

SIXTY-FOURTH DAY

St. Paul, Minnesota, Monday, January 23, 1978

The Senate met at 11:30 o'clock a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Craig Hanson.

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

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

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

Mrs. Brataas; Messrs. Benedict; Dunn; Jensen; Keefe, J.; Kleinbaum; Knutson; Laufenburger and Moe were excused from the Session of today. Mr. Pillsbury was excused from the Session of today at 12:00 o'clock noon.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

January 18, 1978

The Honorable Edward J. Gearty
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:

Karal Marling, 1920 South 1st Street, Minneapolis, Hennepin County, has been appointed by me, effective January 3, 1978, for a term expiring the first Monday in January, 1982.

Referred to the Committee on Governmental Operations.

January 18, 1978

The following appointment as Chairman of the Metropolitan Waste Control Commission is hereby respectfully submitted to the Senate for confirmation as required by law:

Barbara Lukermann, 2211 Folwell, Falcon Heights, Ramsey County, has been appointed by me, effective January 1, 1978, for a term expiring the first Monday in January, 1979.

Referred to the Committee on Governmental Operations.

January 19, 1978

This is to inform you that Ms. Dorothy Fleming, 5633 40th Avenue South, Minneapolis, Hennepin County, has resigned from the Minnesota Environmental Education Board.

I, therefore, respectfully request that the name of Ms. Fleming be removed from Senate consideration.

Sincerely,

Rudy Perpich, Governor

January 19, 1978

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The Subcommittee on Committees reports the following appointment to fill the unexpired term of former Senator John Milton.

Pursuant to Laws 1976

Chap. 337 Advisory Council on Economic Status of Women

Mr. Lewis

Respectfully submitted,

Nicholas D. Coleman, Chairman
Subcommittee on Committees

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Tennesen, Spear, Sieloff, Davies and Dieterich introduced—

S. F. No. 1647: A bill for an act relating to commerce; repealing the fair trade laws; repealing Minnesota Statutes 1976, Sections 325.08 to 325.14.

Referred to the Committee on Commerce.

Messrs. Nelson and Penny introduced—

S. F. No. 1648: A bill for an act relating to the city of Albert Lea; authorizing the annexation of certain land located outside the city limits.

Referred to the Committee on Local Government.

Mr. Lewis introduced—

S. F. No. 1649: A bill for an act relating to taxation; property tax; extending class 3cc to homesteads of persons receiving private disability pensions; amending Minnesota Statutes, 1977 Supplement, Section 273.13, Subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Mr. Nichols introduced—

S. F. No. 1650: A bill for an act relating to noxious weeds; removal from state lands by towns; providing procedures for reimbursement of costs; amending Minnesota Statutes 1976, Section 18.315.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Nichols introduced—

S. F. No. 1651: A bill for an act relating to natural resources; changing the procedure for classifying and designating lakes; amending Minnesota Statutes 1976, Section 105.391, Subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Nichols introduced—

S. F. No. 1652: A bill for an act relating to drivers licenses; restricted licenses; expanding restricted licenses for farm work to cover certain other 15 year old drivers; amending Minnesota Statutes 1976, Section 171.041.

Referred to the Committee on Transportation.

Messrs. Sikorski, Keefe, J. and Luther introduced—

S. F. No. 1653: A bill for an act relating to taxation; income-

adjusted homestead credit; providing a credit to homeowners and renters for certain energy costs; prescribing penalties; amending Minnesota Statutes 1976, Chapter 290A, by adding sections.

Referred to the Committee on Energy and Housing.

Messrs. Stokowski, Strand, Ogdahl, Peterson and Renneke introduced—

S. F. No. 1654: A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; amending Minnesota Statutes 1976, Sections 353.01, Subdivisions 12, 16, and 20; 353.017, Subdivision 2; 353.30, by adding a subdivision; 353.32, Subdivisions 5 and 9; 353.33, Subdivision 11; 353.34, Subdivision 6; 353.656, Subdivision 6; 356.32, Subdivision 1; Minnesota Statutes, 1977 Supplement, Sections 353.01, Subdivision 2b; and 353.36, Subdivision 2; repealing Minnesota Statutes, 1977 Supplement, Section 353.32, Subdivision 7.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski, Strand, Ogdahl, Peterson and Renneke introduced—

S. F. No. 1655: A bill for an act relating to public employees retirement association; providing for adjusted accrual dates for payment of annuities, survivor benefits and disability benefits; and clarifying membership requirements for elected officials; amending Minnesota Statutes 1976, Sections 353.29, Subdivision 7; 353.32, Subdivision 1a; 353.33, Subdivision 2; 353.657, Subdivision 2a; and Minnesota Statutes, 1977 Supplement, Sections 353.01, Subdivision 2b; 353.29, Subdivision 8; and 353.31, Subdivision 8.

Referred to the Committee on Governmental Operations.

Mr. Schaaf introduced—

S. F. No. 1656: A bill for an act relating to parks; authorizing the use of certain appropriated money for the acquisition and development of recreation facilities for the handicapped at Islands of Peace park; amending Laws 1977, Chapter 352, Section 1.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Schaaf introduced—

S. F. No. 1657: A bill for an act relating to the city of Spring Lake Park; providing for delayed assessment of improvements to residential real estate.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, Schaaf, Borden, Stokowski and Ogdahl introduced—

S. F. No. 1658: A bill for an act relating to accountancy; providing for licensing of public accountants; prohibiting certain practices; providing penalties; amending Minnesota Statutes 1976, Sections 326.17; 326.18; 326.20, Subdivisions 1 and 2; and Chapter 326, by adding sections.

Referred to the Committee on Commerce.

Messrs. Chmielewski, Olson, McCutcheon, Schmitz and Lessard introduced—

S. F. No. 1659: A bill for an act relating to crimes; limiting a convicted person's right to commercially exploit the crime for which he was convicted.

Referred to the Committee on Judiciary.

Messrs. Merriam, Stokowski, Anderson, Schaaf and Mrs. Knaak introduced—

S. F. No. 1660: A bill for an act relating to the county of Anoka; validating the acquisition of and payment for certain real estate.

Referred to the Committee on Local Government.

Messrs. Chmielewski, Sikorski, Setzepfandt, Sieloff and Sillers introduced—

S. F. No. 1661: A bill for an act relating to taxation; income tax upon military service income and governmental pensions and benefits; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 20, as amended; 290.08, Subdivision 6, as amended; and 290.65, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Sikorski, Kirchner, Johnson and Sieloff introduced—

S. F. No. 1662: A bill for an act relating to commerce; redefining "banking day"; amending Minnesota Statutes 1976, Section 336.4-104.

Referred to the Committee on Commerce.

Mr. Moe introduced—

S. F. No. 1663: A bill for an act relating to juveniles; probation officers; making county boards responsible for setting salaries for certain probation officers; amending Minnesota Statutes, 1977 Supplement, Section 260.311, Subdivision 5.

Referred to the Committee on Local Government.

Mr. Moe introduced—

S. F. No. 1664: A bill for an act relating to state waters; establishing certain priorities for use of water in processing agricultural products; amending Minnesota Statutes, 1977 Supplement, Section 105.41, Subdivision 1a.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Moe introduced—

S. F. No. 1665: A bill for an act relating to motor vehicle dealers; business requirements for used vehicle dealers; amending Minnesota Statutes, 1977 Supplement, Section 168.27, Subdivision 10.

Referred to the Committee on Commerce.

Messrs. Anderson, Sillers, Sikorski and Davies introduced—

S. F. No. 1666: A bill for an act relating to motor vehicles; providing for suspension of drivers license; amending Minnesota Statutes 1976, Section 171.16, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Spear, Coleman, Ogdahl, Mrs. Staples and Mr. Humphrey introduced—

S. F. No. 1667: A bill for an act relating to public buildings; authorizing expenditures for works of art; requiring part of appropriation for building construction be designated for acquisition of works of art; amending Minnesota Statutes 1976, Chapters 16 and 139 by adding sections.

Referred to the Committee on Governmental Operations.

Mr. Sieloff and Mrs. Knaak introduced—

S. F. No. 1668: A bill for an act relating to taxation; income tax; eliminating limitation on deductible losses; amending Minnesota Statutes, 1977 Supplement, Section 290.17, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olhoft; Wegener; Penny; Keefe, J. and Gunderson introduced—

S. F. No. 1669: A bill for an act relating to the legislature; concerning the legislative commission to review administrative rules; conferring subpoena powers; amending Minnesota Statutes 1976, Section 3.965, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Knutson, Mrs. Knaak, Messrs. Lessard and Keefe, J. introduced—

S. F. No. 1670: A bill for an act relating to taxation; income tax; exempting certain military pay and pensions from taxation; amending Minnesota Statutes 1976, Section 290.65, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Sections 290.01, Subdivision 20, and 290.08, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson introduced—

S. F. No. 1671: A bill for an act relating to crimes; prohibiting commercial use of rhythm units; providing penalties.

Referred to the Committee on Judiciary.

Mr. Peterson introduced—

S. F. No. 1672: A bill for an act relating to taxation; sales tax; requiring list of sales tax liens; amending Minnesota Statutes 1976, Section 297A.40, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, Nichols and Lessard introduced—

S. F. No. 1673: A bill for an act relating to game and fish; increasing the number of authorized activities and the fee for a Minnesota sportsman license; amending Minnesota Statutes 1976, Section 98.46, Subdivision 2a, as amended.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, Hanson, Setzepfandt and Sillers introduced—

S. F. No. 1674: A bill for an act relating to taxation; inheritance and gift taxes; making Minnesota tax a percentage of federal estate or gift tax due; amending Minnesota Statutes 1976, Sections 291.005, Subdivision 1; 291.01, Subdivisions 1 and 5; 291.02; 292.01, Subdivision 1; 292.08, Subdivision 1; and Chapters 291 and 292, by adding sections; and Minnesota Statutes, 1977 Supplement, Section 291.09, Subdivisions 1 and 2; repealing Minnesota Statutes 1976, Sections 291.01, Subdivisions 2, 3 and 4; 291.03; 291.05; 291.051; 291.06; 291.065; 291.08; 291.09, Subdivision 5; 291.10; 291.11, Subdivisions 2, 3, 4, 5, 6, 7, 8 and 9; 291.111; 291.23; 292.01, Subdivisions 3, 4, 7 and 8; 292.03; 292.031; 292.04; 292.05; 292.06; and 292.07; and Minnesota Statutes, 1977 Supplement, Section 291.07.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson and Nichols introduced—

S. F. No. 1675: A bill for an act relating to taxation; income

tax; eliminating tax on corporations; integrating corporate and individual income taxes; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 6; 290.03; 290.09, Subdivision 6; 290.131, Subdivision 1; 290.134, Subdivisions 3 and 4; 290.41, Subdivision 2; 290.45, Subdivision 1; and 290.47; Minnesota Statutes, 1977 Supplement, Sections 290.06, Subdivision 2c; 290.09, Subdivisions 4 and 5; repealing Minnesota Statutes 1976, Sections 290.02; 290.06, Subdivision 1; 290.08, Subdivisions 13 and 19; 290.09, Subdivision 19; 290.132; 290.134, Subdivision 2; 290.135; 290.136, Subdivisions 7 and 8; 290.137; 290.138; 290.16; 290.21, Subdivisions 2, 4, 5 and 6; 290.34; 290.35; 290.361; 290.363; 290.931; 290.932; 290.933; 290.934, Subdivisions 1, 2, 3, 4, 6 and 7; 290.935; 290.936; 290.971, Subdivisions 2 and 4; 290.972, Subdivisions 1, 2, 3, 4, 6 and 7; 290.973; 290.974; and 290.975; Minnesota Statutes, 1977 Supplement, Sections 290.36; 290.934, Subdivision 5; 290.971, Subdivisions 1, 3, 5 and 6; 290.972, Subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson introduced—

S. F. No. 1676: A bill for an act relating to taxation; income tax; changing deduction of federal income tax to accrual basis; amending Minnesota Statutes 1976, Section 290.10; and 290.18, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, Hanson, Nichols, McCutcheon and Sillers introduced—

S. F. No. 1677: A bill for an act relating to prohibited drugs; classifying certain drugs as controlled substances; requiring labels; amending Minnesota Statutes 1976, Section 152.02, Subdivision 4; and Chapter 151, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Peterson and Nichols introduced—

S. F. No. 1678: A bill for an act relating to traffic regulations; concerning driving while intoxicated; amending Minnesota Statutes 1976, Section 169.121, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Knutson and Keefe, J. introduced—

S. F. No. 1679: A bill for an act relating to courts; establishing the Minnesota judicial selection board; specifying duties and procedures for the board; appropriating money.

Referred to the Committee on Judiciary.

Messrs. Peterson, Nichols, Davies and Sillers introduced—

S. F. No. 1680: A bill for an act relating to hospitalization and commitment act; concerning emergency hospitalization; amending Minnesota Statutes 1976, Section 253A.04, Subdivision 1.

Referred to the Committee on Judiciary.

Mr. Moe introduced—

S. F. No. 1681: A bill for an act relating to the Minnesota housing finance agency; grants to the handicapped; providing grant increases to existing recipients; amending Minnesota Statutes, 1977 Supplement, Section 462A.05, Subdivision 15.

Referred to the Committee on Energy and Housing.

Mr. Moe introduced—

S. F. No. 1682: A bill for an act relating to medical assistance for the needy; clarifying availability of benefits for treatment of alcoholism in certain residential treatment programs; amending Minnesota Statutes 1976, Section 256B.02, Subdivisions 7 and 8.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Moe introduced—

S. F. No. 1683: A bill for an act relating to state funds; providing for disbursement of advances to non-profit organizations receiving appropriations for certain community programs.

Referred to the Committee on Finance.

Mr. Moe introduced—

S. F. No. 1684: A bill for an act relating to federal aid to state government; requiring consultation with the legislative advisory commission prior to expenditure of certain federal aid.

Referred to the Committee on Finance.

Mrs. Staples, Messrs. Perpich, Nelson, Spear and Keefe, J. introduced—

S. F. No. 1685: A bill for an act relating to health; providing for review of certain health care planning; requiring certificates of need for construction or modifications of certain health care facilities and services; amending Minnesota Statutes 1976, Sections 145.71, Subdivision 1; 145.72; 145.73; 145.74; 145.75; 145.751; 145.76, Subdivisions 1 and 2; 145.761; 145.77; 145.78; 145.79; 145.80; 145.83; and Chapter 145, by adding sections.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Menning introduced—

S. F. No. 1686: A bill for an act relating to courts; county courts; authorizing two county court judges for the district of Rock and Nobles; amending Minnesota Statutes, 1977 Supplement, Section 487.01, Subdivision 5.

Referred to the Committee on Judiciary.

Mr. Menning introduced—

S. F. No. 1687: A bill for an act relating to the town of Leota in Nobles county; authorizing the establishment of detached banking facilities.

Referred to the Committee on Commerce.

Mr. Anderson introduced—

S. F. No. 1688: A bill for an act relating to the city of Anoka; fire department relief association benefits; amending Laws 1971, Chapter 184, Section 1, Subdivisions 2, 3, 4, 5 and 6, as amended; and Section 2, Subdivision 2, as amended.

Referred to the Committee on Governmental Operations.

Messrs. Lewis, Coleman, Sikorski, Kirchner and McCutcheon introduced—

S. F. No. 1689: A bill for an act relating to battered women; appropriating money; amending Minnesota Statutes, 1977 Supplement, Sections 241.62, Subdivision 1; 241.63; 241.66, Subdivision 2, and by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Lewis; Keefe, S.; Ogdahl; Ashbach and Gearty introduced—

S. F. No. 1690: A bill for an act relating to the Minneapolis-Saint Paul metropolitan airports commission; providing a maximum amount and funding terms for commission debt; amending Minnesota Statutes 1976, Section 473.667, Subdivisions 2 and 4, and by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Nelson and Vega introduced—

S. F. No. 1691: A bill for an act relating to public welfare; providing for the revision of criteria governing work incentive and registration; providing authority for local agencies to contract with nonprofit organizations for work program services; amending Minnesota Statutes 1976, Section 256D.11.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Johnson introduced—

S. F. No. 1692: A bill for an act relating to education; foundation aid; providing for adult vocational students to be included in average daily membership; amending Minnesota Statutes 1976, Section 124.562, Subdivision 2.

Referred to the Committee on Education.

Messrs. Schmitz, Setzepfandt, Vega, Penny and Dunn introduced—

S. F. No. 1693: A bill for an act relating to the national guard; increasing the pay for enlisted persons on active duty; amending Minnesota Statutes 1976, Section 192.51.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Bernhagen, Anderson, Setzepfandt, Strand and Laufenburger introduced—

S. F. No. 1694: A bill for an act relating to trespass; requiring written consent of a landowner before entry upon his land for hunting or fishing purposes; providing for sportsman land use passes; prescribing penalties; amending Minnesota Statutes 1976, Sections 84.90, Subdivision 7; 100.273, Subdivisions 1 and 4; and 100.29, Subdivision 21.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Brataas, Messrs. Knutson, Davies, Dieterich and Sieloff introduced—

S. F. No. 1695: A bill for an act relating to law libraries; amending Minnesota Statutes 1976, Sections 140.41, Subdivision 1; 140.42, Subdivision 1; and 140.43, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Schaaf, Purfeerst, Laufenburger, Bang and Lewis introduced—

S. F. No. 1696: A bill for an act relating to taxation; exempting certain taxicabs from gasoline and special fuels tax; amending Minnesota Statutes 1976, Sections 296.01, by adding a subdivision; 296.02, Subdivision 1; 296.025, Subdivision 1; and 296.18, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olhoft, Strand, Schmitz, Bernhagen and Lessard introduced—

S. F. No. 1697: A bill for an act relating to obscenity; pro-

hibiting the promotion and dissemination of obscene materials; providing penalties; amending Minnesota Statutes 1976, Sections 617.26; 617.27; Chapter 609, by adding sections, and Minnesota Statutes, 1977 Supplement, Section 609.11, Subdivision 1; repealing Minnesota Statutes 1976, Sections 617.241; 617.291; 617.292; 617.293; 617.294; 617.295; 617.296; and 617.297.

Referred to the Committee on Judiciary.

Mr. Chmielewski, Mrs. Knaak, Messrs. Menning, Peterson and Olthoff introduced—

S. F. No. 1698: A bill for an act relating to armories; authorizing disposition of unused armories to counties in addition to municipalities; amending Minnesota Statutes 1976, Section 193.36, Subdivision 2.

Referred to the Committee on General Legislation and Veterans Affairs.

Mr. Wegener introduced—

S. F. No. 1699: A bill for an act relating to the town of Little Falls; allowing the town to contract for the lighting of town roads.

Referred to the Committee on Local Government.

Mr. Strand introduced—

S. F. No. 1700: A bill for an act relating to law enforcement; appropriating funds to reimburse local governments for certain extraordinary expenses.

Referred to the Committee on Local Government.

Messrs. Strand and Nichols introduced—

S. F. No. 1701: A bill for an act relating to parks and recreation; concerning Big Stone Lake state park; deleting real estate from the boundaries of the park.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Olson and Menning introduced—

S. F. No. 1702: A bill for an act relating to education; school district pairing; permitting experimental pairing for Independent School District No. 328 (Sioux Valley) and Independent School District No. 516 (Round Lake); amending Minnesota Statutes, 1977 Supplement, Section 122.85, Subdivision 1.

Referred to the Committee on Education.

Messrs. Strand, Nichols and Penny introduced—

S. F. No. 1703: A bill for an act relating to education; school boards; planning task force; providing for removal of task force members; amending Minnesota Statutes, 1977 Supplement, Section 122.86, Subdivision 3.

Referred to the Committee on Education.

Messrs. Knoll, Gearty, Spear, Stokowski and Keefe, S. introduced—

S. F. No. 1704: A bill for an act relating to the city of Minneapolis; establishing a program setting aside a portion of services and materials for small businesses; regulating bid and performance bonds for small businesses; amending Minnesota Statutes, 1977 Supplement, Section 574.262, Subdivision 1.

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

Mr. Sikorski introduced—

S. F. No. 1705: A bill for an act relating to nursing homes; medical assistance; providing for exceptions to rate limitations; amending Minnesota Statutes, 1977 Supplement, Section 256B.47, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Humphrey and Anderson introduced—

S. F. No. 1706: A bill for an act relating to energy; changing the powers of the Minnesota energy agency; providing for the confidentiality of proprietary data furnished to the energy agency; mandating certain residential energy efficiency standards; establishing insulation product and application standards; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Section 116H.08; Chapter 116H, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 116H.129, Subdivision 1, and by adding subdivisions.

Referred to the Committee on Energy and Housing.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform the Senate that the House of Representatives invites and is ready to meet with the Senate in Joint Convention at 11:45 A.M., Tuesday, January 24, 1978, to receive the message of the Honorable Rudy Perpich, Governor of the State of Minnesota, which will be delivered at 12:00 noon.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 19, 1978

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

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 6: A house concurrent resolution supporting the American Family Farmer.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted January 19, 1978

Mr. Borden moved that House Concurrent Resolution No. 6 be laid on the table. The motion prevailed.

Mr. President:

Pursuant to Joint Rule 3.02, the Conference Committee on H. F. No. 544 was discharged after adjournment on May 23, 1977 and the bill was laid on the table.

H. F. No. 544: A bill for an act relating to highways; removing the construction moratorium on a certain interstate route, and extending it through the city of St Paul; removing a certain route from the trunk highway system; amending Minnesota Statutes 1976, Sections 161.117; 161.12; and 161.123.

I have the honor to announce that on January 19, 1978, H. F. No. 544 was taken from the table and new House conferees were appointed.

Kempe, A.; Osthoff and Tomlinson have been appointed as such committee on the part of the House.

House File No. 544 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted January 19, 1978

Mr. Vega moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 544, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the house refuses to concur in the Senate amendments to House File No. 1180.

H. F. No. 1180: A bill for an act relating to financial institu-

tions; permitting the establishment and operation of electronic funds transfer facilities; prescribing the powers and duties of the commissioner of banks in relation to funds transfer facilities; protecting the privacy and security of customers of financial institutions who use electronic funds transfer facilities; prescribing penalties.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Hanson, Corbid and Ewald have been appointed as such committee on the part of the House.

House File No. 1180 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted January 19, 1978

Mr. Kirchner, for Mr. Laufenburger, moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1180, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Anderson from the Committee on Energy and Housing, to which was referred

S. F. No. 1621: A bill for an act relating to energy; exempting certain solar energy systems from property taxation; providing a credit against income tax for the cost of certain solar energy systems; amending Minnesota Statutes 1976, Section 272.02, Subdivision 1; and 290.06, by adding a subdivision.

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

Page 5, line 2, after "*maximum*" insert "*credit*"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

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

S. F. No. 350: A bill for an act relating to elections; establishing a local government election day for election of county, city and school district officers, county and municipal judges and officers of all other political subdivisions except towns; requiring uniform and coordinated election precincts and polling places for

municipalities and school districts; integrating municipal and school district election laws with laws applicable to other elections; providing state reimbursement for the costs of administration of the election held on the local government election day; superseding certain inconsistent general and special laws and home rule charter provisions; amending Minnesota Statutes 1976, Chapters 204A, by adding a section; 205, by adding sections; and 210A, by adding a section; and Sections 40.05, Subdivision 1, 3 and 4; 40.06, Subdivision 1; 123.12, Subdivisions 1 and 5; 123.32, Subdivisions 9, 13 and 23; 123.33, Subdivisions 1 and 4; 123.34, Subdivision 1; 123.351, Subdivisions 1 and 3; 123.51; 128.01; 200.02, Subdivisions 1, 8, 24, and by adding subdivisions; 201.071, Subdivision 1, and by adding a subdivision; 202A.52; 203A.17; 203A.32, Subdivision 3; 204A.06, Subdivision 1; 204A.09, Subdivision 1; 204A.11, Subdivision 3, and by adding a subdivision; 204A.40, Subdivision 2; 204A.45, Subdivision 1; 204A.47, Subdivision 2; 204A.49, by adding a subdivision; 205.01; 205.021; 205.13; 205.14; 205.16, Subdivision 2; 207.02; 207.03; 207.04; 207.151; 209.02, Subdivisions 1 and 3; 375.25, Subdivision 4; 375.03; 375.101, Subdivision 2; 375A.02, Subdivision 1; 375A.09, Subdivision 4; 382.01; 389.011, Subdivision 2; 397.06; 397.07; 398.04; 410.21; 412.02, Subdivision 2; 412.021, Subdivision 2; 412.571, Subdivision 5; 447.32, Subdivisions 1 and 2; 487.03, Subdivisions 2 and 5; 488A.021, Subdivision 3; and 488A.19, Subdivision 3; repealing Minnesota Statutes 1976, Sections 123.015; 123.11, Subdivisions 2, 3, 4, 5 and 6; 123.32, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 11, 22, 24, 25, 26 and 27; 201.33; 205.02; 205.03; 205.07; 205.11; 205.18; 205.19; 205.20; and 447.32, Subdivisions 3 and 4.

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

Strike everything after the enacting clause and insert:

"ARTICLE I

LOCAL GOVERNMENT ELECTION DAY

Section 1. [205.011] [LOCAL GOVERNMENT ELECTION DAY.] *Subdivision 1. [LEGISLATIVE INTENT.] It is the purpose and intent of this act to increase public interest and participation in local elections and to draw the attention of the public and the news media to local government issues by the designation of a single, uniform, biennial date for all local elections in the state; to encourage more people to vote at local elections by permitting voters to cast their ballots in all local election contests, including school district, city and county elections, only once every two years and at a single, convenient polling place; to encourage more people to seek local elective offices by establishing a uniform time for filing for office; and to lower the administrative costs of local elections by eliminating separate dates and procedures for conducting local elections and providing a single, biennial election for all local offices conducted, as far as practicable, in the same manner as the statewide general election.*

Subd. 2. [CITATION.] This act may be cited as the "Minnesota local government election day act."

Sec. 2. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.015] [LOCAL GOVERNMENT ELECTION DAY.] Subdivision 1. [ESTABLISHMENT.] The first Tuesday after the first Monday in November in each odd numbered year is designated and shall be known as the "local government election day."

Subd. 2. [OFFICERS ELECTED.] The regular election of the elective officers of every county, city and school district, the judges of the county and municipal courts and the elective officers of every other political subdivision of the state except towns shall be held on the local government election day next preceding the expiration of their terms.

Subd. 3 [PRIMARY.] A primary election shall be held six weeks before the local government election day to select the candidates for the offices to be filled on that day except for municipal offices in municipalities of less than 2,500 inhabitants.

No primary shall be held to select candidates for any non-partisan office when only two persons file for nomination for that office, or when not more than twice the number of persons to be elected file for nomination for that office.

Subd. 4. [PLACE OF ELECTION.] The election precincts and polling places for elections held on the local government election day shall be those established according to sections 204A.06 to 204A.11. Ballots shall be distributed and available so that no voter shall be required to vote in more than one polling place in order to vote in every election in which the voter is eligible to vote on the local government election day.

Subd. 5. [HOURS FOR VOTING.] The hours for voting in each precinct in which an election is held pursuant to this section shall be as provided in section 204A.05 for the general election and the primary before that election.

Subd. 6. [TIME FOR FILING.] The time for the filing of any affidavit, application, petition or other document required to place the name of any person on the ballot for election to any office to be filled on the local government election day for which a primary is required for nomination of candidates shall commence 14 weeks before the local government election day and shall conclude 12 weeks before that day. When no primary is required, the time for filing shall commence eight weeks before the local government election day and conclude six weeks before that day.

Subd. 7. [WITHDRAWAL OF CANDIDACY.] A candidate for any office to be filled on the local government election day may withdraw his candidacy for that office not later than 5:00 p.m. on the day after the close of the filing period. Such a candidate may also withdraw during the seven days following the primary election. Affidavits of withdrawal shall be filed with the officer who receives affidavits of candidacy for that office.

Subd. 8. [PURPOSE; OTHER LAWS AND CHARTERS SUPERSEDED.] It is the purpose and intent of this section to establish uniform dates and procedures for the election of all officers described in subdivision 2. To the extent inconsistent with this intent all general and special laws and municipal charter provisions providing otherwise are superseded. In all other respects, those laws and charter provisions shall continue in full force and effect. No general or special law enacted after August 1, 1978, shall be construed to authorize or require that the regular election of any officers described in subdivision 2 be held at a time or in a manner different from that required by this section, unless that law expressly provides for such an exception by specific reference to this section.

ARTICLE II

ELECTION LAWS; LOCAL GOVERNMENT ELECTIONS

Section 1. Minnesota Statutes 1976, Section 205.01, is amended to read:

205.01 [DEFINITIONS.] The words used in sections 205.01 to 205.17 chapter 205 have the meanings prescribed to given them in chapter 200.

Sec. 2. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.017] [NOTICE OF OFFICES TO BE FILLED; COUNTIES, CITIES AND SCHOOL DISTRICTS.] No later than 15 days before the first day for filing affidavits of candidacy each county auditor and each city, school district, hospital district and soil and water conservation district clerk shall prepare, post in his respective office and publish a notice specifying the officers whose certificates of election were issued by the office of that auditor or clerk and who are to be voted on at the next regular election. The notice shall also state the opening and closing dates for filing affidavits and the place for filing. Immediately upon preparation, the county auditor and school district, hospital district and soil and water conservation district clerks shall deliver copies of the notice to the clerk of each municipality in the county or district. The clerk of each municipality shall post in his office copies of the notices delivered to him pursuant to this section.

Sec. 3. Minnesota Statutes 1976, Section 205.021, is amended to read:

205.021 [CITY ELECTIONS; APPLICABLE STATUTES.] In all statutory and home rule charter cities, the regular, primary, and special elections held for choosing public officials for the city and deciding public questions relating to the city shall be held according to the statutes governing the general election and the primary preceding the general election as far as practicable, except as provided in sections 205.01 to 205.17 ; except that sections 205.01 to 205.15 are not applicable to any city the charter of which provides for the manner of holding its regular, primary, or special municipal elections . Sections 205.01 to 205.17 shall also apply to towns to the extent specified in those sections.

Sec. 4. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.026] [OPTIONAL ALLEY SYSTEM AND RESIDENCE DISTRICTS.] *Notwithstanding any general or special law or any home rule charter provision to the contrary, any municipality that holds municipal elections on the local government election day and holds at large elections for members of the governing body of the municipality may by ordinance designate each position on the governing body by a separate letter of the alphabet and require that each candidate for election to the governing body shall file for only one designated position. Each such position to be filled at any election shall be designated on the ballot by the appropriate letter. Any such municipality may in the same or in a separate ordinance assign each designated position to a separate geographical district within the municipality and require that any candidate who files for any position must reside in the district to which the position is assigned. The residence districts shall be substantially equal in population. Any ordinance adopted pursuant to this section shall be adopted at least 16 weeks before the local government election day for which it is effective and shall be effective for all ensuing elections until revoked. The governing body of the municipality shall file a copy of the ordinance with the secretary of state.*

Sec. 5. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.125] [OPTIONAL PRIMARY; RUN-OFF ELECTION REQUIREMENT.] *Subdivision 1. [OPTIONAL PRIMARY.] The governing body of any municipality of less than 2,500 inhabitants which holds municipal elections on the local government election day may elect by ordinance or resolution to hold a municipal primary election six weeks before the local government election day. Any such ordinance or resolution shall be adopted at least 16 weeks before the local government election day and shall be effective for all ensuing elections until revoked. The governing body of the municipality shall file a copy of the ordinance or resolution with the secretary of state.*

Subd. 2. [RUN-OFF ELECTION REQUIRED, WHEN.] When more than twice the number of persons to be elected to any municipal office are candidates for that office in a municipality which holds municipal elections on the local government election day but does not hold a municipal primary, a candidate for that office shall be declared elected only if he receives a majority of the vote cast for that office. When more than one person is to be elected to an office, the vote cast for that office shall be deemed to be the total vote cast for all candidates for that office divided by the number of persons to be elected. If no candidate, or an insufficient number of candidates, receives a majority of the vote cast for that office a run-off election shall be held among the number of candidates equal to twice the number of persons remaining to be elected to that office who receive the highest number of votes in the regular election. The run-off election shall

be held three weeeeks after and conducted in the same manner as the regular municipal election.

Sec. 6. Minnesota Statutes 1976, Section 205.13, is amended to read:

205.13 [MUNICIPAL ELECTION; CANDIDATES; FILING.]
Subdivision 1. [CITIES; AFFIDAVITS OR APPLICATIONS.]
Not more than six nor less than four weeks before the primary election, or before the municipal election if there is no primary election, Any person eligible and desiring to have his name placed on the official ballot as a candidate for an office to be voted for at the regular city election or at any town election held on the local government election day shall file his affidavit of candidacy with the municipal clerk during the time for filing prescribed by article 1, section 2, subdivision 6. The affidavit shall be substantially the same form as required of candidates for state offices. An application also may be signed by not less than five voters and filed on behalf of any qualified voter in the municipality whom they desire to be a candidate if service of a copy of the application is made on the candidate and proof of service is endorsed on the application before filing. Upon payment of the proper filing fee to the clerk, the clerk shall place the name of the candidate on the official ballot without partisan designation.

Subd. 2. [TOWN ELECTIONS AT ANNUAL MEETING; AFFIDAVITS OR APPLICATIONS.]
Town elections held at the annual town meeting shall follow the procedures established in subdivision 1, except that the time for filing shall be not more than 42 nor less than 28 days before the primary or before the town election if there is no primary.

Subd. 3. [NONPARTISAN BALLOT.]
Municipal ballots shall not contain any partisan designation for any candidates except as provided in section 205.17.

Sec. 7. Minnesota Statutes 1976, Section 205.14, is amended to read:

205.14 [MUNICIPAL ELECTION, PROCEDURE.]
Subdivision 1. [MATERIALS, BALLOTS.]
The city municipal clerk shall prepare and cause to be printed the necessary election materials, including the ballots, for the municipal election.

Subd. 2. [ELECTION, CONDUCT.]
The election primary and regular municipal elections shall be held and the returns made in the manner provided for the general election and the primary election preceding the general election.

Subd. 2a. [PRIMARY ELECTION RESULTS.]
Within two days after the municipal primary election, the governing body of the municipality shall canvass the returns of the election, and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of persons to be elected to the office and who receive the highest number of votes, shall be the nominees for the office named. In

any case where a tie vote causes more candidates than may be nominated to an office to receive the highest number of votes, the governing body shall determine the result by lot. The names of the nominees shall be certified to the municipal clerk who shall place them on the regular municipal election ballot without payment of an additional fee.

Subd. 3. [REGULAR ELECTION RESULTS; CERTIFICATE OF ELECTION; DISPOSITION OF BALLOTS.] *Within two days after the regular election, the council governing body shall canvass the returns and declare the results of the election. After the time for contesting elections has passed, the municipal clerk shall issue a certificate of election to each successful candidate ; but . In case of a contest, the certificate shall not be issued until the contest has been determined by the proper court. In case of a tie vote, the council governing body shall determine the result by lot. The municipal clerk shall certify the results of the election to the county auditor ; and . The city clerk shall be the final custodian of the ballots and the returns of the election.*

Sec. 8. Minnesota Statutes 1976, Section 205.16, Subdivision 2, is amended to read:

Subd. 2. [SAMPLE BALLOT, NOTICE.] *In all statutory and home rule charter cities, For every election held within the city for municipal purposes, the city clerk shall, at least one week before the election, publish a sample ballot in the official newspaper of the city, except that the council of any fourth class city may dispense with publication: At least four days before the election the clerk shall post a sample ballot in his office for public inspection ; and a sample ballot shall also be posted in each polling place .*

Sec. 9. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.165] [SAMPLE BALLOTS AT EACH POLLING PLACE.] *For every election held within the municipality, the municipal clerk shall cause to be posted in each polling place a sample ballot of every ballot to be voted upon at that polling place, including a sample of the state, county, city, school district or other ballot that may be voted upon.*

Sec. 10. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.211] [COUNTY ELECTIONS.] *Except as provided in Article I, Section 2 and Article II, Section 2, the statutes governing the general election and the primary preceding the general election shall govern the regular and primary election for county officers and county court judges.*

Sec. 11. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.221] [INDEPENDENT SCHOOL DISTRICT ELECTIONS.] *Subdivision 1. [STATUTES APPLICABLE.] Except as otherwise provided in chapter 205, the statutes governing the*

general election and the primary preceding the general election shall govern independent school district regular and primary elections as far as practicable.

Subd. 2. For the purposes of article II, sections 11 to 15 of this act, "district" or "school district" means "independent school district."

Sec. 12. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.226] [ALLEY SYSTEM AND RESIDENCE AREA OPTIONS.] *Notwithstanding any general or special law or any home rule charter provision to the contrary, any school district which holds at large elections for members of the school board may by resolution designate each position on the board by a separate letter of the alphabet and require that each candidate for election to the board file for only one designated position. Each such position to be filled at any election shall be designated on the ballot by the appropriate letter. Any such district may in the same or in a separate resolution assign each designated position to a separate geographical area within the district and require that any candidate who files for any position must reside in the area to which the position is assigned. The residence areas shall be substantially equal in population. Any resolution adopted pursuant to this section shall be adopted at least 16 weeks before the local government election day for which it is effective and shall be effective for all ensuing elections until revoked. A copy of the resolution shall be filed with the secretary of state.*

Sec. 13. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.231] [INDEPENDENT SCHOOL DISTRICT ELECTIONS; PROCEDURES.] *Subdivision 1. [NOTICE OF ELECTION.] The clerk of the district shall give ten days' posted notice of every regular, primary and special independent school district election. If there is a newspaper published in the district, the clerk shall also give one week's published notice. The notice shall specify the time, place and purpose of the election, and shall contain information concerning the precincts, polling places and hours the polls will be open. At least four days before the election, the clerk shall post a sample ballot in his office for public inspection.*

Subd. 2. [CANDIDATES; AFFIDAVITS AND APPLICATIONS.] The school board of each district shall designate one full time employee in the central office of the district to accept affidavits and applications made pursuant to this subdivision. Any person desiring to be a candidate for an independent school district office at the regular election shall file an affidavit of candidacy with the designated district employee. Affidavits shall be substantially the same form as required for state offices. Any five voters of the district may also file a written application for or on behalf of any qualified voter in the district whom they desire to be a candidate. An affidavit or application shall be filed during the time for filing prescribed by article I, section 2, sub-

division 6, of this act and shall be accompanied by payment of a fee not to exceed \$5.

Subd. 3. [PREPARATION OF BALLOTS.] At the expense of the district, the clerk shall prepare and cause to be printed the necessary official and sample ballots for the election of officers, placing thereon the name and number of the school district and the names of the proposed candidates with the same number of blank spaces for the insertion of names of other candidates as there are members to be elected. School district ballots shall not contain any partisan designation for any candidates. Official ballots shall be printed on buff color paper. Any proposition to be voted upon shall be stated on a separate ballot printed on violet color paper. Voting shall be by secret ballot. The facsimile signature of the clerk shall appear on the backs of the ballots. No later than the 15th day preceding a regular or primary election, the clerk shall cause to be delivered:

(a) Sufficient sample and official ballots to the municipal clerk of each municipality into which the district extends and to the county auditor of any county containing unorganized territory into which the district extends to permit the municipal clerk and county auditor to provide sufficient ballots to each polling place in the district; and

(b) Sufficient ballots to the officials responsible for accepting applications for absentee ballots pursuant to section 207.03, to permit them to carry out the duties prescribed by chapter 207. Each municipal clerk and county auditor shall provide a sufficient number of school district ballots to the election judges of the appropriate precincts on the day preceding the election.

Subd. 4. [VOTING MACHINES.] Where voting machines are used in precincts containing more than one school district or more than one school election district, separate voting machines shall be used and shall be allocated between the school districts or school election districts in proportion to the number of voters eligible to vote in the precinct from each district.

Sec. 14. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.241] [ELECTION RESULTS; CERTIFICATION OF CANDIDATES.] *Subdivision 1. [PRIMARY RESULTS.] Within two days after receipt of the returns of the primary election, the school board shall canvass the returns, issue certificates to the two candidates for each office who receive the highest number of votes, or to a number of candidates equal to twice the number of persons to be elected to the office and who receive the highest number of votes, and shall place the names of those candidates on the official ballot for the regular election without the payment of an additional fee. In any case where a tie vote causes more candidates than may be nominated to an office to receive the highest number of votes, the board shall determine the result by lot.*

Subd. 2. [REGULAR ELECTION RESULTS.] Within four days after receipt of the returns of the regular election, the school

board shall canvass the returns and shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. If any candidates receive an equal number of votes for an office, the board shall resolve the tie by lot. The clerk shall deliver the certificates by registered mail, and each person so certified shall file an acceptance and oath of office in writing with the school district clerk within 30 days of the date of mailing of the certificate. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but the filing may be made at any time before action to fill the vacancy has been taken.

Sec. 15. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.251] [SPECIAL ELECTIONS; EXCEPTION.] *The board of an independent school district may, and upon petition of 50 or more voters of the district or five percent of the number of votes cast at the preceding regular election, whichever is the greater, shall, by resolution call a special election to vote on any matter requiring approval of the voters of the district. The clerk of the district shall give ten days' posted notice and one week's published notice of election; if a newspaper is published in the district. The notice shall specify the time and place of election, and the questions to be submitted to the voters at the election. The procedure for a special election shall be the same as for a regular election. The expenses of special elections shall be paid by the school district. This section does not apply to elections held pursuant to sections 122.23, 122.25 and 122.26.*

Sec. 16. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.261] [COMMON SCHOOL DISTRICTS; ELECTIONS.] *Subdivision 1. The school board of a common school district shall be elected at the same time and in the same manner as board members in independent districts.*

Subd. 2. This section applies only to School District No. 323 and School District No. 815.

Sec. 17. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.271] [COORDINATION OF LOCAL ELECTIONS; DUTIES OF SECRETARY OF STATE.] *Subdivision 1. [ADOPTION OF RULES.] No later than January 1, 1979, the secretary of state shall adopt rules to facilitate the coordination of the various elections held on the local government election day. The rules shall provide:*

(a) Standards and guidelines to aid municipalities, counties, school districts and other political subdivisions in allocating election costs, designating boundaries for election purposes and administering elections in precincts split by any election district boundary;

(b) A procedure for preparation of precinct maps showing the number and boundary of each school district and school district election district in the precinct and distribution of the maps to the appropriate election judges;

(c) A procedure to be followed by local elections officials to ensure that the number of the school district in which the voter resides is placed on every voter registration card in the manner and by the time required in article III, sections 7 and 9 of this act;

(d) Procedures for efficient distribution of sample and official school district ballots to the polling places; and

(e) A procedure for resolving disputes between municipalities, counties, school districts and other political subdivisions with regard to the conduct of elections.

Subd. 2. [PREPARATION OF LOCAL ELECTION BOOK-LET.] No later than January 1, 1979, and every two years thereafter, the secretary of state shall prepare a booklet for distribution to local election officials setting forth all provisions of the election laws that are applicable to elections held on the local government election day.

Sec. 18. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.30] [HOSPITAL DISTRICT ELECTIONS.] Subdivision 1. [APPLICABLE STATUTES.] Except as otherwise provided in chapter 205, the statutes governing the general election and the primary preceding the general election shall govern hospital district elections as far as practicable.

Subd. 2. [APPLICATION FOR CANDIDACY.] Any person desiring to be a candidate for member of a hospital board shall file with the clerk of the town or city in which he resides an affidavit of candidacy as a member at large or member representing the town or city. Affidavits shall be substantially in the same form as required for municipal elections and shall be filed during the time for filing prescribed by article I, section 2, subdivision 6 of this act. The clerk of the town or city shall transmit all affidavits of candidacy for member at large or member representing the town or city to the clerk of the district.

Subd. 3. [PREPARATION OF BALLOTS; CERTAIN TOWNS.] For all towns in the district which do not hold town elections on the local government election day, the clerk of the district shall prepare and distribute to the town clerks at the expense of the district the necessary primary and regular sample and official election ballots for candidates for membership on the hospital board. The official ballots shall be on light green paper and shall be prepared in the manner provided in section 205.07 for preparation of the town light green ballot, except that preparation shall be by the clerk of the district. The clerk of the district shall provide sufficient ballots to the officials responsible for accepting applications for absentee ballots pursuant to section 207.03, to permit them to carry out the duties prescribed by chapter 207.

Subd. 4. [PREPARATION OF BALLOTS; CITIES AND CERTAIN TOWNS.] For each town which holds a town election on the local government election day and for each city within the district, the district clerk shall certify the names of the candidates for nomination and election as members representing the town or city and members at large to the municipal clerk. The municipal clerk shall place the names of the candidates for nomination or election as members representing the town or city or members at large on the town or city light green ballot. The hospital district shall reimburse the town or city for its pro rata share of the cost of preparing the light green ballot, as provided in the rules of the secretary of state.

Subd. 5. [ELECTION RETURNS.] For the primary and regular election, each clerk of the district shall supply to the clerk of each town and city in the district a number of blank summary statements sufficient for recording the results of the hospital district election in each precinct. Summary statements shall be prepared in the manner required by the secretary of state. After counting the votes, the election judges in each precinct shall complete a summary statement supplied by the district and shall submit the completed statement to the clerk of the town or city in which the precinct is located. The clerk of each town and city shall transmit the hospital district election summary statements to the clerk of the district within 48 hours after the closing of the polls.

Subd. 6. [CANVASSING OF RESULTS.] Upon receiving the completed summary statements containing the primary election results the hospital board shall forthwith canvass the results of the primary election and shall certify the names of the candidates to appear on the regular election ballot. In any case where a tie vote causes more candidates than may be nominated to an office to receive the highest number of votes, the board shall determine the result by lot. Upon receiving the summary statements containing the regular election results the board shall forthwith canvass the results and shall issue certificates of election to the candidates receiving the highest number of votes for each office. The clerk shall deliver the certificate to the person entitled thereto in person or by registered mail, and each person so certified shall file an acceptance and oath of office in writing with the clerk within 30 days after the date of delivery or mailing of the certificate. The board may fill any office in the manner provided in section 447.32, subdivision 1, if the person elected thereto fails to qualify within said period, but the qualification shall be effective if made at any time before action to fill the vacancy has been taken.

Subd. 7. [APPLICATION.] The election procedures provided in this section apply to hospital districts created pursuant to section 397.05 or 447.31.

ARTICLE III

ELECTION LAWS; GENERAL PROVISIONS

Section 1. Minnesota Statutes 1976, Section 200.02, Subdivision 1, is amended to read:

Sec. 11. Minnesota Statutes 1976, Section 202A.52, is amended to read:

202A.52 [OFFICERS CHOSEN.] All elective, state and county officers, judges of the supreme and district courts, members of the legislature, and senators and representatives in congress shall be elected at the general election next before the preceding the expiration of their respective terms thereof shall expire, and . At the general election held in the year preceding the expiration of a term of a president of the United States presidential electors shall also be chosen. County officers and judges of the county court shall be elected on the local government election day; but, except as provided in article I, section 2 and article II, section 2, of this act the statutes governing the general election and the primary preceding the general election shall govern the regular and primary election of those officers and judges.

Sec. 12. Minnesota Statutes 1976, Section 203A.17, is amended to read:

203A.17 [BALLOTS, RECORDS, DISPOSITION.] The auditor of any county and the clerk of any municipality or school district may destroy all ballots, voters' certificates, and election returns, except the abstract of the canvassing board, at any time after one year from the date of the election wherein the ballots and election returns were used, except that all election returns involved in a contested election may not be destroyed until the contest has been finally determined. Notwithstanding the provisions of section 138.163, the records authorized to be destroyed under this section are exempt from the preservation requirements of Minnesota Statutes, Chapter 138 and of Laws 1971, Chapter 529.

Sec. 13. Minnesota Statutes 1976, Section 203A.31, Subdivision 1, is amended to read:

203A.31 [WHITE AND PINK BALLOTS.] Subdivision 1. [STATE WHITE BALLOT.] There shall be one ballot upon plain white paper, hereinafter called to be known as the "white ballot," upon which shall be printed names of all candidates for offices to be voted for throughout the state, including, but not to be restricted to, candidates for senator and representative in congress and candidates, for senator and representative in the legislature and for judge of the district court. The candidates for senator in congress shall be first on the white ballot, the candidates for representative in congress shall be second, candidates for senator in the legislature shall be third, and candidates for representative in the legislature shall be fourth. The candidates for state offices shall follow the candidates for representative in the legislature. Candidates for governor and lieutenant governor shall appear so that a single vote will apply to both offices.

Sec. 14. Minnesota Statutes 1976, Section 203A.32, is amended to read:

203A.32 [COUNTY AND DISTRICT BALLOTS.] Subdivision 1. [CANARY BALLOT.] There shall be one ballot on canary paper, hereinafter called the "canary ballot," upon which shall be

printed The names of all candidates for office and all questions and propositions to be submitted that are not required by law to be placed on other ballots, including but not to be restricted to, the candidates for all county elective offices ; and the candidates for the district and probate court offices shall be placed on one ballot on canary paper to be known as the canary ballot. This ballot shall be headed "County and District Nonpartisan Ballot."

Subd. 1a. [GOLDENROD BALLOT.] All questions and propositions to be submitted to the voters that are not required to be placed on any other ballot shall be placed on one ballot on goldenrod paper to be known as the goldenrod ballot. This ballot shall be headed "County and District Proposition Ballot."

Subd. 2. [PREPARATION OF BALLOTS.] The canary ballot and goldenrod ballots shall be prepared under the direction of the county auditor ; and the ballot shall be headed, "County and District Ballot."

Subd. 3. [SAMPLE BALLOTS, NOTICE.] Two weeks before the general any election at which the white, canary or goldenrod ballots are to be cast the auditor shall file a sample of the white each ballot and the canary ballot to be cast in his office for public inspection ; and two weeks before the general election the auditor shall give one week's published notice of the contents of the official state ballot and the county and district each ballot. The auditor shall also supply each municipal clerk in the county with a sufficient number of samples of the white ballot and, before the local government election day the canary ballot, so that one copy of each sample ballot may be posted at each polling place in every municipality in the county. The county auditor shall cause to be posted in each polling place in any unorganized territory in the county a sample ballot of every ballot to be voted upon at that polling place, including a sample school district ballot.

Sec. 15. Minnesota Statutes 1976, Section 204A.05, Subdivision 1, is amended to read:

204A.05 [STATE ELECTIONS, HOURS FOR VOTING.] Subdivision 1. [OPENING AND CLOSING OF POLLS.] Except as otherwise provided in this section, at the general election and the primary election the polls in every precinct in the state shall open at 7:00 a.m., and they shall be kept open continuously until 8:00 p.m., at which time they shall close. The governing body of any municipality of less than 1,000 inhabitants, situated entirely outside the metropolitan area as defined in Minnesota Statutes 1965, section 473.82, Subdivision 5 473.121, subdivision 2 , by resolution adopted 30 days prior to any general or primary election, may fix a time for the opening of the polls which may not be earlier than 7:00 a.m. nor later than 9:00 a.m. in the case of a general election, 5:00 p.m. in the case of a primary election. Resolutions adopted pursuant to this subdivision shall be effective for all ensuing general or primary elections until revoked. The governing body shall transmit a copy of the resolution to the secretary of state. Under no circumstances shall the ballot boxes be opened and the ballots counted before closing of the polls.

Sec. 16. Minnesota Statutes 1976, Section 204A.06, is amended by adding a subdivision to read:

Subd. 1c. [COORDINATION WITH SCHOOL DISTRICTS.] In the course of developing precinct boundaries, the council shall take into account the boundaries of each school district and the boundaries of election districts, if any, within each school district located within the municipality and shall consult with the board of each such school district and each municipality which includes territory of the school district before taking final action on designating the precinct boundaries.

Sec. 17. Minnesota Statutes 1976, Section 204A.09, Subdivision 1, is amended to read:

204A.09 [POLLING PLACES DESIGNATED.] Subdivision 1. [METHOD.] The council governing body of every municipality shall, by ordinance or resolution, designate the place of holding the election for each precinct; otherwise the election shall be held as near as may be to the place where the preceding election was held, subject to change before the opening of the polls as provided by law. In order to more efficiently administer elections held in precincts split by school district or school district election district boundaries or in other precincts where a special need is determined, the governing body of any municipality may designate more than one polling place in a precinct. In any statutory city or in any city of the third or fourth class, having more than one precinct, the council of the municipality may, by ordinance or resolution, provide for the holding of all elections in the municipality in some building centrally located therein, and the voters of the municipality may vote at such place so designated, irrespective of whether the voting place is actually located in their precinct or not. At the place so designated there shall be provided separate statutory voting facilities for each precinct, and the voting shall otherwise be conducted in the same manner as though the voting places were located in the respective precincts. The council governing body of any municipality may, by ordinance or resolution, designate a polling place for holding of elections for a specific precinct in a building outside the precinct, provided that the building must be located within 1500 feet one half mile of the precinct.

Sec. 18. Minnesota Statutes 1976, Section 204A.11, Subdivision 3, is amended to read:

Subd. 3. [BALLOT BOXES.] Each polling place shall be provided with one white, one pink, one canary, and one light green ballot box. As many of these ballot boxes shall be used at any election of each color as there are kinds colors of ballots to be voted upon at that election. Whenever buff ballot boxes are required, a separate box shall be provided for each school district for which ballots are to be cast at that polling place. The number of the school district shall conspicuously appear on the top of each buff ballot box. Each box shall be of sufficient size, and with a sufficient opening, to receive and contain all the ballots likely to be placed therein.

Sec. 19. Minnesota Statutes 1976, Section 204A.11, is amended by adding a subdivision to read:

Subd. 5. [SAMPLE BALLOTS.] Each polling place shall be provided with a sample ballot for every ballot to be voted upon at that polling place. The sample ballots shall be posted in a prominent place in the polling place and be open to inspection by the voters during the time that the polling place is open.

Sec. 20. Minnesota Statutes 1976, Chapter 204A, is amended by adding a section to read:

[204A.245] [STATE REIMBURSEMENT OF LOCAL GOVERNMENT ELECTION DAY EXPENSES.] *Subdivision 1. [PURPOSE AND INTENT.] It is the purpose and intent of this section to provide money from the general fund of the state to reimburse cities, towns and counties for the costs of providing polling places and election judges, distributing absentee ballots and providing other general administrative services necessary to conduct the elections of the various political subdivisions which are held on the local government election day. Reimbursement provided under this section is not intended to assist in the payment of any expenses incurred by any political subdivision for purposes such as preparing ballots, accepting filings of candidates, canvassing returns or defending election contests.*

Subd. 2. [DUTIES OF SECRETARY OF STATE AND ELECTION OFFICIALS.] Not later than 60 days after the local government election day the secretary of state shall transmit to the commissioner of revenue a list of all towns, cities and counties in which votes were cast at any election held on the local government election day. The list shall show the number of persons who voted in each town, city and county and the number of persons voting in unorganized territory in each county. The secretary of state shall adopt rules setting forth the method by which information required to prepare this list shall be reported by local election officials. Local election officials shall report the required information in the manner provided by the rules of the secretary of state.

Subd. 3. [PAYMENT BY COMMISSIONER OF REVENUE.] The commissioner, upon receipt of the list described in subdivision 2, shall forthwith pay to each town, city and county the sum of \$1 for each person who voted in that town, city or unorganized territory of that county, or the sum of \$100, whichever is greater and, in addition, shall pay to each county the sum of 25 cents for each person who voted in that county, or the sum of \$250, whichever is greater. The commissioner of revenue may include any sum required to be paid to a city, town, or county under this section as a separate and additional item within any payment made by the commissioner to that city, town or county pursuant to section 477A.01, subdivision 4b.

Sec. 21. Minnesota Statutes 1976, Section 204A.29, is amended to read:

204A.29 [REGISTRATION. VOTER'S CERTIFICATE.] *Subdivision 1. [FORM OF CERTIFICATE.] Wherever voters*

are registered under a permanent registration system before any person desiring to vote receives the ballots from the judges, a certificate containing the following information shall be signed by the applicant:

I hereby certify that I am permanently registered in accordance with the Minnesota Election Law and am voting only in this precinct.

(Signature of Voter)

School District No.:

(Address)

(Approved)

Judge of Election

Subd. 2. [VOTER'S CERTIFICATE, USE.] The certificate shall be approved by a judge who shall compare the signature on the voter's certificate with the signature as it appears on the duplicate registration card, and the judge shall record the fact of voting on the back of the duplicate registration card. *When the school district number is not placed on the certificate by the voter, a judge shall determine the correct school district number from information available to him and place that number on the certificate.* The certificate, having been approved, shall be handed to the voter who shall deliver it to the judge in charge of ballots as proof of his right to vote, and thereupon the judge shall hand to the voter the ballots.

Sec. 22. Minnesota Statutes 1976, Section 204A.40, Subdivision 2, is amended to read:

Subd. 2. [BALLOTS, ORDER OF CANVASS.] The ballot boxes shall be opened, the votes counted, and the results declared, one box at a time in the following order: the white box, the pink box, the canary box, the light green box, *the buff box*, and other kinds of ballots voted at the election except that if sufficient judges are available to provide counting teams of four or more judges evenly divided between the political parties for each box, an additional box or boxes may be opened and counted. The returns may not be finally prepared until the votes in all the boxes have been counted so as to allow corrections in case any errors have occurred by reason of the deposit of ballots in the wrong boxes.

Sec. 23. Minnesota Statutes 1976, Section 204A.45, Subdivision 1, is amended to read:

204A.45 [BALLOTS, DISPOSITION.] Subdivision 1. [ENVELOPES.] Except in cities of the first class and in counties having a population of 200,000 or more, after the canvass has been completed and in the presence of all the judges, the ballots cast shall be removed from the ballot boxes and placed in envelopes and sealed. Each judge shall write his name upon the envelope over the sealed part in such a way that the envelope cannot be opened without disturbing the continuity of the lines in the writing. The envelopes shall be of a heavy paper, of the same color as

the ballots to be placed therein, and of a size suitable to hold all the ballots without folding. The official charged with printing the ballots shall furnish the envelopes required in this section; provided, however, that the official charged with printing the state pink ballot shall furnish the envelopes for the state pink ballot and the state white ballot. The number of ballots in each envelope, the kind thereof, the name of the town or city, and the number of the precinct shall be plainly written upon the envelopes. *The number of the district shall be plainly written upon any envelope containing school district ballots.* The unused and spoiled ballots or returns may not be placed in the envelopes.

Sec. 24. Minnesota Statutes 1976, Section 204A.47, Subdivision 2, is amended to read:

Subd. 2. [RETURNS AND MATERIALS, DELIVERY.] Except in first class cities one of the judges in each precinct shall deliver one set of the tally book and returns, all unused and spoiled white, pink, and canary ballots, one summary statement, two election registers ; and the envelopes containing the white, pink, and canary ballots to the county auditor at his office within 24 hours after the closing of the polls. Another judge shall deliver the remaining set of the tally book and returns, all unused and spoiled municipal and school district ballots, the remaining summary statement, the remaining election register, the envelopes containing municipal and school district ballots and all other things furnished by the municipal clerk, to the municipal clerk at his office ~~within 24 hours after the closing of the polls~~ . *Delivery of ballots, returns and other materials pursuant to this subdivision shall be made immediately upon completion of the other duties of the judges as prescribed by chapter 204A. The county auditor or city clerk may permit delivery at a later time; but in no event shall the ballots, returns and other materials be delivered later than noon on the day following the election.*

Sec. 25. Minnesota Statutes 1976, Section 204A.49, is amended by adding a subdivision to read:

Subd. 3. [DISPOSITION OF SCHOOL DISTRICT RETURNS AND MATERIALS.] *The county auditor for any unorganized territory and the municipal clerk for any municipality in which a school district election is held shall deliver the summary statements of the school district election returns, all unused and spoiled school district ballots and the envelope containing the school district ballots from each precinct to the clerk of the appropriate school district within 24 hours after closing of the polls.*

Sec. 26. Minnesota Statutes 1976, Section 204A.51, Subdivision 2, is amended to read:

Subd. 2. [COUNTY CANVASS, PRIMARY ELECTION INFORMATION REQUIRED.] The board shall meet at the auditor's office at 10:00 a.m. on or before the third day after the primary election , take the oath of office, and publicly canvass the returns of the election made to the county auditor. The board shall complete the canvass of the primary preceding the local government election day within two days after the election and of

the primary before the general election, by the evening of the sixth day following the election, and it shall forthwith make the following report and file the same with the county auditor:

(a) A statement for each political party showing the names of all candidates thereof voted for at the primary election, the number of votes received by each, in each precinct and in the county, and for what office;

(b) A statement showing the names of candidates of each political party who are nominated;

(c) A statement of the total number of persons who voted at the election in the county, and in each precinct, and the number of ballots counted in each precinct, and in the county;

(d) A statement of the number of persons registering to vote on election day and the number of persons registered prior to election day; and

(e) A statement of the votes received by each of the nonpartisan candidates in each precinct in the county and the names of the nonpartisan candidates nominated. If any candidates receive an equal number of votes for the same nomination, the canvassing board shall determine the tie by lot. Upon completion of the canvass, the county auditor shall forthwith certify to the secretary of state the vote, as shown by the report of the county canvassing board, for all candidates to be voted for in more than one county, and he shall mail or deliver to each nominee who is to be voted for in his county only, a notice of his nomination and that his name will be placed upon the general election ballot.

If the difference between the votes of two or more candidates for legislative office which lies within a single county is 100 or less and the difference determines one or more nominations, the canvassing board shall recount the votes. A recount shall not delay any other part of the report of the board and shall be reported and certified as soon as possible. Time for notice of a contest of an election which is recounted shall begin to run upon completion of the recount and canvass for that office.

Sec. 27. Minnesota Statutes 1976, Section 204A.53, Subdivision 1, is amended to read:

204A.53 [STATE CANVASSING BOARD.] Subdivision 1. [MEMBERSHIP.] The secretary of state shall call to his assistance two judges of the supreme court and two judges of the district court none of whom may be candidates at the election, and the judges together with the secretary of state shall constitute the state canvassing board. The board shall meet at the office of the secretary of state on the second Tuesday after the primary and general election, except as otherwise provided for special elections. *When required to canvass any returns from the primary preceding the local government election day, the board shall meet no later than the first Tuesday after that primary.* When a vacancy in the membership of the state canvassing board occurs by reason of the failure of any judge to

attend the meeting of the board on the day appointed; the secretary of state shall fill the vacancy by selecting another disinterested judge from either court, but not more than two judges of the supreme court shall serve upon the canvassing board at any one time.

Sec. 28. Minnesota Statutes 1976, Section 206.09, is amended to read:

206.09 [BALLOT LABELS; DIAGRAMS FOR VOTING MACHINES.] *Subdivision 1. [DUTY TO PROVIDE.]* The same authorities as are charged with providing paper ballots when such are used shall be required to provide all ballots, ballot labels and ballot cards, diagrams, sample ballots, return sheets and all other necessary supplies needed for the voting machines or electronic voting systems.

Subd. 2. [STATE BALLOTS AND FORMS.] In state and county general elections *At the general election* the county auditor of each county in which voting machines or electronic voting systems are used shall provide all ballots, ballot labels, ballot cards, and other necessary printed forms and supplies needed for the voting machines, including all such forms needed for placing on such voting machines, all officers, candidates and constitutional amendments and other questions and propositions, the ballots for which are required by the election law to be provided by the state when paper ballots are used. The total cost of printing and providing all such forms shall be prorated by each county auditor so that paid by the state and county will pay each its proportionate share based on the total number of candidates and questions under the jurisdiction of each. The state shall pay to the county its proportionate share of such cost as herein provided, all notwithstanding any provisions of the statutes of this state notwithstanding law to the contrary.

Subd. 3. [COLORS; SIZE OF TYPE.] Except as herein otherwise provided in this section all partisan ballots (or ballot labels) shall be printed in black ink on clear white material and nonpartisan ballots on canary yellow material of such size as will fit the ballot frame of the voting machine or as will conform to the requirements of electronic voting systems where used, and in as plain clear type as the space will reasonably permit. A space of one inch or more may be used between partisan and nonpartisan ballots. Candidates' names may be set in as large type as the length of the majority of such names of all candidates on the ballot permits and the remaining candidates' names may be set in such smaller sizes or styles of type as the length of each such name requires based on the available space in the frame of the voting machine or the space available on any card, paper, booklet or pages.

Subd. 4. [PARTISAN PRIMARY; COLOR, FORM.] In primary elections where electronic voting systems are used, the ballot pages for the partisan primary ballots may be different colors or may be otherwise distinctively differentiated as between parties and all pages of the partisan primary ballot of a single party

shall be consecutive without the intervention of any pages of any other party. In a prominent place on such ballots there shall be conspicuously printed a notice stating in substance the effect of attempting to vote in more than one partisan primary. Preparation of separate ballots for use on separate marking devices, each ballot containing the partisan primary ballot of only one party, shall also be permitted. Candidates' names may be set in as large type as the length of the majority of such names of all candidates on the ballot permits and the remaining candidates' names may be set in such smaller sizes or styles of type as the length of each such name requires based upon the available space in the frame of the voting machine or upon the space available on any card, paper, booklet, or pages.

Subd. 5. [CONSTITUTIONAL QUESTIONS; PROPOSITIONS; COLORS, FORM.] Ballots (or ballot labels) for constitutional amendments or that portion of the ballot containing constitutional amendments shall be printed on material tinted pink. In a prominent place on such ballots, there shall be conspicuously printed a notice stating in substance that if a voter fails to vote on a constitutional amendment he votes, in effect, in the negative. Ballots (or ballot labels) for other questions shall be printed on material so tinted as to conform with the laws relating to paper ballots.

Subd. 6. [LOCAL GOVERNMENT ELECTION DAY; COLORS.] At the local government election day all ballots or ballot labels shall be printed on the same color as required for paper ballots of that kind and canary ballots shall appear first on the voting machine, municipal light green or light orange ballots second, and school district buff ballots third. Proposition ballots for any unit of government shall appear immediately adjacent to the candidate ballots of that unit of government as far as possible.

Subd. 7. [SAMPLE BALLOTS.] The authorities charged with the duty of providing ballots for any polling place where voting machines are used shall provide therefor at least two sample ballots which shall be arranged in the form of a diagram showing such part of the face of the voting machine as shall be in use at that election for voting for all candidates whose names are entitled to be placed on the ballot at such election and shall also show such part of the face of the voting machine as shall be in use for voting for all referendum questions, constitutional amendments, or other propositions; the proper authorities shall provide at least two sample ballots, ballot cards, or ballot labels which shall be arranged in the form of a diagram showing the ballot label containing the names of all candidates and propositions to be voted upon at that election in each polling place. Candidates' names shall not be rotated on such sample ballots but shall be arranged in alphabetical order for all offices where rotation of names on the official ballots on the voting machines is required by law. Such sample ballots shall be either in full or reduced size and shall contain suitable illustrated directions for voting on the voting machine, or for operating a marking device, or such illustrated instructions shall be provided on a separate poster, to be posted adjacent to each sam-

ple ballot. Not less than two such sample ballots shall be posted in a prominent place in the polling place and shall remain open to inspection by the voters throughout the election day.

The county auditor may use a one-inch or more space between partisan and nonpartisan ballots, but in all cases a canary yellow color shall be used as background color on the nonpartisan ballots.

Sec. 29. Minnesota Statutes 1976, Section 206.21, Subdivision 3, is amended to read:

Subd. 3. [OPENING OF MACHINES.] The voting machines shall remain locked against use for a period of at least 30 days and as much longer as may be necessary or advisable because of any existing or threatened contest over the result of the election, except that at any time, upon the order of any judge of a court having jurisdiction any voting machine may be opened and all data and figures therein examined; provided, that any voting machines used at an election may be opened ten days following such election for an election which is to be held on a day which is within 50 days after the day upon which such election is held; provided, further, that any voting machine used at a primary election, or a general election, in a statutory city may be opened ten days following such primary election and 28 days following such general election if such opening becomes necessary in order to prepare the voting machines so used at such primary election or general election for a statutory city election which is to be held on a day which is within 30 days after the day upon which such primary or general election is held.

Sec. 30. Minnesota Statutes, 1977 Supplement, Section 207.02, is amended to read:

207.02 [VOTING BY MAIL.] Any person entitled to vote at any general election, any primary election, any city election, or any statutory city or town election in statutory cities or towns operating under the "Australian Ballot System," who is absent on the day such election is held from the precinct in which he is entitled to vote, or who by reason of illness or physical disability or because of religious discipline or observance of a religious holiday is unable to go to the polling place of such precinct, or who is employed as a judge of election in a precinct other than his own, may vote therein by having his ballot delivered to the election board of such precinct on the day of such election, either by mail or by the clerk of the municipality in which such precinct is situated as provided for in sections 207.08 and 207.101, and by complying with the provisions of this chapter. No person residing in a municipality now or hereafter having permanent registration of voters, as provided by chapter 201, shall be permitted to so vote unless he has registered as a voter in accordance with such provisions or registers on election day by enclosing a completed registration card with his ballot.

Sec. 31. Minnesota Statutes, 1977 Supplement, Section 207.03, Subdivision 1, is amended to read:

207.03 [APPLICATION FOR BALLOTS.] Subdivision 1. At any time not more than 45 days or less than one day before the day of holding any election, any person may make application in writing subscribed by him to: (a) the auditor of the county in which the applicant is a resident; (b) the full time clerk of a municipality designated by the county auditor if the applicant is a resident of that municipality; or (c) the full time clerk of a municipality which has requested designation by the county auditor if the applicant is a resident of that municipality, for ballots and envelopes, by mailing to or filing with such auditor or such clerk an application substantially in the following form:

"APPLICATION FOR BALLOTS

The undersigned, a duly qualified voter in the County of, State of Minnesota, and in School District No., residing at (here insert street and number) in said city, or town, because of (absence from home), (illness) (physical disability), (because of religious discipline or observance of a religious holiday) hereby makes application for the ballots to be voted upon in said precinct at the next election. Please mail said ballots and accompanying envelope to me at (insert post office address to which to be sent)

Dated, 19

(Signature of Applicant)"

An application need not be on an official or standard form. An application submitted by mail shall be accepted if it contains the information above.

If a person applies in person for an absentee ballot and must register by enclosing a completed registration card with his ballot, his application shall not be accepted unless he shall present, at the time of his application, proof of residence as required by section 201.061, subdivision 3.

Sec. 32. Minnesota Statutes 1976, Section 207.04, is amended to read:

207.04 [COUNTY AUDITOR; MUNICIPAL CLERK TO BE SUPPLIED WITH BALLOTS.] The several officers charged by law with the preparation, printing, and distribution of ballots shall, at least 15 days before any election, print and deliver to the county auditor and to the municipal clerk a sufficient number of the ballots printed under their supervision, respectively, to enable the auditor and the municipal clerk to comply with the provisions of this chapter. ~~It shall be the duty of~~ The county auditor and , the municipal clerk ~~to and the clerk of any school or hospital district shall each prepare and print the ballots prepared under his direction for their respective jurisdictions~~ at least 15 days before such election.

Sec. 33. Minnesota Statutes, 1977 Supplement, Section 207.05, Subdivision 1, is amended to read:

207.05 [APPLICATIONS FILED WITH AUDITOR OR MUNICIPAL CLERK; DELIVERY OF BALLOT.] Subdivision 1. [APPLICATION, DELIVERY.] If any application is made either in person or by mail more than 30 days before election, the auditor or the municipal clerk shall file the same and forthwith on the delivery to him of the ballots, shall mail to the applicant without charge, at the address specified in the application one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelope hereinafter specified. If the application is made within 30 days of the election, he shall forthwith upon receipt of such application or as soon thereafter as ballots are available, mail, or deliver to the applicant, without charge, if he apply therefor in person, in the manner provided in section 207.03, one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelopes hereinafter specified. The provisions of this subdivision shall not be construed to require mailing of absentee ballots to applicants to whom delivery by election judges is required pursuant to section 207.31. *The auditor or municipal clerk shall not be required to mail or deliver any school district ballot to any applicant if the auditor or clerk cannot determine the school district in which the applicant resides.*

Sec. 34. Minnesota Statutes 1976, Section 207.151, is amended to read:

207.151 [TOWN ELECTIONS AND LOCAL SPECIAL ELECTIONS, DUTIES OF CLERK.] In the case of ~~city elections in all cities or town elections in all towns operating under the "Australian Ballot System," held at the annual town meeting, and any special election held by any city, school district or other political subdivision at a time other than at the general election, the local government election day or the primary before either of those elections,~~ voters' applications for ballots shall be filed with the ~~city or town clerk, of the town or city in which the voter resides.~~ No fees shall be required to be paid therefor, and the duties prescribed in this chapter for the county auditor shall be performed by the city or town clerk, provided, however, that such duties may be, upon agreement, combined and performed by one of such officers. The cost of carrying out the provisions of this chapter for any such ~~city or town~~ election shall be paid by the ~~city or town in political subdivision for which the same is held.~~

Sec. 35. Minnesota Statutes 1976, Section 209.02, Subdivision 1, is amended to read:

209.02 [ELECTION CONTESTS.] Subdivision 1. [CONTEST, WHO MAY INSTITUTE, GROUNDS.] Any voter, including a candidate, may contest the nomination or election of any person for whom he had the right to vote, who is declared nominated or elected to the senate or the house of representatives of the United States, to a state, county, legislative, ~~or~~ municipal, ~~school district,~~ or district court office, or ~~may contest~~ the declared result of a constitutional amendment or other question voted upon at an election by proceeding as provided in this chapter. The

contest may be brought over an irregularity in the conduct of an election or canvass of votes or on the grounds of deliberate, serious, and material violations of the provisions of the Minnesota election law.

Sec. 36. Minnesota Statutes 1976, Section 209.02, Subdivision 3, is amended to read:

Subd. 3. [NOTICE OF CONTEST, FILING, SERVICE.] The notice of contest shall be filed within seven days after the canvass is completed, except that if the contest relates to a primary election, the time for filing the notice of contest shall be limited to *five three* days. Within the same period copies thereof shall be served upon the candidate whose election is contested and upon the official authorized to issue the certificate of election. When the contest relates to a constitutional amendment or other question to be voted for statewide or to a question to be voted for in more than one county, the secretary of state shall be designated the contestee, and a copy of the notice of contest shall be served upon him within seven days, or *five three* days in the case of a primary, after the canvass is completed. When the contest relates to a question that affects a single county or a single , municipality, or school district, the county auditor or , the clerk of the municipality, or the clerk of the school district, as the case may be, shall be designated the contestee, and a copy of the notice of contest shall be served upon him within seven days, or *five three* days in the case of a primary, after the canvass is completed. In all cases where the contest relates to an irregularity in the conduct of the election or canvass of votes , a copy of the notice of contest shall also be served within seven days, or *five three* days in the case of a primary, after the canvass is completed upon the county auditor of the county in which the irregularity is said to have existed.

Sec. 37. Minnesota Statutes 1976, Chapter 210A, is amended by adding a section to read:

[210A.015] [EXEMPTION FOR SCHOOL DISTRICT ELECTIONS.] *Except for the provisions of sections 210A.03, 210A.05, subdivision 1, 210A.10 and 210A.11, subdivision 2, none of the provisions of chapter 210A shall apply to any school district election.*

ARTICLE IV

ORGANIC LAWS; SOIL AND WATER CONSERVATION DISTRICTS, SCHOOL DISTRICTS, PARK DISTRICTS, HOSPITAL DISTRICTS, COUNTIES, COUNTY AND MUNICIPAL COURTS, HOME RULE CHARTER CITIES

Section 1. Minnesota Statutes 1976, Section 40.05, Subdivision 1, is amended to read:

40.05 [THREE SUPERVISORS ELECTED FOR EACH DISTRICT.] Subdivision 1. Within 30 days after the date of issuance by the secretary of state of a certificate of organization of a soil and water conservation district, or such further time as the state soil and water conservation board may allow, nominating

petitions may be filed with the state soil and water conservation board nominating legal voters as candidates for election as supervisors of such district, two for terms to expire on ~~December 31 the first Monday in January~~ following the second ~~general regular~~ election after their initial election, and one for a term to expire on ~~December 31 the first Monday in January~~ following the third ~~general regular~~ election after their initial election. Each petition must be subscribed by one or more legal voters of the district. No person shall sign petitions nominating more than three candidates and if he does his signature shall not be counted on any petition. The state board shall give due notice of the time and place where the election of three supervisors shall be held in the district, and shall specify therein the names of all candidates and the terms for which nominated. The state board shall prepare ballots for such election with the surnames of the candidates printed thereon in alphabetical order for each term and a square before each name and a direction to insert an X mark in the square before three names with different terms to indicate the voter's choice. All legal voters shall be eligible to vote at such election. The three candidates who shall receive the highest numbers respectively of the votes cast at such election shall be the elected supervisors for the district. In case of a tie, the election shall be determined by lot, under the direction of the state board. The state board shall supervise such election, pay all the expenses thereof, prescribe the regulations governing the same, determine the eligibility of voters and publish the results.

Sec. 2. Minnesota Statutes 1976, Section 40.05, Subdivision 3, is amended to read:

Subd. 3. After December 31, 1972, and for the elections required by subdivision 2, all elections except that provided for the organization of the district, in subdivision 1, shall be held at the time and place of holding the ~~general election~~, as defined in ~~section 200.02, subdivision 2 on the local government election day designated pursuant to article 1, section 2 of this act~~. ~~No primary election shall be held.~~ Election of supervisors of the soil and water conservation district shall be by inclusion on the "canary ballot," as described in section 203A.32. Nominating petitions conforming to the rules stated in subdivision 1 shall be filed with the secretary of the soil and water conservation district at least ~~60 days before the time of holding the general election during the time for filing prescribed by article 1, section 2, subdivision 6 of this act~~. At least ~~45~~ 40 days before the ~~general primary~~ election the district secretary shall submit the names of the candidates and the terms for which nominated to the appropriate county auditor. The ballots for use at the election shall be prepared by the county auditor. All laws relating to county elective office elections shall govern insofar as applicable. The county auditor shall certify the result to the state soil and water conservation board, and if the soil and water conservation district embraces land in more than one county the county auditor shall forthwith certify to the state soil and water conservation board the vote, as shown by the report of the county canvassing board, for all candidates voted for in more than one county. In the latter case the state soil and water

conservation board shall certify the results of the election and publish the result.

Sec. 3. Minnesota Statutes 1976, Section 40.05, Subdivision 4, is amended to read:

Subd. 4. If a vacancy except by reason of expiration of term shall occur in the office of an elected supervisor, more than ~~60 days~~ *13 weeks* before the next succeeding ~~general~~ *regular* election, the governing body of the district shall fill the vacancy by appointment; and the supervisor appointed shall hold office until ~~December 31~~ *the first Monday in January* following the next succeeding ~~general~~ *regular* election. If the term does not then expire, his successor shall be elected at the next succeeding ~~general~~ *regular* election following the appointment and hold office for the remainder of the term. If a vacancy except by reason of expiration of term shall occur in such office less than ~~60 days~~ *13 weeks* before the next succeeding ~~general~~ *regular* election, the governing body of the district shall fill the vacancy by appointment; and the supervisor shall hold office until the expiration of the term or until ~~December 31~~ *the first Monday in January* following the second succeeding ~~general~~ *regular* election, whichever is the shortest term, when his successors shall be elected and hold office for the remainder of the term.

Sec. 4. Minnesota Statutes 1976, Section 40.06, Subdivision 1, is amended to read:

40.06 [SUPERVISORS.] Subdivision 1. [MEMBERS; ELECTION, APPOINTMENT.] The governing body of the district shall consist of five supervisors, elected or appointed as herein provided in *section 40.06*. All supervisors shall be legal voters residing within the district. The two supervisors appointed by the state board upon the creation of the district as ~~hereinbefore provided~~ shall serve for terms ending on ~~December 31~~ *the first Monday in January* following the next succeeding ~~general~~ *regular* election after their appointment, and thereafter their successors shall be elected for terms of six years.

Sec. 5. Minnesota Statutes 1976, Section 122.23, Subdivision 12, is amended to read:

Subd. 12. The county auditor shall determine the date of the election, the number of boundaries of voting precincts, and the location of the polling places where voting shall be conducted, and the hours the polls will be open. He shall provide official ballots which shall be used exclusively and shall be in the following form:

For consolidation

Against consolidation

He shall appoint three election judges for each polling place who shall act as clerks of election. The county ~~may~~ *shall* pay these election judges ~~not to exceed \$1 per hour~~ *an amount fixed by the county board*. The ballots and results shall be certified to the county auditor who shall canvass and tabulate the total vote cast for and against the proposal.

Sec. 6. Minnesota Statutes 1976, Section 122.23, Subdivision 17, is amended to read:

Subd. 17. If all of the territory of one and only one independent district maintaining a secondary school is included in the new independent district, the board of that previously existing independent district shall assume the duties and responsibilities of the board of the newly organized district for the balance of the term to which the members were elected. At the next ~~annual~~ *regular* school district election the successors to the members whose terms then expire shall be elected by the legally qualified voters of the newly organized district. Thereafter, board members shall be elected according to the election procedure established for the election of board members in independent districts.

Sec. 7. Minnesota Statutes 1976, Section 122.23, Subdivision 18, is amended to read:

Subd. 18. (a) If no board is provided for under the foregoing provision, upon receipt of the assigned identification number, the county auditor shall determine a date, not less than 20 nor more than 60 days from the date of the receipt by him of the assigned identification number, upon which date shall be held a special election in the district for the purpose of electing a board of six members for terms as follows: ~~two three~~ *until July the first Monday in January following the next annual regular school district election*, ~~two~~ *until the expiration of one year from said July 1*, and ~~two~~ *until the expiration of two years from said July 1 and three* *until the first Monday in January following the second succeeding regular school district election*, to hold office until a successor is elected and qualifies according to provisions of law governing the election of board members in independent districts.

(b) The county auditor shall give ten days' posted notice of election in the area in which the election is to be held and also if there be a newspaper published in the proposed new district, one weeks' published notice shall be given. The notice shall specify the time, place and purpose of the election.

(c) The county ~~may~~ *shall* pay the election judges ~~not to exceed \$1 per hour for their services an amount fixed by the county board.~~

(d) Any person desiring to be a candidate for a school election shall file an ~~application~~ *affidavit* with the county auditor to have his name placed on the ballot for such office, specifying the term for which the ~~application~~ *affidavit* is made. The ~~application~~ *affidavit* shall be filed not less than 12 days before the election.

(e) The county auditor shall prepare, at the expense of the county, necessary ballots for the election of officers, placing thereon the names of the proposed candidates for each office. The ballots shall be marked and signed as official ballots and shall be used exclusively at the election. The county auditor shall determine the number of voting precincts and the boundaries of each. He shall determine the location of polling places and the hours the polls shall be open. He shall appoint three election judges for

each polling place who shall act as clerks of election. Election judges shall certify ballots and results to the county auditor for tabulation and canvass.

(f) Upon canvass and tabulation by the county auditor he shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. He shall deliver such certificate to the person entitled thereto by registered mail, and each person so certified shall file an acceptance and oath of office with the county auditor within 30 days of the date of mailing of the certificate. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but such filing may be made at any time before action to fill vacancy has been taken.

(g) The board of each district included in the new enlarged district shall continue to maintain school therein until July 1 next following, but such boards shall have power and authority only to make such contracts and to do such things as are necessary to maintain properly the schools for the period they may be in session prior to said first day of July.

(h) It shall be the immediate duty of the newly elected board of the new enlarged district, when the members thereof have qualified and the board has been organized, to plan for the maintenance of the school or schools of the new district for the next school year and to enter into the necessary contracts for the employment of personnel, purchase of equipment and supplies, and other acquisition and betterment purposes and when authorized by the voters to issue bonds under the provisions of chapter 475; and on said July 1 to assume the full duties of the care, management and control of the new enlarged district. The board of the new enlarged district shall give due consideration to the feasibility of maintaining such existing attendance centers and of establishing such other attendance centers, especially in rural areas, as will afford equitable and efficient school administration and assure the convenience and welfare of the pupils residing in the enlarged district.

Sec. 8. Minnesota Statutes 1976, Section 122.25, Subdivision 2, is amended to read:

Subd. 2. At the annual meeting, if a majority of the votes cast on the question favors the conversion to an independent district, a board of six members shall be elected. Nominations may be made from the floor of the meeting and election shall be by secret ballot. All board members elected at this meeting shall serve for terms expiring on the ~~third Tuesday in May next~~ *first Monday in January following the next regular school district election on which date a regular annual election shall be held in the manner provided by law*. ~~At this first annual the next regular election for independent districts, six directors shall be elected, two three to hold office until July 1 following the next annual election, two to hold office until the expiration of one year from said July 1 and two to hold office until the expiration of two years from said July 1 for a term of two years and three for a term of four years ; the time which each director shall hold office being designated on the ballot.~~

Sec. 9. Minnesota Statutes 1976, Section 122.26, Subdivision 4, is amended to read:

Subd. 4. Upon conversion, the district shall continue to be governed by the board until the next ~~annual regular~~ election for independent districts, at which election, seven board members shall be elected, three for a one year term, two for a two year term, and two for a three year term, and all until successors are elected and ~~qualified term of two years and four for a term of four years~~. Provided, however, that in districts which are converted and lie wholly or partly within a city of the first class, the election procedure shall be as follows:

In such districts, there shall be seven board members elected for a six-year term at the same time as the municipal elections are held; and the terms shall commence as of the same date as for independent districts generally. All candidates for board members shall file for office in the manner provided for municipal officers and a number of candidates equal to twice the number of board vacancies shall be nominated at the municipal primary election. All provisions of law relating to such municipal elections shall apply to school elections *regular school district election*. In such districts, which had seven members on the board, such board shall continue to hold office until the expiration of their terms, and until their successors are elected and qualify for new six year terms. In such districts which had nine members on their board, the members shall continue to hold office until their successors are elected and qualify under the following procedure:

As of June 30 the first Monday in January, following the first school election occurring after the conversion, the terms of office of the six members with the shortest time left to serve shall expire and there shall be elected at such school election two members for a four-year term, and two members for a six-year term, and, as of June 30 the first Monday in January, following the next school election occurring thereafter, the terms of the last three members of the prior board shall expire, and three members shall be elected at such election for a six-year term.

Sec. 10. Minnesota Statutes 1976, Section 122.26, Subdivision 5, is amended to read:

Subd. 5. If a district is divided into separate election districts at the time of its conversion under this section, the board, before the election of the new board, may, by resolution, provide for election districts for the election of the new board, specifying the terms as one, two, or three two or four years, to which members from each election district { , or at large district } , shall be elected at the first election. Such election districts shall continue thereafter until changed pursuant to law. In the event the resolution is not adopted, providing for such districts, the members of the new board shall be elected at large.

Sec. 11. Minnesota Statutes 1976, Section 122.26, Subdivision 22, is amended to read:

Subd. 22. If the people of a special district located in any

county containing more than 5,000 square miles desire to change their organization to an independent district they may proceed in accordance with this subdivision.

(1) The governing body of any special district, may, and upon the filing of a petition with the clerk of the district executed by at least 200 of the qualified voters of the district shall, by resolution, order a vote to be taken on the question of such conversion at a special election called for the purpose not less than 15 nor more than 60 days from the date of the resolution. The special election notice shall specify the question to be voted on and shall be given one week's published notice and ten days' posted notice in the district.

(2) If a majority of the votes cast at the election on the question approve the proposed conversion, the clerk of the district shall forthwith certify the results to the commissioner who shall, by order, assign an identification number to the district and determine a date not later than July 1 next following the election for the effective date of the change.

(3) If the special district is governed by a board of education, such board shall continue to hold office until the next annual regular election for independent districts, ~~to be held under the provisions of law governing annual elections, at which election seven members of the independent district shall be elected, three for a one year term, two for a two-year term and two for a three-year term until successors are elected and qualify term of two years and four for a term of four years.~~

(4) If a district is divided into separate election districts at the time of its conversion under this section such districts shall be continued and the board before the election of a new board shall specify the terms as one, two or three ~~four~~ years to which members from each district shall be elected at the first election or the board may by resolution declare that members shall be elected at large.

(5) As of the effective date of the conversion effected under this section, all special laws and charter provisions relating to the converted district are repealed and the organization, operation, maintenance and conduct of the affairs of the district shall be governed by general laws relating to independent districts.

(6) As of the date of the election, if a majority of votes cast on the question favor the conversion to an independent district, the special district is dissolved and a new independent district is created. Title to all of the property, real and personal, of the dissolved district passes to the independent district and all current outstanding contractual obligations, including the bonded indebtedness, if any, of the special district, together with any legally valid and enforceable claims against the dissolved district are imposed on the new independent district.

(7) In any municipality where an existing pension law is applicable to employees of a special district such law shall continue to be applicable to the same extent to employees of the successor district.

(8) In any municipality where existing civil service provisions of any law or charter are applicable to special district employees, such provisions shall continue to be applicable in the same manner and to the same extent to employees of the successor district.

Such districts shall contract with the cities in which located for such facilities as are furnished by the civil service bureau, and unless the board and city governing body each adopts a resolution declaring that a particular function would be most efficiently and effectively handled separately, the board shall contract on a pro rata cost basis with the city for such facilities and services as are provided by the purchasing department comptroller, legal department and other services supplied by such cities, provided, however, that the board may contract for other legal services when the interests of such district and such city are in conflict in any legal matter and provided further that such board may contract for architectural services for the planning and construction of new school buildings when funds have been made available for construction of such school buildings.

Sec. 12. Minnesota Statutes 1976, Section 123.12, Subdivision 1, is amended to read:

123.12 [BOARDS OF COMMON SCHOOL DISTRICTS.] Subdivision 1. The care, management and control of a common district is vested in a board of three members to be known as the school board. The term of office of a member shall be ~~three~~ four years, and until his successor qualifies. The board of each common district shall consist of a chairman, a treasurer, and a clerk. The board may by resolution establish a time and place for regular meeting and no notice of such meeting need be sent to any members of the board.

Sec. 13. Minnesota Statutes 1976, Section 123.12, Subdivision 5, is amended to read:

Subd. 5. Any other vacancy in a board shall be filled by the board at any regular meeting thereof or by a special meeting called for the purposes until such vacancy can be filled by election at the next ~~annual meeting or regular~~ election. Such appointment shall be evidenced by a resolution entered in the minutes. All elections to fill vacancies shall be for the unexpired term.

Sec. 14. Minnesota Statutes 1976, Section 123.32, Subdivision 9, is amended to read:

Subd. 9. Any independent district may for the purpose of the election of board members alter its organization into separate election districts by the ~~following procedure provided in subdivisions 9 to 21.~~ Except for any part of an election district boundary which is formed by the boundary of the school district, every election district boundary established pursuant to subdivisions 9 to 21 shall follow visible, clearly recognizable physical features as defined in section 204A.06; subdivision 4, and, as far as practicable, shall follow the boundaries of city and town election precincts established pursuant to sections 204A.06 to 204A.08. The

board shall consult with city councils and town boards before taking final action designating election district boundaries.

Sec. 15. Minnesota Statutes 1976, Section 123.32, Subdivision 13, is amended to read:

Subd. 13. The board shall designate each election district by number and by a metes and bounds description sufficient and adequate to permit identification of the geographical limits of the area.

Sec. 16. Minnesota Statutes 1976, Section 123.32, Subdivision 23, is amended to read:

Subd. 23. (1) Unless action is taken by the board under subparagraphs (2) and (3) of this subdivision, in a district which is reclassified to an independent district from a county district or a common district containing ten or more townships, by provisions of this code, the board of such district shall continue to govern the district until July 1 following the next annual election as provided for independent districts, at which election six members shall be elected at large from the district, two members for a one year term from July 1 next following the election, two members for a two year term from said July 1, and two members for a three year term from said July 1, to serve until a successor is elected and qualifies; if such district is reclassified to an independent district from a common district of ten or more townships containing less than ten schools, the board of such district shall continue to govern the district, and the members presently serving shall continue to the end of their term. At the next annual election of school board members following July 1 following the adoption of the code, two members shall be elected for a three year term and one member for a two year term each commencing on July 1 next following the election. Thereafter, members shall be elected as in independent districts.

(2) In any district which is *was* reclassified from a common district of ten or more townships to an independent district by the provisions of this code, the *regular* election of the board members may be held biennially concurrently with the general elections in the areas by resolution of the board made within 90 days of the adoption of this code. Board members presently serving shall continue in office until the expiration of the term to which they were elected. At the next general election following the adoption of the code, board members shall be elected to fill all vacancies then occurring and any vacancies caused by reclassification to an independent district. Provided that three board members shall be elected for a term of four years each and any necessary additional board members shall be elected for a term of two years each, to serve until a successor is elected and qualifies on the local government election day designated pursuant to article I, section 2 of this act. The term of members shall commence on the first Monday in January following the general regular election and shall be for four years. Thereafter, three members shall be elected at each general election for a term

of four years from the first Monday in January following the general election.

(3) If a reclassified district was a county district and if the board of such district determines, by resolution, to retain its organization providing for area representation and a five man board, a resolution affecting such organization may be adopted by the board at any time before 30 days before the next election following the effective date of this code. The resolution, if adopted, shall divide the district into five election districts coterminous with the county commissioner districts, and shall specify the terms to which members from each election district shall be elected so as to provide for a continuation of the present organizational structure of the board.

(2) In a district which is *was* reclassified to an independent school district from a county district by provisions of this code, the regular election of board members *may shall* be held biennially on the local government election day designated pursuant to article 1, section 2 of this act from county commissioner districts as now established concurrently with the general elections in the areas upon resolution of the board adopted at least 30 days before the election next following the effective date of this code. If such a resolution is adopted, board members presently serving shall continue in office until the expiration of the term to which they were elected to serve until a successor is elected and qualified. Thereafter, . Vacancies caused by expiration of term shall be filled at each ~~general~~ regular election for a term of four years from the first Monday in January following the general regular election. Districts reclassified as independent districts that were county districts shall also have the powers and duties contained in sections 128.03 to 128.06 in addition to their status as an independent district.

Sec. 17. Minnesota Statutes 1976, Section 123.33, Subdivision 1, is amended to read:

123.33 [BOARDS OF INDEPENDENT SCHOOL DISTRICTS.] Subdivision 1. The care, management, and control of independent districts shall be vested in a board of directors, to be known as the school board. The term of office of a member shall be ~~three~~ four years and until his successor qualifies. The membership of the school board shall consist of six elected directors together with such ex officio member as may be provided by law. But the board may submit to the electors at any school election the question whether the board shall consist of seven members and if a majority of those voting on the proposition favor a seven member board, a seventh member shall be elected at the next election of directors for a ~~three-year~~ four-year term and thereafter the board shall consist of seven members.

Sec. 18. Minnesota Statutes 1976, Section 123.33, Subdivision 4, is amended to read:

Subd. 4. Any other vacancy in a board shall be filled by the board at any regular or special meeting thereof. Such appointment shall be evidenced by a resolution entered in the minutes . *When*

such a vacancy occurs more than 14 weeks before the regular school district election next succeeding the election of the member whose office has become vacant, an appointment to fill the vacancy shall continue until the first Monday in January of the next even numbered year and the remainder of the unexpired term shall be filled by a special election at the regular election. In the case of any other vacancy filled under this subdivision, the appointment shall continue until July 1 next following such appointment. All elections to fill vacancies shall be for the remainder of the unexpired term. A candidate to fill a vacancy at a special election shall not run at large but shall file and appear on the ballot as a candidate "to fill the vacancy created (the date the vacancy occurred, for the term expiring"

Sec. 19. Minnesota Statutes 1976, Section 123.34, Subdivision 1, is amended to read:

123.34 [OFFICERS OF INDEPENDENT SCHOOL DISTRICTS.] Subdivision 1. Within ten days after the election of the first board in independent districts and annually thereafter on *July 1 the first Monday in January*, or as soon thereafter as practicable, the board shall meet and organize by selecting a chairman, clerk, and a treasurer, who shall hold their offices for one year and until their successors are selected and qualify. The persons who perform the duties of the clerk and treasurer need not be members of the board and the board by resolution may combine the duties of the offices of clerk and treasurer in a single person in the office of business affairs. They may appoint a superintendent who shall be ex officio a member of the board, but not entitled to vote therein. *In districts in which board members are elected at the general election in November, the annual meeting of the board shall be held on the first Monday of January or as soon thereafter as practicable.*

Sec. 20. Minnesota Statutes 1976, Section 123.351, Subdivision 1, is amended to read:

123.351 [COOPERATIVE CENTERS FOR VOCATIONAL EDUCATION.] Subdivision 1. [ESTABLISHMENT.] Two or more independent school districts may enter into an agreement to establish a cooperative center to provide for vocational education and other educational services upon the vote of a majority of the full membership of each of the boards of the districts entering into the agreement. When a resolution approving this action has been adopted by the board of a district, the resolution shall be published once in a newspaper of general circulation in the district. If a petition for referendum on the question of the district entering into the agreement, containing signatures of qualified voters of the district equal to five percent of the number of voters at the last *annual regular school election*, is filed with the clerk of the board within 60 days after publication of the resolution, the board shall not enter into the agreement until the question has been submitted to the voters of the district at a special election. This election shall be conducted and canvassed in *accordance with section 123.32 the same manner as the regular election of officers of independent school districts*. If a majority of the total number of

votes cast on the question within the district is in favor of the proposition, the board may thereupon enter into an agreement to establish the center for purposes herein described in section 123.351.

Sec. 21. Minnesota Statutes 1976, Section 123.351, Subdivision 3, is amended to read:

Subd. 3. [GOVERNING BOARD.] (a) The center shall be operated by a center board of not less than five members which shall consist of members from school boards of each of the participating school districts within the center, appointed by their respective school boards. Each participating school district shall have at least one member on the board. The board shall choose an administrative officer to administer board policy and directives who shall serve as an ex officio member of the board but shall not have a vote.

(b) The terms of office of the first members of the board shall be determined by lot as follows: ~~one third~~ *one half* of the members for ~~one year~~, ~~one third~~ for two years, and the remainder for three ~~four~~ years, all terms to expire on ~~June 30~~ *the first Monday in January* of the appropriate ~~even numbered~~ year; provided that if the number of members is not evenly divisible by ~~three~~ *two*, the membership will be as evenly distributed as possible among ~~one~~, two and ~~three~~ *four* year terms with the remaining members serving the ~~three year~~ term. Thereafter the terms shall be for three ~~four~~ years commencing on ~~July 1~~ *the first Monday in January* of each ~~the even numbered~~ year. If a vacancy occurs on the center board, it shall be filled by the appropriate school board within 90 days. A person appointed to the center board shall qualify as a board member by filing with the chairman a written certificate of appointment from his school board.

(c) The first meeting of a center board shall be at a time mutually agreed upon by board members. At this meeting, the center board shall choose its officers and conduct any other necessary organizational business. Thereafter the center board shall meet on the first of July of each year or as soon thereafter as practicable pursuant to notice sent to all center board members by the chief executive officer of the center.

(d) The officers of the center board shall be a chairman, vice chairman, clerk and treasurer, no two of whom when possible shall be from the same school district. The chairman shall preside at all meetings of the center board except in his absence the vice chairman shall preside. The clerk shall keep a complete record of the minutes of each meeting and the treasurer shall be the custodian of the funds of the center. Insofar as applicable, sections 123.33 and 123.34, shall apply to the board and officers of the center.

(e) Each participating school district shall have equal voting power with at least one vote. A majority of the center board shall be a quorum. Any motion other than adjournment shall pass only upon receiving a majority of the votes of the entire center board.

Sec. 22. Minnesota Statutes 1976, Section 123.51, is amended to read:

123.51 [SPECIAL SCHOOL DISTRICTS, LAWS APPLICABLE.] Special districts as now organized shall continue to operate under the special legislation and charter provisions governing them until conversion to independent districts. The provisions of Laws 1957, Chapter 947, relating to independent districts shall apply to and govern each special district unless the special laws and charter provisions governing the special district provide for the matter, in which case the special laws and charter provisions relating to the special district shall apply and control. *The provisions of article I, section 2, article II, sections 11 to 15 and article V, section 1 of this act shall control and shall supersede inconsistent provisions of special laws or charters in the matter of school district elections in special districts.*

Sec. 23. Minnesota Statutes 1976, Section 128.01, is amended to read:

128.01 [COUNTY SCHOOL BOARD; ELECTIONS; TERMS.] The school board of any such county district shall consist of five members, to be elected at the same time and in the same manner as board members in a ~~ten or more townships~~ *an independent school district*, but for a term of four years. The board of county commissioners shall appoint the members of such board within 60 days following the election at which time the question of consolidation was submitted, the length of each term for which they are to be appointed being such as to cause the term of three members of the board to expire on the ~~Sunday preceding the first Monday in January following the next general regular election~~ and the term for two members to expire two years from the ~~Sunday preceding the first Monday in January following the next general regular election~~. The provisions of Laws 1949, Chapter 268, shall not affect the terms of the school boards of county districts now organized. The school board of the county district shall meet within ten days after the appointment by the county board, and thereafter as may be necessary, and organize in the same manner as independent districts and do whatever business is necessary for the best interest of the county district for the ensuing school year and thereafter shall organize at the same time as boards of county commissioners.

Sec. 24. Minnesota Statutes 1976, Section 365.51, is amended to read:

365.51 [ANNUAL TOWN MEETING; PRECINCTS; POLLING PLACES.] *Subdivision 1.* [ANNUAL MEETING.] There shall be an annual town meeting held in each town on the second Tuesday of March at the place of holding the last town meeting, or at such other place in the town, or county or in an adjoining town or city in an adjoining county, designated by the annual town meeting, and if no designation is so made the same shall then be made by the town board. The clerk shall give ten days' published notice in a qualified newspaper having general circulation within the town, or by posted notice, or both, as

the voters at the annual town meeting may direct, specifying the time and place, but if the town meeting shall fail to direct the manner of giving such notice, the town board shall direct the manner of giving notice. *Except as provided in subdivision 2, all town officers required by law to be elected shall be chosen thereat, and such other business done as is by law required or permitted by law shall be done at the annual meeting.* The town board may, with respect to an election by ballot at the annual town meeting for the purpose of selecting town officers or of determining any matter of town business, provide for the casting of ballots in precincts and at polling places. Such precincts and polling places shall be designated by the board in the manner prescribed by sections 204A.06 and 204A.09.

Subd. 2. [OPTION TO HOLD TOWN ELECTIONS ON LOCAL GOVERNMENT ELECTION DAY.] *Any town, by the vote of a majority of those voting at an annual or special meeting, may exercise the option to hold elections for town officers on the local government election day designated pursuant to article 1, section 2, of this act. This option may only be exercised with respect to future town elections and may not be exercised to postpone any election scheduled to be held at the meeting at which the option is voted upon. Any town exercising the option to hold its election on the local government election day shall comply with all of the provisions of article 1, section 2, of this act with respect to all future regular elections of town officers until a majority of those voting at an annual or special meeting vote to rescind that option. Town officers elected on the local government election day shall take office at the annual town meeting next succeeding their election.*

Sec. 25. Minnesota Statutes 1976, Section 375.025, Subdivision 4, is amended to read:

Subd. 4. [REDISTRICTING PLAN; ELECTION FOLLOWING REDISTRICTING.] A redistricting plan whether prepared by the county board or the redistricting commission shall be filed in the office of the county auditor. Notice that the plan is on file shall be published in the newspaper having the contract for publishing the commissioners' proceedings for the current year. A redistricting plan shall be effective on the 31st day after publication of the notice unless a later effective date is specified; provided, no redistricting plan shall be effective as to the next election of county commissioners unless the plan shall have been filed with the county auditor not less than 30 days before the first date candidates may file for the office of county commissioner. One commissioner shall be elected in each district who, at the time of the election, shall be a resident thereof and the person so elected shall be entitled to hold the office only while he remains a resident of the commissioner district. The county board or the redistricting commission as appropriate shall determine the number of members of the county board who shall be elected for two year terms and for four year terms in order to provide for staggered terms on the county board. Thereafter, all commissioners shall be elected for four years. When a county

is redistricted, there shall be a new election of commissioners in all the districts of the county at the next *general regular* election except that where the change made in the boundaries of a district is less than 10 percent of the average of all districts of the county, the commissioner in office at the time of the redistricting shall serve for the full period for which he was elected.

Sec. 26. Minnesota Statutes 1976, Section 375.03, is amended to read:

375.03 [TERM OF COMMISSIONERS.] In each new county, and in each county which shall be entitled to an increase of the number of commissioners, there shall be elected at the next *general regular* election a commissioner from each odd-numbered district for a term of two years, and one from each even-numbered district for a term of four years; and thereafter all commissioners shall be elected for a term of four years, except that elections to fill vacancies shall be for the unexpired term only. In counties having a population of more than 150,000, every such commissioner, before he enters upon his duties, shall give bond to the state in the sum of \$10,000, with a legally authorized surety company as surety, conditioned for the faithful performance of his official duties. Such bond shall be approved by a judge of the district court, and together with his oath of office and certificate of election, be filed with the county recorder. The premium on the bond shall not exceed that prescribed by law for county treasurers, and shall be paid by the county.

Sec. 27. Minnesota Statutes 1976, Section 375.101, Subdivision 2, is amended to read:

Subd. 2. If the vacancy occurs less than 60 days before the *general regular* election preceding the end of the term, the vacancy shall be filled by the person elected at that election for the ensuing term who shall take office immediately after receiving the certificate of election and upon filing the bond and oath of office.

Sec. 28. Minnesota Statutes 1976, Section 375A.02, Subdivision 1, is amended to read:

375A.02 [ELECTED EXECUTIVE PLAN.] Subdivision 1. [COUNTY EXECUTIVE.] In a county adopting the elected executive plan, the chief executive officer shall be known as county executive. The first county executive shall be elected at the ~~county~~ *general regular* election following the adoption of the elected executive plan and every four years thereafter. He shall hold office for a term of four years commencing on the first Monday of January following his election. Only a voter of a county shall be eligible for election as county executive. He shall be nominated and elected by all the voters of the county in the manner provided by law for the election of county officers. In case the office of county executive is or becomes vacant by reason of death, resignation or removal, it shall be filled by the board of county commissioners for the unexpired term.

Sec. 29. Minnesota Statutes 1976, Section 375A.09, Subdivision 4, is amended to read:

Subd. 4. [DISTRICTS; NOMINATION.] The county shall be divided into the number of districts from which commissioners are nominated and elected and the population of the county shall be apportioned to the several districts so that each commissioner represents the same number of persons as nearly as may be possible. When the number of commissioners has been changed, the county board shall proceed to redistrict the county accordingly and it shall follow as nearly as possible the times and procedures specified in section 375.025, including determining the two year and four year terms first assigned to districts in order to provide as nearly as possible for an equal number of overlapping four year terms in the future. The resolution redistricting the county shall be adopted not less than 30 days before the first day candidates may file for the office of county commissioner. Commissioners to be elected pursuant to the modification of the county board shall be elected at the *general regular* election following the adoption of the modification.

Sec. 30. Minnesota Statutes 1976, Section 382.01, is amended to read:

382.01 [OFFICERS ELECTED; TERMS.] *In every county in this state there shall be elected at the general election in 1913 a The regular election of the county auditor, a county treasurer, sheriff, county recorder, county attorney, and coroner, and county superintendent of schools shall be held on the local government election day designated pursuant to article I, section 2 of this act.*

The terms of office of these officers shall be four years and shall begin on the first Monday in January next succeeding their election. They shall hold office until their successors are elected and qualified. These offices shall be filled by election every four years thereafter.

Sec. 31. Minnesota Statutes 1976, Section 389.011, Subdivision 2, is amended to read:

Subd. 2. [ELECTION, TERM, APPOINTMENT, TERMINATION OF OFFICE.] (1) In any county having less than 200,000 inhabitants and in which the office is vacant by reason of no person having been elected and qualified for the position, the board of county commissioners may by resolution duly adopted at least six months before the end of the term of office of the county surveyor, declare the office terminated. If such resolution is adopted no person shall be elected or appointed to the office of county surveyor so long as such resolution remains in effect. The county board by resolution adopted at least six months before the date of any *general regular* election may rescind its action terminating the office. Such resolution rescinding its action terminating the office shall state whether the office shall be filled henceforth by election or by appointment.

If the resolution does not state that the office shall be filled by appointment the county surveyor shall be elected at the next *general regular* election according to law. If the office of county surveyor is to be filled by appointment the board of county com-

missioners shall within 30 days of said resolution appoint a land surveyor to such office.

In the resolution terminating the office the board of county commissioners may designate a land surveyor who shall perform all professional duties of a county surveyor as provided by law. As to any duties of a county surveyor which are not of a professional nature said duties shall be performed by the county engineer.

(2) In any county in which the office of county surveyor has not been abolished by law the board of county commissioners may by resolution duly adopted at least six months before the end of the term of the office of county surveyor declare its intention to fill the office by appointment. Having adopted such a resolution the board of county commissioners shall fill the office of county surveyor by appointment of a land surveyor to the office not less than 30 days before the end of the term of office of the incumbent. When so appointed the county surveyor shall serve for such term as determined by the board commencing upon the expiration of the term of the incumbent but not to exceed four years.

(3) In any county wherein the office of county surveyor has not been terminated or made appointive under the provisions of this section or abolished under other provisions of law, there shall be elected a county surveyor in the manner provided by law. The term of office of the county surveyor shall be four years and until his successor is elected and qualified, and begin on the first day of January next succeeding his election.

(4) If the office of county surveyor is vacant by reason of no qualified person having been elected to the office or the board of county commissioners having failed to appoint a person to the office or is otherwise vacant or if the office has been terminated and no land surveyor has been designated to perform the professional duties of the office and there are duties which prior to January 1, 1961, had been the responsibility of the county surveyor the officer requiring such duties to be performed may retain a land surveyor to perform such duties at the compensation set by the county board.

Sec. 32. Minnesota Statutes 1976, Section 397.06, is amended to read:

397.06 [DISTRICT HOSPITAL BOARDS.] The board or boards of county commissioners may also authorize and direct the construction and equipment of a district hospital in any such district, to be constructed, equipped and operated under the supervision of a district hospital board comprising one member from each city and town in the district elected by the voters at the respective regular local elections thereof *election held on the local government election day designated pursuant to article I, section 2 of this act* for a term of ~~three~~ four years or until his successor has been elected and has qualified, commencing on the first day of ~~April~~ Monday in January next following the election. When the district is first created, the governing body of each such city and

town shall appoint a member of the board to serve until the commencement of the term of his successor. Thereafter whenever a vacancy occurs, the governing body of the city or town affected shall appoint a member to serve until ~~April~~ *the first Monday in January* following the next ~~regular municipal or town local government~~ election day, when his successor shall be elected for a full ~~three~~ four year term. *Procedures for election of board members shall be as provided in article II, section 18 of this act.*

Sec. 33. Minnesota Statutes 1976, Section 397.07, is amended to read:

397.07 [ANNUAL MEETINGS OF BOARDS.] The annual meetings of the hospital board shall be in ~~April~~ *January* of each year, at which time the members shall elect from among themselves a chairman and a clerk for a term of one year.

Sec. 34. Minnesota Statutes 1976, Section 398.04, is amended to read:

398.04 [ELECTION OF COMMISSIONERS.] Except in the case of the first boards and when vacancies occur before the expiration of a term, park district commissioners shall be elected without party designation at the same time and in the same manner as county commissioners. In single county park districts the three commissioners at large shall be elected by all the qualified voters in the park district while the successors in office to the four commissioners representing the four election districts, whether appointed, candidates for election or elected, must reside when appointed or elected and while serving, in the election district which they represent and shall be elected by the qualified voters residing in such district. Park district commissioners shall be elected for terms of four years or until their respective successors are elected and qualify, except where a commissioner is being elected to finish out an unexpired term when election shall be for the balance of such term. Vacancies resulting from the death, resignation or removal of a commissioner shall be filled by appointment by the board of county commissioners, such appointment to be effective only until the first Monday in January following the next ~~general regular~~ election or until a successor has been elected and qualifies for office. The four commissioners representing the election districts shall be elected at the first primary and ~~general regular~~ elections after the activation of the district and each four years thereafter and the commissioners elected at large shall be elected at the second primary and ~~general regular~~ election after such activation and each four years thereafter. The terms of elected commissioners shall commence on the first Monday in January following their election.

Sec. 35. Minnesota Statutes 1976, Section 410.21, is amended to read:

410.21 [APPLICATION OF GENERAL ELECTION LAWS.] *Except as provided otherwise in article I, section 2 and article V, section 1 of this act,* the provisions of any charter of any such city adopted pursuant to this chapter shall be valid and shall

control as to nominations, primary elections, and elections for municipal offices, notwithstanding that such charter provisions may be inconsistent with any general law relating thereto, and such general laws shall apply only in so far as consistent with such charter.

Sec. 36. Minnesota Statutes 1976, Section 412.02, Subdivision 2, is amended to read:

Subd. 2. Terms of elective officers shall commence on the first business day *Monday* of January following the election at which the officer is chosen. All officers chosen and qualified as such shall hold office until their successors qualify. Vacancies in office shall be filled for the remainder of the term by the council. In case of a tie vote on such appointments the mayor shall fill the vacancy by appointment for the unexpired term.

Sec. 37. Minnesota Statutes 1976, Section 412.021, Subdivision 2, is amended to read:

Subd. 2. [OFFICERS TO BE ELECTED.] There shall be elected at such election a mayor and, where otherwise permitted by law, a justice of the peace, each for a term expiring the first business day of *Monday* in January of the next ~~odd-numbered even-numbered~~ year; and four councilmen, for terms so arranged that two expire the first business day of *Monday* in January of the next ~~odd-numbered even-numbered~~ year and two the first business day of *Monday* in January of the second ~~odd-numbered even-numbered~~ year. No candidate for councilman shall run for a particular term but the number of years in the term of each successful candidate shall be determined by his relative standing among the candidates for office, the longest terms going to the two candidates receiving the highest number of votes. If the election occurs in the last four months of the ~~even-numbered odd-numbered~~ year, no election shall be held in the city on the annual city election day that year, and the next following year shall be disregarded in fixing the expiration of terms of officers chosen under this subdivision at the initial election.

Sec. 38. Minnesota Statutes 1976, Section 412.571, Subdivision 5, is amended to read:

Subd. 5. [ABANDONMENT; INCUMBENT CLERK AND TREASURER TRANSITION.] When any optional plan is abandoned and the standard form of city government is resumed, the office of clerk, or clerk-treasurer shall remain appointive until the first business day of *Monday* in January following the next regular city election and the office of treasurer, if there is no clerk-treasurer, shall remain appointive until the first business day of *Monday* in January following the first subsequent city election at which the clerk is not elected; and the successor to the incumbent clerk, clerk-treasurer, and treasurer shall be chosen at the regular city election immediately preceding the January in which the office becomes elective.

Sec. 39. Minnesota Statutes 1976, Section 447.32, Subdivision 1, is amended to read:

447.32 [OFFICERS AND ELECTIONS.] Subdivision 1. Each hospital district shall be governed by a hospital board composed of one member elected from each city and town comprising said district and one member elected at large. The term of office of each member of the hospital board shall be four years and until his successor qualifies, except that at the first election members shall be elected for terms to be designated by the governing body calling the election, in such manner that one-half of the terms as nearly as may be, shall expire on ~~December 31~~ *the first Monday in January* of the then next following even numbered year and the remaining terms will expire two years from said date; and thereafter, prior to the expiration of the term of each member, a new member shall be elected for a term of four years from said expiration date. Upon the death, resignation, or removal of any member from the hospital district, or upon his failure to qualify, a successor may be appointed by a majority of the remaining members of the board, to hold office until ~~December 31~~ *the first Monday in January* following the next regular hospital district election, at which election a successor shall be elected to fill the unexpired term. Upon annexation of any additional city or town to the district, in accordance with section 447.36, its governing body shall by resolution appoint a member to the board, to hold office until ~~December 31~~ *the first Monday in January* following the next regular hospital district election, at which election a successor shall be elected for a term of either two or four years, to be designated by the hospital board in such manner as to assure that the number of members of the board whose terms expire in any subsequent year will not exceed one-half of the members plus one.

Sec. 40. Minnesota Statutes 1976, Section 447.32, Subdivision 2, is amended to read:

Subd. 2. *The regular elections election of hospital board members* shall be held in each hospital district at the same time and in the same election precincts and at the same polling places as general elections of state and county officers, except that the hospital board may by resolution fix a date, not later than December 7 immediately preceding the expiration of board members' terms, and may establish the whole district as a single election precinct or may establish two or more different election precincts and polling places for such elections; in which event the boundaries of the election precincts and the locations of the polling places shall be defined in the notice of election, either in full or by reference to a description or map on file in the office of the clerk on the local government election day designated pursuant to article I, section 2 of this act. Procedures for election of board members shall be as provided in article II, section 18 of this act. Special elections may be called by the hospital board at any time to vote on any matter required by law to be submitted to the electors; and such elections shall be held within the election precinct or precincts and at the polling place or places designated by the board or, in the case of the first election of officers of a new district, by the governing body of the most populous city or town included in the district. The procedure for a special election shall be the same as for the regular election except that the hospital board shall pay all

expenses of a special election . Advisory ballots may be submitted by the hospital board on any question which it may desire, relating to the affairs of the district, but only at a regular election or at a special election required to be held for another purpose.

Sec. 41. Minnesota Statutes 1976, Section 487.03, Subdivision 2, is amended to read:

Subd. 2. [ELECTION.] Each judge shall be elected at the *general regular* election for a term of six years, beginning on the first Monday of the January next following his election and until his successor qualifies. No person shall be a candidate for more than one county court judgeship at any election.

In any election following reduction of the number of county court judges pursuant to section 487.01, subdivision 7 the requirement contained in section 202A.22, subdivision 3 that a candidate for office of judge state the office for which he is a candidate shall not apply. In such a situation all parties filing for office of judge shall run against each other for the remaining seats. However, each candidate who otherwise would have qualified to have the word "incumbent" printed after his name on the ballot pursuant to section 203A.12, subdivision 6 shall retain this right.

Sec. 42. Minnesota Statutes 1976, Section 487.03, Subdivision 5, is amended to read:

Subd. 5. [VACANCY.] Whenever there is a vacancy in the office of judge, the governor shall appoint a qualified person to fill the vacancy, to hold office until his successor is elected and qualified. The successor shall be elected for a six year term at the next *general regular* election occurring more than one year after such appointment.

Sec. 43. Minnesota Statutes 1976, Section 488A.021, Subdivision 3 is amended to read:

Subd. 3. [TERM; VACANCIES; APPOINTMENTS AND ELECTION.] (a) Each elected judge holds office for six years beginning the first Monday in January next succeeding his election.

(b) Whenever there is a vacancy in the office of judge, the governor shall appoint a qualified person to fill the vacancy, to hold office until his successor is elected and qualified. The successor shall be elected for a six year term at the next *general regular* election occurring more than one year after such appointment.

(c) At the *general regular* election immediately preceding the expiration of his term, the qualified voters of the county of Hennepin shall elect the successor to any elected or appointed judge.

(d) Each judge holds a separate nonpartisan office.

(e) When one or more judges of the court are to be nominated or elected at an election, the notice of election shall state the name

of each judge whose successor is to be nominated or elected. The official ballot shall contain the names of all candidates for each such office, state the number of judges to be elected and the number of candidates for whom an elector may vote, and designate each candidacy as "For the office of Judge of the Municipal Court of the county of Hennepin to which (name of judge) was elected for the regular term", or: "For the office of Judge of the Municipal Court of the county of Hennepin to which (name of judge) was appointed," as the case may be. The official ballots shall show in the spaces for the purpose the name of the judge whose successor is to be elected. When any judge is a candidate to succeed himself, the word "incumbent" shall be printed after his name where it appears among the names of the candidates for the office. When voting machines are used and such statements cannot be inserted in full, the designation shall be "Successor to (name of judge) (elected)", or "Successor to (name of judge) (appointed)", as the case may be.

(f) Each person desiring to have his name placed upon the primary ballot as a candidate for judge shall state in his affidavit of candidacy the office of the particular judge for which he is a candidate. The filing of this affidavit with the county auditor and a compliance with all other requirements constitutes such person a candidate for that office, and for that office only. No person shall at any election be a candidate for more than one such office.

Sec. 44. Minnesota Statutes 1976, Section 488A.19, Subdivision 3, is amended to read:

Subd. 3. [TERM; VACANCIES; APPOINTMENTS AND ELECTION.] (a) Each elected judge holds office for six years beginning the first Monday in January next succeeding his election.

(b) Whenever there is a vacancy in the office of judge the governor shall appoint a qualified person to fill the vacancy, to hold office until his successor is elected and qualified. The successor shall be elected for a six-year term at the next *general regular* election occurring more than one year after such appointment.

(c) At the *general regular* election immediately preceding the expiration of his term the qualified voters of the county of Ramsey shall elect the successor to any elected judge.

(d) Each judge holds a separate nonpartisan office.

(e) When one or more judges of the court are to be nominated or elected at an election, the notice of election shall state the name of each judge whose successor is to be nominated or elected. The official ballot shall contain the names of all candidates for each such office, state the number of judges to be elected and the number of candidates for whom an elector may vote, and designate each candidacy as "For the office of Judge of the Municipal Court of the county of Ramsey to which (Name of Judge) was elected for the regular term," or "For the office of

Judge of the Municipal Court of the county of Ramsey to which (Name of Judge) was appointed," as the case may be. The official ballots shall show in the spaces for the purpose the name of the judge whose successor is to be elected. When any judge is a candidate to succeed himself, the word "incumbent" shall be printed after his name where it appears among the names of the candidates for the office. When voting machines are used and such statements cannot be inserted in full, the designation shall be "Successor to (Name of Judge) (elected)", or "Successor to (Name of Judge) (appointed)", as the case may be.
shall be September 25, 1979.

affidavit of candidacy the office of the particular judge for which he is a candidate. The filing of this affidavit with the county auditor and a compliance with all other requirements constitutes such person a candidate for that office, and for that office only. No person shall at any election be a candidate for more than one such office.

CAL GOVERNMENT ELECTION DAY.] *No regular election of any of the officers described in article I, section 2, subdivision 2, of this act shall be held after August 1, 1978, unless it is held on the local government election day and in accordance with the provisions of this act. The first local government election day*

(f) Each person desiring to have his name placed upon the primary ballot as a candidate for judge shall state in his *shall be November 6, 1979. The first primary to select candidates for the offices to be filled on the local government election day*

ELECTION PROHIBITED ON OTHER DAYS; FIRST LO-

ARTICLE V

OTHER PROVISIONS

Section 1. [205.012.] [LOCAL GOVERNMENT ELECTION DAY; IMPLEMENTATION.] *Subdivision 1. [REGULAR*

Subd. 2. [TERMS EXTENDED.] (a) The terms of all county officers that would otherwise expire on the first Monday of January in 1979 and 1981 are extended until the first Monday of January in 1980 and 1982 respectively.

(b) The terms of all elective statutory city officers that would otherwise expire on the first business day of January in 1979 or 1980 shall instead expire on the first Monday of January in 1980. The terms of statutory city officers that would otherwise expire on the first business day of January in 1981 shall instead expire on the first Monday of January in 1982.

(c) The terms of all independent school district board members which would otherwise expire on July 1, 1979 shall instead expire on the first Monday of January of 1980; terms of members which otherwise expire July 1, 1980, shall instead expire on the first Monday of January in 1980; and the terms of members which otherwise would expire July 1, 1981 shall instead expire on the first Monday of January in 1982.

(d) The governing body of any home rule charter city by ordinance adopted prior to December 1, 1978, may extend or reduce the term of any elective city officer whose term ends on a different date to the first Monday of January of an even numbered year. The governing body shall, in any such ordinance, designate a new term of an even number of years for any officer who would otherwise be elected to a term of an odd number of years and may designate a new term of four years for any officer who would otherwise be elected for a term of two years.

For any home rule charter city that does not adopt an ordinance as provided in this subdivision prior to December 1, 1978, the terms of elective city officers shall be extended or shortened automatically, effective December 1, 1978, as follows:

(i) The term of any officer which ends on a date other than the first Monday in January of an even numbered year shall be extended to the first Monday in January of the even numbered year first following the date the term would otherwise expire unless this extension would be more than 13 months. If the extension would be more than 13 months, the term shall be shortened to the first Monday in January of the even numbered year first preceding the date the term would otherwise expire; and

(ii) Every term of an odd number of years to which any officer would otherwise be elected shall be changed to a term of an even number of years, one year longer than the term otherwise provided.

(e) The term of any elective officer of any political subdivision required to hold the regular election of its officers on the local government election day which term is not extended or reduced under clauses (a) to (d) and which ends on a date different from the first Monday in January of an even numbered year is extended or reduced as provided in clause (d) (i), effective August 1, 1978. Every term of an odd number of years to which any officer of any such political subdivision may otherwise be elected, which term is not changed under clauses (a) to (d), is changed to a term of an even number of years one year longer than would otherwise be provided.

Subd. 3. [MODIFICATIONS PERMITTED FOR STAGGERED TERMS.] The governing body of any political subdivision required to hold its regular election on the local government election day except a county may provide, by ordinance or resolution adopted at least 14 days before the opening of filings for any affected office, that members of an elected body or other officers of the subdivision may be elected for a different term than is otherwise provided, in order to achieve staggered terms for the members of that body or other officers. With respect to the members of an elected body, any ordinance or resolution adopted pursuant to this subdivision shall provide that, to the extent mathematically possible, the same number of persons is chosen at each election, exclusive of those chosen to fill vacancies for the unexpired terms. This subdivision expires August 1, 1981.

Subd. 4. [PURPOSE.] It is the purpose and intent of this section to implement the provisions of article I, section 2, of this act, by requiring the adjustment of terms, postponement of certain elections and other procedures. To the extent inconsistent with this intent all general and special laws and municipal charter provisions providing otherwise are superseded. In all other respects, those laws and charter provisions shall continue in full force and effect.

Sec. 2. [REVISOR'S INSTRUCTION.] The revisor of statutes shall examine Minnesota Statutes to determine whether any coded sections of law have been superseded by this act and prepare appropriate amendments of coded sections in revisor's bills submitted in 1979 and thereafter.

Sec. 3. [APPROPRIATION.] The sum of \$. . . . is appropriated from the general fund to the secretary of state to carry out the duties prescribed by article II, section 17 of this act. This appropriation shall not lapse but shall be available for expenditure until June 30, 1979.

Sec. 4. [REPEALER.] Minnesota Statutes 1976, Sections 123.015; 123.11, Subdivisions 2, 3, 4, 5 and 6; 123.32, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 11, 22, 24, 25, 26 and 27; 201.33; 205.02; 205.03; 205.07; 205.11; 205.18; 205.19; 205.20; 206.18; and 447.32, Subdivisions 3 and 4, are repealed.

Sec. 5. [EFFECTIVE DATE.] Article II, Section 17; Article III, Sections 7, 8, 9, 16 and 17, Article IV, Sections 11 and 12 and Article V, Sections 2 and 3, are effective the day following final enactment. Article V, Section 1, Subdivision 2, Clause (a), is effective July 1, 1978. All other sections of this act are effective August 1, 1978."

Amend the title as follows:

Page 1, line 19, after "1;" insert "122.23, Subdivisions 12, 17, and 18; 122.25, Subdivision 2; 122.26, Subdivisions 4, 5, and 22;"

Page 1, line 24, strike "Subdivision 1, and"

Page 1, line 25, after "subdivision;" insert "202A.26, Subdivision 1;"

Page 1, line 25, after "203A.17;" insert "203A.31, Subdivision 1;" and strike the comma at the end of the line and insert a semicolon

Page 1, strike line 26 and insert "204A.05, Subdivision 1; 204A.06, by adding a subdivision; 204A.09,"

Page 1, line 28, after "subdivision;" insert "204A.29;"

Page 1, line 30, after "subdivision;" insert "204A.51, Subdivision 2; 204A.53, Subdivision 1;"

Page 1, line 31, strike "207.02;"

Page 1, line 32, strike "207.03;" and insert "206.09, 206.21, Subdivision 3;"

Page 1, line 33, after "3;" insert "365.51;"

Page 1, after line 40, insert "amending Minnesota Statutes, 1977 Supplement, Sections 201.071, Subdivisions 1 and 3; 207.02; 207.03, Subdivision 1; 207.05, Subdivision 1;"

Page 2, line 5, after "205.20;" insert "206.18;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Pursuant to Rule 60, a roll call was taken on the recommendation to pass S. F. No. 350.

There were yeas 5 and nays 4 as follows:

Those who voted in the affirmative were: Messrs. Gearty; Coleman; Johnson; Keefe, S. and Schaaf.

Those who voted in the negative were: Messrs. Jensen, Pillsbury, Schmitz and Ueland, A.

The bill passed the committee and was re-referred to the Committee on Finance.

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

H. F. No. 1500: A bill for an act relating to elections; vacancy in office of senator in congress; providing for special election to fill a vacancy; amending Minnesota Statutes 1976, Section 202A.-72.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 202A, is amended by adding a section to read:

[202A.721] [UNITED STATES SENATE VACANCY. MANNER OF FILLING.] *Subdivision 1. [SCOPE OF SECTION.] Every vacancy in the office of United States senator representing Minnesota shall be filled in the manner provided in this section.*

Subd. 2. [DEFINITIONS.] For the purposes of this section, the terms defined in subdivisions 3 to 5 shall have the meanings given them in those subdivisions.

Subd. 3. [VACANCY.] "Vacancy" means a vacancy in the office of United States senator representing Minnesota.

Subd. 4. [NOVEMBER ELECTION.] "November election" means

(a) the general election in even numbered years; or

(b) any regular election held in November of odd numbered years at which all home rule charter and statutory cities are required to elect city officers; or

(c) if there is no election as described in clause (b), the first

Tuesday after the first Monday in November of odd numbered years.

Subd. 5. [REGULAR PRIMARY.] *"Regular primary" means*

(a) the primary at which candidates are nominated for offices elected at the general election or for offices elected at the election described in subdivision 4, clause (b); or

(b) if there is no election as described in subdivision 4, clause (b), a primary election held four weeks before the first Tuesday after the first Monday in November of odd numbered years.

Subd. 6. [SPECIAL ELECTION REQUIRED; EXCEPTION; WHEN HELD.] *Every vacancy shall be filled for the remainder of the term by a special election held pursuant to this subdivision; except that no special election shall be held in the year before the term expires.*

The special election shall be held at the next November election if the vacancy occurs at least six weeks before the regular primary preceding that election. If the vacancy occurs less than six weeks before the regular primary preceding the next November election, the special election shall be held at the second November election after the vacancy occurs.

Subd. 7. [SPECIAL PRIMARY; WHEN HELD.] *A special primary shall be held at the regular primary preceding the November election at which the special election is held.*

Subd. 8. [NOTICE OF SPECIAL ELECTION.] *The secretary of state shall issue an official notice of any special election required to be held pursuant to this section not later than 10 weeks before the special primary unless the vacancy occurs 10 weeks or less before the special primary, in which case he shall issue the notice no later than two days after the vacancy occurs. The notice shall state the office to be filled, the opening and closing dates for filing of candidacy and the dates of the special primary and special election. For the purpose of the provisions of chapter 202A that apply generally to special elections this notice shall be used in lieu of the writ of the governor.*

Subd. 9. [FILING BY CANDIDATES.] *The time for filing of affidavits and nominating petitions for candidates to fill a vacancy at a special election shall open six weeks before the special primary or on the day the secretary of state issues notice of the special election, whichever occurs later. Filings shall close four weeks before the special primary.*

Subd. 10. [TEMPORARY APPOINTMENT.] *The governor may make a temporary appointment to fill any vacancy. An appointee shall hold office until a successor is elected and qualified at a special election or until a successor is elected pursuant to subdivision 11.*

Subd. 11. [SUCCESSION BY REGULARLY ELECTED SENATOR.] *Any person who is elected to the office of United States senator for a regular six year term when the office is vacant*

or is filled by a person appointed pursuant to subdivision 10 shall also succeed to the office for the remainder of the unexpired term.

Subd. 12. [APPLICATION OF OTHER LAWS.] Except as otherwise provided in this section, all of the provisions of chapter 202A that apply generally to other special elections apply to a special election held pursuant to this section.

Sec. 2. [EFFECT ON EXISTING APPOINTMENT.] Any temporary appointment to fill a vacancy in the United States senate in effect on the effective date of this act shall expire as provided in section 1, subdivision 10 and shall be filled for the remainder of the unexpired term as provided in section 1, subdivision 11.

Sec. 3. [REPEALER.] Minnesota Statutes 1976, Section 202A.72, is repealed.

Sec. 4. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Strike the title in its entirety and insert

"A bill for an act relating to elections; establishing the manner of filling United States senate vacancies; providing for special elections at a November election; permitting a temporary appointment by the governor; defining terms; amending Minnesota Statutes 1976, Chapter 202A, by adding a section; repealing Minnesota Statutes 1976, Section 202A.72."

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

Pursuant to Rule 60, a roll call was taken on the Schaaf amendment to H. F. No. 1500.

There were yeas 7 and nays 3 as follows:

Those who voted in the affirmative were: Messrs. Gearty; Coleman; Johnson; Keefe, S.; Moe; Schaaf and Schmitz.

Those who voted in the negative were: Messrs. Jensen, Pillsbury and Ueland, A.

The amendment was adopted.

Pursuant to Rule 60, a roll call was taken on the Jensen substitute amendment to H. F. No. 1500.

There were yeas 3 and nays 7 as follows:

Those who voted in the affirmative were: Messrs. Jensen, Pillsbury and Ueland, A.

Those who voted in the negative were: Messrs. Gearty; Coleman; Keefe, S.; Moe; Schaaf and Schmitz.

The amendment failed.

Pursuant to Rule 60, a roll call was taken on the recommendation to pass H. F. No. 1500.

There were yeas 7 and nays 3 as follows:

Those who voted in the affirmative were: Messrs. Gearty; Coleman; Johnson; Keefe, S.; Moe; Schaaf and Schmitz.

Those who voted in the negative were: Messrs. Jensen, Pillsbury and Ueland, A.

The bill passed the committee.

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

S. F. No. 1612: A bill for an act relating to trusts; powers of trustee; permitting investment of trust assets in certain life insurance contracts; amending Minnesota Statutes 1976, Section 501.66, Subdivision 6.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

S. F. No. 1613: A bill for an act relating to courts; judges; removal due to mental or physical incapacity; amending Minnesota Statutes 1976, Section 490.16, Subdivision 5; repealing Minnesota Statutes 1976, Sections 490.04; 490.05; 490.06; 490.07; 490.08; and 490.09.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

S. F. No. 1614: A bill for an act relating to courts; board on judicial standards; providing for appointment of an executive secretary by the board; amending Minnesota Statutes, 1977 Supplement, Section 490.15, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

S. F. No. 1617: A bill for an act relating to evidence; eliminating the presumption of due care in negligence actions; repealing Minnesota Statutes 1976, Section 602.04.

Reports the same back with the recommendation that the bill do pass. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 1612, 1613, 1614 and 1617 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. No. 1500 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Penny moved that his name be stricken as co-author to S. F. No. 304. The motion prevailed.

Mr. Johnson moved that the name of Mr. Sikorski be added as co-author to S. F. No. 1632. The motion prevailed.

Mr. Ueland, A. moved that the name of Mr. Renneke be added as co-author to S. F. No. 1575. The motion prevailed.

Mr. Schaaf moved that his name be stricken as chief author and Mr. Sikorski be added as chief author to S. F. No. 762.

Mr. Davies moved that S. F. No. 1620 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Commerce. The motion prevailed.

Mr. Vega moved that the name of Mr. Frederick be added as co-author to S. F. No. 1597. The motion prevailed.

Mr. Coleman moved that the Message From the House inviting the Senate to meet in Joint Convention be taken from the table. The motion prevailed.

Mr. Coleman moved that the Senate accede to the request of the House of Representatives to meet in Joint Convention at 11:45 a.m. Tuesday, January 24, 1978, to receive the Message of the Honorable Rudy Perpich, Governor of the State of Minnesota. The motion prevailed.

Mr. Coleman moved that the President of the Senate appoint a Committee of five members of the Senate to act with a like committee on the part of the House of Representatives to escort the Honorable Rudy Perpich, Governor of the State of Minnesota to the House Chamber on the occasion of the Joint Convention on Tuesday, January 24, 1978 at 12:00 o'clock noon. The motion prevailed.

APPOINTMENTS

Pursuant to the foregoing motion, the President made the following appointments:

Mr. Lessard, Chairman; Messrs. Knoll, Setzepfandt, Engler and Mrs. Knaak.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Wegener moved that S. F. No. 1626 be withdrawn from the Committee on Local Government and re-referred to the Committee on Agriculture and Natural Resources. The motion prevailed.

Mr. Borden moved that House Concurrent Resolution No. 6 be taken from the table. The motion prevailed.

SUSPENSION OF RULES

Mr. Borden moved that the Rules of the Senate be so far suspended as to give House Concurrent Resolution No. 6 immediate consideration. The motion prevailed.

Mr. Borden moved the adoption of House Concurrent Resolution No. 6: A house concurrent resolution supporting the American Family Farmer.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lewis	Penny	Solon
Ashbach	Gunderson	Luther	Peterson	Spear
Bang	Hanson	McCutcheon	Purfeerst	Staples
Bernhagen	Hughes	Menning	Renneke	Strand
Borden	Humphrey	Merriam	Schaaf	Stumpf
Chmielewski	Johnson	Moe	Schmitz	Tennessee
Coleman	Keefe, S.	Nelson	Schrom	Ueland, A.
Davies	Kirchner	Nichols	Setzepfandt	Ulland, J.
Dieterich	Knaak	Ogdahl	Sieloff	Vega
Engler	Knoll	Olhoff	Sikorski	Wegener
Frederick	Lessard	Olson	Sillers	Willet

The motion prevailed. So the resolution was adopted.

Mr. Willet moved that the report from the Committee on Agriculture and Natural Resources, reported January 19, 1978, 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 January 19, 1978, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF AGRICULTURE
COMMISSIONER**

Bill Walker, Route 1, Red Wing, Goodhue County, effective July 7, 1977, for a term expiring the first Monday in January, 1979.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Willet moved that the report from the Committee on Agriculture and Natural Resources, reported January 19, 1978, 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 January 19, 1978, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF NATURAL RESOURCES
COMMISSIONER**

William Nye, 225 Park Avenue, Mahtomedi, Washington County, effective July 1, 1977, for a term expiring the first Monday in January, 1979.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 45 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Purfeerst	Spear
Bang	Gunderson	Lewis	Renneke	Staples
Bernhagen	Hanson	Luther	Schaaf	Stokowski
Borden	Hughes	Menning	Schmitz	Strand
Chmielewski	Humphrey	Moe	Setzepfandt	Tennessen
Coleman	Johnson	Nelson	Sieloff	Ueland, A.
Davies	Keefe, S.	Nichols	Sikorski	Vega
Dieterich	Knaak	Olson	Sillers	Wegener
Engler	Knoll	Penny	Solon	Willet

Those who voted in the negative were:

Merriam	Olhoft	Peterson	Schrom	Ulland, J.
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The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Willet moved that the report from the Committee on Agriculture and Natural Resources, reported January 19, 1978, 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

January 19, 1978, the Senate, having given its advice, do now consent to and confirm the appointments of:

MINNESOTA ENVIRONMENTAL EDUCATION BOARD

Julia Copeland, 135 Melbourne Avenue Southeast, Minneapolis, Hennepin County, effective January 3, 1977, for a term expiring the first Monday in January, 1979.

Thomas A. Powell, 284 Jansa Drive, St. Paul, Ramsey County, effective January 3, 1977 for a term expiring January 1, 1979.

Merrill Fellger, 287 Glenmore Road, Long Lake, Hennepin County, effective January 3, 1977, for a term expiring January 1, 1979.

Dr. Paul O. Walker, 2426 Galtier, Roseville, Ramsey County, effective January 3, 1977, for a term expiring January 1, 1979.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 11:15 o'clock a.m., Tuesday, January 24, 1978. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate