

TWELFTH DAY

St. Paul, Minnesota, Monday, February 7, 1977

The Senate met at 5:00 o'clock p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Anderson	Hanson	Lessard	Perpich	Spear
Ashbach	Hughes	Lewis	Peterson	Staples
Bang	Humphrey	McCutcheon	Pillsbury	Stokowski
Benedict	Jensen	Menning	Purfeerst	Strand
Bernhagen	Johnson	Merriam	Renneke	Stumpf
Borden	Keefe, S.	Milton	Schaaf	Tennessee
Coleman	Kirchner	Moe	Schmitz	Vega
Dieterich	Kleinbaum	Nelson	Sieloff	Wegener
Dunn	Knoll	Nichols	Sikorski	Willet
Gearty	Knutson	Ogdahl	Sillers	
Gunderson	Laufenburger	Penny	Solon	

The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Vernon D. Gunderman.

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

Anderson	Frederick	Knutson	Olhoff	Sillers
Ashbach	Gearty	Laufenburger	Olson	Solon
Bang	Gunderson	Lessard	Penny	Spear
Benedict	Hanson	Lewis	Perpich	Staples
Bernhagen	Hughes	Luther	Peterson	Stokowski
Borden	Humphrey	McCutcheon	Pillsbury	Strand
Brataas	Jensen	Menning	Purfeerst	Stumpf
Chenoweth	Johnson	Merriam	Renneke	Tennessee
Chmielewski	Keefe, J.	Milton	Schaaf	Ueland, A.
Coleman	Keefe, S.	Moe	Schmitz	Ulland, J.
Dieterich	Kirchner	Nelson	Schrom	Vega
Dunn	Kleinbaum	Nichols	Sieloff	Wegener
Engler	Knoll	Ogdahl	Sikorski	Willet

The President declared a quorum present.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Humphrey, Lewis, Mrs. Brataas, Messrs. Menning and Chenoweth introduced—

S. F. No. 233: A bill for an act relating to education; Montessori schools; providing licensing procedure and exempting Montessori schools from certain regulations; providing penalties; amending Minnesota Statutes 1976, Section 245.791.

Referred to the Committee on Education.

Messrs. Ulland, J.; Kirchner; Dunn; Bang and Knutson introduced—

S. F. No. 234: A bill for an act relating to elections; providing that vacancies in the United States senate be filled by special election; amending Minnesota Statutes 1976, Section 202A.61; repealing Minnesota Statutes 1976, Section 202A.72.

Referred to the Committee on Elections.

Messrs. Stumpf, Humphrey, Spear, Benedict and Bernhagen introduced—

S. F. No. 235: A bill for an act relating to taxation; providing for a deduction from gross income of the cost of home insulation; amending Minnesota Statutes 1976, Section 290.09, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws. Mr. Anderson questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Ashbach and Frederick introduced—

S. F. No. 236: A bill for an act relating to commerce; increasing the usury rate on certain transactions; amending Minnesota Statutes 1976, Section 334.01, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Stokowski, Gearty, Kleinbaum, Sillers and Dieterich introduced—

S. F. No. 237: A bill for an act relating to state aids; providing for payment to cities of revenue lost because of certain tax exempt real property; appropriating funds.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Knoll, Lewis, Vega, Gearty and Kirchner introduced—

S. F. No. 238: A bill for an act relating to transportation construction contracts; providing for small business contracts; amending Minnesota Statutes 1976, Chapter 161, by adding a section.

Referred to the Committee on Transportation. Mr. Lewis questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Stokowski introduced—

S. F. No. 239: A bill for an act relating to drivers licenses; providing that nonqualification certificates may be issued to applicants who are 14 years of age or older; amending Minnesota Statutes 1976, Section 171.07, Subdivision 3.

Referred to the Committee on General Legislation and Veterans Affairs. Mr. Purfeerst questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Pillsbury; Ueland, A. and Ashbach introduced—

S. F. No. 240: A bill for an act relating to elections; providing that vacancies in the United States senate be filled by special election; amending Minnesota Statutes 1976, Section 202A.61; repealing Minnesota Statutes 1976, Section 202A.72.

Referred to the Committee on Elections.

Messrs. Spear, Solon, Stumpf, Davies and Sieloff introduced—

S. F. No. 241: A bill for an act relating to real estate brokers and salespersons; establishing a prelicense educational requirement and a continuing educational requirement; amending Minnesota Statutes 1976, Section 82.22, Subdivision 6, and by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Humphrey, Merriam, Anderson, Sillers and Dieterich introduced—

S. F. No. 242: A bill for an act relating to education; teachers; providing in-service training for regular classroom teachers in techniques of education for the handicapped; appropriating money; amending Minnesota Statutes 1976, Section 123.581, Subdivisions 1, 2, 3, 6 and 7.

Referred to the Committee on Education.

Messrs. Humphrey, Luther and Ogdahl introduced—

S. F. No. 243: A bill for an act relating to insurance; providing for regulation of aircraft and inland marine insurance; amend-

ing Minnesota Statutes 1976, Section 70A.02, Subdivision 2; repealing Minnesota Statutes 1976, Section 70A.03, Subdivision 3.

Referred to the Committee on Commerce.

Messrs. Knoll, Gearty, Ogdahl and Stokowski introduced—

S. F. No. 244: A bill for an act relating to recreational activities; creating the metropolitan sports facilities commission and prescribing its powers and duties; requiring the television broadcast within the metropolitan area of certain games; authorizing the metropolitan council to issue revenue bonds; providing for the construction and operation of a sports facility; authorizing a tax on certain sales of intoxicating liquor and fermented malt beverages in the metropolitan area; providing for admissions tax at certain facilities; requiring the completion of an environmental impact statement prior to construction of a sports facility; providing for a tax levy; amending Minnesota Statutes 1976, Chapter 473, by adding sections; repealing Minnesota Statutes 1976, Section 340.11, Subdivision 11a.

Referred to the Committee on Governmental Operations.

Messrs. Knoll; Ogdahl; Keefe, S.; Dieterich and Schaaf introduced—

S. F. No. 245: A bill for an act relating to taxation; providing a tax credit for political contributions for a candidate for any public office; amending Minnesota Statutes 1976, Section 290.06, Subdivision 11.

Referred to the Committee on Elections. Mr. McCutcheon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Stokowski, Ogdahl and Spear introduced—

S. F. No. 246: A bill for an act relating to the city of Minneapolis and Hennepin county; providing for representation for the Minneapolis city council on the municipal building commission; amending Laws 1903, Chapter 247, Section 1.

Referred to the Committee on Local Government.

Messrs. Schrom and Jensen introduced—

S. F. No. 247: A bill for an act relating to regional development; providing for withdrawal of a county or municipality from a regional development commission; providing for dissolution of a commission; amending Minnesota Statutes 1976, Section 462.387, by adding subdivisions.

Referred to the Committee on General Legislation and Veterans Affairs. Mr. Chenoweth questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Nichols and Lessard introduced—

S. F. No. 248: A bill for an act relating to wild animals; removing certain restrictions on return of carp to waters from which they are caught; amending Minnesota Statutes 1976, Section 101.42, Subdivision 10.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Moe, Tennessen, Bang and Coleman introduced—

S. F. No. 249: A bill for an act relating to intoxicating liquor; regulation and taxation of liquor sold in commemorative bottles; amending Minnesota Statutes 1976, Sections 340.11, Subdivision 15; 340.44; and 340.50.

Referred to the Committee on Commerce.

Messrs. Kirchner, Perpich, Lewis, Knutson and Renneke introduced—

S. F. No. 250: A bill for an act relating to the Gillette hospital board; board membership; amending Minnesota Statutes 1976, Section 250.05, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Moe, Hanson, Olhoff, Peterson and Dunn introduced—

S. F. No. 251: A bill for an act relating to agriculture; family farm security program; providing that certain interest earned by the seller on a family farm security loan shall be excludable from gross income; amending Minnesota Statutes 1976, Sections 41.58, by adding a subdivision; and 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws. Mr. Willet questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Davies, Gearty and Dunn introduced—

S. F. No. 252: A bill for an act relating to special acts passed in accordance with the Constitution, Article XII, Section 2; requiring local approval in certain cases; amending Minnesota Statutes 1976, Sections 645.021 and 645.023, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Davies, Knoll, Mrs. Staples and Mr. Knutson introduced—

S. F. No. 253: A bill for an act relating to public health; providing a definition of death.

Referred to the Committee on Judiciary.

Messrs. Davies, Hanson, Nelson, Knutson and Sikorski introduced—

S. F. No. 254: A bill for an act relating to trusts; county court jurisdiction over; amending Minnesota Statutes 1976, Sections 501.11; 501.12, Subdivision 3; 501.17; 501.211, Subdivision 4; 501.22, Subdivisions 2, 4, and 5; 501.23; 501.24; 501.25; 501.27; 501.33; 501.34; 501.35; 501.38; 501.42; 501.44; and Chapter 501, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Moe, Olhoff, Renneke, Hanson and Strand introduced—

S. F. No. 255: A bill for an act relating to public drainage systems; repairs; assessment; providing for a redetermination of benefits and benefited areas under a repair proceeding; amending Minnesota Statutes 1976, Section 106.471, Subdivisions 2 and 4.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Johnson introduced—

S. F. No. 256: A bill for an act relating to education; limiting scholarship aid for foreign students; amending Minnesota Statutes 1976, Chapter 136A, by adding a section.

Referred to the Committee on Education.

Messrs. Schrom, Willet, Johnson, Dunn and Chmielewski introduced—

S. F. No. 257: A bill for an act relating to snowmobiles; providing for operation on certain highways; amending Minnesota Statutes 1976, Section 84.87, Subdivision 3.

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

Messrs. Johnson, Vega, Gunderson, Solon and Chmielewski introduced—

S. F. No. 258: A bill for an act relating to taxation; exempting home heating fuel from the sales tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws. Mr. Anderson questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mrs. Staples, Messrs. Lessard, Hanson, Purfeerst and Ulland, J. introduced—

S. F. No. 259: A bill for an act relating to game and fish; license exemptions; providing that persons who have attained the age of 65 years may take small game without a license; amending Minnesota Statutes 1976, Section 98.47, Subdivision 1; repealing Minnesota Statutes 1976, Section 98.45, Subdivision 8.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Borden introduced—

S. F. No. 260: A bill for an act relating to taxation; providing for an optional one time special levy for local law enforcement expenses; amending Minnesota Statutes 1976, Section 275.52, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Purfeerst, Dunn, Anderson and Wegener introduced—

S. F. No. 261: A bill for an act relating to taxation of certain agricultural, recreational, and conservation lands; providing for deferred development contracts; amending Minnesota Statutes 1976, Sections 116A.17, Subdivision 2; 273.111, Subdivisions 1, 2, 4, 8, 9, 11, and 14; repealing Minnesota Statutes 1976, Section 273.111, Subdivisions 3, 6, and 8a.

Referred to the Committee on Agriculture and Natural Resources. Mr. McCutcheon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Laufenburger, Gunderson and Engler introduced—

S. F. No. 262: A bill for an act relating to taxation; providing for optional payments in lieu of taxes to counties containing state forest lands; appropriating funds; amending Minnesota Statutes 1976, Section 89.036, and Chapter 89, by adding sections.

Referred to the Committee on Agriculture and Natural Resources. Mr. McCutcheon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Gunderson and Laufenburger introduced—

S. F. No. 263: A bill for an act relating to natural resources; restricting acquisition of agricultural land for inclusion in the Richard J. Dorer Memorial Hardwood Forest.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Ueland, A.; Engler; Stokowski; Schmitz and Gearty introduced—

S. F. No. 264: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 4; providing staggered four year terms for the state senate.

Referred to the Committee on Governmental Operations.

Messrs. Schrom, Chmielewski, Wegener, Renneke and Schmitz introduced—

S. F. No. 265: A bill for an act relating to highways; providing that towns be reimbursed for repairing and restoring town roads damaged while utilized as a haul road in transporting road building materials used in the construction, reconstruction or maintenance of public highways or city streets.

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

Messrs. Keefe, S.; Schaaf; Coleman; Pillsbury and Gearty introduced—

S. F. No. 266: A bill for an act relating to elections; providing for training of all election officials; prescribing certain duties for the secretary of state; appropriating money.

Referred to the Committee on Elections.

Messrs. Olson, Olhoff, Chmielewski, Frederick and Menning introduced—

S. F. No. 267: A bill for an act relating to taxation; defining "common carrier" for certain purposes in connection with the sales and use tax; amending Minnesota Statutes 1976, Section 297A.01, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Humphrey and Sikorski introduced—

S. F. No. 268: A bill for an act relating to commerce; prohibiting door to door solicitors from representing themselves as survey or opinion takers; prescribing penalties; amending Minnesota Statutes 1976, Section 325.79, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Knutson and Schmitz introduced—

S. F. No. 269: A bill for an act relating to metropolitan development; revenue raising and distribution in the seven county metropolitan area; repealing Minnesota Statutes 1976, Sections 473F.01;

473F.02; 473F.03; 473F.04; 473F.05; 473F.06; 473F.07; 473F.08; 473F.09; 473F.10; 473F.11; 473F.12; and 473F.13.

Referred to the Committee on Governmental Operations.

Messrs. Laufenburger, Purfeerst, Frederick, Schaaf and Engler introduced—

S. F. No. 270: A bill for an act relating to motor vehicles; increasing the registration tax on certain vehicles; prescribing weight limitations on certain vehicles; providing penalties; amending Minnesota Statutes 1976, Sections 168.013, Subdivisions 1e and 12; 169.79; 169.83, Subdivisions 1, 2 and 3; 169.85; and 169.86, by adding a subdivision.

Referred to the Committee on Transportation.

REPORTS OF COMMITTEES

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

Mr. Chenoweth from the Committee on Governmental Operations, to which were referred the following appointments as reported in the Journal for January 6, 1977:

STATE EMPLOYEES SUGGESTION BOARD

Francis "Barney" Hage

Linda Ady

STATE BOARD OF HUMAN RIGHTS

Jacqui Thompson

Joseph Bester

Arloa Molstad

STATE PERSONNEL BOARD

Barbara Hofstede

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

Mr. Coleman moved that the foregoing report be laid on the table. The motion prevailed.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 20: A bill for an act relating to highways; reimbursement of fire fighting and protection expenses in certain instances; appropriating funds.

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

Page 1, line 7, before "Expenses" insert "Ordinary"

Page 1, line 11, strike "at the request" and insert "upon approval"

Page 1, line 11, after "of" and before "an" insert "a police officer or"

Page 1, line 16, strike "Funds"

Page 1, strike line 17

Page 1, line 18, strike "this purpose."

Page 1, line 20, strike "funds" and insert "moneys"

Amend the title as follows:

Line 2, after "highways;" insert "requiring"

Line 4, strike " ; appropriating funds"

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 43: A bill for an act relating to highway traffic regulations; parking privileges for the physically handicapped; amending Minnesota Statutes 1976, Section 169.345, Subdivisions 2 and 3.

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

Page 2, after line 12, add a section to read:

"Sec. 3. *This act is effective the day following its final enactment.*"

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 21: A bill for an act relating to health; authorizing the licensing of physicians from Canada without an examination; amending Minnesota Statutes 1976, Section 147.03.

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

Page 2, after line 12, add a section to read:

"Sec. 2. *This act is effective the day following its final enactment.*"

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

Mr. Gearty from the Committee on Elections, to which was referred

S. F. No. 51: A bill for an act relating to elections; providing

for the number and duties of election officers; counts and recounts; school events on election days; duties of the secretary of state; and preparation and reception of absentee ballots; amending Minnesota Statutes 1976, Sections 204A.17, Subdivisions 3 and 5; 204A.36; 204A.39, Subdivision 2; 204A.41, Subdivision 2; 204A.51, Subdivisions 2 and 3; 204A.53, Subdivisions 2 and 3; 206.075; 206.19, Subdivision 1; 206.23; 207.11; and 207.19, Subdivision 1.

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

Pages 1 and 2, strike all of section 1

Pages 2 and 3, strike all of section 3 and insert

“Sec. 3. Minnesota Statutes 1976, Chapter 204A, is amended by adding a section to read:

[204A.365] [PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.] *Subdivision 1. [SCHOOL DISTRICTS, COUNTIES AND MUNICIPALITIES.] No school board, county board of commissioners, or governing board or council of a municipality may conduct a meeting between 6:00 p.m. and 8:00 p.m. on the day of an election.*

Subd. 2. [STATE UNIVERSITIES AND COMMUNITY COLLEGES.] Except for regularly scheduled classes, no state university may schedule an event between 6:00 p.m. and 8:00 p.m. on the day of an election, without permission from the state university board. Except for regularly scheduled classes, no state community college may schedule an event between 6:00 p.m. and 8:00 p.m. on the day of an election, without permission from the state board for community colleges.

Subd. 3. [PUBLIC ELEMENTARY AND SECONDARY SCHOOLS.] Except for regularly scheduled classes, no public elementary or secondary school may hold a school sponsored event between 6:00 p.m. and 8:00 p.m. on the day of an election.”

Pages 3 and 4, strike all of section 5 and insert:

“Sec. 5. Minnesota Statutes 1976, Section 204A.41, is amended to read:

204A.41 [BALLOTS, PROPER NUMBER.] *Subdivision 1. [COUNTING.] The judges shall determine the number of ballots distributed by adding the number of return envelopes of accepted absentee ballots to the number of signed voter's certificates, or by counting the number of names on the election register.*

The judges shall *then* remove all the ballots from the box, and without considering how the ballots are marked they shall ascertain that each ballot is single, and count them to determine whether the number of ballots corresponds with the number ~~that the election register or registration file shows were cast of~~ *ballots distributed.*

Subd. 2. [BALLOTS, EXCESS NUMBER.] If two or more ballots are found so folded together as to appear like a single ballot, the judges shall lay them aside until all of the ballots in

the box have been counted; and if it is evident from the number ~~that the election register or registration file shows were cast of ballots distributed~~ that the ballots folded together were cast by one voter, the judges shall preserve but not count them. If there is an excess of ballots in one box, the judges shall examine all the ballots in the box to ascertain that all are properly marked with the initials of the judges, and if any are not so marked, they shall preserve but not count them. If there is still an excess of properly marked ballots, the judges shall replace them in the box, and one judge, without looking, shall withdraw from the box a number of ballots equal to the excessive number, and the withdrawn ballots shall be preserved but not counted.

Subd. 3. [BALLOTS IN WRONG BOX.] If the judges find ballots in a ballot box that are different from the kind properly belonging therein, they shall lay the different ballots aside. If the number of ballots in any box equals or exceeds the number ~~that the election register or registration file shows were cast of ballots distributed~~, then ballots proper to have been placed therein, but found in another box, may not be counted. But if the number is less than ~~that shown by the election registers or registration file the number of ballots distributed~~, and ballots properly belonging in that box are found in another box, they shall be counted the same as those in the proper box, but only to the extent of the deficiency and selected by lot when necessary.

Subd. 4. [BALLOTS NOT COUNTED, DISPOSITION.] When the number of ballots as finally counted agrees with the number ~~that the election register or registration file shows were cast of ballots distributed~~, those ballots not counted shall be attached to a certificate made by the judges, stating why the ballots were not counted, and the certificate and uncounted ballots shall be sealed in a separate envelope and returned with the other returns to the officer from whom they were received."

Page 5, line 20, strike "100" and insert "200"

Page 5, line 23, strike "50" and insert "100"

Page 5, line 24, after "nominations," insert "*the county auditor shall so notify the candidate by certified mail addressed to the candidate at his filing address. If a candidate requests a recount within five days after receipt of this notice,*"

Page 5, line 25, after "votes" insert "*at no cost to the candidate*"

Page 7, line 2, strike "100" and insert "200"

Page 7, line 5, strike "50" and insert "100"

Page 7, line 5, after "less" insert "*the county auditor shall so notify the candidate by certified mail addressed to the candidate at his filing address. If a candidate requests a recount within five days after receipt of this notice,*"

Page 7, line 6, after "votes" insert "*at no cost to the candidate*"

Page 7, line 32, strike "100" and insert "200"

Page 8, line 3, strike "50" and insert "100"

Page 8, line 4, after "nominations," insert "*the secretary of state shall so notify the candidate by certified mail addressed to the candidate at his filing address. If a candidate requests a recount within five days after receipt of this notice,*"

Page 8, line 5, after "votes" insert "*at no cost to the candidate*"

Page 8, line 32, strike "100" and insert "200"

Page 9, line 3, strike "50" and insert "100"

Page 9, line 3, after "*less*" insert "*the secretary of state shall so notify the candidate by certified mail addressed to the candidate at his filing address. If a candidate requests a recount within five days after receipt of this notice,*"

Page 9, line 4, after "votes" insert "*at no cost to the candidate*"

Page 9, after line 12, insert

"Sec. 10. Minnesota Statutes 1976, Section 206.03, is amended to read:

206.03 [MAY USE EXPERIMENTAL MACHINES.] The governing body of any municipality may provide for the experimental use of voting machines in one or more precincts without formal adoption thereof; and the use of voting machines at such election shall be as valid for all purposes as if the machines had been permanently adopted.

When the governing body of any municipality shall determine to use such machines, it shall, at a regular or special meeting held not less than 30 days before the election, prescribe suitable rules and instructions, not inconsistent with the provisions of this chapter, for using the same, submit the same to the ~~attorney general~~ *secretary of state* for his approval, and, when approved by him a printed copy of such rules and instructions shall be posted in a prominent place in the polling place and remain open to inspection by the voters throughout the election days."

Page 12, line 18, strike "*return*" and insert "*ballot*"

Page 12, line 25, strike everything after "If"

Page 12, line 26, strike "the reason that"

Page 12, line 26, after "voter" insert "*who*"

Page 12, line 26, strike "failed" and insert "*mailed the ballots fails*"

Page 12, line 27, strike "herein set forth" and insert "*of this section*"

Page 13, line 3, strike "as herein provided"

Page 13, line 8, strike "as"

Page 13, line 9, strike "aforesaid"

Page 15, after line 13, insert:

“Sec. 15. [EFFECTIVE DATE.] *This act shall become effective on the day following final enactment.*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, strike “providing for the number and duties of”

Page 1, line 4, after “recounts;” insert “prohibiting certain public meetings and”

Page 1, line 7, strike “Subdivisions 3”

Page 1, line 8, strike “and” and insert “Subdivision”

Page 1, line 8, strike “204A.36;”

Page 1, line 8, after “204A.41,” strike the comma

Page 1, line 9, strike “Subdivision 2”

Page 1, line 10, after “3;” insert “Chapter 204A, by adding a section; 206.03;”

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

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

S. F. No. 107: A bill for an act relating to children; enacting the uniform child custody jurisdiction act.

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

Page 1, line 7, after “of” insert “sections 1 to 25 of”

Page 1, line 8, strike “to”

Page 1, line 9, after “(a)” insert “To”

Page 1, line 10, strike “which” and insert “and to”

Page 1, strike lines 11 and 12

Page 1, line 13, strike “(b)”

Page 1, line 14, strike “to the end” and insert “so”

Page 1, line 14, strike the second “that” and insert “the”

Page 1, line 15, after the second “the” insert “best”

Page 1, strike lines 16 to 21

Page 2, strike lines 1 to 6

Page 2, line 7, strike “(e)” and insert “(b) To”

Page 2, line 9, strike “(f)” and insert “(c) To”

Page 2, line 10, strike the semicolon and insert “ , and to ”

Page 2, line 11, strike “ (g) ”

Page 2, line 13, strike “ (h) ” and insert “ (d) To ”

Page 2, line 17, strike “ (i) ” and insert “ (e) To ”

Page 2, line 19, after “2.” insert “*Sections 1 to 25 of*”

Page 2, line 21, after “in” insert “*sections 1 to 25 of*”

Page 2, lines 22, 25, and 30, capitalize the first word in each line

Page 2, line 24, strike the semicolon and insert a period

Page 2, line 27, strike “ ; it” and insert “ , but ”

Page 2, line 29, strike the semicolon and insert a period

Page 2, line 32, after “ for ” insert “ *dissolution,* ”

Page 2, line 32, strike “ a ”

Page 3, line 1, strike the semicolon and insert a period

Page 3, lines 2, 6, 14, 16, 19, 21, and 25, capitalize the first word in each line

Page 3, line 5, strike the semicolon and insert a period

Page 3, line 11, strike “mentioned” and insert “*listed*”

Page 3, line 13, strike the semicolon and insert a period

Page 3, line 15, strike the semicolon and insert a period

Page 3, line 18, strike the semicolon and insert a period

Page 3, line 20, strike the semicolon and insert a period

Page 3, line 24, strike “ ; and” and insert a period

Page 4, line 19, strike “other” and insert “*court in another*”

Page 4, line 21, after the second “or” insert “*a court of*”

Page 4, line 22, after “that” insert “*a court of*”

Page 4, line 24, after “that” insert “*a court of*”

Page 4, line 25, strike “court” and insert “*state*”

Page 5, line 3, after “under” insert “*sections 1 to 25 of*”

Page 5, line 23, after “court” insert a comma

Page 5, line 26, strike “ten” and insert “20”

Page 6, line 7, after “under” insert “*sections 1 to 25 of*”

Page 6, line 10, after “with” insert “*the provisions of sections 1 to 25 of*”

Page 6, line 27, after “jurisdiction” insert a comma

Page 6, line 29, strike “the end” and insert “*ensure*”

Page 7, line 1, after “state” insert a comma

Page 7, line 4, after "jurisdiction" insert a comma

Page 7, line 5, strike "the end" and insert "ensure"

Page 7, line 8, after "under" insert "sections 1 to 25 of"

Page 7, line 20, strike "may take into account" and insert "*shall consider all relevant factors, including but not limited to*"

Page 7, line 20, strike "factors," and insert a colon

Page 7, strike line 21

Page 8, line 4, after "jurisdiction" insert a comma

Page 8, line 20, after "under" insert "sections 1 to 25 of"

Page 8, line 21, after "for" insert "dissolution,"

Page 8, line 21, after "proceeding" insert a comma

Page 8, line 22, after "the" insert "dissolution,"

Page 8, line 25, after "forum" insert a comma

Page 9, line 3, strike "certainly known" and insert "*yet determined*"

Page 10, line 2, before "Every" insert "*Unless he believes in good faith that there is no question of jurisdiction under sections 1 to 25 of this act,*"

Page 10, line 10, after "participated" strike the parenthesis

Page 10, line 11, strike the parenthesis

Page 10, after line 19 insert:

"The court may require any party in a custody proceeding to furnish under oath the information specified in this subdivision."

Page 12, line 8, after "of" insert "sections 1 to 25 of"

Page 12, line 13, after "with" insert "sections 1 to 25 of"

Page 12, line 17, after "of" insert "sections 1 to 25 of"

Page 12, line 24, after "with" insert "sections 1 to 25 of"

Page 12, line 29, after "state" insert a comma

Page 15, line 7, after "made" insert "*under other procedures available in this state*"

Page 15, line 29, strike "such" and insert "those"

Page 16, line 4, after "other" insert "pertinent"

Page 16, line 4, strike "mentioned in section 21" and insert "*which have been preserved by the court of the other state*"

Page 16, line 6, after "of" insert "sections 1 to 25 of"

Page 16, line 6, after "to" strike "the"

Page 16, line 6, strike "area" and insert "proceedings"

Page 16, line 7, after "of" insert "sections 1 to 25 of"

Page 16, line 16, after "under" insert "sections 1 to 25 of"

Page 16, line 18, before "This" insert "Sections 1 to 25 of"

Page 16, after line 19 insert:

"Sec. 26. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.155] [CUSTODY DETERMINATIONS.] *Notwithstanding any law to the contrary, a court in which a proceeding for dissolution has been or may be commenced shall not issue, revise, modify or amend any order, pursuant to sections 518.16, 518.165, 518.17, 518.175 or 518.18, which affects the custody of a minor child or the visitation rights of a noncustodial parent unless the court has jurisdiction over the matter pursuant to the provisions of sections 1 to 25 of this act.*

Sec. 27. *This act shall be effective the day following final enactment."*

Underline all of the new language in the bill.

Amend the title as follows:

Page 1, line 3, before the period insert "; amending Minnesota Statutes 1976, Chapter 518, by adding a section"

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

SECOND READING OF SENATE BILLS

S. F. Nos. 20, 43, 21, 51 and 107 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Borden moved that the name of Mrs. Staples be added as co-author to S. F. No. 98. The motion prevailed.

Mr. Dieterich moved that the name of Mr. Stumpf be added as co-author to S. F. No. 116. The motion prevailed.

Mr. Schaaf moved that the name of Mr. Penny be added as co-author to S. F. No. 231. The motion prevailed.

Mr. Kleinbaum moved that his name be stricken as co-author to S. F. No. 84. The motion prevailed.

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

Mr. Willet moved that the report from the Committee on Agriculture and Natural Resources, reported February 3, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Willet moved that the foregoing report be now adopted. The motion prevailed.

CONFIRMATION

Mr. Willet moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported February 3, 1977, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA POLLUTION CONTROL AGENCY EXECUTIVE DIRECTOR

Sandra Gardebring, 5224 Park Avenue, Minneapolis, Hennepin County, effective January 3, 1977, for a term expiring January 1, 1979.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Chenoweth moved that the report from the Committee on Governmental Operations, reported February 3, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Chenoweth moved that the foregoing report be now adopted. The motion prevailed.

CONFIRMATION

Mr. Chenoweth moved that in accordance with the report from the Committee on Governmental Operations, reported February 3, 1977, the Senate, having given its advice, do now consent to and confirm the appointment of:

METROPOLITAN COUNCIL

Betty Kane, 701 Parkview Terrace, Golden Valley, Hennepin County, effective May 19, 1976, for a term expiring January 1, 1979; and effective January 12, 1977, for a term expiring January 5, 1981.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Chenoweth moved that the report from the Committee on Governmental Operations, reported February 3, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Chenoweth moved that the foregoing report be now adopted. The motion prevailed.

CONFIRMATION

Mr. Chenoweth moved that in accordance with the report from the Committee on Governmental Operations, reported February

3, 1977, the Senate, having given its advice, do now consent to and confirm the appointments of:

METROPOLITAN COUNCIL

Alton J. Gasper, 5406 Hampshire Drive, Minneapolis, Hennepin County, effective January 12, 1977, for a term expiring January 5, 1981.

Opal Petersen, 14648 North Upper 55th, Stillwater, Washington County, effective January 14, 1977, for a term expiring January 5, 1981.

Jim Daly, 119 South Grove, Belle Plaine, Scott County, effective January 14, 1977, for a term expiring January 5, 1981.

Todd Jeffery Lefko, 1528 Grantham, St. Paul, Ramsey County, effective January 14, 1977, for a term expiring January 5, 1981.

Stanley B. Kegler, 655 East Belmont Lane, Maplewood, Ramsey County, effective January 14, 1977, for a term expiring January 5, 1981.

Charles Weaver, 830 River Lane, Anoka, Anoka County, effective January 25, 1977, for a term expiring January 5, 1981.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman introduced Senate Concurrent Resolution No. 5: A Senate concurrent resolution relating to adjournment.

BE IT RESOLVED, by the Senate, the House of Representatives concurring, that when either the Senate or the House of Representatives adjourns on February 10, 1977, it may adjourn to any date not later than February 15, 1977.

Mr. Coleman moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, February 10, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate