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LEGISLATIVE REPORT

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I. BACKGROUND INFORMATION

The Spanish-Speaking Affairs Council (hereinafter SSAC) was created by Minnesota's state legislature in 1978 pursuant to Minnesota Statute section 3.9223. The duties of the council include: advising the governor and legislature about the issues and problems affecting Minnesota's Chicano/Latino population; recommending legislation to improve the socio-economic status of Chicano/Latino persons in Minnesota; and serving as a liaison between state government and Chicano/Latino persons. SSAC consists of a four-person office staff as well as a seven-member Board of Directors. Each Board member represents a specific geographic area within the state, and is appointed by the Governor of Minnesota.

a) Mission

The primary mission of SSAC is to promote the social, economic, and political development of Minnesota's Chicano/Latino community. The Council holds monthly Board meetings publicly throughout the state. These meetings provide a forum to debate issues and provide recommendations on future Council actions. In its effort to influence public policy/legislation, SSAC staff members engage in research, advocacy, and community outreach and education. SSAC also produces and publishes AL DIA, a monthly newsletter received by over 1,000 Chicano/Latino organizations, businesses, individuals, all legislators, and college and university diversity offices, throughout the State.

b) The Chicano/Latino Population

Approximately 65,000 Chicano/Latinos reside in Minnesota. In addition, each year 15,000 - 17,000 migrant workers make Minnesota their temporary home. According to the 1990 Census, Chicano/Latinos constitute the third largest ethnic minority group in the State. The top ten cities with the largest concentration of Chicano/Latinos are: Saint Paul, Minneapolis, Willmar, West Saint Paul, Albert Lea, Moorhead, Rochester, Brooklyn Park, Burnsville, and Plymouth.

c) Accomplishments

The Spanish-Speaking Affairs Council has served as a catalyst for the creation of programs such as: Hispanic Chamber of Commerce; Hispanic Technical and Professional Education Project (currently known as the Hispanic Education Program); Hispanic Women's Development Corporation; Casa de Esperanza (a shelter for Chicana/Latina women and their children); Un Primer Paso (a motivational program for young women); and the Minnesota Hispanic Leadership Program. The Council has been instrumental in the passage of legislation such as the Bilingual Education Act, Communication Services Act, Migrant Minimum Wage Act, Migratory Labor - Prompt Payment and Contract Acts and Field Sanitation Standards Act. In addition, the

Council's Research Unit has produced the Minnesota Hispanic Community: A Profile (a broad-brush portrait of Minnesota's Latino community); More Needs to be Done (a 14 Point Plan to achieve state employment parity for Chicano/Latinos); Hispanic Appointments to Multi-Member Agencies; and Child Protection Legislation: A Hispanic Initiative.

II. REPORT TO THE LEGISLATURE

The legislature, pursuant to Minnesota Laws of 1995, chap. no. 224, section 35, has required the four councils of color, including the Spanish-Speaking Affairs Council, to prepare a report for the legislature, including recommendations on the following listed areas.

1. Removal of council members by the governor.

Minnesota Statute section 15.0575, subd. 4 (1994), provides that a member may be removed by the appointing authority at any time (1) for cause, after notice and hearing, or (2) after missing three consecutive meetings.

Recommendation: The Spanish-Speaking Affairs Council (SSAC) recommends that removal of a SSAC Board member occur pursuant to consultations between the SSAC Board and the Governor's Office. The SSAC Board should observe the following procedures before suggesting to the Governor's Office that a SSAC Board member be removed: Action for removal should require a two-thirds vote of the members of the Board of Directors attending the meeting at which removal is requested (provided four is a quorum), excluding the vote of the challenged board member. Reasons that may justify the removal of a board member may include, but are not limited to, the following: misconduct, which is any action that seriously jeopardizes the well-being of the Council; employee or volunteer harassment; and sexual harassment. No action for removal based on misconduct should be taken unless the board member in question is notified in writing about the circumstances and facts surrounding the Board's desire to remove said board member. The board member in question should be given ten (10) days from the time he or she receives from the Board written notification regarding removal, to respond in writing to the Board's allegations. After Board members review and consider the board member's response, a two-thirds vote of the members of the Board should be required for any removal action, as described above.

The Spanish-Speaking Affairs Council further recommends that any board member, who during her or his term, fails to attend three consecutive meetings, including board meetings and/or committee meetings, to which she or he is assigned, absent a personal or family emergency or prior approval of the absence by the Board Chair, be automatically removed from Board membership by the Governor.

2. Statutory requirements and qualifications for council membership.

Minn. Stat. Section 3.9223, subd. 1 (1994) provides that the Spanish-Speaking Affairs Council shall consist of seven members appointed by the Governor. The demographic composition of the council members shall accurately reflect the demographic composition of Minnesota's Spanish-speaking community, including migrant workers, as determined by the state demographer. According to Minn. Stat. Section 15.0591, the membership of state boards, commissions, advisory councils, task forces or committees, shall include at least one member, 60 years of age or over. Outside of the above-mentioned language, neither Minn. Stat. Section 3.9223, nor Minn. Stat. Section 15.0575, which covers membership terms, removal, etc. provide any guidelines regarding requirements and qualifications for council membership.

Recommendation: The Spanish-Speaking Affairs Council recommends that Minn. Stat. Section 3.9223, subd. 1 be amended to consist of eleven (11) rather than seven (7) members; eight members representing each of the State's congressional districts, and three members appointed at large. Further, the Council recommends that 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, should serve as nonvoting members of the Council. The language regarding legislative representation on the Board would make Minn. Stat. Section 3.9223, subd. 1, consistent with Minn. Stat. Section 3.9225, which establishes the Council on Black Minnesotans, and Minn. Stat. Section 3.9226, which establishes the Council on Asian-Pacific Minnesotans. Further, in order to ensure that legislative appointees to SSAC's Board are knowledgeable and interested in the affairs of Chicano/Latinos, and will attend Board meetings regularly, SSAC recommends that the speaker of the house and the chairperson of the subcommittee on committees of the committee on rules and administration, consult with SSAC prior to appointing said legislative representatives.

The Spanish-Speaking Affairs Council recommends that the Governor take into account the following factors in appointing Board members: proven dedication and commitment to the Chicano/Latino community; and that the person possess special skills beneficial to the Council, including but not limited to, experience in public policy, legal affairs, social work, business, management, and economics.

3. Appointment of the council director, including qualifications.

Minn. Stat. Section 3.9223, subd. 5, reads: "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 people."

Recommendation: The Spanish-Speaking Affairs Council (SSAC) recommends that the provision requiring the governor's approval be deleted from Minn. Stat. 3.9223, subd. 5. Minnesota Laws of 1995, Chap. No. 224, section 35, subd. 8(b) encourages consistency among the four councils of color. In order to achieve such consistency, the language requiring the governor's approval should be deleted, since none of the other councils' enabling statutes include such language. SSAC consulted with Lt. Governor Benson from the Governor's Office about this issue. Lt. Governor Benson indicated no objection to this recommendation.

Qualifications of the director: The Spanish-Speaking Affairs Council recommends that the Council's Executive Director possess the following qualifications: The Director should be a bilingual and bicultural individual with a degree in Public Affairs, Business, Political Science, Social Science or related fields; have experience in developing and promoting legislation, and policies to improve the socioeconomic status of Chicano/Latinos; have proven administrative skills, superior written/verbal communication skills, and success in building community-based leadership.

4. Methods of reducing overall costs of the councils through sharing of staff and administrative expenses.

Recommendation: The Spanish-Speaking Affairs Council (SSAC) does not think that sharing staff among the four councils of color is feasible. The Council currently has four staff positions: three filled, and one vacant. Staff persons are already working over time in order to fulfill SSAC's legislative mandate. SSAC staff are consumed by SSAC work; therefore, it would be impossible for SSAC staff to carry out work for any other council of color. See, Asian, Black, and Indian Councils Reports to the Legislature. It is important to understand that SSAC has been entrusted by the legislature with serving Minnesota's Spanish-speaking community, which is an extremely diverse group. The Spanish-speaking community consists of persons who were 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 and Venezuela. Similarly, the Asian, Black, and Indian communities in Minnesota are each comprised of persons from very diverse backgrounds. See, Asian, Black, and Indian Councils Reports to Legislature. It is unreasonable to expect that each one of these very diverse communities of color could be adequately served by less staff than each council of color currently has. For these reasons, sharing of staff among the four councils of color is not feasible. Cost cutting, however, could be achieved by providing joint training to staff and board members of the four councils of color. See, Asian-Pacific Council Report to the Legislature. Bulk and joint procurement of supplies and equipment by the councils should result in further savings for the State. See, Asian-Pacific Council Report to the Legislature. Further, the four councils of color are

committed to working jointly to address issues which cut across the four communities of color, including immigration, housing, and education.

5. Methods of improving coordination with other state agencies.

Recommendation: The Spanish-Speaking Affairs Council recommends that the Commissioner of every state agency in the State of Minnesota appoint a person within each state agency to serve as a liaison between the agency and each of the four councils of color. Representatives of each agency and representatives of the four councils of color should meet on a regular basis to discuss issues affecting the communities of color. The Spanish-Speaking Affairs Council further recommends that the appointed liaison be a person within each agency who works in or with the outreach and education division of each agency, or someone who has experience in dealing with and educating the public about the agency's functions. The Spanish-Speaking Affairs Council, and the three other councils of color, working in conjunction with the liaison from each state agency, should plan regular educational forums for the communities of color regarding, among other topics, the duties of each agency; and the laws, if any, which each agency enforces, including information about what steps to take if an individual believes those laws have been violated. By appointing a person in each agency whose duty it is to coordinate efforts with the four councils of color, it can be assured that the State's communities of color will have better access to state government and better opportunities to receive information about what state agencies do and how they can be used to assist persons of color in Minnesota.

Further, the four councils of color are in need of better access to top-level government officials. Therefore, Commissioners of Minnesota's state agencies should be required to meet jointly with representatives from the four councils of color no less than four times a year. In addition, the Governor of the State of Minnesota should be required to meet with representatives from the four councils of color no less than twice a year; and representatives from the four councils should be allowed to appear before the full floor of the Senate, and the full floor of the House, at least once during each legislative session. If it is not feasible to address the full floor of each legislative body, an alternative should be found. The point is to meet with legislators regularly and consistently. This will enable the four councils of color to inform top-level government officials directly about issues concerning Minnesota's communities of color.

6. Methods of reducing burdensome reporting requirements without compromising accountability.

Minn. Stat. Section 3.9223, subd. 7 requires that the Council prepare a report for the governor and legislature once every two years.

Recommendation: None. Leave as is. This is not a burdensome requirement on the legislature's part.

7. Methods of educating council members in management issues for state agencies, including but not limited to statewide budget and accounting practices, management practices, and legal liability.

Recommendation: The Spanish-Speaking Affairs Council recommends that all Council staff and Board members receive regular training in the above-mentioned areas from individuals and/or organizations qualified in those areas. Whenever possible, no-cost or low-cost alternatives should be used, such as having state agencies and non-profit organizations with expertise in the above-mentioned areas conduct the training. For example, the State Management Assistance Program (MAP) could provide management training; and the Attorney General's Office could provide training regarding legal liability. Further, the Spanish-Speaking Affairs Council recommends that each new Board and staff member attend an orientation session in which basic information regarding statewide budget and accountability practices, management practices, and legal liability is provided to the new Board or staff member by the appropriate state officials.

8. A statement of the mission of each council and measurable impact goals for each council.

Mission: The primary mission of the Spanish-Speaking Affairs Council is to promote the social, economic, educational and political development of the Chicano/Latino community in the state of Minnesota. The Council's priorities are centered in the areas of legislation, communications, strategic planning, research, education, outreach, and special projects.

Goals: Some of the main duties of the Council as mandated by the legislature are: advise the governor and legislature on issues affecting the Chicano/Latino community; advise the governor and legislature on statutes or rules necessary to ensure Chicano/Latino persons access to benefits and services provided to people in Minnesota; recommend legislation to improve the economic and social condition of Chicano/Latinos in the State; serve as a liaison between government and Chicano/Latinos in Minnesota; serve as a referral agency to assist Chicano/Latinos to secure access to state agencies and programs; implement programs designed to solve problems of Chicano/Latino persons when authorized by other statute, rule, or order; publicize the accomplishments of Chicano/Latino persons and their contributions to this state. Minn. Stat. Section 3.9223 (1994). The Spanish-Speaking Affairs Council (SSAC) reports its accomplishments in the above-mentioned areas in its report to the governor and legislature every two years, pursuant to Minn. Stat. Section 3.9223, subd. 7 (1994). Further, the Council informs the public, including members of the Chicano/Latino community, legislators, and other state officials, on an on-going basis,

about its efforts in the above-mentioned areas in SSAC's monthly newsletter, AL DIA. The governor, the legislature, and the public can use SSAC's reports to the legislature, and SSAC's newsletters to monitor and evaluate SSAC's progress in the above-mentioned legislatively-mandated areas. Further, if state agency Commissioners, the Governor, and state legislators start meeting with the four councils of color on a more regular basis, as recommended in number five (5) of this report (how to improve coordination with other state agencies), said public officials would have direct knowledge of the achievements and accomplishments of each council of color.

(b) each council must make all feasible efforts to coordinate its study with each other council's study, to achieve the maximum possible consistency in recommendation.

The four councils of color met on the following dates to discuss the coordination of their respective reports to the legislature: 1/5/95; 1/13/95; 1/25/95; 2/01/95; 2/22/95; 3/08/95; 3/22/95; 4/26/95; 8/02/95; 9/06/95; 10/11/95; 10/30/95; 11/08/95; 11/21/95; 1/5/96. The four councils also met with members of the legislature on January 12, 1996 to discuss the reports.

(c) each council must consult with the governor's office in studying paragraph (b), items (1) to (3).

The four councils of color met with Lt. Governor Benson on January 22, 1996, and January 29, 1996, to discuss the reports due to the legislature by the councils. Lt. Governor Benson had no objections to the recommendations made in paragraph (b) items (1) to (3).