EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 7, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I am vetoing S. F. No. 2122. This Act, if allowed to become law, would have established a new method for reapportioning Hennepin County Commissioner districts.

I feel strongly that reapportionment should be removed from the political arena. However, unlike the proposed constitutional amendment establishing a state reapportionment commission, the provisions of this act have the potential of increasing the partisan motives inherent in all redistricting. S. F. 2122 ostensibly establishes a bipartisan commission, but its provisions fail to accomplish this worthy objective.

Although Hennepin County Commissioners are elected on a non-party designated ballot, they are endorsed by political parties during their campaigns. Under the proposed legislation, if five or more of the seven-member Hennepin County Board have the same political persuasion, there is no assurance that a bipartisan redistricting plan will be adopted.

Furthermore, if the Board is divided by a four-to-three vote, there is a strong likelihood that a court, and not the commission, would be required to draw the district boundaries. This differs from present state law which provides for a court-appointed redistricting commission to draw new boundaries, should the County Board fail to do so.

I. This legislation establishes an eleven member commission. Each county commissioner appoints one member, with the remaining four members selected by the first seven. A vote of six of the eleven members is required to approve the plan. Under this legislation, the following problems would arise:

1. The four non-board appointees are selected upon agreement by five of the board appointed members. Partisan politics could easily influence the appointment of the four non-board appointed members. This is in contrast to the state-wide bipartisan reapportionment proposal which I support. Under the proposed state-wide constitutional amendment, the five public members are selected only if *unanimous* consent is given by the four legislative appointees (two legislators from each political party).

2. A majority of six of the eleven members is required to approve the Hennepin County reapportionment plan.
   —If the majority caucus of the Board has six or seven members, their representatives on the

reapportionment commission can effectively draw the boundaries.

—If the majority caucus has five members, their five representatives could select all of the non-Board appointees. The five from the majority caucus could then control all reapportionment decisions.

Again, this is in contrast to the state-wide proposal under which six of the nine members must agree on the reapportionment plan. This extraordinary majority requirement in the proposed constitutional amendment makes it necessary to achieve bipartisan consensus for any plan to be adopted.

3. If the majority caucus on Hennepin County controls four of the seven seats, it is likely that a court would write the reapportionment plan. This would result when the seven board-appointed members could not reach a five member consensus on the four non-board appointees. If this consensus is not reached, five of the *Board* members must agree on the four non-board appointees. If five Board members cannot agree, there is no provision for filling a vacancy. Presumably, the court would have to reapportion. Again, this is in contrast to the state-wide proposal, which constitutionally requires the Supreme Court to appoint members to vacancies which cannot be filled by consensus.

II. The Legislature, which used substantial portions of the state-wide reapportionment proposal in drafting S. F. 2122, failed to incorporate the bipartisan appointment principle which is part of the proposed constitutional amendment. The departure from this principle results in my veto.

Hennepin County is better served under present law (Minnesota Statutes, Sec. 375.025) than it would be if this legislation took effect.

The present county reapportionment law was adopted in 1974. The Hennepin County Board successfully reapportioned itself in 1975 under the provisions of the 1974 law.

Current law provides for a court appointed redistricting commission for redrawing boundaries if any county board fails to reapportion following a census or reapportions in a manner inconsistent with statutorally established standards. Existing law does not suffer from the defects of S. F. 2122 with its likelihood of a court determined reapportionment plan.

III. The following additional comments are offered.

S. F. 2122 contradicts existing law in one of its provisions. The Act fails to exempt Hennepin County from the applicability

of Minnesota Statutes 1978, Section 375.025, subd. 1, which requires redistricting by *county boards*. It is likely that this contradiction would result in litigation.

This is a significant error. Perhaps it reflects the hastiness with which this legislation was prepared and passed.

—This legislation was not presented to the House or Senate Hennepin County delegation for their consideration.

—This legislation was opposed by a majority on the Hennepin County Board.

—The bipartisan Metropolitan Inter-County Association, representing the seven-county metropolitan area, unanimously opposed this legislation.

Section 1 of this Act provides for individuals to take time off work to serve as election judges. This provision, standing alone, would have been acceptable. It is unfortunate that the Legislature amended the reapportionment commission to this bill. As Governor, I do not have the authority to let Section 1 become law on its own merits. Therefore, the entire Act must fall.

For the reasons set forth in this message, I cannot allow S. F. 2122 to become law. I am, therefore, returning it to you unsigned.

Sincerely,
Albert H. Quie, Governor

Mr. Luther moved that S. F. No. 2122 and the veto message be laid on the table. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2023 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2023 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 2, 1980

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2023

A bill for an act relating to waste management; establishing a waste management board and a legislative commission; establishing a state government resource recovery program; establishing solid waste planning assistance and demonstration programs; providing for the issuance of state waste management bonds; providing for the establishment of solid waste management districts; requiring hazardous waste management planning and development; establishing procedures for the review and approval of permits for waste facilities; authorizing debt; appropriating