is an important symbolic victory, it will not automatically produce increased awards for human rights complainants. The purpose of punitive damages is to punish an especially guilty party and deter others from committing similar unlawful acts. But, punitive damage is still awarded at the discretion of the hearing examiner subject to review by the district court.

A possible side benefit of the new law is that increased participation of private attorneys in handling human rights claims is anticipated because of the enhanced potential for larger settlements.

Finally Chapter 364 exempts members of governing bodies of a political subdivision, e.g., a school board member, from personal liability for claims brought under the MHRA. This provision resulted from testimony opposing passage of Chapter 364 on the grounds that the damages would discourage citizens from running for public office or serving on governing bodies of political subdivisions.

Chapter 326 (S.F. 964/H.F. 1427)

The new contract compliance law requires for the first time certain contractors with the state of Minnesota to have an affirmative action plan approved by the Commissioner of Human Rights as a condition of doing business with the state. "No department or agency of the state shall accept any bid or proposal for a contract or execute a contract for goods or services in excess of \$50,000, with any business having more than 20 full-time employees in Minnesota . . ." unless the business has an affirmative action plan for the employment of minority, women, or disabled persons approved by the Commissioner of Human Rights.

The new law contemplates the possibility that some firms may obtain compliance certification and then subsequently fail to achieve the objectives specified in their affirmative action plan. If this occurs, the commissioner is authorized to revoke the contractors' certification. However, the contracting state department or agency then has the option (but is not required) to revoke all or part of the contract.

The Commissioner of Human Rights has authority to adopt rules "specifying the criteria used to review affirmative action plans and the standards used to review implementation of affirmative action plans". The commissioner may also issue temporary rules to carry out the purpose of the law.

The present Commissioner of Human Rights has testified it may take up to two years to promulgate rules for certification of compliance. ■

Photo of Steven Belton by T. P. Kurhajetz
Photo of Clarence Harris by Lynette Moore-Adams
Artwork by Jeffrey A. Hassan

COMING UP . . .

Open Public Meeting on Black Women's Issues
Wednesday, September 16, 1981 7-9 p.m.
Rm. 15, State Capitol
St. Paul, MN

Open Public Forum
Wednesday, October 7, 1981 7-9 p.m.
Sabathani Community Center, 310 E. 38th St.
Minneapolis, MN

Open Public Forum
Saturday, October 10, 1981 1-4 p.m.
Evangel United Methodist Church
Rochester, MN

Council on Black Minnesotans Legislative Workshop
Saturday, November 21, 1981 9 a.m.-4 p.m.
State Capitol
St. Paul, MN

Background Data on CBM

The Council on Black Minnesotans was formed in July 1980 by the Minnesota legislature to advise the governor and legislature on the nature of issues confronting Black people. Prior to the creation of the Council, there was no state agency responsible for researching the broad spectrum of issues confronting Black Minnesotans and advocating in their behalf.

The Council consists of seven public members and four legislative members. The public members are appointed by the governor and must be "broadly representative of Minnesota's Black communities," including at least three women and at least three men. Legislative members (two senators and two representatives) are appointed by the legislature and do not vote.

The Council operates with a two year budget of \$160,000 and a staff complement of 2.5 persons, including an executive director, research analyst and administrative secretary.

Essentially a research and lobbying agency, the Council does not engage in individual advocacy assistance except in rare instances where such cases may have broad (systemic) impact. Specific functions of the Council include monitoring governmental and private sector programs to determine detrimental impact on Blacks; liaison to individual and organizations of Blacks seeking access to state government; publicizing the accomplishments of Black people and their contributions to the quality of Minnesota life; and recommending new law or change in existing law which may benefit Black people of this state.

During the next two years beginning July 1, 1981, the Council will study many different issues which may include such topics as the state set-aside program for small business; affirmative action in the executive and legislative branches of state government; the impact of legislative reapportionment on Blacks; and special program and legislative issues of Black women in Minnesota. ■

LEGISLATIVE REPORT is published bi-annually by the CBM to provide organizations and individuals serving the Black community with an overview and projection of legislative activity having significant or special impact on Black people. Ideas or suggestions for LEGISLATIVE REPORT should be forwarded to the CBM, 504 Rice St., St. Paul, MN 55103, (612) 297-3708.

Edited by Lynette Moore-Adams and researched by Katherine S. Harp and Sandra Tatum of the Council staff.

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