

(b) The guardian may make major decisions affecting the person of his ward, including but not limited to giving consent (when consent is legally required) to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment, or adoption of the ward. When, pursuant to ~~subdivision 1, clause (a)~~ this section, the commissioner of public welfare is appointed guardian, he may delegate to the welfare board of the county in which, after the appointment, the ward resides, the authority to act for him in decisions affecting the person of his ward, including but not limited to giving consent to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment of the ward.

(c) A guardianship created under the provisions of ~~subdivision 1~~ this section shall not of itself include the guardianship of the estate of the ward.

Sec. 5. Minnesota Statutes 1982, section 364.09, is amended to read:

**364.09 LAW ENFORCEMENT; EXCEPTION.**

This chapter shall not apply to the practice of law enforcement; ~~but or to~~ eligibility for a family day care license or a family foster care license. Nothing in this section shall be construed to preclude the Minnesota police and peace officers training board from recommending policies set forth in this chapter to the attorney general for adoption in his discretion to apply to law enforcement.

Approved June 9, 1983

**CHAPTER 305 — S.F.No. 164**

*An act relating to state government; removing the requirement of senate confirmation for appointment to certain state agencies; limiting terms of certain holdover appointees; formulating a procedure for senate and house confirmations; changing a time requirement for filing a statement of economic interest in certain cases; amending Minnesota Statutes 1982, sections 1.33; 3.9223, subdivision 1; 10A.09, subdivisions 1 and 3; 14.48; 15.0575, subdivision 2; 15.0597, subdivision 6; 15.06, subdivisions 2 and 5; 15.50, subdivision 1; 40.03, subdivision 1; 85A.01, subdivision 1; 105.401, subdivision 1; 115A.05, subdivision 2; 116E.02, subdivision 1; 116J.04; 121.82, subdivision 1; 121.844, subdivision 1; 179.72, subdivision 1; 182.664, subdivision 1; 250.05, subdivision 2; 299B.05, subdivision 1; 414.01, subdivision 2; 473.123, subdivision 4; 473.141, subdivision 3; 490.15, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1982, section 11A.07, subdivision 3.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, section 1.33, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

### 1.33 REPRESENTATIVES, SELECTION.

In pursuance of section 1.31 creating the Minnesota-Wisconsin boundary area commission, the Minnesota representation thereon shall consist of five commissioners appointed by the governor, ~~by and with the advice and consent of the senate,~~ each for a four year term. The terms of the commissioners shall be staggered. Vacancies shall be filled by appointment by the governor ~~with the advice and consent of the senate~~ for the unexpired term.

Sec. 2. Minnesota Statutes 1982, section 3.9223, subdivision 1, is amended to read:

Subdivision 1. **MEMBERSHIP.** There is created a state council on affairs of Spanish-speaking people to consist of seven members appointed by the governor ~~with the advice and consent of the senate.~~ The members of the council shall be broadly representative of the Spanish-speaking community of the state. Membership, terms, compensation, removal of members and filling of vacancies shall be as provided in Minnesota Statutes, Section 15.0575. The council shall annually elect from its membership a chairperson and other officers it deems necessary.

Sec. 3. Minnesota Statutes 1982, section 10A.09, subdivision 1, is amended to read:

Subdivision 1. Except for a candidate for elective office in the judicial branch, an individual shall file a statement of economic interest with the board:

- (a) Within 60 days of accepting employment as a public official; or
- (b) Within 14 days after filing an affidavit of candidacy or petition to appear on the ballot for an elective public office; or
- (c) In the case of a public official requiring the advice and consent of the senate, ~~prior to the submission of his name to the senate, and in any event,~~ within 60 14 days after he undertakes the duties of his office.

Sec. 4. Minnesota Statutes 1982, section 10A.09, subdivision 3, is amended to read:

Subd. 3. The board shall notify the secretary of state or the appropriate county auditor and, when necessary in the case of appointive office, the presiding officer of the house that will approve or disapprove the nomination, of the name of the individual who has filed a statement of economic interest with the board, a copy of the statement, and the date on which the statement was filed.

Sec. 5. Minnesota Statutes 1982, section 14.48, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

**14.48 CREATION OF OFFICE OF ADMINISTRATIVE HEARINGS;  
CHIEF HEARING EXAMINER APPOINTED; OTHER HEARING EXAMINERS APPOINTED.**

A state office of administrative hearings is created. The office shall be under the direction of a chief hearing examiner, who shall be learned in the law and appointed by the governor, with the advice and consent of the senate, for a term ending on June 30 of the sixth calendar year after appointment. Senate confirmation of the chief hearing examiner shall be as provided by section 10. The chief hearing examiner shall appoint additional hearing examiners and compensation judges to serve in his office as necessary to fulfill the duties prescribed in sections 14.48 to 14.56. All hearing examiners and compensation judges shall be in the classified service except that the chief hearing examiner shall be in the unclassified service, but may be removed from his position only for cause. All hearing examiners shall have demonstrated knowledge of administrative procedures and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner. All workers' compensation judges shall be learned in the law, shall have demonstrated knowledge of workers' compensation laws and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner.

Sec. 6. Minnesota Statutes 1982, section 15.0575, subdivision 2, is amended to read:

Subd. 2. **MEMBERSHIP TERMS.** The terms of the members shall be four years with the terms ending on the first Monday in January. The appointing authority shall appoint as nearly as possible one-fourth of the members to terms expiring each year. If the number of members is not evenly divisible by four, the greater number of members, as necessary, shall be appointed to terms expiring in the year of commencement of the governor's term and the year or years immediately thereafter. If the membership is composed of categories of members from occupations, industries, political subdivisions, the public or other groupings of persons, and if the categories have two or more members each, the appointing authority shall appoint as nearly as possible one-fourth of the members in each category at each appointment date. Members may serve until their successors are appointed and qualify. If the appointing authority fails to appoint a successor by July 1 of the year in which a term expires, the term of the member for whom a successor has not been appointed shall extend, subject to the advice and consent of the senate if the member was appointed by the governor, until the first Monday in January four years after the scheduled end of the original term but in no case later than July 1 in a year in which a term expires unless reappointed.

Sec. 7. Minnesota Statutes 1982, section 15.0597, subdivision 6, is amended to read:

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Subd. 6. **APPOINTMENTS.** In making an appointment to a vacant agency position, the appointing authority shall consider applications for positions in that agency supplied by the secretary. No appointing authority may appoint someone to a vacant agency position until (1) ten days after receipt of the applications for positions in that agency from the secretary or (2) receipt of notice from the secretary that no applications have been received for vacant positions in that agency. At least five days before the date of appointment, the appointing authority shall issue a public announcement and inform the secretary in writing of the name of the person the appointing authority intends to appoint to fill the agency vacancy and the expiration date of that person's term. If the appointing authority intends to appoint a person other than one for whom an application was submitted pursuant to this section, the appointing authority shall complete an application form on behalf of the appointee and submit it to the secretary indicating on the application that it is submitted by the appointing authority. If the appointment requires the advice and consent of the senate, the secretary shall, prior to consideration by the senate of the appointment, supply the president of the senate with a copy of the application, together with a copy of any documents which the appointee is required by virtue of his appointment to submit to the ethical practices board. With respect to the ethical practices board, the secretary shall also submit a copy of the application and documents to the speaker of the house of representatives prior to consideration of the appointment by the house of representatives.

Sec. 8. Minnesota Statutes 1982, section 15.06, subdivision 2, is amended to read:

Subd. 2. **TERM OF OFFICE; SUCCESSOR.** The term of a commissioner shall end with the term of the office of governor. If the appointing authority is the governor, the term shall end on the date the governor who appointed the commissioner vacates his office. The appointing authority shall submit to the president of the senate the name of an appointee as permanent commissioner as provided by section 10, subdivision 2, within 45 legislative days after the end of the term of a commissioner and within 45 legislative days after the occurrence of a vacancy. The appointee shall take office as permanent commissioner when the senate notifies the appointing authority that it has consented to the appointment. A commissioner shall serve at the pleasure of the appointing authority. ~~Effective on and after July 1, 1987, a commissioner may only be removed for cause after notice and hearing.~~

Sec. 9. Minnesota Statutes 1982, section 15.06, subdivision 5, is amended to read:

Subd. 5. **EFFECT OF DESIGNATION OF ACTING OR TEMPORARY COMMISSIONER.** A person who is designated ~~commissioner~~, acting commissioner or temporary commissioner pursuant to subdivisions 3 or 4 shall immediately have all the powers and emoluments and perform all the duties of

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the office. A person who is designated permanent commissioner shall have all the powers and may perform all the duties of the office upon receipt of the letter of appointment by the president of the senate pursuant to section 10. Upon the appointment of a permanent commissioner or acting commissioner to succeed any other acting or temporary commissioner, the subsequent appointee shall immediately take the place of any other acting or temporary commissioner. No person shall serve as a permanent commissioner or acting commissioner after the senate has voted to refuse to consent to his appointment as permanent commissioner. Notice of the designation of a commissioner or acting commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the state register.

Sec. 10. **[15.066] CONFIRMATION OF APPOINTMENTS.**

Subdivision 1. APPLICABILITY. This section applies to all appointments which by statute require the advice and consent of the senate. For the purpose of this section, the term "agency" includes state departments, boards, committees, councils, commissions, authorities, and advisory task forces created by statute.

Subd. 2. PROCEDURE. In all appointments to state agencies which require the advice and consent of the senate, the following procedure shall apply:

(a) The appointing authority shall provide to the president of the senate a letter of appointment which shall include the position title to which the appointment is being made; the name, street address, city and county of the appointee; and the term of the appointment;

(b) For those positions for which a statement of economic interest is required to be filed by section 10A.09, the appointing authority shall give the notice to the ethical practices board required by section 10A.09, subdivision 2, at the time the letter of appointment is directed to the president of the senate;

(c) If the appointment is subject to the open appointments program provided by section 15.0597, the appointing authority shall provide the senate with a copy of the application provided by section 15.0597, at the time the letter of appointment is directed to the president of the senate; and

(d) The appointment shall be effective and the appointee may commence to exercise the duties of the office upon the receipt of the letter of appointment by the president of the senate.

Sec. 11. Minnesota Statutes 1982, section 15.50, subdivision 1, is amended to read:

Subdivision 1. (a) The legislature finds that the purposes of the board are to (1) preserve and enhance the dignity, beauty and architectural integrity of the capitol, the buildings immediately adjacent to it, the capitol grounds, and the

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capitol area; (2) protect, enhance, and increase the open spaces within the capitol area when deemed necessary and desirable for the improvement of the public enjoyment thereof; (3) develop proper approaches to the capitol area for pedestrian movement, the highway system, and mass transit system so that the area achieves its maximum importance and accessibility; and (4) establish a flexible framework for growth of the capitol buildings which will be in keeping with the spirit of the original design.

(b) The capitol area architectural and planning board, herein referred to as the board, consists of ten members. The lieutenant governor shall be a member of the board. Four members shall be appointed by the governor ~~by and with the advice and consent of the senate~~; three members, one of whom shall be a resident of the district planning council area containing the capitol area, shall be appointed by the mayor of the city of Saint Paul, with the advice and consent of the city council. The speaker of the house shall appoint a member of the house of representatives and the president of the senate shall appoint one senator to be members of the board. Each person appointed to the board shall qualify by taking the oath of office.

(c) The lieutenant governor is the chairman of the board. The attorney general is the legal advisor to the board. The board may elect a vice-chairman who may preside at meetings in the absence of the lieutenant governor and such other officers as it may deem necessary to carry out its duties.

(d) The board shall select an executive secretary to serve the board. It may employ such other officers and employees as it may deem necessary all of whom shall be in the classified service of the state civil service. The board may contract for professional and other similar service on such terms as it may deem desirable.

Sec. 12. Minnesota Statutes 1982, section 40.03, subdivision 1, is amended to read:

Subdivision 1. **MEMBERS.** There is hereby established, to serve as an agency within the department of natural resources and to perform the functions conferred upon it in this chapter, the state soil and water conservation board to be composed of 12 members, seven of whom shall be elected supervisors and the following five ex-officio members: The director of the agricultural extension service of the University of Minnesota; the dean of the Institute of Agriculture of the University of Minnesota; the director of the pollution control agency; the commissioner of agriculture; and the commissioner of natural resources. Each ex-officio member may designate a person within his organization to act in his stead as a member of the state board, with all his rights and privileges. The designation shall be filed with the secretary of state. The state board shall invite the state conservationist of the United States soil conservation service to serve as an advisory member. The state board may also invite a representative of the state association of soil and water conservation districts, the association of

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Minnesota counties, the league of Minnesota cities and any other organizations and appropriate agencies deemed necessary to serve as advisory members. The seven members of the state board who are elected supervisors shall be appointed by the governor ~~with the advice and consent of the senate~~. In making these appointments the governor may consider persons recommended by the state association of soil and water conservation district. One member shall be appointed from each department of natural resources region ~~except that two members shall be appointed from region number one~~ soil and water conservation board administrative region.

Sec. 13. Minnesota Statutes 1982, section 85A.01, subdivision 1, is amended to read:

Subdivision 1. The Minnesota zoological garden is hereby established under the supervision and control of the state zoological board which is hereby created. The board shall consist of 11 members appointed by the governor ~~with the advice and consent of the senate~~. In consultation with the Dakota county board the governor shall appoint as a twelfth member of the zoo board a resident of Dakota county who shall not vote and who may be a member of the county board.

Sec. 14. Minnesota Statutes 1982, section 105.401, subdivision 1, is amended to read:

Subdivision 1. **MEMBERSHIP, OFFICERS, STAFF.** There is created in the executive branch of the state government a water planning board. The members of the board are: (1) the commissioner of natural resources; (2) the commissioner of health; (3) the director of the pollution control agency; (4) the commissioner of agriculture; (5) the chairman of the state soil and water conservation board, or their designees; and (6) three citizen members with experience in and knowledge of water management issues appointed by the governor ~~with the advice and consent of the senate~~. The citizen members shall not be considered public officers of the state for the purposes of section 112.37, subdivision 1. The governor shall appoint the chairperson of the board, ~~with the advice and consent of the senate~~ to serve at the pleasure of the governor for a four year term coterminous with the term of the governor. The chairperson shall not be a representative of the state agencies listed, but shall be the ninth member of the board and also shall represent the governor on the federal-state river basin commissions. The membership term and compensation of the citizen members shall be as provided by section 15.0575. The board shall supersede and replace the Minnesota water resources council created by executive order of the governor.

The board shall keep a record of its official actions, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the discharge of its duties and the exercise of its functions.

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Sec. 15. Minnesota Statutes 1982, section 115A.05, subdivision 2, is amended to read:

Subd. 2. **PERMANENT MEMBERS.** Eight of the permanent members of the board shall be appointed by the governor, with the advice and consent of the senate, to represent diverse areas and interests within the state. One member shall be appointed from each congressional district in accordance with boundaries existing on January 1, 1980. The term of office and compensation of the eight members thus appointed, and the manner of removal and filling of vacancies, shall be as provided in section 15.0575, except that the initial term of all members shall be four years and the rate of compensation shall be \$50 per day spent on board activities. The ninth permanent member of the board shall be the chairperson who shall be appointed by the governor with the advice and consent of the senate. Senate confirmation of the permanent members of the board shall be as provided by section 10. The chairperson shall serve at the pleasure of the governor for a term coterminous with that of the governor, except that the initial term of the chairperson shall be four years. The chairperson shall be the executive and operating officer of the board and shall determine the time and place of meetings, preside at meetings, appoint all board officers and hire and supervise all employees subject to the approval of the board, carry out the policy decisions of the board, and perform all other duties and functions assigned to him by the board or by law. No permanent member of the board shall hold other elected or appointed public office.

Sec. 16. Minnesota Statutes 1982, section 116E.02, subdivision 1, is amended to read:

Subdivision 1. **MEMBERSHIP; TERMS.** A state environmental education board, designated as the environmental education board, is hereby created. Regional environmental education councils, subordinate to the environmental education board and designated as regional environmental education councils are hereby created to represent the regions of the state designated by the governor pursuant to Minnesota Statutes 1971, Section 462.385. The state board shall consist of 6 members to be appointed by the governor ~~with the advice and consent of the senate~~, and one member from each of the regional councils. Each regional council shall elect one member to serve on the state board. Regional councils shall consist of 12 members, appointed by the chairman of the state board with approval of the state board, with at least one person representing each of the following groups: (a) public school systems having grade levels kindergarten through 12, inclusive; (b) post-secondary educational institutions; (c) regional economic development commissions, where established; (d) voluntary organizations; (e) business, industry and agriculture; (f) labor organizations; and (g) elected local government officers. The term of a member of a regional council shall begin on July 1 and shall extend for a four year term and until his successor is duly appointed and qualifies. A vacancy in the office of a member of any

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regional council shall be filled by the appointing authority, for the unexpired term.

The regional environmental education council corresponding to the metropolitan area regional development commission as designated by the governor pursuant to section 462.385 shall consist of one member from each of the five task forces hereafter created and seven public members. One task force consisting of seven members shall be appointed by the chairman of the state board with the approval of the board to represent each of the following five geographic areas: the city of Minneapolis; the remainder of Hennepin county; Carver, Scott and Dakota counties; Ramsey county; and Anoka and Washington counties. Each task force shall select one of its members to serve on the metropolitan regional environmental education council. Members of the task forces shall be compensated and shall have terms similar to those of the regional environmental education councils. The foregoing task forces shall commence their functions on July 1, 1977; however, they may not select members for the state boards until July 1, 1978.

Sec. 17. Minnesota Statutes 1982, section 116J.04, is amended to read:

**116J.04 ENERGY POLICY DEVELOPMENT COUNCIL.**

A council of 15 members to act in an advisory capacity on energy policy development to the commissioner is created. Members shall be appointed by the governor, with the advice and consent of the senate, one from each congressional district and seven from the state at large. The council members shall broadly represent the scientific, technical, educational, business and labor fields and at least four members shall be from educational and scientific research institutions. The council shall develop recommendations on policy for energy issues and energy needs and shall advise the commissioner on the energy related functions of the department. The commissioner shall report to the legislature on the major energy policy recommendations of the council. The council shall organize and elect among its members such other officers as it may deem necessary. The council shall meet at the call of the chair. The terms, compensation and removal of members shall be as provided by section 15.059. The council may advise the commissioner on the transfer of energy agency personnel and functions.

Sec. 18. Minnesota Statutes 1982, section 121.82, subdivision 1, is amended to read:

Subdivision 1. **APPOINTMENT OF MEMBERS.** Legislative members of the education commission established in article III (A) are appointed as follows: One member of the house of representatives appointed by the speaker of the house for a term coinciding with the term of office of the member; one member of the senate appointed by the committee on committees for a two year term. Members of the education commission appointed by the governor are appointed with the advice and consent of the senate for a term which coincides

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with the term of the appointing governor. Members appointed from the legislature and members appointed by the governor serve until their successors are appointed and qualified.

Sec. 19. Minnesota Statutes 1982, section 121.844, subdivision 1, is amended to read:

Subdivision 1. **APPOINTMENT.** Legislative members of the Midwestern Education Board established in article III of the Midwestern Education Compact are appointed as follows: one member of the house of representatives appointed by the speaker of the house for a term coinciding with the term of office of the member; one member of the senate appointed by the subcommittee on committees of the rules and administration committee for a two-year term. Two citizen members, one of whom shall be from the field of education, shall be appointed by the governor ~~with the advice and consent of the senate~~ for a term which coincides with the term of the appointing governor. Members appointed from the legislature and members appointed by the governor serve until their successors are appointed and qualified.

Sec. 20. Minnesota Statutes 1982, section 179.72, subdivision 1, is amended to read:

Subdivision 1. There is hereby established a public employment relations board with the powers and duties assigned to it by this section. The board shall consist of five members appointed by the governor of the state of Minnesota ~~with the advice and consent of the senate~~. Two members shall be representative of public employees; two shall be representative of public employers; and one shall be representative of the public at large. Public employers and employee organizations representing public employees may submit for consideration names of persons representing their interests to serve as members of the board. The board shall select one of its members to serve as chairman for a term beginning May 1 each year.

Sec. 21. Minnesota Statutes 1982, section 182.664, subdivision 1, is amended to read:

Subdivision 1. There is hereby created the occupational safety and health review board, consisting of three members to be appointed by the governor, ~~by and with the advice and consent of the senate~~. The governor shall designate one member to serve as chairman. The review board members shall be chosen so that one shall represent management; one shall represent labor; and one shall represent the general public. The members shall be chosen from persons qualified by education, training or experience to carry out the functions of the board. Service on such board for a term shall not render a person ineligible for reappointment.

Sec. 22. Minnesota Statutes 1982, section 250.05, subdivision 2, is amended to read:

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Subd. 2. The Gillette hospital shall be governed by a board of directors consisting of nine members. Not more than four of those appointed by the governor shall be residents of Ramsey county. The commissioner of health and the commissioner of economic security shall each designate a senior employee of their respective departments to represent them as voting members of the board. The designee of the commissioner of economic security shall be the person having authority over the administration of federally recognized vocational rehabilitation programs. Notwithstanding the provisions of subdivision 2a, the term of office of a designee shall be coterminous with the term of office of the designating commissioner. Of the seven remaining members, at least four shall be consumers as defined in section 145.833, and one member shall be a member of the medical staff, to be recommended by the medical staff of the hospital. Members other than the designees shall be appointed by the governor, ~~and the appointments of all members shall be subject to the advice and consent of the senate.~~ No member of the board shall be an employee of or have any direct or immediate family financial interest in a business entity that provides goods or services to the hospital. No member of the board may be an employee of the hospital or employed by the hospital within the past five years.

Sec. 23. Minnesota Statutes 1982, section 299B.05, subdivision 1, is amended to read:

Subdivision 1. There is created in the department of public safety, for budgetary and administrative purposes, the crime victims reparations board, which shall consist of three members appointed by the governor ~~with the advice and consent of the senate.~~ One of the members shall be designated as chairman by the governor and serve as such at his pleasure. At least one member shall be a person who is admitted to the bar of this state, and at least one member shall be a medical or osteopathic physician licensed to practice in this state.

Sec. 24. Minnesota Statutes 1982, section 414.01, subdivision 2, is amended to read:

Subd. 2. The board shall be composed of three members appointed by the governor, ~~with the advice and consent of the senate,~~ at least one of whom shall be learned in the law, and at least one of whom shall be a resident from outside of the metropolitan area as defined in section 473.02, subdivision 5. The board shall select from its members a chairman who shall have the powers and duties prescribed by the general law applicable to the heads of departments and agencies of the state. In proceedings before the board for the incorporation of a statutory city, consolidation of two or more municipalities, or annexation of unincorporated land to a municipality, two county commissioners of the board of the county in which all or a majority of the affected land is located shall serve on the board during such time as the board shall have under consideration said matter. The executive director of the board shall upon initiation of a proceeding for such incorporation, consolidation, or annexation notify the county auditor of

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the county in which the majority of the affected property is situated of the need for the appointment of the two county commissioners to the board. At the next succeeding meeting of the county board the commissioners shall designate the two appointed and shall thereupon immediately notify the Minnesota municipal board executive director of their action. The county commissioners shall represent districts which do not contain any of the affected territory. If commissioners from the unaffected districts are unavailable, commissioners from the affected district may serve.

Sec. 25. Minnesota Statutes 1982, section 473.123, subdivision 4, is amended to read:

Subd. 4. **CHAIRMAN; APPOINTMENT, DUTIES.** (a) The chairman of the metropolitan council shall be appointed by the governor as the 17th voting member thereof by and with the advice and consent of the senate to serve at ~~his~~ the pleasure of the governor. Senate confirmation shall be as provided by section 10. ~~He~~ The chairman shall be a person experienced in the field of municipal and urban affairs with administrative training and executive ability.

(b) The chairman of the metropolitan council shall preside at the meetings of the metropolitan council and shall act as principal executive officer. He shall organize the work of the metropolitan council, appoint all officers and employees thereof, subject to the approval of the metropolitan council, and be responsible for carrying out all policy decisions of the metropolitan council. His salary shall be as provided in section 15A.081, and he shall be eligible for expenses in the same manner and amount as state employees.

Sec. 26. Minnesota Statutes 1982, section 473.141, subdivision 3, is amended to read:

Subd. 3. **CHAIRMAN.** The chairman of each commission shall be appointed by the governor with the advice and consent of the senate and shall be the ninth voting member of the commission and shall meet all qualifications established for members, except the chairman need only reside within the metropolitan area. Senate confirmation shall be as provided by section 10. The chairman shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned to him by the commission or by law. Each commission may appoint from among its members a vice-chairman to act for the chairman during his temporary absence or disability.

Sec. 27. Minnesota Statutes 1982, section 490.15, subdivision 1, is amended to read:

Subdivision 1. The board on judicial standards is established and consists of one judge of the district court, one judge of a municipal court, one judge of county court, two lawyers who have practiced law in the state for ten years and four citizens who are not judges, retired judges or lawyers. The executive secretary is appointed by the governor. Commencing July 1, 1980, the board

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shall appoint the executive secretary. All members shall be appointed by the governor with the advice and consent of the senate except that senate confirmation shall not be required for the judicial members. No member shall serve more than two full four-year terms or their equivalent. Membership terminates if a member ceases to hold the position that qualified him for appointment.

Sec. 28. **REPEALER.**

Minnesota Statutes 1982, section 11A.07, subdivision 3, is repealed.

Sec. 29. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved June 9, 1983

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**CHAPTER 306 — S.F.No. 473**

*An act relating to highway traffic regulations; permitting interjurisdictional fresh pursuit of drivers suspected of driving under the influence of alcohol or a controlled substance; removing restrictions on use at trial of accused's refusal to take a chemical test; providing that a suspect be informed that refusal to take a chemical test will be used against him at trial; eliminating mandatory detoxification of intoxicated drivers; amending Minnesota Statutes 1982, sections 169.121, subdivisions 1, 2, 3, and by adding a subdivision; 169.123, subdivisions 2 and 3; repealing Minnesota Statutes 1982, section 169.1231.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, section 169.121, subdivision 1, is amended to read:

Subdivision 1. **CRIME.** It is a misdemeanor for any person to drive, operate or be in physical control of any motor vehicle within this state:

- (a) When the person is under the influence of alcohol;
- (b) When the person is under the influence of a controlled substance;
- (c) When the person is under the influence of a combination of any two or more of the elements named in clauses (a) and (b); or
- (d) When the person's alcohol concentration is 0.10 or more.

The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or is in physical control of any motor vehicle in the manner prohibited by this subdivision upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.

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