

THIRTEENTH DAY

St. Paul, Minnesota, Thursday, February 10, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. M.E. Sandness.

The roll was called, and the following Senators answered to their names:

| | | | | |
|-------------|---------------|------------|----------------|-----------|
| Adkins | Diessner | Kroening | Novak | Schmitz |
| Anderson | Dieterich | Kronebusch | Olson | Sieloff |
| Belanger | Frank | Laidig | Pehler | Solon |
| Benson | Frederick | Langseth | Peterson, C.C. | Spear |
| Berglin | Frederickson | Lantry | Peterson, D.C. | Storm |
| Bernhagen | Hughes | Lessard | Peterson, D.L. | Stumpf |
| Bertram | Isackson | Luther | Peterson, R.W. | Taylor |
| Brataas | Johnson, D.E. | McQuaid | Petty | Ulland |
| Chmielewski | Johnson, D.J. | Mehrkens | Pogemiller | Vega |
| Dahl | Jude | Merriam | Purfeerst | Waldorf |
| Davis | Kamrath | Moe, D.M. | Ramstad | Wegscheid |
| DeCramer | Knaak | Moe, R.D. | Reichgott | Willet |
| Dicklich | Knutson | Nelson | Renneke | |

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Berg, Freeman and Samuelson were excused from the Session of today. Mr. Dieterich was excused from the Session of today from 10:00 to 10:15 a.m. Mr. Mehrkens was excused from the Session of today from 10:45 to 11:30 a.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

February 23, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the Minnesota Pollution Control Agency are hereby respectfully submitted to the Senate for confirmation as required

by law:

Duane A. Dahlberg, 421 Horn Avenue South, Moorhead, Clay County, has been appointed by me, effective February 23, 1982, for a term expiring the first Monday in January, 1984.

Russell W. Domino, 23 West Road, Circle Pines, Anoka County, has been appointed by me, effective February 23, 1982, for a term expiring the first Monday in January, 1986.

Keith H. Langmo, 618 West Crescent Lane, Litchfield, Meeker County, has been appointed by me, effective February 23, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Agriculture and Natural Resources.)

March 16, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the State Designer Selection Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Roger D. Clemence, 1904 Girard Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective March 16, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Governmental Operations.)

April 1, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the Board of the Arts are hereby respectfully submitted to the Senate for confirmation as required by law:

Stephen F. Keating, 688 Hillside Drive, Wayzata, Hennepin County, has been appointed by me, effective April 1, 1982, for a term expiring the first Monday in January, 1986.

Dee Knaak, 3515 Jerry Street, White Bear Lake, Ramsey County, has been appointed by me, effective April 1, 1982, for a term expiring the first Monday in January, 1986.

Jane A. Wold, Route 2, Mabel, Houston County, has been appointed by me, effective April 1, 1982, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Veterans and General Legislation.)

April 26, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the Cable Communications Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Eugene F. Trumble, 2025 Audubon Drive, Chaska, Carver County, has been appointed by me, effective April 26, 1982, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Public Utilities and State Regulated Industries.)

May 5, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the Public Employment Relations Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Karl F. Landholm, 735 Arbogast, Shoreview, Ramsey County, has been appointed by me, effective May 5, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Governmental Operations.)

August 12, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the Water Planning Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Donald H. Ogaard, R.R. #1, Ada, Norman County, has been appointed by me, effective August 12, 1982, for a term expiring June 30, 1983.

Alvin Payne, Rt. 1, Box 40, DeGraff, Chippewa County, has been appointed by me, effective August 12, 1982, for a term expiring June 30, 1983.

Paul E. Toren, 805 Park Avenue, Mahtomedi, Washington County, has been appointed by me, effective August 12, 1982, for a term expiring June 30, 1983.

(Referred to the Committee on Agriculture and Natural Resources.)

Sincerely yours,

Albert H. Quie, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 41: A bill for an act relating to taxation; income; delaying the

effective date of the requirement that certain securities be in registered form; amending Minnesota Statutes 1982, section 290.09, subdivision 3, as amended; Laws 1982, Third Special Session chapter 1, article VII, section 9.

Senate File No. 41 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 7, 1983

CONCURRENCE AND REPASSAGE

Mr. Johnson, D.J. moved that the Senate concur in the amendments by the House to S.F. No. 41 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 41: A bill for an act relating to public finance; delaying the effective date of the requirement that certain securities be in registered form; authorizing Ramsey County to issue bonds or levy taxes to finance the installation or improvement of heating, cooling, and domestic hot water systems; amending Minnesota Statutes 1982, sections 290.09, subdivision 3, as amended; and 383A.411, by adding subdivisions; Laws 1982, Third Special Session chapter 1, article VII, section 9; repealing Minnesota Statutes 1982, section 383A.411, subdivision 1, 2, and 3.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 59 and nays 2, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|---------------|------------|----------------|-----------|
| Adkins | Diessner | Kroening | Novak | Sieloff |
| Anderson | Frank | Kronebusch | Olson | Solon |
| Belanger | Frederick | Laidig | Peterson, C.C. | Spear |
| Benson | Frederickson | Langseth | Peterson, D.C. | Storm |
| Berglin | Hughes | Lantry | Peterson, D.L. | Stumpf |
| Bernhagen | Isackson | Lessard | Petty | Taylor |
| Bertram | Johnson, D.E. | Luther | Pogemiller | Ulland |
| Brataas | Johnson, D.J. | McQuaid | Purfeerst | Vega |
| Dahl | Jude | Mehrrens | Ramstad | Waldorf |
| Davis | Kamrath | Moe, D. M. | Reichgott | Wegscheid |
| DeCramer | Knaak | Moe, R. D. | Renneke | Willet |
| Dicklich | Knutson | Nelson | Schmitz | |

Messrs. Merriam and Peterson, R.W. voted in the negative.

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 25.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 7, 1983

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 25: A bill for an act relating to the city of Lake Park; authorizing the issuance of general obligation bonds to finance construction of municipal facilities.

Referred to the Committee on Local and Urban Government.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 61: A bill for an act relating to crimes; increasing penalties for failure to stop at the scene of certain accidents; amending Minnesota Statutes 1982, section 169.09, subdivisions 1, 3, 6, 7, and 14.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, insert:

“Section 1. Minnesota Statutes 1982, section 65B.67, is amended by adding a subdivision to read:

Subd. 3a. [INFORMATION TO PEACE OFFICER.] A peace officer may, incident to any valid stop of a motor vehicle or motorcycle or questioning of an operator, request the operator, or the owner if the owner is present and not the operator, to provide information, including the name of the insurer, as to the existence of a plan of reparation security on the motor vehicle or motorcycle. Any person who provides false information to the peace officer, or who refuses or fails to provide the information within 72 hours after the request, is guilty of a misdemeanor and shall be sentenced as provided in subdivision 4.”

Page 1, line 13, strike “thereto” and insert “to the scene”

Page 2, line 3, strike “, and” and insert “. The driver also”

Page 2, lines 3, 4, 7 and 21, strike “such” and insert “the”

Page 2, line 5, strike the comma

Page 2, line 6, strike “and” and insert “. The driver”

Page 3, line 3, before the stricken “as” insert “~~Except~~”

Page 3, after line 24, insert:

“The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.”

Page 3, line 26, delete “5” and insert “6”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring operators of certain vehicles to provide insurance information to peace officers; providing penalties;"

Page 1, line 4, delete "section" and insert "sections 65B.67, by adding a subdivision; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 121: A bill for an act relating to crimes; prohibiting criminal operation of a vehicle; amending Minnesota Statutes 1982, section 609.21.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete "while" and insert "as a result of"

Page 1, line 16, delete "2" and insert "1"

Page 1, line 21, after the period, insert "*For the purposes of this section, negligence includes, but is not limited to, any moving violation of chapter 169.*"

Page 1, line 22, delete "while" and insert "as a result of"

Page 2, line 1, delete "2" and insert "1"

Page 2, line 2, delete "substantial" and insert "great"

Page 2, line 3, delete "7a" and insert "8"

Page 2, line 7, after the period, insert "*For the purposes of this section, negligence includes, but is not limited to, any moving violation of chapter 169.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for January 31, 1983:

STATE OFFICE OF ADMINISTRATIVE HEARINGS
CHIEF HEARING EXAMINER

Duane R. Harves

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for January 31, 1983:

DEPARTMENT OF ADMINISTRATION
COMMISSIONER

Sandra Hale

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Spear from the Committee on Judiciary, to which was referred the following appointment as reported in the Journal for January 31, 1983:

DEPARTMENT OF HUMAN RIGHTS
COMMISSIONER

Irene Gómez-Bethke

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which were referred the following appointments as reported in the Journal for January 24, 1983:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Cornelius A. Van Doren

MINNESOTA WATER RESOURCES BOARD

Ronald Stevens

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 61 and 121 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Langseth moved that the name of Mr. DeCramer be added as a co-author to S.F. No. 123. The motion prevailed.

Mr. Peterson, C.C. moved that the names of Messrs. Lessard and Stumpf be added as co-authors to S.F. No. 172. The motion prevailed.

Mr. Frank moved that the names of Messrs. Dahl and Johnson, D.J. be added as co-authors to S.F. No. 177. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Solon be added as a co-author to S.F. No. 180. The motion prevailed.

Mr. Renneke moved that the name of Mr. Ramstad be added as a co-au-

thor to S.F. No. 181. The motion prevailed.

Mr. Dicklich moved that the names of Ms. Peterson, D.C.; Messrs. Dahl and Johnson, D.J. be added as co-authors to S.F. No. 183. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Solon be added as a co-author to S.F. No. 184. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 190. The motion prevailed.

Mr. Davis moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 191. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 193. The motion prevailed.

Mr. Spear moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 195. The motion prevailed.

Mr. Dicklich moved that the names of Messrs. Pogemiller, Dahl and Benson be added as co-authors to S.F. No. 196. The motion prevailed.

Mr. Kroening moved that the name of Mr. Dahl be added as a co-author to S.F. No. 206. The motion prevailed.

Mr. Langseth moved that the name of Mr. Peterson, C.C. be added as a co-author to S.F. No. 210. The motion prevailed.

Mr. Sieloff moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 215. The motion prevailed.

CALENDAR

S.F. No. 25: A bill for an act relating to crimes; prohibiting adulterating substances intended for use by persons with substances causing bodily harm or death; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|------------|---------------|---------|
| Adkins | Diessner | Kroening | Novak | Sieloff |
| Anderson | Dieterich | Kronebusch | Olson | Solon |
| Belanger | Frank | Laidig | Peterson.C.C. | Spear |
| Benson | Frederick | Langseth | Peterson.D.C. | Storm |
| Berglin | Frederickson | Lantry | Peterson.D.L. | Stumpf |
| Bernhagen | Hughes | Lessard | Peterson.R.W. | Taylor |
| Bertram | Isackson | Luther | Petty | Ulland |
| Brataas | Johnson, D.E. | McQuaid | Pogemiller | Vega |
| Chmielewski | Johnson, D.J. | Mehrkens | Purfeerst | Waldorf |
| Dahl | Jude | Merriam | Ramstad | Willet |
| Davis | Kamrath | Moe, D. M. | Reichgott | |
| DeCramer | Knaak | Moe, R. D. | Renneke | |
| Dicklich | Knutson | Nelson | Schmitz | |

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. No. 26, which the committee recommends to pass with the following amendment offered by Mr. Spear:

Page 2, line 6, delete "*or licensure*"

The motion prevailed. So the amendment was adopted.

S.F. No. 15, which the committee recommends to pass, subject to the following motions:

Mr. Schmitz moved to amend S. F. No. 15 as follows:

Page 2, line 1, after "*serve*" insert "*his district*"

Page 2, line 1, delete "*his*" and insert "*a*"

Page 2, line 2, after "*qualified*" insert "*; except that, following each apportionment, all members and chairmen shall continue to serve at large until their successors are appointed and qualified*"

Page 17, line 36, after "*serve*" insert "*his commission district*"

Page 17, line 36, delete "*his*" and insert "*a*"

Page 18, line 1, after "*qualified*" insert "*; except that, following each apportionment, all members and chairmen shall continue to serve at large until their successors are appointed and qualified*"

Page 18, after line 29, insert:

"Sec. 9. Minnesota Statutes 1982, section 473.303, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The eight members shall be appointed by the council. One member shall be appointed from each of the following commission ~~precincts~~ *districts*:

- (1) ~~Precinct~~ *Commission district A*, consisting of council districts 1 and 2;
- (2) ~~Precinct~~ *Commission district B*, consisting of council districts 3 and 4 7;
- (3) ~~Precinct~~ *Commission district C*, consisting of council districts 4 and 4 6;
- (4) ~~Precinct~~ *Commission district D*, consisting of council districts 5 and 6 12;
- (5) ~~Precinct~~ *Commission district E*, consisting of council districts 7 8 and 8 9;
- (6) ~~Precinct~~ *Commission district F*, consisting of council districts 9 10 and 11;
- (7) ~~Precinct~~ *Commission district G*, consisting of council districts 10 13

and ~~12~~ 14; and

(8) ~~Precinct~~ *Commission district* H, consisting of council districts 15 and 16.

Sec. 10. Minnesota Statutes 1982, section 473.303, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the ~~precinct~~ *commission district* for which he is appointed and shall not during his terms of office as a commission member hold the office of metropolitan council member, or be a member of the metropolitan transit commission, metropolitan waste control commission, or metropolitan airports commission; or any other metropolitan agency, board, or commission hereafter established by the legislature or hold any judicial office.

Sec. 11. Minnesota Statutes 1982, section 473.303, is amended by adding a subdivision to read:

Subd. 4a. [TERMS.] Following each apportionment of metropolitan council districts, as provided under section 3, the terms of members and the chairman of the commission shall commence on the effective date of that apportionment, as provided in section 3. The terms of members and chairmen are as follows: members representing commission districts A, B, C, and D, and the chairman of the commission, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H, for terms ending the first Monday in January of the year ending in the numeral "5". Thereafter the term of each member and the chairman is four years except that all terms expire on the effective date of the next apportionment. A member or chairman shall continue to serve his commission district until a successor is appointed and qualified; except that, following each apportionment, all members and the chairman shall continue to serve at large until their successors are appointed and qualified.

Sec. 12. Minnesota Statutes 1982, section 473.303, subdivision 5, is amended to read:

Subd. 5. [~~TERMS, VACANCIES; REMOVAL.~~] ~~Commencing in April 1974 the terms of members of the commission shall be as follows: members representing precincts A, B, C and D for terms ending the first Monday in January 1977, members representing precincts E, F, G and H, and the chairman, for terms ending the first Monday in January 1979. Thereafter the term of each member and the chairman shall be for a term of four years and until his successor is appointed and qualified. If the office of any commission member or the chairman becomes vacant, the vacancy shall be filled by appointment in the same manner the original appointment was made. Members, other than the chairman, may be removed by the council only for cause in the manner specified in chapter 351. The chairman may be removed at the pleasure of the council.~~

Page 18, line 33, after "act" delete the period and insert "; except that all members shall continue to serve at large until"

Page 18, line 33, delete "shall appoint" and insert "appoints"

Page 19, line 3, after "act" delete the period and insert "; except that all

commission members shall continue to serve at large until'

Page 19, line 4, delete "*shall appoint*" and insert "*appoints*"

Page 19, after line 6, insert:

"The terms of all commission members serving on the metropolitan parks and open space commission, organized under section 473.303, shall expire on the effective date of this act; except that all commission members shall continue to serve at large until the metropolitan council appointed pursuant to this section appoints commission members as provided under section 9 to serve terms as provided under section 11."

Page 19, line 11, delete "*10*" and insert "*14*"

Page 19, line 11, delete "*February 15, 1983,*" and insert "*the day following final enactment*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, after the semicolon delete "*and*"

Page 1, line 16, after the semicolon insert "*and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision;*"

The motion prevailed. So the amendment was adopted.

Mr. Storm moved to amend S. F. No. 15 as follows:

Page 1, line 23, before "*TERMS*" insert "*APPOINTMENTS;*"

Page 1, line 23, after "*TERMS*" insert "*; CONTINUATION IN OFFICE*"

Page 1, line 23, before "*Following*" insert "*(a)*"

Page 1, line 24, delete "*terms of*" and insert "*governor shall appoint*"

Page 1, line 25, delete "*shall commence*" and insert "*to serve terms commencing*"

Page 1, line 32, after "*that*" insert "*, subject to the limitation set forth in paragraph (b),*"

Page 2, after line 2, insert:

"(b) Notwithstanding the provisions of paragraph (a), following each apportionment of council districts, members of the council serving terms commencing the first Monday in January of the year ending in the numeral '1' shall continue to serve the newly apportioned district in which they reside for the balance of their four-year term ending the first Monday in January of the year ending in the numeral '5'; except that, if more than one of those members resides in the same district, the governor shall designate one of them to serve as the council member from that district for the balance of his term and the terms of the other members are thereupon terminated. Following the expiration of those members' terms on the first Monday in January of the year ending in the numeral '5', the governor shall appoint a resident of each of those members' districts to serve the balance of the term for that district, if any, as provided under paragraph (a)."

Page 2, line 5, delete “APPOINTMENT;”

Page 11, line 16, after “districts” insert “, as provided under section 1,”

Page 11, line 16, after “serve” insert “the” and delete “as”

Page 11, line 16, delete “under” and insert “in that”

Page 11, line 16, delete “/”

Page 17, line 23, before “TERMS” insert “APPOINTMENTS;”

Page 17, line 23, after “TERMS” insert “; CONTINUATION IN OFFICE”

Page 17, line 23, before “Following” insert “(a)”

Page 17, line 24, after “the” insert “newly constituted council, as provided under section 1, shall appoint the”

Page 17, line 25, delete “terms of”

Page 17, line 25, delete “and the chairman”

Page 17, line 25, delete “shall”

Page 17, line 26, delete “commence” and insert “to serve terms commencing”

Page 17, line 34, after “that” insert “, subject to the limitation set forth in paragraph (b),”

Page 18, after line 1, insert:

“(b) Notwithstanding the provisions of paragraph (a), following each apportionment of council districts, members of each commission serving terms commencing the first Monday in January of the year ending in the numeral “1” shall continue to serve the newly apportioned district in which they reside for the balance of their four-year term ending the first Monday in January of the year ending in the numeral “5”; except that, if more than one of those members resides in the same district, the metropolitan council shall designate one of them to serve as the commission member from that district for the balance of his term and the terms of the other members are thereupon terminated. Following the expiration of those members’ terms on the first Monday in January of the year ending in the numeral “5”, the metropolitan council shall appoint a resident of each of those members’ districts to serve the balance of the term for that district, if any, as provided under paragraph (a).”

Pages 18 and 19, delete section 9 and insert:

“Sec. 9. Minnesota Statutes 1982, section 473.303, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The eight members shall be appointed by the council. One member shall be appointed from each of the following commission ~~precincts~~ districts:

- (1) ~~Precinct~~ Commission district A, consisting of council districts 1 and 2;
- (2) ~~Precinct~~ Commission district B, consisting of council districts 3 and 4

7;

(3) ~~Precinct~~ *Commission district C*, consisting of council districts 4 and ~~13~~ 6;

(4) ~~Precinct~~ *Commission district D*, consisting of council districts 5 and 6 12;

(5) ~~Precinct~~ *Commission district E*, consisting of council districts 7 8 and 8 9;

(6) ~~Precinct~~ *Commission district F*, consisting of council districts 9 10 and 11;

(7) ~~Precinct~~ *Commission district G*, consisting of council districts ~~10 13~~ and ~~12 14~~; and

(8) ~~Precinct~~ *Commission district H*, consisting of council districts 15 and 16.

Sec. 10. Minnesota Statutes 1982, section 473.303, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the ~~precinct~~ *commission district* for which he is appointed and shall not during his terms of office as a commission member hold the office of metropolitan council member, or be a member of the metropolitan transit commission, metropolitan waste control commission, or metropolitan airports commission; or any other metropolitan agency, board, or commission hereafter established by the legislature or hold any judicial office.

Sec. 11. Minnesota Statutes 1982, section 473.303, is amended by adding a subdivision to read:

Subd. 4a. [APPOINTMENTS; TERMS; CONTINUATION IN OFFICE.] (a) Following each apportionment of metropolitan council districts, as provided under section 3, the newly constituted council, as provided under section 1, shall appoint the members and chairman of the commission to serve terms commencing on the effective date of that apportionment, as provided in section 3. The terms of members and chairmen are as follows: members representing commission districts A, B, C, and D, and the chairman of the commission, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H, for terms ending the first Monday in January of the year ending in the numeral "5". Thereafter the term of each member and the chairman is four years except that, subject to the limitation set forth in paragraph (b), all terms expire on the effective date of the next apportionment. A member or chairman shall continue to serve his commission district until a successor is appointed and qualified.

(b) Notwithstanding the provisions of paragraph (a), following each apportionment of council districts, members of the commission serving terms commencing the first Monday in January of the year ending in the numeral "1" shall continue to serve the newly apportioned district in which they reside for the balance of their four-year term ending the first Monday in January of the year ending in the numeral "5"; except that, if more than one of those members resides in the same district, the metropolitan council shall

designate one of them to serve as the commission member from that district for the balance of his term and the terms of the other members are thereupon terminated. Following the expiration of those members' terms on the first Monday in January of the year ending in the numeral "5", the metropolitan council shall appoint a resident of each of those members' districts to serve the balance of the terms for that district, if any, as provided under paragraph (a).

Sec. 12. Minnesota Statutes 1982, section 473.303, subdivision 5, is amended to read:

Subd. 5. [~~TERMS; VACANCIES; REMOVAL.~~] Commencing in April 1974 the terms of members of the commission shall be as follows: members representing precincts A, B, C and D for terms ending the first Monday in January 1977, members representing precincts E, F, G and H, and the chairman, for terms ending the first Monday in January 1979. Thereafter the term of each member and the chairman shall be for a term of four years and until his successor is appointed and qualified. If the office of any commission member or the chairman becomes vacant, the vacancy shall be filled by appointment in the same manner the original appointment was made. *Members, other than the chairman, may be removed by the council only for cause in the manner specified in chapter 351. The chairman may be removed at the pleasure of the council.*

Page 19, line 11, delete "10" and insert "13"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "requiring the governor to appoint certain metropolitan council members and"

Page 1, line 3, delete "metropolitan"

Page 1, line 9, after the semicolon insert "providing for the appointment of certain commission members and"

Page 1, line 10, delete "requiring the governor to appoint"

Page 1, delete lines 11 to 12

Page 1, line 13, delete "commission members and establishing terms;"

Page 1, line 15, delete the second "and"

Page 1, line 16, after the semicolon insert "and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 36, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|---------------|------------|----------------|-----------|
| Anderson | Frederickson | Knutson | Peterson, D.L. | Ulland |
| Belanger | Hughes | Kronebusch | Ramstad | Wegscheid |
| Benson | Isackson | Laidig | Renneke | |
| Bernhagen | Johnson, D.E. | McQuaid | Sieloff | |
| Brataas | Kamrath | Merriam | Storm | |
| Frederick | Knaak | Olson | Taylor | |

Those who voted in the negative were:

| | | | | |
|-------------|---------------|---------------|---------------|---------|
| Adkins | Diessner | Lessard | Peterson,D.C. | Stumpf |
| Berglin | Dieterich | Luther | Peterson,R.W. | Vega |
| Bertram | Frank | Moe, D. M. | Petty | Waldorf |
| Chmielewski | Johnson, D.J. | Moe, R. D. | Pogemiller | Willet |
| Dahl | Jude | Nelson | Purfeerst | |
| Davis | Kroening | Novak | Reichgott | |
| DeCramer | Langseth | Pehler | Schmitz | |
| Dicklich | Lantry | Peterson,C.C. | Spear | |

The motion did not prevail. So the amendment was not adopted.

Mr. Sieloff moved to amend S. F. No. 15 as follows:

Page 16, line 23, before "Each" insert "(a)"

Page 16, line 26, after the period insert:

"(b) Following each apportionment of council districts, as provided under section 1, the council shall give due consideration to the importance of maintaining a reasonable measure of continuity and experience on the commissions organized under this section. In making appointments to the commissions following an apportionment, the council shall strongly consider re-appointing members who were serving terms commencing the first Monday in January of the year ending in the numeral '1'".

(c)"

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "requiring the council to give due consideration to maintaining continuity and experience on the commissions when making appointments following an apportionment;"

Further, amend the Schmitz amendment to S.F. No. 15 as follows:

Page 1, line 18, before "The" insert "(a)"

Page 1, line 21, after the period, insert:

"(b) Following each apportionment of council districts, as provided under section 1, the council shall give due consideration to the importance of maintaining a reasonable measure of continuity and experience on the commission. In making appointments to the commission following an apportionment, the council shall strongly consider reappointing members who were serving terms commencing the first Monday in January of the year ending in the numeral '1'".

(c)"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 32, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|---------------|------------|---------------|---------|
| Anderson | Frederick | Kamrath | Mehrkens | Sieloff |
| Belanger | Frederickson | Knaak | Olson | Storm |
| Benson | Hughes | Kronebusch | Peterson,D.L. | Taylor |
| Bernhagen | Isackson | Laidig | Ramstad | Ulland |
| Brataas | Johnson, D.E. | McQuaid | Renneke | Waldorf |

Those who voted in the negative were:

| | | | | |
|-------------|----------------|-----------------|-----------------|-----------|
| Adkins | Diessner | Lantry | Peterson, R. W. | Stumpf |
| Berglin | Dieterich | Luther | Petty | Vega |
| Chmielewski | Frank | Merriam | Pogemiller | Wegscheid |
| Dahl | Johnson, D. J. | Moe, D. M. | Purfeerst | Willet |
| Davis | Jude | Moe, R. D. | Reichgott | |
| DeCramer | Kroening | Pehler | Schmitz | |
| Dicklich | Langseth | Peterson, D. C. | Spear | |

The motion did not prevail. So the amendment was not adopted.

Mr. Peterson, D.L. moved to amend S.F. No. 15 as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 473.123, subdivision 2, is amended to read:

Subd. 2. [APPOINTMENTS; TERMS; CONTINUATION IN OFFICE.] Commencing the first Monday in January, 1975, the council members shall be appointed by the governor from each of the districts described in subdivision 3. The terms of the members shall be as follows: members representing even numbered districts for terms ending the first Monday in January, 1977; members representing odd numbered districts for terms ending the first Monday in January, 1979. Thereafter the term of each member shall be for a term of four years and until his successor is appointed and qualified.

Members of the council serving as of the first Monday in January, 1975 shall continue to serve the district described in subdivision 3 in which they reside for the term herein prescribed for that district, provided that if more than one such member resides in the same district the governor shall designate one of them to serve as the council member from the district and the terms of the other members are thereupon terminated. The governor shall appoint as members of the council one resident of each district described in subdivision 3 in which no present member of the council resides to serve for the term herein defined. For the purpose of this subdivision the residence of present members of the council serving as of the first Monday in January, 1975 shall be their residence as of July 1, 1974. (a) Following each apportionment of council districts, as provided under section 3, the governor shall appoint council members to serve terms commencing on the effective date of that apportionment, as provided in section 4. The terms of members are as follows: members representing even numbered districts for terms ending the first Monday in January of the year ending in the numeral “7”; members representing odd numbered districts for terms ending the first Monday in January of the year ending in the numeral “5”. Thereafter the term of each member is four years except that, subject to the limitation set forth in paragraph (b), all terms expire on the effective date of the next apportionment. A member shall continue to serve until his successor is appointed and qualified.

(b) Notwithstanding the provisions of paragraph (a), following each apportionment of council districts, members of the council serving terms commencing the first Monday in January of the year ending in the numeral “1” shall continue to serve the newly apportioned district in which they reside for the balance of their four-year term ending the first Monday in January of the year ending in the numeral “5”; except that, if more than one of those members resides in the same district, the governor shall designate one of them to serve as the council member from that district for the balance of his

term and the terms of the other members are thereupon terminated. Following the expiration of those members' terms on the first Monday in January of the year ending in the numeral "5", the governor shall appoint a resident of each of those members' districts to serve the balance of the term for that district, if any, as provided under paragraph (a).

Sec. 2. Minnesota Statutes 1982, section 473.123, is amended by adding a subdivision to read:

Subd. 2a. [MEMBERSHIP; QUALIFICATIONS.] The council shall be composed of 16 members. The governor shall appoint members on a non-partisan basis after consultation with all members of the legislature from the area composing the council district for which the member is to be appointed. Appointments are subject to the advice and consent of the senate. Each council member shall reside in the council district which he represents. Each council district shall be represented by one member of the council.

Sec. 3. Minnesota Statutes 1982, section 473.123, is amended by adding a subdivision to read:

Subd. 3a. [APPORTIONMENT OF DISTRICT BOUNDARIES.] The metropolitan council reapportionment commission, established under section 4, shall redraw the boundaries of the 16 council districts after each decennial federal census as provided under section 4. Redistricting is effective on the date provided in section 4. Within two months thereafter, the governor shall appoint members from the newly drawn districts, as provided under section 1, to serve the terms provided under that section.

Sec. 4. [473.135] [METROPOLITAN COUNCIL REAPPORTIONMENT COMMISSION.]

Subdivision 1. [COMMISSION ESTABLISHED.] In the year of each decade ending in the number "1", a metropolitan council reapportionment commission shall be established to draw the boundaries of the 16 metropolitan council districts.

Subd. 2. [MEMBERS; QUALIFICATIONS; APPOINTMENTS; VACANCIES.] The commission shall consist of five members who are residents of the metropolitan area as defined in section 473.121, subdivision 2. One member shall be appointed by the speaker of the house and one by the members of the house of representatives representing political parties other than the party represented by the speaker. One member shall be appointed by the president of the senate and one by the members of the senate representing political parties other than the party represented by the president. The remaining member shall be appointed by unanimous agreement of the legislative appointees and he shall serve as the chairman of the commission. The commission members shall be appointed no later than September 1 in the year the commission is established. Vacancies shall be filled by the applicable appointing authority, as provided in this subdivision, within five days after the vacancy occurs.

Subd. 3. [COMPENSATION.] Members of the commission who are not paid a salary by the state shall be compensated at the rate provided by section 15.059, subdivision 3, for members of advisory councils and committees. Members shall be compensated for their actual and necessary expenses incurred in carrying out their duties on the commission in the same

manner and amount as other state employees.

Subd. 4. [MEETINGS; QUORUM.] (a) Meeting times. The chairman shall notify the members of the time and place of the first meeting of the commission, which shall not be later than October 1 in the year the commission is established. Thereafter, the commission shall meet upon the call of either the chairman or a majority of the members of the commission.

(b) Open meetings. The proceedings of the commission are open to the public. The commission shall give public notice of its proceedings and shall keep minutes and audio recordings of those proceedings. All materials submitted to or developed by the commission, together with the minutes or audio record of its proceedings, shall be preserved and made available for public inspection and copying.

(c) Quorum. A majority of the members of the commission constitutes a quorum to conduct business.

Subd. 5. [RULES.] The commission, after notice and opportunity for public comment, may adopt and publish rules necessary to carry out its duties. The rules, if adopted, are not subject to the provisions of chapter 14.

Subd. 6. [ADMINISTRATIVE SUPPORT.] The chairman of the commission shall supervise the staff of the commission. The secretary of state, commissioner of administration, attorney general and revisor of statutes shall make available the personnel, facilities, technical services and other assistance requested by the commission. The commission may employ or contract for the services of other staff personnel.

Subd. 7. [APPORTIONMENT STANDARDS.] The commission shall draw the boundaries of council districts in accordance with the following standards:

(a) All council districts shall be as equal in population as practicable and population shall be the controlling factor in drawing the district boundaries;

(b) The council districts shall be composed of compact and contiguous territory;

(c) To the extent consistent with other standards, the boundaries of the council districts shall follow the boundaries of local governmental units and, wherever practicable, legislative districts; and

(d) No apportionment plan shall be drawn for the purpose of favoring any person or political party.

Subd. 8. [APPORTIONMENT PLAN.] (a) Adoption of plan. The commission shall adopt a plan to apportion the metropolitan council districts not later than March 1 of the year in each decade ending in the numeral "2". If the plan is appealed, as provided under subdivision 11, and remanded by the district court, the commission shall adopt an amended plan consistent with the findings of the court not later than 30 days after the original plan is remanded. An apportionment plan is adopted by the commission when it is approved by a vote of at least three of its members. The plan shall be adopted in accordance with the standards set forth in subdivision 7.

(b) Contents of plan. The apportionment plan adopted by the commission shall include:

- (1) A written description of each council district drawn by the commission;
 - (2) A map of the metropolitan area showing all of the council districts drawn by the commission;
 - (3) A statement of the population in each council district and a statement of the deviation in population of each council district from the average population of all council districts;
 - (4) A justification of any population deviation described in clause (4) which exceeds five percent;
 - (5) An explanation of the standards used by the commission to draw the council districts;
 - (6) Any other information which the commission considers relevant to the plan.
- (e) Filing of plan. The commission shall file the original or any amended plan with the secretary of state within five days after its adoption.
- (f) Minority report. Any commission members in the minority may prepare a minority report which shall be published with the plan adopted by the commission.

Subd. 9. [EFFECTIVE DATE.] An adopted apportionment plan or amended plan is effective on the first Monday in January in the year of each decade ending in the numeral "3".

Subd. 10. [PUBLICATION OF THE PLAN; SUMMARY.] (a) Promptly after the adoption of an apportionment plan the commission shall:

- (1) Prepare and transmit a copy of the plan to each body of the legislature;
 - (2) Prepare and transmit a summary of the plan to each newspaper of general circulation and each radio and television station in the metropolitan area, as defined in section 473.121, subdivision 2;
 - (3) Prepare sufficient copies of the plan and a plan summary for inspection, copying, and purchase by the public.
- (b) The plan summary shall include:
- (1) A map showing all of the new council districts;
 - (2) A statement of the population in each council district;
 - (3) A statement of the percentage variation of each council district from the average population;
 - (4) A statement of where a copy of the plan may be examined or purchased and its purchase price.

Subd. 11. [JUDICIAL REVIEW.] (a) Commencement of action. An action to review an original or amended apportionment plan adopted by the reapportionment commission shall be commenced by petition to the district court within 30 days of the date the plan is filed with the secretary of state.

(b) Petition. The petition shall set forth the facts and law on the basis of which the petitioner believes the plan does not comply with the provisions of this section. A copy of the petition shall be served upon the commission and

upon the attorney general.

(c) *Hearings.* The court shall hold hearings upon the petition and shall render its opinion on an original unamended plan within 60 days of the date that the petition to review is filed.

(d) *Remand.* If the court finds that an original, unamended plan of the reapportionment commission is invalid because it does not comply with the provisions of law, the court shall specify the reasons for its findings and immediately remand the plan to the commission for amendment. If the court retains jurisdiction of an action to review an apportionment plan when the plan is remanded to the commission, the court shall render its opinion on any amended plan within 30 days after the amended plan is filed with the secretary of state.

(e) *Court adopted plan.* The district court shall adopt its own reapportionment plan in accordance with the requirements set forth in this section if:

(1) The commission fails to adopt an apportionment plan or an amended plan within the time limits provided under subdivision 8; or

(2) An amended plan is found invalid upon review by the district court or supreme court.

The court shall hold at least one public hearing before adopting its own plan.

(f) *Appeal to supreme court.* An aggrieved party may secure a review of any final order of or plan adopted by the district court by appeal to the supreme court. The appeal shall be taken in a manner provided by law for appeals from orders or judgments of the district court in other civil cases.

Subd. 12. [DUTIES OF ATTORNEY GENERAL.] The attorney general shall represent the reapportionment commission and shall defend the apportionment plan adopted by the commission in any action to review the plan in the district or supreme court.

Subd. 13. [DISSOLUTION.] The commission shall conclude its business and dissolve when:

(a) The commission has adopted an apportionment plan and 30 days have passed following the filing of the plan with the secretary of state without the commencement of an action under subdivision 11 to have the plan reviewed by the district court;

(b) The commission has adopted an amended apportionment plan after remand by a court and has completed its duties under this section; or

(c) The commission has failed to adopt a plan or amended plan within the time limits provided under subdivision 8.

The conclusion of business shall include preparation of the official record of the commission and a financial statement disclosing all expenditures made by the commission. The official record shall contain all information developed by the commission pursuant to carrying out its duties including records of public hearings, data collected, minutes and audio recordings of hearings and meetings, and other information of a similar nature. The official record shall be submitted to the secretary of state who shall provide for its preser-

vation.

Sec. 5. Minnesota Statutes 1982, section 473.141, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] Each commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The eight members shall be appointed by the metropolitan council. One member shall be appointed from each of the following ~~precincts~~ *commission districts*:

- (1) ~~Precinct~~ *Commission district A*, consisting of council districts 1 and 2;
- (2) ~~Precinct~~ *Commission district B*, consisting of council districts 3 and ~~4~~ 7;
- (3) ~~Precinct~~ *Commission district C*, consisting of council districts 4 and ~~4~~ 6;
- (4) ~~Precinct~~ *Commission district D*, consisting of council districts 5 and 6 12;
- (5) ~~Precinct~~ *Commission district E*, consisting of council districts ~~7~~ 8 and 8 9;
- (6) ~~Precinct~~ *Commission district F*, consisting of council districts ~~9~~ 10 and 11;
- (7) ~~Precinct~~ *Commission district G*, consisting of council districts ~~10~~ 13 and ~~12~~ 14; and
- (8) ~~Precinct~~ *Commission district H*, consisting of council districts 15 and 16.

Sec. 6. Minnesota Statutes 1982, section 473.141, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the ~~precinct~~ *commission district* for which he is appointed and shall not during his term of office hold the office of metropolitan council member, or be a member of another metropolitan commission, the metropolitan airports commission or the metropolitan sports facilities commission or hold any judicial office. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article 5, Section 5. Such oath, duly certified by the official administering the same, shall be filed with the executive director of the metropolitan council.

Sec. 7. Minnesota Statutes 1982, section 473.141 is amended by adding a subdivision to read:

Subd. 4a. [APPOINTMENTS; TERMS; CONTINUATION IN OFFICE.]
(a) *Following each apportionment of metropolitan council districts, as provided under section 3, the newly constituted council, as provided under section 1, shall appoint the members of each commission to serve terms commencing on the effective date of that apportionment, as provided in section 4. The terms of members and chairmen are as follows: members representing commission districts A, B, C, and D, and the chairman of each commission, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H, for terms ending the first Monday in January of the year ending in the*

numeral "5". Thereafter the term of each member and the chairman is four years except that, subject to the limitation set forth in paragraph (b), all terms expire on the effective date of the next apportionment. A member or chairman shall continue to serve until his successor is appointed and qualified.

(b) Notwithstanding the provisions of paragraph (a), following each apportionment of council districts, members of each commission serving terms commencing the first Monday in January of the year ending in the numeral "1" shall continue to serve the newly apportioned district in which they reside for the balance of their four-year term ending the first Monday in January of the year ending in the numeral "5"; except that, if more than one of those members resides in the same district, the metropolitan council shall designate one of them to serve as the commission member from that district for the balance of his term and the terms of the other members are thereupon terminated. Following the expiration of those members' terms on the first Monday in January of the year ending in the numeral "5", the metropolitan council shall appoint a resident of each of those members' districts to serve the balance of the terms for that district, if any, as provided under paragraph (a).

Sec. 8. Minnesota Statutes 1982, section 473.141, subdivision 5, is amended to read:

Subd. 5. [TERMS, REMOVAL.] Commencing the first Monday in January, 1975 the terms of members of each commission shall be as follows: members representing precincts A, B, C, and D for terms ending the first Monday in January, 1977; members representing precincts E, F, G, and H and the chairman for terms ending the first Monday in January, 1979. Thereafter the term of each member and chairman shall be for a term of four years and until his successor is appointed and qualified. Members, other than the chairman, may be removed by the council only for cause in the manner specified in chapter 351. The chairman may be removed at the pleasure of the governor.

Members of any commission serving as of the first Monday in January, 1975 shall continue to serve the precinct described in subdivision 2 in which they reside for the term herein prescribed for that precinct, provided that if more than one such member resides in the same precinct the council shall designate one of them to serve as the commission member from the precinct and the terms of the other members are thereupon terminated. The council shall appoint as members of the commission, in the manner prescribed by subdivision 2, one resident of each precinct described in said subdivision in which no present member of the commission resides to serve for the term herein defined. For the purpose of this subdivision the residence of present members of the commissions serving as of the first Monday in January, 1975 shall be their residence as of July 1, 1974.

Sec. 9. Minnesota Statutes 1982, section 473.303, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The eight members shall be appointed by the council. One member shall be appointed from each of the following commission precincts districts:

- (1) ~~Precinct~~ *Commission district A*, consisting of council districts 1 and 2;
- (2) ~~Precinct~~ *Commission district B*, consisting of council districts 3 and 4
7;
- (3) ~~Precinct~~ *Commission district C*, consisting of council districts 4 and 4
6;
- (4) ~~Precinct~~ *Commission district D*, consisting of council districts 5 and 6
12;
- (5) ~~Precinct~~ *Commission district E*, consisting of council districts 7 8 and 8
9;
- (6) ~~Precinct~~ *Commission district F*, consisting of council districts 9 10 and
11;
- (7) ~~Precinct~~ *Commission district G*, consisting of council districts 10 13
and 12 14; and
- (8) ~~Precinct~~ *Commission district H*, consisting of council districts 15 and
16.

Sec. 10. Minnesota Statutes 1982, section 473.303, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the ~~precinct~~ *commission district* for which he is appointed and shall not during his terms of office as a commission member hold the office of metropolitan council member, or be a member of the metropolitan transit commission, metropolitan waste control commission, or metropolitan airports commission; or any other metropolitan agency, board, or commission hereafter established by the legislature or hold any judicial office.

Sec. 11. Minnesota Statutes 1982, section 473.303, is amended by adding a subdivision to read:

Subd. 4a. [APPOINTMENTS; TERMS; CONTINUATION IN OFFICE.]
(a) *Following each apportionment of metropolitan council districts, as provided under section 3, the newly constituted metropolitan council, as provided under section 1, shall appoint the members and chairman of the commission to serve terms commencing on the effective date of that apportionment, as provided in section 3. The terms of members and chairmen are as follows: members representing commission districts A, B, C, and D, and the chairman of the commission, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H, for terms ending the first Monday in January of the year ending in the numeral "5". Thereafter the term of each member and the chairman is four years except that, subject to the limitation set forth in paragraph (b), all terms expire on the effective date of the next apportionment. A member or chairman shall continue to serve his commission district until a successor is appointed and qualified.*

(b) *Notwithstanding the provisions of paragraph (a), following each apportionment of council districts, members of the commission serving terms commencing the first Monday in January of the year ending in the numeral "1" shall continue to serve the newly apportioned district in which they reside for the balance of their four-year term ending the first Monday in*

January of the year ending in the numeral "5"; except that, if more than one of those members resides in the same district, the metropolitan council shall designate one of them to serve as the commission member from that district for the balance of his term and the terms of the other members are thereupon terminated. Following the expiration of those members' terms on the first Monday in January of the year ending in the numeral "5", the metropolitan council shall appoint a resident of each of those members' districts to serve the balance of the terms for that district, if any, as provided under paragraph (a).

Sec. 12. Minnesota Statutes 1982, section 473.303, subdivision 5, is amended to read:

Subd. 5. [~~TERMS, VACANCIES; REMOVAL.~~] ~~Commencing in April 1974 the terms of members of the commission shall be as follows: members representing precincts A, B, C and D for terms ending the first Monday in January 1977, members representing precincts E, F, G and H, and the chairman, for terms ending the first Monday in January 1979. Thereafter the term of each member and the chairman shall be for a term of four years and until his successor is appointed and qualified. If the office of any commission member or the chairman becomes vacant, the vacancy shall be filled by appointment in the same manner the original appointment was made. Members, other than the chairman, may be removed by the council only for cause in the manner specified in chapter 351. The chairman may be removed at the pleasure of the council.~~

Sec. 13. [APPORTIONMENT PLAN.]

Notwithstanding the provision of section 4 relating to the time of establishment of a metropolitan council reapportionment commission, the commission is established on the effective date of this act to draw the boundaries of the 16 metropolitan council districts. An apportionment plan shall be drawn in accordance with and subject to the provisions of section 4; except that:

(a) Members of the commission shall be appointed within 30 days after the effective date of this act;

(b) The commission's first meeting shall be held not later than 30 days after the appointment of all commission members;

(c) The commission shall adopt an apportionment plan within six months after the date of its first meeting;

(d) The plan or any amended plan is effective 30 days after the filing of the plan or amended plan with the secretary of state if an action for review of the plan or amended plan has not been commenced within the 30 day period for filing a petition;

(e) If an action for review of the plan or amended plan is commenced within the 30 day period for filing a petition, the plan or amended plan is effective on the date the plan or amended plan is found valid by the district court, or if appealed further, by the supreme court; and

(f) The district court shall adopt its own reapportionment plan in accordance with the requirements set forth in section 4 if:

(1) The commission fails to adopt an apportionment plan within the time

limits set forth in paragraph (c);

(2) The commission fails to adopt an amended apportionment plan within 30 days after the original plan is remanded; or

(3) The commission adopts an amended apportionment plan and that plan is found invalid upon review by the district court or supreme court.

Sec. 14. [APPROPRIATION.]

The sum of \$..... is appropriated from the general fund to the metropolitan council reapportionment commission for the purpose of implementing sections 1 to 13. The sum is available on the effective date of this act until expended.

Sec. 15. [REPEALER.]

Minnesota Statutes 1982, section 473.123, subdivision 3, is repealed.

Sec. 16. [EFFECTIVE DATE.]

Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12 and 15 are effective on the date that the reapportionment plan drawn pursuant to sections 4 and 13 is effective, as provided under section 13. Sections 4, 13 and 14 are effective on the day following final enactment."

Delete the title and insert:

"A bill for an act relating to metropolitan government; requiring the governor to appoint certain metropolitan council members and changing the terms of members of the council; requiring that metropolitan council district boundaries be redrawn after each federal census; establishing a metropolitan council reapportionment commission; establishing new metropolitan council commission districts, formerly called precincts; changing references to precincts; providing for the appointment of certain commission members and changing the terms of commission members and chairmen; requiring the reapportionment commission to redraw the council district boundaries; appropriating money; proposing new law coded in Minnesota Statutes 1982, chapter 473; amending Minnesota Statutes 1982, sections 473.123, subdivision 2, and by adding subdivisions; 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, subdivision 3."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 35, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|---------------|------------|---------------|---------|
| Anderson | Diessner | Kamrath | Mehrkens | Sieloff |
| Belanger | Frederick | Knaak | Olson | Storm |
| Benson | Frederickson | Kronebusch | Peterson,D.L. | Taylor |
| Bernhagen | Isackson | Laidig | Ramstad | Ulland |
| Brataas | Johnson, D.E. | McQuaid | Renneke | |

Those who voted in the negative were:

| | | | | |
|-------------|---------------|------------|---------------|-----------|
| Adkins | Dieterich | Lantry | Peterson,D.C. | Solon |
| Berglin | Frank | Luther | Peterson,R.W. | Spear |
| Chmielewski | Hughes | Merriam | Petty | Stumpf |
| Dahl | Johnson, D.J. | Moe, D. M. | Pogemiller | Vega |
| Davis | Jude | Moe, R. D. | Purfeerst | Waldorf |
| DeCramer | Kroening | Nelson | Reichgott | Wegscheid |
| Dicklich | Langseth | Pehler | Schmitz | Willet |

The motion did not prevail. So the amendment was not adopted.

The question was taken on the recommendation to pass S.F. No. 15.

The roll was called, and there were yeas 39 and nays 24, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|------------|----------------|-----------|
| Adkins | Diessner | Lantry | Pehler | Solon |
| Berglin | Dieterich | Lessard | Peterson, D.C. | Spear |
| Bertram | Frank | Luther | Peterson, R.W. | Stumpf |
| Chmielewski | Hughes | Merriam | Petty | Vega |
| Dahl | Johnson, D.J. | Moe, D. M. | Pogemiller | Waldorf |
| Davis | Jude | Moe, R. D. | Purfeerst | Wegscheid |
| DeCramer | Kroening | Nelson | Reichgott | Willet |
| Dicklich | Langseth | Novak | Schmitz | |

Those who voted in the negative were:

| | | | | |
|-----------|---------------|------------|----------------|---------|
| Anderson | Frederick | Knaak | Mehrkens | Sieloff |
| Belanger | Frederickson | Knutson | Olson | Storm |
| Benson | Isackson | Kronebusch | Peterson, D.L. | Taylor |
| Bernhagen | Johnson, D.E. | Laidig | Ramstad | Ulland |
| Brataas | Kamrath | McQuaid | Renneke | |

The motion prevailed. So S.F. No. 15 was recommended to pass.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. DeCramer introduced—

S.F. No. 221: A bill for an act relating to state property; providing for the conveyance of certain property to the city of Tracy.

Referred to the Committee on Local and Urban Government. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Frederick; Peterson, C.C.; Renneke; Frederickson and Isackson introduced—

S.F. No. 222: A bill for an act relating to taxes; changing the capitalization rate for agricultural land; amending Minnesota Statutes 1982, section 273.11, subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Mr. Spear, Ms. Berglin, Messrs. Petty and Dieterich introduced—

S.F. No. 223: A bill for an act relating to crimes; repealing the offenses of sodomy, adultery, and fornication; repealing Minnesota Statutes 1982, sections 609.293; 609.34; and 609.36.

Referred to the Committee on Judiciary.

Mr. Lessard introduced—

S.F. No. 224: A bill for an act relating to local government; permitting the city of Big Falls and part of Koochiching County to join a hospital district.

Referred to the Committee on Local and Urban Government.

Mr. Frederickson introduced—

S.F. No. 225: A bill for an act relating to the town of Paxton; permitting the town to have the powers of a metropolitan area town.

Referred to the Committee on Local and Urban Government.

Mr. Chmielewski introduced—

S.F. No. 226: A bill for an act relating to state employees; permitting payroll deductions in certain situations; proposing new law coded in Minnesota Statutes, chapter 43A.

Referred to the Committee on Governmental Operations.

Mr. Willet introduced—

S.F. No. 227: A bill for an act relating to taxation; property; reducing the classification ratio for commercial or industrial property; amending Minnesota Statutes 1982, section 273.13, subdivision 9.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Renneke, Taylor and Dahl introduced—

S.F. No. 228: A bill for an act relating to education; authorizing certain school districts to levy a special levy for school maintenance purposes.

Referred to the Committee on Education.

Messrs. Benson; Peterson, C.C.; Johnson, D.E.; Kamrath and Mrs. Kronebusch introduced—

S.F. No. 229: A bill for an act relating to retirement; volunteer ambulance services; authorizing the establishment of local volunteer ambulance attendants relief associations; authorizing the relief association to pay lump sum service pensions and other retirement benefits; establishing service pension maximums based on the ability to finance service pensions; establishing minimum financing guidelines; imposing an obligation to provide financing on the affiliated volunteer ambulance service; amending Minnesota Statutes 1982, section 69.80; proposing new law coded as Minnesota Statutes, chapter 424B.

Referred to the Committee on Governmental Operations.

Messrs. Moe, D.M. and Renneke introduced—

S.F. No. 230: A bill for an act relating to retirement; public employees retirement association; changing the reduction factors for early retirement; amending Minnesota Statutes 1982, section 353.30, subdivision 1a.

Referred to the Committee on Governmental Operations.

Mrs. Lantry, Messrs. Laidig, Luther, Mrs. Kronebusch and Mr. Johnson, D.J. introduced—

S.F. No. 231: A bill for an act relating to highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and highways; amending Minnesota Statutes 1982, section 169.685, subdivision 5.

Referred to the Committee on Transportation.

Mr. Frank, Mrs. Lantry, Messrs. Spear and Dicklich introduced—

S.F. No. 232: A bill for an act relating to public utilities; regulating and restricting disconnection of service to residential units during periods of cold weather; proposing new law coded in Minnesota Statutes, chapter 216B.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Spear, Ms. Reichgott, Messrs. Freeman, Jude and Knaak introduced—

S.F. No. 233: A bill for an act relating to probate; requiring annual reports on the personal well-being of wards or conservatees; amending Minnesota Statutes 1982, section 525.58, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S.F. No. 234: A bill for an act relating to the town of Windemere; permitting the town to have the powers of a metropolitan area town.

Referred to the Committee on Local and Urban Government.

Mrs. Adkins introduced—

S.F. No. 235: A bill for an act relating to education; allowing school districts to use capital expenditure funds to purchase property insurance; amending Minnesota Statutes 1982, section 275.125, subdivision 11a.

Referred to the Committee on Education.

Messrs. Solon, Luther and Dahl introduced—

S.F. No. 236: A bill for an act relating to financial institutions; credit unions; removing the restrictions on the amounts that credit unions may invest in the corporate credit union; removing the borrowing restrictions of the corporate credit union; changing references to the central credit union to reflect its name change; amending Minnesota Statutes 1982, sections 52.04, subdivision 1; 52.09, subdivision 2; 52.15, subdivision 1; and 52.17, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Mr. Dicklich introduced—

S.F. No. 237: A bill for an act relating to taxation; property; allowing the county board to abate taxes in certain instances; proposing new law coded in Minnesota Statutes, chapter 375.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Diessner, DeCramer, Anderson, Merriam and Isackson introduced—

S.F. No. 238: A bill for an act relating to environment; providing for the reclamation of peat bogs; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivision 2, and by adding a subdivision; 93.47, subdivisions 2 and 5; and 93.481, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dicklich introduced—

S.F. No. 239: A bill for an act relating to the city of Virginia; authorizing increases in service pensions and survivor benefits for certain retired members and survivors of the Virginia firefighter's relief association.

Referred to the Committee on Governmental Operations.

Ms. Reichgott, Messrs. Petty; Johnson, D.E.; Ms. Berglin and Mr. Luther introduced—

S.F. No. 240: A bill for an act relating to domestic abuse; protecting persons from abuse by former spouses and others; authorizing an arrest for violations of certain orders; amending Minnesota Statutes 1982, section 518B.01, subdivisions 2, 13, and 14.

Referred to the Committee on Judiciary.

Messrs. Johnson, D.J.; Chmielewski; Stumpf; Purfeerst and Ulland introduced—

S.F. No. 241: A bill for an act relating to transportation; limiting liability for civil penalties of carriers or shippers of certain products; amending Minnesota Statutes 1982, section 169.871, subdivision 1.

Referred to the Committee on Transportation.

Messrs. Johnson, D.J.; Dicklich and Lessard introduced—

S.F. No. 242: A bill for an act relating to taxes; providing for the rate and distribution of certain taxes on iron ore concentrate; amending Minnesota Statutes 1982, sections 298.223; 298.24, subdivision 1; 298.28, subdivision 1; and 298.293.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin, Messrs. Solon, Freeman, Luther and Ulland introduced—

S.F. No. 243: A resolution memorializing the United States Congress to again propose an amendment to the United States Constitution providing for

equal rights for women.

Referred to the Committee on Rules and Administration.

Messrs. Knaak, Laidig and Mrs. McQuaid introduced—

S.F. No. 244: A bill for an act relating to the environment; providing for the statewide open burning of leaves in the spring and fall as governed by local ordinances; amending Minnesota Statutes 1982, section 116.082.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Lessard introduced—

S.F. No. 245: A bill for an act relating to public utilities; providing for uniformity of public, pay telephones; proposing new law coded in Minnesota Statutes, chapter 237.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Bernhagen, Frederickson, Willet, Wegscheid and Isackson introduced—

S.F. No. 246: A bill for an act relating to elections; exempting candidates for soil and water conservation supervisor from payment of filing fees; amending Minnesota Statutes 1982, section 204B.11, subdivision 1.

Referred to the Committee on Elections and Ethics.

Messrs. Taylor, Frederickson, Isackson, Ramstad and Renneke introduced—

S.F. No. 247: A bill for an act relating to unemployment compensation; regulating payment for waiting week credit; amending Minnesota Statutes 1982, section 268.08, subdivision 1.

Referred to the Committee on Employment.

Mr. Willet introduced—

S.F. No. 248: A bill for an act relating to labor; creating an exemption from state minimum wage for certain live-in child care county employees; amending Minnesota Statutes 1982, section 177.23, subdivision 7.

Referred to the Committee on Employment.

Messrs. Berg; Anderson; Peterson, C.C. and Johnson, D.E. introduced—

S.F. No. 249: A bill for an act relating to education; authorizing Independent School District No. 206, Alexandria, to construct an addition to its area vocational-technical institute subject to certain conditions.

Referred to the Committee on Education.

Messrs. Peterson, C.C.; Johnson, D.J. and Novak introduced—

S.F. No. 250: A bill for an act relating to taxation; reducing the rate of tax

on corporation income; eliminating the deduction for taxes paid by corporations to other states; amending Minnesota Statutes 1982, sections 290.06, subdivision 1; and 290.09, subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Novak; Johnson, D.J. and Peterson, R.W. introduced—

S.F. No. 251: A bill for an act relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; imposing a penalty; amending Minnesota Statutes 1982, sections 13.46, subdivision 2; 176.231, subdivision 9; 290.032, subdivision 2; 290.06, subdivisions 1, 2c, 2e, as amended, and 3d; 290.068, subdivision 3; 290.077, subdivisions 1 and 4; 290.081; 290.09, subdivisions 1, 6, and 29; 290.095, subdivisions 3 and 7; 290.12, subdivision 2; 290.17, subdivision 2; 290.21, subdivision 4; 290.26, subdivision 2; 290.39, subdivision 1; 290.49, subdivision 8; 290.50, subdivisions 1 and 5; 290.53, subdivision 3a and by adding a subdivision; 290.531; 290.92, subdivision 5a; 290A.03, subdivision 13; 290A.04, subdivision 3; 290A.06; 290A.111, subdivision 2; 290A.112, subdivision 2; 609.50; and Laws 1981, Third Special Session chapter 2, article III, section 22, as amended; and article IV, section 14; and repealing Minnesota Statutes 1982, sections 136A.235; 290.01, subdivision 25; 290.07, subdivision 5a; 290.071, subdivisions 2, 3, 4, and 6; 290.26, subdivision 2a; 290.34, subdivision 3; 290.48, subdivision 6; 290A.04, subdivisions 2c and 2d.

Referred to the Committee on Taxes and Tax Laws.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, February 14, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate