



# COUNCIL ON BLACK MINNESOTANS

September 1983

## 1983 LEGISLATIVE REPORT

### Steven L. Belton Executive Director



Delivery of this edition of *Legislative Report* will mark the end of my tenure as executive director of the Council on Black Minnesotans. By mid-September I will have resigned and moved on to new areas of responsibility.

Allow me to briefly highlight the CBM's three year history.

The Council on Black Minnesotans was created by statute effective July 1, 1980, and the first executive director (this writer) was hired in November 1980. Our operating budget for that first year (July 1, 1980 to June 30, 1981) was only \$40,000.

Despite severe financial limitations, our legislative and work programs during our first year were quite active. These included sponsorship of five public hearings (Duluth, Minneapolis, Rochester, St. Paul and the state capitol) and passage of substantial amendments to the state Human Rights Act. Perhaps most significant, we persuaded the legislature to increase our budget for the next year by 62.5 percent to \$65,000.

Fiscal year 1981-82 (July 1, 1981 to June 30, 1982) was marked by substantial program activity on the part of the CBM, and substantial revenue shortfalls for the state budget. The Council held four more hearings during this period including a five hour testimonial in January 1982 concerning adoption and foster care of Black children. Our report on *Adoption and Foster Care Placement of Black Children in Minnesota* resulted from the adoption hearing and substantial research by our staff.

Fiscal 1981-82 also witnessed the development of our first comprehensive legislative agenda and the formation of our Black Women's Legislative Task Force which issued a report in November 1981.

We co-sponsored with the state Spanish Speaking Affairs Council our first public Legislative Orientation Workshop in November 1981, and during the legislative session we successfully lobbied passage of a bill to prohibit future state investment in U.S. banks in South Africa. Although the bill was ultimately vetoed by Governor Al Quie, it passed the Senate and House and in the process forced lawmakers to consider and debate certain issues that are very important to Black Minnesotans.

Fiscal year 1982-83 was our most successful year. We began the year with an operating budget of \$95,000, up 46 percent from the previous year. Our staff complement was also increased with the addition of a full-time research analyst position. But, our legislative activity was clearly the highlight of the year beginning with the publication of our 1983 legislative agenda (see *1982-83 Legislative Report*, March 1983).

The CBM was statutorily scheduled to expire (commonly referred to as a "sunset clause") in June 1983, a situation made worse by the fact that newly-elected Governor Rudy Perpich de-

Executive Director's Statement continued on page 7



### Katie McWatt Chair

As the newly elected chairperson of the Council on Black Minnesotans, I look forward to building on the foundation laid by our previous chair, Clarence Harris. That foundation, built over the first three years of the Council's existence, will provide a solid framework for developing state level strategies for increasing opportunities for the economic development and educational advancement of Black Minnesotans. It will also aid us as we seek ways to end inequities in the state criminal justice system, particularly regarding its impact on Blacks.

As a founding member of the CBM and a long-time community activist, I believe that Minnesota's Black citizens are the Council's genuine constituency, and its most valuable resource. This relationship mandates that we commit ourselves to a process of broad based, state-wide Black citizen participation in the Council's work and legislative programs. We hope to do this by actively recruiting interested persons to serve on CBM task forces and to join the CBM in lobbying for legislative change that will make Minnesota a better place to live for Black people.

In 1983 the Council on Black Minnesotans demonstrated that its mission can be successful. Among other successful endeavors we lobbied and gained passage of the Minnesota Minority Heritage Child Protection Act and a bill that expanded the state's set aside program for minority business.

Our 1984 legislative agenda will include an initiative to improve affirmative action in state government and a measure calling for divestment of Minnesota assets in South Africa.

With your support, we will make it work.

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# Legislative Summary

by  
Katherine Harp

The four-part report which follows discusses several bills introduced during the 1983 legislative session which are of particular, and in some instances, general importance to Black people.

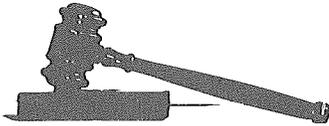
The "New Law" section reports on bills which were ultimately signed into law by the governor. Included in this section are the adoption (chapter 278) and set-aside (chapter 301) laws which were initiated by the CBM. These two laws will have a substantial as well as beneficial impact on Black people and are highlighted in the "Focus" section of this report on page .

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

Reference precedes 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 assignments 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



### APPROPRIATIONS

Chapter 301

State Departments Omnibus Appropriations Act (H.F. 1290)

Author: Representative Jim Rice (DFL, Mpls., 57A)

	FY '84	FY '85
<b>Total Appropriations</b>	<b>\$500,753,100</b>	<b>\$540,241,800</b>

Included in this bill are allocations to the following departments:

	FY 1984	FY 1985
Department of Administration	\$ 20,688,200	\$ 20,869,100
Department of Employee Relations	3,541,700	3,574,300
Department of Revenue	33,107,900	33,770,200
Department of Natural Resources	84,311,000	85,697,100
Energy, Planning and Development	9,457,500	9,217,700
Indian Affairs Intertribal Board	205,100	208,900
<b>Council on Black Minnesotans</b>	<b>104,000</b>	<b>105,000</b>
Council for the Handicapped	335,400	341,800
Human Rights Commission	1,513,400	1,490,900
Spanish Speaking Affairs Council	104,600	105,500

Effective July 1, 1983.

Chapter 312 (S.F. 1234/H.F. 1298)

Authors: Senator Gerald Willet (DFL, Park Rapids, 4)

Representative Jim Rice (DFL, Mpls., 57A)

Health, Welfare, Corrections Omnibus Appropriations Bill

	1984	1985
<b>TOTAL</b>	<b>958.5m</b>	<b>939.6m</b>

Included in this act is an appropriation to the following departments:

Department of Public Welfare		
<b>TOTAL</b>	<b>738.1m</b>	<b>807.9m</b>
AFDC, GA, MSA	139.0	154.0
Department of Economic Security		
<b>TOTAL</b>	<b>113.8</b>	<b>25.2</b>
Jobs Program (MEED)	70.0 (biennium)	
TCOIC	.55(biennium)	
Mpls./St. Paul LEAP	.25(biennium)	
Department of Corrections		
<b>TOTAL</b>	<b>78.2</b>	<b>79.2</b>
Corrections Ombudsman	.27	.272
Correctional Institute	54.0	55.6

This law also continues the advisory task force on battered women and advisory task force on women offenders until June 30, 1985, and extends the sliding fee schedule for child care services.

Provides funding for all Minnesota state Council of the Opportunities Industrialization Centers of America (COIC's). These programs will provide financial assistance for job training for economically disadvantaged, unemployed, and under-employed individuals.

Establishes Minnesota Emergency Employment Development (MEED) Act. MEED will provide jobs for six months with the option for an additional six months training (job and training will pay \$4/hour). Participants will be provided with child care services or subsidizers, job search assistance, and job seeking skills.

Various effective dates.

### BLACK MINNESOTANS

Chapter 260 (S.F. 428/H.F. 488)

Authors: Senator Pogelmiller (DFL, Minneapolis, 58)

Representative Knuth (DFL, New Brighton, 52B)

Removes the June 30, 1983 expiration date for the Council on Black Minnesotans; extends the Council until June 30, 1986.

Effective July 1, 1983

### CIVIL RIGHTS

Chapter 30 (S.F. 476/H.F. 298)

Authors: Senator Lantry (DFL, St. Paul, 67)

Representative Vellenga (DFL, St. Paul, 64A)

Requires all human right and complainants in St. Paul to have their case heard before the 11-member human rights commission. The commission's decision will be considered conclusive if there is sufficient evidence on the record. Cases affected include all areas covered by the state Human Rights Act.

Effective upon local approval.

## New Law (cont'd.)

### ECONOMIC DEVELOPMENT

Chapter 355 (S.F. 607/H.F. 642)

Authors: Senator Spear (DFL, Minneapolis, 59)

Representative Clawson (DFL, Lindstrom, 19B)

Allows registered charitable organizations to participate in state employee payroll deductions. Previously the United Way was the exclusive organization allowed to participate in the payroll deduction process. This legislation will allow registered organizations that collect donations to support several organizations access to the payroll deduction system.

Effective August 1, 1983.

Chapter 301 (S.F. 820/H.F. 955)

Authors: Senator D. Peterson (DFL, Mpls., 61)

Representative Staten (DFL, Mpls., 57B)

Amends Small Business Procurement Act by increasing small business set-aside from 20 percent to 25 percent/ increases set-aside for socially and economically disadvantaged SED businesses from 3 to 6 percent; creates a board member small business procurement advisory council; provides for limitation on the variety of contracts which may be set aside; limits the dollar participation and length of time an SED vendor may participate in the program; and expands the small business set-aside to include Minnesota Correctional Industries. (See *Focus* report, page 5, for more detail.)

Effective August 1, 1983.

### ELECTION

Chapter 168 (S.F. 281/H.F. 254)

Authors: Senator Pogemiller (DFL, Mpls., 58)

Representative Osthoff (DFL, St. Paul, 66A)

Changes precinct caucus dates from the fourth Tuesday in February to the third Tuesday in March.

Effective August 1, 1983.

### EMPLOYMENT

Chapter 334 (S.F. 584/H.F. 857)

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

Representative Brandl (DFL, Mpls., 62B)

The Minnesota Job Skills Partnership is responsible for coordinating this program which will train and place workers. The partnership will also assist education and non-profit institutions in developing training programs. Participating businesses must match the grant made by Minnesota Job Skills Partnership.

Effective October, 1983.

Chapter 307 (S.F. 541/H.F. 661)

Authors: Senator Kroening (DFL, Mpls., 57)

Representative Sarna (DFL, Mpls., 58A)

Authorizes counties with chronic high unemployment to establish emergency jobs training or public work programs for economically disadvantaged and unemployed residents.

Effective August 1, 1983.

Chapter 249 (S.F. 572/H.F. 375)

Authors: Senator Samuelson (DFL, Brainerd, 13)

Representative Blatz (R, Bloomington, 41B)

Allows the Commissioner of Public Welfare to establish pilot work experience programs to help AFDC recipients develop job seeking and employment skills by helping counties design jobs creation programs.

Effective August 1, 1983.

## New Law (cont'd.)

Chapter 316 (S.F. 183/H.F. 242)

Authors: Senator Dicklich (DFL, Hibbing, 5)

Representative K. Clark (DFL, Mpls., 60A)

Requires employers to inform employees of hazardous and toxic chemicals in the surrounding work environment. Gives workers the right to refuse to work under conditions which the employer believes present an imminent danger, death, or physical harm.

Effective July 1, 1984.

Chapter 299 (S.F. 415/H.F. 422)

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

Representative Simoneau (DFL, Fridley, 51B)

Requires an increase in the percentage of women in the state Career Executive Service. CES classifications include managers, professional, supervisory, and high-level scientific employees.

Effective July 1, 1983.

### WELFARE

Chapter 308 (S.F. 545/H.F. 762)

Authors: Senator Berglin (DFL, Minneapolis, 60)

Representative Brandl (DFL, Mpls., 62B)

Establishes guidelines for setting child support payments. Allows temporary child support from a person when there is 92 percent certainty of paternity. Provides automatic cost of living adjustment to support payment amounts.

Various effective dates.

Chapter 52 (S.F. 249/H.F. 287)

Authors: Senator Reichgott (DFL, Robbinsdale, 46)

Representative J. Clark (DFL, Mpls., 60B)

Amends Minnesota criminal statutes to include intrafamilial sexual abuse in the definition of domestic abuse. Allows persons who live or have lived with or had a child with a spouse to receive a court order for protection against domestic abuse. Allows police officers to arrest without a warrant anyone who violates the court order.

Effective August 1, 1983.

Chapter 278 (S.F. 723/H.F. 776)

Authors: Senator Berglin (DFL, Mpls., 60)

Representative Staten (DFL, Mpls., 57B)

Establishes guidelines for adoption and foster care based on race, ethnic heritage, and religion. Creates a foster care and adoption advisory task force to advise the Commissioner of Public Welfare on policy for minority children. (See *Focus* report, page 6, for more detail.)

August 1, 1983.

### HOUSE ADVISORY

An advisory bill is a proposal for the initiation, termination, or change of a law or program. Advisory bills are referred to a standing legislative committee for consideration and/or study.

H.A. 5

Author: Representative Janet Clark (DFL, Mpls., 60B)

A proposal to study child welfare statutes and issues.

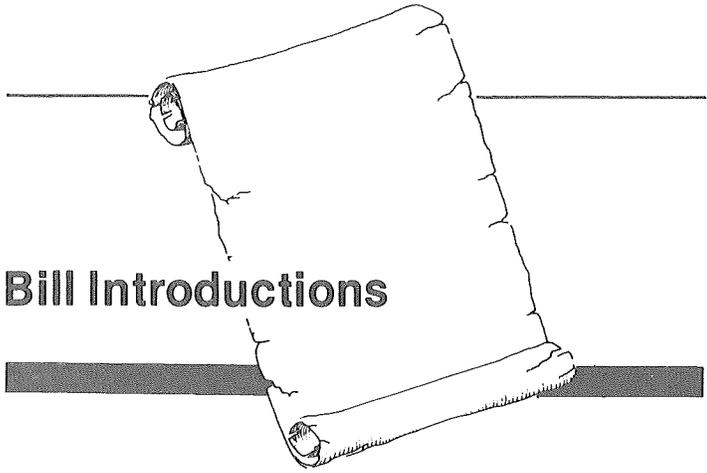
Referred to Health and Welfare committee.

H.A. 14

Author: Representative Rick Krueger (DFL, Staples, 12B)

A proposal to study cutbacks in federal funds for milk and dairy programs in schools.

Referred to Agriculture committee.



## Bill Introductions

### CIVIL RIGHTS

S.F. 119/H.F. 89

Authors: Senator Berglin (DFL, Mpls., 60)  
Representative Greenfield (DFL, Mpls., 61A)

Would establish terroristic threats as a crime. Punishable by up to five years imprisonment or a fine not to exceed \$5,000 or both.

\*Progressed.

H.F. 1281

Authors: Representative Staten (DFL, Mpls., 57B)

Would require the state of Minnesota to sell all stocks with banks and corporations that have financial investment in South Africa or Namibia.

No Senate author.

H.F. 1105

Authors: Representative Staten (DFL, Mpls., 57B)

A bill prohibiting the use of finger and/or thumbprinting as a condition for acceptance of negotiable instruments, e.g., checks.

No Senate author.

### HOUSING

S.F. 497/H.F. 288

Authors: Senator D.C. Peterson (DFL, Mpls., 61)  
Representative Staten (DFL, Mpls., 57B)

Would require that rental property owners weatherize their building. Would require installation of storm windows, storm doors, shut-offs for fireplaces and stoves as well as caulking and weatherstripping. Rental property owners would be required to file a certificate of compliance to this law.

\*Progressed.

### MEMORIAL

S.F. 9/H.F. 49

Authors: Senator Linda Berglin (DFL, Mpls., 60)  
Representative Staten (DFL, Mpls., 57B)

Would establish Martin Luther King Jr.'s birthday, January 15, as an optional holiday for state employees.

Nullified in session.

S.F. 1176/H.F. 1251

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

Would designate highway I-94 within St. Paul as the "Wilkins Memorial Expressway" in tribute to Roy Wilkins, civil rights spokesman and former St. Paul resident.

Nullified in session.

\*Progressed means a bill has been passed by the necessary standing committee, however the bill does not carry enough votes to pass the full House or Senate.

## Black Appointments to the Perpich Administration



Listed below are the names of Black Minnesotans appointed by the governor to serve on various advisory boards, commissions, and councils. These appointments are not salaried positions.

Eva Lacey, Member — Council on Black Minnesotans

Steven L. Belton, Chair — Governor's Blue Ribbon Task Force on Human Rights

Jayne Khalifa, Member — Governor's Blue Ribbon Task Force on Human Rights

Rep. Randy Staten, Member — Governor's Blue Ribbon Task Force on Human Rights

Hansel Hall, Member — Governor's Blue Ribbon Task Force on Human Rights

Arthur Cunningham, Member — Governor's Blue Ribbon Task Force on Human Rights

Carl Eller, Member — Alcohol and Other Drug Abuse Advisory Councils

Burnett H. Voss, Member — Board on Aging

Robert Morgan, Member — Board on Aging

Yvonne Robinson, Member — Board of Assessors

\*Clarence Harris, Member — Board of Community Colleges

Dr. Joy Snowden, Member — Board of Dentistry

Cheryl Allen, Member — Board of Nursing

Dr. M. Christine Dunham, Member — Board of Psychology

Julian Seafford, Member — Board of Teaching

Dr. Milton Crenshaw, Member — Board of Veterinary Medicine

Marvin Trammel, Member — Council on Quality Education

John Lyght, Member — Crime Victims Reparations Board

James Marshall, Member — Gillette Hospital Board

Robert A. Worthington, Chairman — Housing Finance Agency

Gloria Bland, Reappointed Member — Juvenile Justice Advisory Council

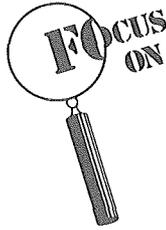
Joe Gasper, Reappointed Member — Metropolitan Council

Archie Givens, Member — Small Business Finance Agency

\*Virginia Clardy, Member — Judicial Merit Advisory Commission

\*Earl Miller, Member — Open Appointment Commission

Willa Mae Wilson, Member — Commission on the Future of Higher Education and Job Training Council



## CHANGES IN THE SMALL BUSINESS PROCUREMENT ACT (SET-ASIDE PROGRAM)

by  
Steven L. Belton

The 73rd session of the Minnesota legislature, which convened in January 1983, passed into law several important amendments to the Minnesota Small Business Procurement Act (more commonly known as the "set-aside law") which were recommended and advocated by the Council on Black Minnesotans. These amendments were sponsored in a bill authored by Senator Donna Peterson (DFL, Mpls., 61) and Representative Randy Staten (DFL, Mpls., 57B).

This *Focus* report provides an overview of the new law and details some of the provisions which are of particular interest to Black business owners.

### Increased Set-Aside for Small Businesses and Businesses Owned and Operated by Socially or Economically Disadvantaged (SED) Persons

The original set-aside law provided that 20 percent of all state commodities procurements were to be set-aside for award to small businesses and three percent set-aside for SED businesses. The new law increases the set-aside for small businesses to 25 percent and the SED set-aside to 6 percent.

We estimate these increased set-asides will generate approximately \$38 million in small business procurements and \$9 million in SED business procurements, based on a fiscal year 1982 figure of \$153,644,222 total state procurements, including construction and consulting contracts.

Two pilot projects are also authorized under the new law, each of which may generate for SED businesses an additional 1.5 percent of total state procurements, including construction and consulting procurements, or approximately \$2.3 million.

The first pilot provides that the Commissioner of Administration shall have authority to establish rules whereby SED businesses would be allowed a 5 percent preference in the bid amount on selected state procurements. This would mean that an SED vendor would be awarded a contract through open competitive bidding if the SED vendor bid within 5 percent of the low bid.

The second pilot is similar to the first but would provide a preference program whereby SED businesses would be awarded any state procurement if the SED business could meet the low bid for that procurement.

Both the "low bid" and "5 percent" preference pilot projects will expire on June 30, 1986.

### New Set-Aside of Consultant, Professional and Technical Procurements

One of the key amendments to the set-aside law provides that state consultant, professional and technical (hereinafter "CPT") procurements are no longer exempt from the set-aside law. The Minnesota Department of Administration estimates there were \$24 million in state CPT procurements during the fiscal year ending June 30, 1982. This compares with approximately \$105 million in commodity, printing and service procurements during the same period.

The set-aside law now requires that each state agency set-aside for award to small businesses 25 percent of its anticipated CPT procurements and 6 percent for award to SED businesses. Based on fiscal 1982 figures (again, \$24 million in CPT procurements), we estimate this amendment may provide an additional \$6 million in state contracts for small businesses and \$1.4 million for SED businesses.

It is worth noting that CPT procurements differ from other types of procurements such as commodities or printing, in that CPT procurements are administered by the individual state departments and agencies whereas most other types of procurements are administered centrally through the department of administration's procurement division. This fact is significant because ostensibly there is less control of and accountability to the individual state agencies than the procurement division. Clearly the procurement awards of state departments and agencies should be closely monitored to determine compliance with the new law.

### Special Set-Aside of Construction and CPT Procurements in Excess of \$200,000

A provision of the amended set-aside law of particular interest to SED construction and consulting firms provides that businesses receiving construction or CPT contracts in excess of \$200,000 must sub-contract to SED businesses at least 10 percent of the value of such contracts.

Under this provision, the Commissioner of Administration must reject any bid on a construction or CPT procurement contract which does not include a list of all SED contractors or vendors the prime contractor will utilize in fulfilling the contract and, the proportionate value of each SED sub-contract.

Prime contractors who actually receive an award in excess of \$200,000 must supply a list with the name of each SED business sub-contractor and the dollar amount of each award.

The Commissioner of Administration has authority under the new law to reduce from 10 percent the amount required to be sub-contracted to SED firms, if she has determined that SED businesses cannot perform 10 percent of the value of the prime contract.

SED sub-contracting pursuant to the above provisions will not be included in determining the total amount of set-aside awards required by law.

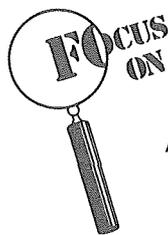
### Restrictive Provisions

Not all of the amendments to the set-aside law are favorable to businesses owned and operated by socially or economically disadvantaged persons. The new law includes strict limitations on SED vendors and the program as follows:

1. An SED vendor may not sub-contract more than 50 percent of a set-aside award to a non-SED vendor.
2. An SED vendor may not receive more than 5 percent of the total amount set-aside for all SED vendors during a fiscal year.
3. No more than 20 percent of any commodity class (e.g., printing, typewriters, etc.) may be set-aside for award to SED businesses during a fiscal year.
4. An SED business may not participate in the program beyond five years from the date of receipt of its first set-aside award.

The five-year "kick out" or graduation provision described in number 4 above, is mollified by allowing the "graduated" business to return to the set-aside program after five years outside the program, if it otherwise meets certification requirements.

An additional new provision requires that the department of administration promote proportional distribution of set-aside awards to different geographic areas around the state. And, the set-aside law now establishes that Minnesota Correctional Industries (operated by the State Department of Corrections) is entitled to participation, and in some instances special treatment, in the small business set-aside program.



## New Law Affecting Adoption and Foster Care Placement of Black Children in Minnesota

by Paula Baker and  
Steven Belton

This *Focus* report discusses the Minnesota Minority Heritage Child Protection Act, its history, and the major provisions of the Act which seek to protect the racial and ethnic heritage of children who are adopted or placed in foster care in Minnesota.

### Background and Overview

In a 1981 legal battle, a Black Minneapolis family lost to a white suburban couple the chance to adopt a healthy Black infant because a Hennepin County trial court found that a social-psychological process known as "infant bonding" had taken place between the infant and the white foster family that had cared for the child since early infancy. This decision overturned a prior decision by the Hennepin County Department of Public Welfare, which deemed the white foster family ineligible to adopt the child because the family did not share the same racial heritage as the child.

In 1981 the CBM's Black Women's Legislative Task Force recommended that we sponsor a hearing on the issue of Black child welfare focusing on adoption and foster care, and develop a Black child welfare act modeled after the federal Indian Child Welfare Act. As a result, the Council on Black Minnesotans held a public hearing on Black adoption and foster care placement in January, 1982. Testimony included strong criticism of existing public and private methods of recruitment of permanent and temporary homes for Black children.

Our 1982 report on *Adoption and Foster Care Placement of Black Children in Minnesota* followed the hearing and provided important groundwork for drafting a Bill and documentation for the authors, Senator Linda Berglin and Representative Randy Staten. [Berglin and Staten are two of the four legislative members of the Council on Black Minnesotans.]

Passage of the Minnesota Minority Heritage Child Protection Act, concluded a successful lobbying effort by the Council On Black Minnesotans, the Minnesota Chapter of the National Association of Black Social Workers, the Minnesota Coalition on Black Adoption and Foster Care and many other adoption advocates who were concerned about the disproportionate numbers of transracially adopted Black children in Minnesota.

### New Statutory Preference for Same Race Placements

Minnesota law was revised effective August 1, 1983 to require authorized child placement agencies to give priority consideration in making adoptive or foster care placements to families that share the same race and ethnic background as the child. Laws of Minnesota, Chapter 278, Section 7., provides that: "The authorized child placing agency shall give preference, in the absence of good cause to the contrary, to the following order of placement:

- (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available,
- (b) a family with the same racial or ethnic heritage as the child, or, if that is not feasible,
- (c) a family of different racial or ethnic heritage from the child which is knowledgeable and appreciative of the child's racial or ethnic heritage.

The Minnesota Department of Public Welfare, which has authority to enforce the adoption law and promulgate its rules, has



interpreted the language "knowledgeable and appreciative of the child's racial or ethnic heritage" (item (c) above) to include: a family having personal relationships with persons of the child's minority heritage; membership in organizations which include members of the child's minority heritage; residence in an integrated neighborhood; or demonstrated ability to meet the cultural needs of a minority child in a multi-racial family. [DPW Instructional Bulletin # 83-61, July 1983.]

Chapter 278 also provides that when a genetic parent expresses a preference for placing a child in an adoptive home of the same religious background of the genetic parent, such preference may be considered, as long as the primary order of placement preferences are followed in locating a family with the desired religious background.

### A First for Minnesota

Passage of the Minnesota Minority Heritage Child Protection Act makes Minnesota the first state to adopt a statutory policy that: "the best interests of the child are met by requiring due consideration of the child's minority race or ethnic heritage in adoption placements;" (Ch. 278, Laws of MN, 1983).

This policy, in effect, reverses the traditional approach to the placement of Black and other minority heritage children in Minnesota, which has been based on the assumption that Black people as a whole are unwilling or unavailable to provide homes for Black children. Further, the assumption has been that it is in the best interests of Black children to make placements across racial lines, because transracial placements are the only chance Black children have for permanent homes.

Under the new policy, placement agencies may no longer assume that Black homes are not available for Black children. Instead, placement agencies must begin to actively recruit homes that share the same race and ethnic background of the child. Or, in each case where an exception to this policy is made, they bear a strong burden of proof to show that a transracial placement is more desirable.

### Other State Law

To date, the only other state to adopt legislation with a similar focus is California. However, the California Civil Code does not go as far as the Minnesota law in establishing placement preference guidelines by statute. Under a revised Title 5 (relating to minors), the California code authorizes the Department of Social Services to develop regulations that "set priorities for the placement of children in foster care which reflect the consideration of the racial background, ethnic heritage, religion, and cultural heritage of a child and the geographical proximity of the placement to the natural parent.

## Exec. Director's Statement (cont'd. from page 1)

clined to include an appropriation for this agency in his biennial budget request. Our success here was in eliminating the June 1983 sunset clause and we further managed to increase our budget (to approximately \$114,000) and staff complement.

The CBM also successfully lobbied passage of our adoption bill (see Focus on "New Law Affecting Adoption and Foster Care," this report, page 6) which for the first time establishes in state law criteria for transracial adoption and foster care. We also lobbied passage of our set-aside bill which will substantially improve the law which governs state contracting with small and Black-owned businesses (see Focus on "Set-Aside Program" this report, page 5).

Obviously, I am quite proud of the accomplishments of the Council on Black Minnesotans. But, there remains much to be done. High on the list of objectives for the agency and new executive director will be the need to "institutionalize" portions of the CBM work program such as our workshops, public policy research, and lobbying efforts. This is necessary to develop a legislative perception that the CBM is an integral (as opposed to temporary) part of state government, and to assure the continuation of such programs that benefit Black people regardless of whether the agency continues to enjoy legislative favor.

I have great faith in the ability of the Council on Black Minnesotans to continue to provide leadership and quality services to its very important constituents. And, I offer my sincere thanks to the many friends and supporters who have stimulated and nurtured our development.

## Focus on Adoption (cont'd. from page 6)

### Special Efforts to Recruit Black and Minority Families

Early indications are that the recruitment provisions of the act are beginning to have a favorable impact on authorized placement agencies. Indeed, several agencies have joined in a special effort to recruit Black and other minority heritage families through the Minnesota Coalition on Black Adoption and Foster Care (MCBAFC), an association fostered by the Council on Black Minnesotans.

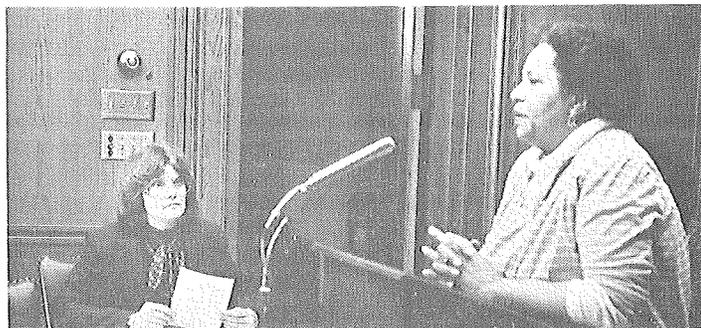
The Coalition provides education and support to minority heritage individuals and families who are potential adoptive or foster parents. Several families have been referred to participant agencies like Hope International, Stillwater, MN, and Crossroads, a St. Paul adoption agency.

### The Need for Monitoring

While the efforts in special minority recruitment of some authorized placement agencies in through MCBAFC appear promising, there will continue to be a need for ongoing monitoring of the implementation of the law, and other aspects of foster care and adoption policy.

To some extent this monitoring will be done by an advisory task force to the Commissioner of Public Welfare, created under the new law. However, a large part of the monitoring will continue to be done by Black social workers, adoption advocates and foster and adoptive parents of Black children around the state.

We have them to thank for their perseverance in bringing this issue to the attention of the Council on Black Minnesotans and the Minnesota Legislature.



## Black Appointments (cont'd.)

Amos Haynes, Chair — Job Training Council  
Mary Thornton Phillips, Member — Job Training Council  
Linda White, Member — State Advisory Commission of Vocational Education  
Elmer Childress, Member — Job Training Council  
Ron Edwards, Member — Job Training Council  
Laura Scott, Member — Job Training Council  
Michael Glapion, Member — State Compensation Insurance Fund

The following are appointments to the governor's executive staffs. These administrators are salaried employees of the state.

Ray Harp, Deputy Commissioner of Insurance — Department of Commerce

\*Lurline Baker Kent, Deputy Commissioner — Department of Corrections

\*Dr. Oliver Spencer, Deputy Commissioner — Department of Human Rights

Joe Sizer, Assistant Commissioner — Intergovernmental Affairs Division, State Planning Agency

\*Charles Poe, Assistant Commissioner — Department of Welfare

\*Michael J. Davis, Judge — Hennepin County Municipal Court

\*Pamela Smith Alexander, Judge — Hennepin County Municipal Court

\*Leslie R. Green, Executive Officer — Office of Adult Release, Department of Corrections

\*James Haynes, Principal Planner — Department of Economic Security

\*Indicates appointments listed in 1982-83 Legislative Report.

## Focus on Set-Aside (cont'd. from page 5)

### Advisory Council Established

A 13-member Small Business Procurement Advisory Council was established to advise the Commissioner of Administration on all matters relating to the set-aside program and to review complaints and grievances from small business vendors or contractors doing or attempting to do business under the program.

This provision and many of the others came about at the urging of several Black and women business owners and their professional associations such as the Minnesota Business League and the National Association of Women Business Owners. They were concerned that there was no established procedure to address grievances or concerns or render advice regarding the set-aside programs.

Appointments to the advisory committee shall be made by the governor and applications are made through the open appointments process.

Questions concerning the new set-aside law, or other aspects of the set-aside program may be addressed to Ted Pegues, small business coordinator, Department of Administration, at 296-6949, or contact the CBM at 297-3708.

## 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 \$209,000 and a staff complement of 3.5, including an executive director, research analyst, government/community liaison and administrative secretary.

### Staff

Paula Baker, Research Analyst  
Steven L. Belton, Executive Director  
Katherine S. Harp, Research Analyst  
Lynette Moore-Adams, Admin. Secretary

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.

COUNCIL ON BLACK MINNESOTANS  
504 Rice Street  
St. Paul, MN 55103

## COMING UP . . .

State Legislative Mini-Session Dates  
Capitol Complex, St. Paul, MN  
September 19-23, 1983  
October 17-21, 1983  
November 14-18, 1983  
January 16-20, 1983  
February 20-24, 1983

### Minneapolis General Election November 8, 1983

**Get Out to Vote!**

Contact: Minneapolis Voting office at 348-2020

### CBM Legislative Orientation Workshop

State Office Building

435 Park Street

St. Paul, MN

January 14, 1984

Contact: CBM office for registration information

Rally Honoring Dr. Martin Luther King, Jr.

State Capitol

January 15, 1984

Opening Date for the 74th Session of the MN Legislature  
March 6, 1984

Precinct Caucuses

March 20, 1984

### St. Paul General Election

**April 24, 1984**

**Get Out to Vote!**

Contact: St. Paul election office for location and information

Closing Date for the 74th Session of the MN Legislature  
May 21, 1984

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