

SIXTY-SIXTH DAY

St. Paul, Minnesota, Thursday, January 26, 1978

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

Prayer was offered by the Chaplain, Rev. Dave S. Schneider.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Humphrey, Lessard and Tennesen were excused from the Session of today.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Kleinbaum, Stumpf and Merriam introduced—

S. F. No. 1722: A bill for an act relating to education; providing educational aids for children attending nonpublic schools; appropriating money; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 9; 123.931; 123.932, Subdivision 7, and by adding subdivisions; 123.933; 123.935; 123.936; 123.937; 124.212, by adding a subdivision; and Chapter 123, by adding a section;

Minnesota Statutes, 1977 Supplement, Section 124.212, Subdivision 9a; repealing Minnesota Statutes 1976, Sections 123.932, Subdivisions 1, 6 and 8; 123.934; and Laws 1977, Chapter 447, Article VI, Section 12.

Referred to the Committee on Education.

Mr. Lewis introduced—

S. F. No. 1723: A bill for an act relating to corrections; providing for the classification and compensation of persons engaged in the sale of products manufactured or processed in correctional institutions; amending Minnesota Statutes 1976, Section 43.12, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Ueland, A. and Penny introduced—

S. F. No. 1724: A bill for an act relating to highway traffic regulation; waiving weight limitations on certain highways; amending Minnesota Statutes 1976, Section 169.83, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Keefe, S.; Vega; Laufenburger; Luther and Sillers introduced—

S. F. No. 1725: A bill for an act relating to migrant labor; establishing a study commission on migrant labor; appropriating money.

Referred to the Committee on Employment.

Messrs. Ogdahl, Renneke and Stokowski introduced—

S. F. No. 1726: A bill for an act relating to retirement; fractional years of service for judges; amending Minnesota Statutes 1976, Sections 490.121, Subdivision 4; and 490.124, Subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Moe, Willet and Lessard introduced—

S. F. No. 1727: A bill for an act relating to state parks; deleting certain lands from the boundaries of Itasca state park; repealing Laws 1976, Chapter 110, Section 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Humphrey, Chenoweth, Coleman and Ogdahl introduced—

S. F. No. 1728: A bill for an act relating to the legislature; cre-

ating a committee on human and economic development; prescribing duties.

Referred to the Committee on Rules and Administration.

Messrs. Stumpf, McCutcheon, Chenoweth and Coleman introduced—

S. F. No. 1729: A bill for an act relating to the city of St. Paul; liquor patrol limits; repealing Special Laws 1885, Chapter 281, Section 6.

Referred to the Committee on Local Government.

Messrs. Tennesen, Perpich, Spear, Renneke and Lewis introduced—

S. F. No. 1730: A bill for an act relating to public welfare; extending the pilot dental health program; appropriating money; amending Laws 1976, Chapter 305, Sections 3 and 4, Subdivision 3.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Stokowski, Chenoweth, McCutcheon, Ogdahl and Solon introduced—

S. F. No. 1731: A bill for an act relating to retirement; teachers retirement fund associations in cities of the first class; providing for increased employer contributions by the state; appropriating money; amending Minnesota Statutes 1976, Section 354A.12.

Referred to the Committee on Governmental Operations.

Mr. Stokowski introduced—

S. F. No. 1732: A bill for an act relating to retirement; providing for a limitation on public employment while receiving a public pension or benefit; providing penalties.

Referred to the Committee on Governmental Operations.

Mr. Lewis, Mrs. Staples, Messrs. Kirchner and Sikorski introduced—

S. F. No. 1733: A bill for an act relating to public health; requiring certain immunizations for students; amending Minnesota Statutes 1976, Section 123.70.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Lewis introduced—

S. F. No. 1734: A bill for an act relating to police officers in cities of the first class; prohibiting employment of police officers

for the purpose of maintaining law and order in bottle clubs or certain establishments licensed for the sale of liquor; providing penalties.

Referred to the Committee on Local Government.

Messrs. Bernhagen, Olhoff, Renneke, Frederick and Ashbach introduced—

S. F. No. 1735: A bill for an act relating to welfare; providing for direct vendor payments of general assistance; amending Minnesota Statutes 1976, Section 256D.09.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Hanson introduced—

S. F. No. 1736: A bill for an act relating to the firemen's relief association of the city of Karlstad; computation of years of service for volunteer firemen.

Referred to the Committee on Governmental Operations.

Messrs. Nichols, Setzepfandt, Menning and Strand introduced—

S. F. No. 1737: A bill for an act relating to flood plain management; authorizing counties within the southern Minnesota river basin area II to levy an additional tax; amending Minnesota Statutes, 1977 Supplement, Section 275.50, Subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Luther, Schrom, Merriam, Hanson and Moe introduced—

S. F. No. 1738: A bill for an act relating to game and fish; increasing certain nonresident license fees; amending Minnesota Statutes 1976, Section 98.46, Subdivisions 14, as amended, and 15.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Hanson, Moe, Sillers, Strand and Nichols introduced—

S. F. No. 1739: A bill for an act relating to agriculture; commodities promotion; modifying check off provisions; providing for election polling places; amending Minnesota Statutes 1976, Sections 17.54, Subdivision 3; and 17.59, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Vega, Sieloff, Strand, Knoll and Dieterich introduced—

S. F. No. 1740: A bill for an act relating to minors; amending

definition of criminal nonsupport of children to include children between 16 and 18 years of age; amending Minnesota Statutes 1976, Section 609.37.

Referred to the Committee on Judiciary.

Mr. McCutcheon introduced—

S. F. No. 1741: A bill for an act relating to taxation; providing for a sales tax on goods purchased by governmental agencies and subdivisions for use by nonexempt construction contractors; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sieloff and Mrs. Knaak introduced—

S. F. No. 1742: A bill for an act relating to Ramsey county; exempting the law librarian from membership in the public employees retirement association.

Referred to the Committee on Governmental Operations.

Messrs. Willet, Peterson, Merriam and Dunn introduced—

S. F. No. 1743: A bill for an act relating to natural resources; clarifying the procedure for designation of wild, scenic and recreational rivers; amending Minnesota Statutes 1976, Section 104.35, Subdivision 3.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Willet and Schrom introduced—

S. F. No. 1744: A bill for an act relating to regional development; dissolution of regional commissions; amending Minnesota Statutes 1976, Chapter 462, by adding a section.

Referred to the Committee on Local Government.

Mr. Willet introduced—

S. F. No. 1745: A bill for an act relating to state lands; authorizing the conveyance by the state of certain lands in Beltrami county.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Menning, Olson, Willet and Bernhagen introduced—

S. F. No. 1746: A bill for an act relating to public health and welfare; establishing a state advisory council for home and family;

prescribing its membership, powers, and duties; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Vega; Nelson; Keefe, S.; Ashbach and McCutcheon introduced—

S. F. No. 1747: A bill for an act relating to public employment labor relations; making certain matters mandatorily negotiable; allowing employers alternate remedies in grievance proceedings or civil service appeals; amending Minnesota Statutes 1976, Sections 179.63, Subdivision 18 and 179.70, Subdivision 1.

Referred to the Committee on Employment.

Messrs. Spear; Knoll; Keefe, S.; Ogdahl and Davies introduced—

S. F. No. 1748: A bill for an act relating to special school district No. 1 of the city of Minneapolis; establishing four year terms of office for directors of the board of education; amending Laws 1959, Chapter 462, Section 3, Subdivision 1, as amended and renumbered.

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

Mr. Schaaf introduced—

S. F. No. 1749: A bill for an act relating to the board of architecture, engineering, land surveying and landscape architecture; defining practice of land surveying; providing for the selection process for the appointment of engineer members to the board; specifying meeting times; and prescribing certain duties of the board relating to record keeping and certification; amending Minnesota Statutes 1976, Sections 326.02, Subdivisions 4 and 4a; 326.04; 326.06; 326.07; 326.09; 326.10, Subdivision 1, and by adding a subdivision; and 326.13; repealing Minnesota Statutes 1976, Sections 326.03, Subdivision 4; and 326.10, Subdivision 7.

Referred to the Committee on Commerce.

Mr. Schaaf introduced—

S. F. No. 1750: A bill for an act relating to examining and licensing boards; concerning public health; requiring information at the time of license application; allowing the collection of information at the time of license renewal; amending Minnesota Statutes 1976, Chapter 214, by adding sections.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Schaaf introduced—

S. F. No. 1751: A bill for an act relating to health; limiting expenditures of executive secretaries of certain boards; amending Minnesota Statutes 1976, Section 16A.16.

Referred to the Committee on Governmental Operations.

Messrs. Strand, Nichols, Olhoft and Mrs. Brataas introduced—

S. F. No. 1752: A bill for an act relating to nursing homes; authorizing sharing of administrators between certain hospitals and nursing homes; amending Minnesota Statutes 1976, Section 144A.04, Subdivision 5.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Strand, Nichols, Penny, Purfeerst and Mrs. Staples introduced—

S. F. No. 1753: A bill for an act relating to workers' compensation; providing for the coverage of certain farm and business owners and employees; amending Minnesota Statutes, 1977 Supplement, Section 176.012.

Referred to the Committee on Employment.

Messrs. Purfeerst, Wegener, Engler and Vega introduced—

S. F. No. 1754: A bill for an act relating to highway traffic regulations; authorized emergency vehicles; approval of specifications and equipment test fees for lighting and vehicle safety equipment; warning devices on certain vehicles; and vehicle modification standards; amending Minnesota Statutes 1976, Sections 169.01, Subdivision 5; 169.65; and 169.75; repealing Minnesota Statutes 1976, Section 169.47, Subdivision 2.

Referred to the Committee on Transportation.

Messrs. Luther, Humphrey, Knoll, Chenoweth and Willet introduced—

S. F. No. 1755: A bill for an act relating to shade tree disease control; clarifying utilization of appropriations; authorizing extension of temporary rules; repealing Laws 1977, Chapter 90, Section 14, Subdivision 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Strand, Peterson and Hanson introduced—

S. F. No. 1756: A bill for an act relating to taxation; inheritance tax; exempting pension receipts from taxation; amending Minnesota Statutes 1976, Sections 291.05; and 291.065.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Staples; Messrs. Solon; Gearty; Keefe, J. and Dieterich introduced—

S. F. No. 1757: A bill for an act relating to health; ambulance service; providing for licensing of a specialized ambulance service; amending Minnesota Statutes, 1977 Supplement, Sections 144.801, Subdivisions 6, 7, and 9, and by adding a subdivision; 144.802, Subdivision 1; and 144.804, Subdivisions 2 and 3.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Purfeerst and Bernhagen introduced—

S. F. No. 1758: A bill for an act relating to the department of transportation; concerning the Great River Road; amending Minnesota Statutes 1976, Sections 161.142 and 161.148.

Referred to the Committee on Transportation.

Messrs. Purfeerst, Nichols, Bernhagen and Setzepfandt introduced—

S. F. No. 1759: A bill for an act relating to natural resources; requiring written permission prior to entering land owned by another for purposes of taking wild animals; permitting peace officers to make arrests upon probable cause in certain trespass cases; amending Minnesota Statutes 1976, Section 100.273; repealing Minnesota Statutes 1976, Section 100.29, Subdivisions 21 and 22.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Purfeerst, Penny, Engler and Setzepfandt introduced—

S. F. No. 1760: A resolution urging the President, Congress and Secretary of Transportation to provide necessary grants and loans to the Milwaukee Road.

Referred to the Committee on Rules and Administration.

Messrs. Luther; Spear; Keefe, J. and Dieterich introduced—

S. F. No. 1761: A bill for an act relating to insurance; requiring certain disclosures to be made by agents or solicitors; prescribing penalties; broadening the rule-making power of the commissioner; amending Minnesota Statutes 1976, Section 72A.19; and Chapter 72A, by adding a section.

Referred to the Committee on Commerce.

Messrs. Wegener, Bang and Laufenburger introduced—

S. F. No. 1762: A bill for an act relating to intoxicating liquor;

authorizing on-sale malt liquor licenses; amending Minnesota Statutes 1976, Section 340.02, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Wegener, Bernhagen and Purfeerst introduced—

S. F. No. 1763: A bill for an act relating to domestic relations; contracts and conveyances between husband and wife; amending Minnesota Statutes 1976, Sections 500.19, by adding a subdivision; and 519.06.

Referred to the Committee on Judiciary.

Messrs. Knoll, Chenoweth, Kirchner, Nelson and Ulland, J. introduced—

S. F. No. 1764: A bill for an act relating to public employment; the state civil service; providing for qualifying examination and certification procedures for filling routine service positions; providing on-the-job trial work experiences and noncompetitive appointment procedures for certain severely handicapped persons; amending Minnesota Statutes 1976, Section 43.20, by adding subdivisions.

Referred to the Committee on Governmental Operations.

Messrs. Chenoweth, Coleman, Schaaf and Kirchner introduced—

S. F. No. 1765: A bill for an act relating to the organization of state government; restructuring the Gillette hospital board; providing that employee and procurement laws are more consistent with laws applying to other agencies; requiring an annual report; amending Minnesota Statutes 1976, Section 250.05, Subdivisions 1, 3, 3a and 5; Minnesota Statutes, 1977 Supplement, Section 250.05, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. McCutcheon, Merriam, Hanson, Peterson and Johnson introduced—

S. F. No. 1766: A bill for an act relating to taxation; restricting certificate of value filing requirements to transfers of property made after 1977; amending Minnesota Statutes, 1977 Supplement, Section 272.115, Subdivisions 1 and 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. McCutcheon and Peterson introduced—

S. F. No. 1767: A bill for an act relating to taxation; levying a service charge on certain types of property.

Referred to the Committee on Taxes and Tax Laws.

Messrs. McCutcheon, Merriam, Stokowski, Peterson and Johnson introduced—

S. F. No. 1768: A bill for an act relating to taxation; property taxes; eliminating limits on annual increases in property valuation; amending Minnesota Statutes 1976, Sections 273.11, Subdivision 1; and 273.17, Subdivision 1; repealing Minnesota Statutes 1976, Section 273.11, Subdivision 5; and Minnesota Statutes, 1977 Supplement, Section 273.11, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Schmitz, Coleman, Schaaf, Chenoweth and Ashbach introduced—

S. F. No. 1769: A bill for an act relating to the organization and operation of state government; creating an office within the department of administration to receive citizen inquiries and complaints on matters relating to state government; providing for training and public information efforts; imposing duties on all state agencies; appropriating money.

Referred to the Committee on Governmental Operations.

Messrs. Tennessen, Johnson, Jensen, Davies and Ashbach introduced—

S. F. No. 1770: A bill for an act relating to employment; allowing employees to continue participation in certain employee group health care plans after disability or retirement; amending Minnesota Statutes 1976, Section 62A.17, Subdivision 3.

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

Messrs. Knoll, McCutcheon, Knutson, Spear and Hanson introduced—

S. F. No. 1771: A bill for an act relating to statutes of limitations; providing for limits on time to commence certain real estate actions; amending Minnesota Statutes 1976, Section 541.051, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Peterson, Merriam, Bernhagen and Schrom introduced—

S. F. No. 1772: A bill for an act relating to game and fish; exemptions from fishing license requirements for certain institutional inmates; amending Minnesota Statutes 1976, Section 98.47, Subdivision 12.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, Merriam, McCutcheon, Gunderson and Sillers introduced—

S. F. No. 1773: A bill for an act relating to taxation; income tax; reducing the tax rate imposed upon corporations; eliminating the arithmetic average from the formula used for apportionment of trade or business income among states; amending Minnesota Statutes 1976, Sections 290.06, Subdivision 1; 290.19, Subdivision 1; and 290.361, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Schaaf, Gearty and Stokowski introduced—

S. F. No. 1774: A bill for an act relating to elections; reorganizing and clarifying absentee voting provisions and removing obsolete language; permitting return envelopes to be mailed to county auditors or to any municipal clerk; permitting delivery of return envelopes by the auditor or clerk to the precincts; requiring processing of absentee ballots at regular precincts before tabulation of results in an absentee ballot precinct; amending Minnesota Statutes 1976, Sections 207.04; 207.08; 207.09; 207.12; 207.30, Subdivisions 2, 3, 4, 5 and 6; Minnesota Statutes, 1977 Supplement, Sections 207.02; 207.03; 207.05, Subdivision 1; 207.10; 207.101; 207.11; and 207.31; repealing Minnesota Statutes 1976, Sections 207.13 and 207.30, Subdivision 1.

Referred to the Committee on Elections.

Messrs. Bang and Keefe, J. introduced—

S. F. No. 1775: A bill for an act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 273 (Edina); providing for the transfer of territory from Independent School District No. 272 to Independent School District No. 273.

Referred to the Committee on Education.

Messrs. Purfeerst, Penny, Johnson, Wegener and Luther introduced—

S. F. No. 1776: A bill for an act relating to taxation; income tax; exempting income from volunteer firemen's pensions; amending Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Purfeerst, Kirchner and Luther introduced—

S. F. No. 1777: A bill for an act relating to motor vehicles; providing for handicapped license plates on passenger vehicles; establishing motorized bicycle operator permit fees; prohibiting operation of motor vehicles during periods of license cancellation, sus-

pension or revocation; removing certain restrictions relating to issuance of a limited license; amending Minnesota Statutes 1976, Sections 171.20, Subdivision 2; 171.24; and 171.30, Subdivision 1; and Minnesota Statutes, 1977 Supplement, Sections 168.021, Subdivision 1; and 171.02, Subdivision 3.

Referred to the Committee on Transportation.

Mr. Luther introduced—

S. F. No. 1778: A bill for an act relating to taxation; property tax; changing the assessment classification for homesteads of certain disabled persons; amending Minnesota Statutes, 1977 Supplement, Section 273.13, Subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Setzepfandt, Perpich, Nichols, Peterson and Engler introduced—

S. F. No. 1779: A bill for an act relating to public health; requiring owner identification marks on removable dental prostheses; requiring free replacement of certain unmarked prostheses which become lost; prescribing certain other remedies.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Schaaf, Willet, Gearty, Merriam and McCutcheon introduced—

S. F. No. 1780: A bill for an act relating to mobile homes; exempting certain mobile home sales and leases from sales taxation; changing property tax treatment of certain mobile homes; establishing a system of licensure of mobile home dealers, salesmen, brokers and installers; providing penalties; amending Minnesota Statutes 1976, Sections 273.13, Subdivision 3, and by adding a subdivision; 274.19, Subdivision 3; 297A.25, Subdivision 1; 327.31, Subdivision 4; 327.51, as amended; 327.55; and Chapter 327, by adding sections; and Minnesota Statutes, 1977 Supplement, Section 273.13, Subdivisions 4 and 7.

Referred to the Committee on Governmental Operations.

REPORTS OF COMMITTEES

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

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1656: A bill for an act relating to parks; authorizing the use of certain appropriated money for the acquisition and de-

velopment of recreation facilities for the handicapped at Islands of Peace park; amending Laws 1977, Chapter 352, Section 1.

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

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

S. F. No. 1589: A bill for an act relating to the state; authorizing the sale of certain state lands to, and the development of that land for industrial purposes or purposes which the city deems compatible with adjacent land by, the city of Owatonna; amending Laws 1965, Chapter 216, Section 2.

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

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

S. F. No. 1178: A bill for an act relating to the town of McDavitt; authorizing the town to issue general obligations for acquisition and betterment of a town hall.

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

Page 1, after line 20, insert:

"Sec. 2. [REFERENDUM PETITION.] The bonds shall be issued and secured in accordance with Minnesota Statutes, Chapter 475, except that in authorizing the bonds or the note, the board shall adopt an initial resolution stating the amount, purpose and, in general, the security to be provided for the bonds; and shall publish the resolution once each week for two consecutive weeks in the official newspaper. The bonds so authorized may be issued without the submission of the question of their issuance to the electors unless within 30 days after the second publication of the resolution a petition requesting an election signed by more than five percent of the qualified electors voting in the county at the last general election is filed with the county auditor. In the event a petition is filed, no bonds shall be issued under this subdivision unless authorized by a majority of the electors voting on the question."

Renumber the sections in sequence.

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S. F. No. 1609: A bill for an act relating to elections; regulating procedures for ballot challenges and election contests; amending Minnesota Statutes 1976, Sections 204A.32, Subdivision 4; 209.02, Subdivisions 4 and 4a; and 209.06, Subdivision 2.

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

Page 1, line 14, after "any" insert "*other*"

Page 3, line 30, after "bond" insert "*, cash or surety*"

Amend the title as follows:

Page 1, line 2, strike "regulating procedures for"

Page 1, line 3, strike "ballot challenges and election contests" and insert: "allowing post-election challenges to absent voters; changing election contest notice procedures and bond requirement; allowing county and municipal court judges to hear election contests"

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

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

S. F. No. 744: A bill for an act relating to elections; altering various provisions relating to ballots, judges, summary statements, canvasses and returns; amending Minnesota Statutes 1976, Sections 204A.18, Subdivision 1; 204A.39, by adding a subdivision; 204A.45, Subdivision 2; 204A.46; 204A.47; 204A.48; 204A.51, Subdivisions 2 and 3; and 204A.52, Subdivision 1; repealing Minnesota Statutes 1976, Section 204A.32, Subdivision 4.

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, Section 3.21, is amended to read:

3.21 [NOTICE.] At least four months preceding *such the* election, the attorney general shall furnish to the secretary of state a statement of the purpose and effect of all amendments proposed showing clearly the form of the existing sections, and of the same as they will read if amended, except that when any section to which an amendment is proposed exceeds 150 words in length, the statement shall show that part of the section in which a change is proposed, both in its existing form and as it will read when amended, together with *such* portions of the context as the attorney general deems necessary to an understanding of the proposed amendment. In the month of October prior to the election, the secretary of state shall give two weeks published notice of *such the* statement in all legal newspapers of the state. The secretary of state shall furnish *such the* statement to *such the* newspapers in *plate, mat, or reproduction black and white paper form from reproducible form approved by the secretary of state, set in seven-and-one-half-point type on an eight-point stage body*. The maximum rate

for such publication shall be 16 cents per standard line for the two publications. If any newspaper shall refuse the publication of the amendments, this refusal and failure of the publication shall have no effect on the validity of the amendments. The secretary of state shall also forward to each county auditor copies of such the statement, in poster form, in quantities sufficient to supply each election district of his county with two copies thereof. The auditor shall cause two copies to be conspicuously posted at or near each polling place on election day. Wilful or negligent failure by any official named to perform any duty imposed upon him by this section shall be deemed a misdemeanor.

Sec. 2. Minnesota Statutes 1976, Section 200.02, is amended by adding a subdivision to read:

Subd. 27. [POLITICAL PARTY MEMBER.] The words "member of a political party" mean a person who supports the general principles of a political party as stated in that party's constitution or intends to support a majority of a party's candidates in the next general election.

Sec. 3. Minnesota Statutes 1976, Section 204A.18, Subdivision 1, is amended to read:

204A.18 [ELECTION JUDGES, ELIGIBILITY.] Subdivision 1. **[PARTY BALANCE.]** No more than half of the number of judges in any precinct may be members of the same political party ; except where the election board consists of an odd number of judges in a precinct ; the number of judges belonging to one who are members of the same political party may be one more than half the number of judges belonging to the other political party in that precinct .

Sec. 4. Minnesota Statutes 1976, Chapter 204A, is amended by adding a section to read:

[204A.295] [VOTING, NO REGISTRATION.] *Subdivision 1. [EVIDENCE OF QUALIFICATION TO VOTE.] Except where voters are registered under a permanent registration system, any person desiring to vote at any election shall satisfy the election board by proper and sufficient evidence that he is qualified to vote at the election in the precinct, and by stating under oath, that he is at least 18 years of age and has been a resident of the state for at least 20 days.*

Subd. 2. [VOTING, EXAMINATION.] Any person desiring to vote shall truly state, when he is asked, his first and last name and middle initial, his street or route, city and county address and the address of most recent prior registration. Upon refusal to make such statements, he shall not be allowed to vote.

Subd. 3. [ELECTION REGISTERS, FORM.] Two election registers shall be provided by the county auditor or the clerk of the municipality, as the case may be, for each precinct. The election registers shall be kept and maintained in duplicate,

and two judges shall have charge of them, each using one as provided in this section. Every election register shall be headed by the designation of the precinct, shall contain one column headed "Name of Voter," one headed "Residence," one headed "Address of Most Recent Prior Registration" and one headed "Remarks," and shall contain the names of the voters in separate groups, in alphabetical order according to the first letter of the surnames, each letter of the alphabet to form one group, with not more than one group on any one page, and each group to be separately numbered commencing with the numeral "1."

Subd. 4. [VOTING, ELECTION REGISTER, USE.] Having satisfied the judges of his qualifications, the voter's name, residence and address of most recent prior registration shall be entered in the proper place in the election registers, and the other judges shall have charge of and hand to and receive from each voter the ballots.

Sec. 5. Minnesota Statutes 1976, Section 204A.32, Subdivision 4, is amended to read:

Subd. 4. [CHALLENGE OF VOTER; DISPOSITION OF BALLOTS.] ~~The voter and the ballots of any absent voter~~ At any time before the ballots of any voter have been deposited in the ballot boxes are subject to a challenge by , the judges or by any person who was not present at the time the voter procured the ballots, but not otherwise , may challenge the qualifications of that voter and the deposit of any received absentee ballots in the ballot boxes . The question judges shall be determined determine the qualifications of any voter who is present in the polling place in the same manner as is provided for the challenge of voters in section 204A.39 , and if the voter or the ballots of any absent voter are is found to be disqualified, shall place the ballots so prepared shall be placed of that voter unopened among the spoiled ballots. The judges shall determine whether to receive or reject the ballots of an absent voter and whether to deposit received absentee ballots in the ballot boxes in the manner provided in sections 207.11, 207.24 and 207.25, and shall dispose of any absentee ballots not received or deposited in the manner provided in section 207.11.

Sec. 6. Minnesota Statutes 1976, Section 204A.42, Subdivision 1, is amended to read:

204A.42 [COUNTING BALLOTS.] Subdivision 1. [METHOD.] The judges shall take all the ballots of the same kind and count the votes cast for the first office or proposition on the ballot by separating the ballots into piles, one pile for each candidate who received votes for that office, or one pile for the "Yes" votes and one pile for the "No" votes if it is a proposition. The judges also shall pile the ballots that are blank or defective as to that office separately. After the separation into piles, the judges shall examine each pile and remove therefrom and place in the proper pile any ballots that are found to be in the wrong pile. After the examination, the judges shall count the ballots in each pile, and when their counts agree, they shall

announce the number of ballots in each pile, and the number shall be written in the proper place on the ~~tally books~~ *summary statements*. The judges may also pile ballots crosswise in groups of 25 in the same pile so as to facilitate counting.

Sec. 7. 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 unused and spoiled ballots or returns may not be placed in the envelopes.~~

Sec. 8. Minnesota Statutes 1976, Section 204A.46, Subdivision 1, is amended to read:

204A.46 [RETURNS OF ELECTION, SUMMARY STATEMENTS.] Subdivision 1. [SUMMARY STATEMENTS.] ~~Except where voting machines are used, the Each official charged with printing the ballots shall furnish two tally books with three or more forms for summary statements of the returns for each precinct at the same time and in the same manner as the ballots are furnished; provided, however, that the official charged with printing the state white ballot shall furnish the tally book with as a separate part of the form for the summary statement of the returns of the white ballot a form for the summary statement of the returns for the state pink ballot.~~

Sec. 9. Minnesota Statutes 1976, Section 204A.46, Subdivision 2, is amended to read:

Subd. 2. [SUMMARY STATEMENT, INFORMATION REQUIRED.] The judges shall ~~fill out the tally book and returns in duplicate, and in suitable spaces provided therefor they shall disclose complete three or more summary statements which shall include the following information:~~

(a) State of Minnesota, Tally Book and Summary Statement of the Returns for (Color) Ballots, (number) Precinct, (number) Ward, of the (City) (Town) of (Name) and the date and kind of election;

(b) The office or question, name of candidates, the number of votes each candidate received or the number of yes and no votes on each question, and the number of blank and defective ballots for each office or question;

(c) The number of persons who voted at the election in the precinct, and where there is permanent registration the number of registered voters persons registered at the time the polling place opened and the number of persons registering on election day in the precinct, the total number of ballots actually counted, the number of totally defective ballots, and the number of persons who returned spoiled ballots and received other ballots;

(d) A certificate in substantially the following form: "We, the undersigned judges of the (number) Precinct, (number) Ward, of the (City) (Town) of (Name), Minnesota, do hereby certify that all of the ballots cast at the (date and kind of election) Election, were carefully and properly piled, checked, and counted, and that the number of votes marked opposite the respective names of the candidates, correctly shows the number of votes so cast. The national flag was displayed on a suitable staff during all the hours of voting." The certificate shall be signed by all members of the election board.

Sec. 10. Minnesota Statutes 1976, Section 204A.46, Subdivision 3, is amended to read:

Subd. 3. [SUMMARY STATEMENT AND RETURNS, PRIMARY ELECTION.] The tally book and summary statement of the returns for the primary election shall be in the same form as the tally book and summary statement of the returns for the general election except that a separate tally book and returns part of the summary statement shall be provided for each the political party ballot and a separate part for the ballot of candidates to be nominated without party designation. The primary tally book and returns summary statement shall be headed substantially as follows: "Tally Book and Summary Statement of the Returns for (Name) Party, (number) Precinct, (number) Ward, of the (City) (Town) of (Name), Primary Election held (Date)."

Sec. 11. Minnesota Statutes 1976, Section 204A.46, Subdivision 4, is amended to read:

Subd. 4. [SUMMARY STATEMENT AND RETURNS, FORM.] The secretary of state shall prescribe the form for the tally book and summary statement of the returns, and he may place thereon instructions for their use and such other matter that is authorized by law to be printed on tally books and summary statements of the returns. Any other official charged with furnishing tally books and returns summary statements shall prepare them in the manner prescribed by the secretary of state, so far as practicable.

Sec. 12. Minnesota Statutes 1976, Section 204A.47, is amended to read:

204A.47 [SUMMARY STATEMENT OF THE RETURNS, DISPOSITION.] Subdivision 1. [ENVELOPE.] The judges in each precinct shall include ~~one a set of the tally book and one of each of the completed summary statements of the returns in each of two three separate envelopes ; and . Each envelope shall then be sewed wrapped by drawing a substantial twine string twice through around it and the tally book and returns therein a substantial twine string and by tying . The ends of the string shall be tied together and then sealing the envelope sealed in three places with wax and stamp furnished by the county auditor, one of the places to be over the knot in the string. The judges shall then endorse the envelope in substantially the following form: "Tally book and Summary statements of the returns of the election precinct, (town) or (City) of, in the County of, State of Minnesota."~~

Subd. 2. [RETURNS AND MATERIALS, DELIVERY.] ~~Except in first class cities One or more of the judges in each precinct shall deliver one set of the tally book and returns two sets of summary statements in separate sealed envelopes , all unused and spoiled white, pink, and canary ballots, one summary statement, two one election registers register in counties where there is no permanent voter registration system ; 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 One or more judges shall deliver the remaining set of the tally book summary statements and returns, all unused and spoiled municipal ballots, the remaining summary statement, the remaining election register in counties where there is no permanent voter registration system , the envelopes containing municipal 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.~~

Subd. 2a. *The county auditor shall deliver to the secretary of state one of the sets of summary statements received from each precinct.*

Subd. 2b. [NOTIFICATION OF PRIOR REGISTRATION.] *In counties where there is no permanent voter registration, the county auditor shall examine all election registers from each precinct for names of voters who had prior registration at another address. The county auditor shall notify the county auditor of the voter's last registration using the form required by section 201.071, subdivision 4.*

Subd. 3. *In all first class cities, two of the judges in each precinct shall deliver tally books and returns, the unused and spoiled ballots, the summary statements, and the box containing the ballots to the city clerk at his office within 24 hours after closing of the polls.*

Sec. 13. 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 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 non-partisan 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. 14. Minnesota Statutes 1976, Section 204A.51, Subdivision 3, is amended to read:

Subd. 3. [COUNTY CANVASS, GENERAL ELECTION, INFORMATION REQUIRED.] The canvassing board shall meet at the auditor's office on or before the third day after the general election, take the oath of office, and publicly canvass the returns of the general election made to the county auditor. The

board shall complete the canvass without unnecessary delay, and it shall forthwith make the following report and file the same with the county auditor:

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

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

(c) A statement of the names of all candidates for state offices, representatives and senators in the legislature, representatives and senators in congress, judges of the district court, and county offices; and the number of votes received by each in each precinct and in the whole county;

(d) A statement of the total number of votes counted for and against any proposed change of county lines or county seat; and

(e) A statement of the number of votes counted for and against any constitutional amendment or other proposition in any precinct, and the total number of votes counted therefor in the county.

If the difference between the votes of the candidates for legislative office which lies within a single county is 100 votes or less 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.

In case of a tie, the canvassing board shall determine the results by lot. Upon completion of the canvass, the board shall declare the person receiving the highest number of votes for each county office duly elected thereto; and when the county constitutes or contains a senatorial or representative district in the legislature, it shall declare the person receiving the highest number of votes for each office in the legislature duly elected.

Sec. 15. [REPEALER.] *Minnesota Statutes 1976, Sections 204A.45, Subdivision 2 and 204A.48 are repealed.*

Sec. 16. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*

Further, amend the title as follows:

Strike lines 2 to 10 and insert:

"relating to elections; defining member of a political party; altering various provisions relating to publication of constitutional amendment explanation, ballots, judges, summary statements,

canvasses and returns; amending Minnesota Statutes 1976, Chapter 204A, by adding a section; and Sections 3.21; 200.02, by adding a subdivision; 204A.18, Subdivision 1; 204A.32, Subdivision 4; 204A.42, Subdivision 1; 204A.45, Subdivision 1; 204A.46, Subdivisions 1, 2, 3 and 4; 204A.47; and 204A.51, Subdivisions 2 and 3; repealing Minnesota Statutes 1976, Sections 204A.45, Subdivision 2; and 204A.48."

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

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

S. F. No. 1510: A bill for an act relating to vocational rehabilitation; sheltered workshops and work activity programs; authorizing certain tax levies and fund sources for these programs; amending Minnesota Statutes 1976, Section 129A.06.

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

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

S. F. No. 861: A bill for an act relating to public welfare; providing for allocation of fees collected by community mental health programs.

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

Strike everything after the enacting clause and insert:

"Section 1. [245.651] [ALLOCATION OF FEES.] Subdivision 1. All fees for services collected by a community mental health program may be retained by the program until the total of the fees collected and the state grant to the program pursuant to sections 245.61 to 245.69 equals 70 percent of the program budget approved by the commissioner of public welfare. One half of the additional fees collected by the center in excess of the 70 percent shall be deducted from the state grant. For the purpose of this section, "fees for services" or "fees" shall mean income derived from clinical services and paid to the community mental health program by the patient or on his behalf.

Subd. 2. The amount of any reductions in state grants pursuant to subdivision 1 shall revert to the general fund."

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

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

S. F. No. 1073: A bill for an act relating to corrections; establishing a facility for the care and treatment of inmates of correc-

tional institutions who become mentally ill; providing for their commitment and detention for treatment; appropriating money.

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

Page 1, line 19, after "be" insert "a" and after "ill" insert "person"

Page 1, line 22, strike "trained" and insert "qualified"

Page 2, line 1, after "or" insert "licensed certified"

Page 2, strike lines 2 to 21 and insert:

"Subd. 3. [TRANSFER.] If the examining physician or psychologist finds the person to be mentally ill and in need of short term care, he may recommend transfer by the commissioner of corrections to the psychiatric unit established pursuant to subdivision 1.

Subd. 4. [COMMITMENT.] If the examining physician or psychologist finds the person to be mentally ill and in need of long term care in a hospital, or if an inmate transferred pursuant to subdivision 3 refuses to voluntarily participate in the treatment program at the psychiatric unit, the chief executive officer of the institution or other person in charge shall initiate proceedings for judicial commitment as provided in section 253A.07. Upon the recommendation of the physician or psychologist and upon completion of the hearing and consideration of the record, the court may commit the person to the psychiatric unit established in subdivision 1 or to another hospital."

Page 2, line 23, after "may" insert ", subject to the provisions of chapter 253A,"

Page 3, line 1, after "the" insert "mental illness"

Page 3, line 5, strike "act" and insert "section"

Page 3, after line 14, insert a new subdivision to read:

"Subd. 8. For the purposes of this section, the words defined in section 253A.02 have the meanings given them in that section."

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

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

S. F. No. 1425: A bill for an act relating to witnesses; exempting a registered nurse from testifying against a client; amending Minnesota Statutes 1976, Section 595.02.

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. 1105: A bill for an act relating to civil actions; providing for authority for attorney to bind his client and execute a satisfaction of judgment; amending Minnesota Statutes 1976, Sections 481.08 and 548.15.

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

Page 3, line 3, strike "*judgments entered*" and insert "*satisfactions executed*"

Page 3, line 4, strike "*August 1, 1977*" and insert "*the effective date of this act*"

Page 3, after line 4, insert

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

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

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

S. F. No. 1610: A bill for an act relating to elections; providing for the official identification of ballots; amending Minnesota Statutes 1976, Sections 123.32, Subdivision 5; 203A.13; and 203A.15.

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

Page 2, line 2, strike "*The facsimile*"

Page 2, strike lines 3 and 4

Page 2, line 9, strike "*, a facsimile of the official*" and strike "*stamp*"

Page 2, strike line 10

Page 2, line 11, strike "*the ballot is printed,*"

Page 2, line 23, strike everything after "*ballots,*"

Page 2, line 24, strike "*stamp or seal and initials of the officer*"

Page 2, line 25, strike "*preparing the same,*"

Page 2, after line 30, insert:

"Sec. 4. Minnesota Statutes 1976, Section 206.17, is amended to read:

206.17 [OFFICIALS TO PREPARE MACHINES FOR USE.] It shall be the duty of the proper authority having direct charge of elections in each municipal corporation where voting machines or electronic voting systems which do not use paper ballots are to be used to cause the proper ballot labels to be placed on the

voting machines or marking devices and to place the machines in proper order for voting. These ballot labels shall have printed on the face thereof the words "Official Ballot," and the date of the election; a facsimile of the signature of the officer under whose direction the ballot is printed. The authorities shall examine all voting machines before they are sent out to the different polling places, to see that all the registering counters are set at zero (000), to lock all voting machines so that the counting mechanism cannot be operated, and to seal each voting machine with a numbered seal and to make a written record thereof.

Before preparing the voting machines for any election written notices shall be mailed to the chairman of the county committee of each political party, who have theretofore presented the name of the chairman to the county auditor, stating the times when and the place or places where the voting machines will be prepared, at which times and places one representative of each such political party designated by the respective chairman of such county committee of such party shall be entitled to be present and see that the machines are properly prepared and placed in proper condition and order for use at the election. In non-partisan primaries and elections each candidate may designate one representative who shall have the same powers as the political party representatives.

When the machines have been prepared for the election it shall be the duty of the custodians and political party or candidate representatives to make a certificate in writing which shall be filed in the office of the proper authority having charge of the conduct of elections in such municipality, stating the serial number of each machine, whether or not all registering counters have been set at zero (000), the number registered on the protective counter and the number on the metal seal with which the machine is sealed.

Where electronic voting systems are used, within five days prior to the election day, the election officer in charge shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least two days prior thereto by publication once in official newspapers. The test shall be observed by at least two judges, who shall not be of the same political party, and shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots, in the same manner as set forth above. After the completion of the count, the programs used and ballots shall be sealed, retained, and disposed of as provided for paper ballots.

Sec. 5. [EFFECTIVE DATE.] *This act is effective the day following final enactment, except it shall not apply to any election for which filings have closed by that date.*"

Amend the title as follows:

Line 5, strike "and" and before the period insert "; and 206.17"

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

Mr. Gearty from the Committee on Elections, to which was referred the following appointment as reported in the Journal for January 17, 1978:

ETHICAL PRACTICES BOARD

Mary Jo Richardson

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

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

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for January 17, 1978:

METROPOLITAN COUNCIL

Patrick W. Colbert, Jr.

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

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

Mr. Chenoweth from the Committee on Governmental Operations, to which were referred the following appointments as reported in the Journal for May 9, 1977:

STATE DESIGNER SELECTION BOARD

Mark Anderson

Cecil Tammen

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

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

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for January 19, 1978:

STATE DESIGNER SELECTION BOARD

David R. Conkey

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

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

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for January 23, 1978:

STATE DESIGNER SELECTION BOARD

Karal Marling

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

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

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for May 17, 1977:

STATE DESIGNER SELECTION BOARD

Lilly Merkel

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

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

Mr. Chenoweth from the Committee on Governmental Operations, to which were referred the following appointments as reported in the Journal for January 17, 1978:

MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION

Dr. John Borchert

Howard Munson

Robert Burns

Robert L. Nybo, Jr.

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

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

SECOND READING OF SENATE BILLS

S. F. No. 1178 was read the second time.

S. F. Nos. 1656, 1589, 1609, 744, 1510, 861, 1425, 1105 and 1610 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Vega moved that the names of Messrs. Olson and Schmitz be added as co-authors to S. F. No. 1577. The motion prevailed.

Mr. Lewis moved that the name of Mr. Vega be added as co-author to S. F. No. 1649. The motion prevailed.

Mr. Peterson moved that the name of Mr. Vega be added as co-author to S. F. No. 1675. The motion prevailed.

Mr. Peterson moved that the name of Mr. Vega be added as co-author to S. F. No. 1676. The motion prevailed.

Mr. Vega moved that the name of Mr. Engler be added as co-author to S. F. No. 1577. The motion prevailed.

Mr. Laufenburger moved that the report from the Committee on Employment, reported January 24, 1978, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Laufenburger moved that in accordance with the report from the Committee on Employment, reported January 24, 1978, the Senate, having given its advice, do now consent to and confirm the appointment of:

BUREAU OF MEDIATION SERVICES**DIRECTOR**

Ernest H. Jones, 348 Pullman, Apartment 1, St. Paul Park, Washington County, effective March 1, 1977, for a term expiring the first Monday in January, 1979.

The motion prevailed. So the appointment was confirmed.

Mr. Frederick requested that the appointment to the Public Employment Relations Board be divided out. So the question was divided.

CONFIRMATION

Mr. Laufenburger moved that in accordance with the report from the Committee on Employment, reported January 24, 1978, the Senate, having given its advice, do now consent to and confirm the appointment of:

PUBLIC EMPLOYMENT RELATIONS BOARD

Lorraine Clark, 1253 Onondaga Way Northeast, Minneapolis, Hennepin County, effective April 18, 1977, for a term expiring the first Monday in January, 1980.

The question was taken on the confirmation of Lorraine Clark to the Public Employment Relations Board.

The roll was called, and there were yeas 43 and nays 15, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|------------|-------------|---------|
| Anderson | Gunderson | McCutcheon | Perpich | Spear |
| Benedict | Hanson | Menning | Peterson | Staples |
| Borden | Hughes | Merriam | Purfeerst | Strand |
| Chenoweth | Johnson | Moe | Schaaf | Stumpf |
| Chmielewski | Keefe, S. | Nelson | Schmitz | Vega |
| Coleman | Kleinbaum | Nichols | Schrom | Wegener |
| Davies | Knoll | Ogdahl | Setzepfandt | Willet |
| Dieterich | Laufenburger | Olhoft | Sikorski | |
| Gearty | Luther | Penny | Solon | |

Those who voted in the negative were:

| | | | | |
|---------|-----------|-----------|-----------|------------|
| Ashbach | Engler | Keefe, J. | Knutson | Sieloff |
| Bang | Frederick | Kirchner | Pillsbury | Ueland, A. |
| Brataas | Jensen | Knaak | Renneke | Ulland, J. |

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Laufenburger moved that in accordance with the report from the Committee on Employment, reported January 24, 1978, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF ECONOMIC SECURITY**COMMISSIONER**

Michael O'Donnell, 201 Maryknoll Drive, Stillwater, Washington County, effective July 29, 1977, for a term expiring the first Monday in January, 1979.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Perpich moved that the report from the Committee on Health, Welfare and Corrections, reported January 24, 1978, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Perpich moved that in accordance with the report from the Committee on Health, Welfare and Corrections, reported January 24, 1978, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA BOARD ON AGING

A. L. Nelson, 1516 West Howard, Winona, Winona County, effective January 3, 1977, for a term expiring the first Monday in January, 1979.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Perpich moved that the report from the Committee on Health, Welfare and Corrections, reported January 24, 1978, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Perpich moved that in accordance with the report from the Committee on Health, Welfare and Corrections, reported January 24, 1978, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF PUBLIC WELFARE

COMMISSIONER

Edward J. Dirkswager, Jr., 2434 Virginia Circle, Roseville, Ramsey County, effective November 16, 1977, for a term expiring the first Monday in January, 1979.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Purfeerst moved that the name of Mr. Kleinbaum be added as co-author to S. F. No. 1758. The motion prevailed.

Mr. Purfeerst moved that the name of Mr. Olhoft be added as co-author to S. F. No. 1759. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

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

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

S. F. Nos. 1617, 1612, 1613 and 1614 which the committee recommends to pass.

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 1500 a Special Order to be heard immediately.

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.

Mr. Schaaf moved to amend H. F. No. 1500, the unofficial engrossment, as follows:

Page 2, line 2, strike the semicolon

Page 2, strike lines 3 to 6 and insert "(b)"

Page 2, line 11, strike "for offices"

Page 2, strike lines 12 to 14

Page 2, line 15, strike "4, clause"

Page 2, line 15 after "(b)" strike the comma

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

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

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Gearty | Laufenburger | Peterson | Stokowski |
| Ashbach | Gunderson | Lewis | Purfeerst | Strand |
| Bang | Hanson | Luther | Renneke | Stumpf |
| Benedict | Hughes | McCutcheon | Schaaf | Ueland, A. |
| Bernhagen | Jensen | Menning | Schmitz | Ulland, J. |
| Chenoweth | Johnson | Merriam | Setzepfandt | Vega |
| Chmielewski | Keefe, S. | Moe | Sieloff | Wegener |
| Coleman | Kirchner | Nelson | Sikorski | Willet |
| Davies | Kleinbaum | Ogdahl | Sillers | |
| Engler | Knaak | Olhoft | Spear | |
| Frederick | Knoll | Penny | Staples | |

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

Mr. Jensen moved to strike the amendment placed on H. F. No. 1500 by the Committee on Elections, adopted by the Senate January 23, 1978, and to amend H. F. No. 1500 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.73] [UNITED STATES SENATOR; VACANCIES; SPECIAL ELECTIONS; TEMPORARY APPOINTMENT.] Subdivision 1. [SCOPE OF SECTION.] Every vacancy in the office of United States senator representing Minnesota shall be filled as provided in this section. For the purpose of this section "vacancy" means a vacancy in the office of United States senator representing Minnesota.

Subd. 2. [SPECIAL ELECTIONS REQUIRED; EXCEPTION.] Except as provided in this section every vacancy shall be filled for the unexpired term by a special election held on a Tuesday not less than 12 weeks nor more than 26 weeks after the vacancy occurs. No special election shall be held when a vacancy occurs after May 1 of the year before the expiration of the term. 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 5 shall also succeed to the office for the remainder of the unexpired term upon his election and qualification for the regular term.

Subd. 3. [WRIT OF THE GOVERNOR; TIME REQUIREMENTS.] The governor shall issue a writ calling for any special election required pursuant to this section within two weeks after a vacancy occurs. The writ shall state the opening and closing dates for filing of affidavits and petitions of candidacy and the dates of the special primary and special election. The writ shall provide that:

(a) All affidavits and petitions shall be filed during the same filing period which shall extend for at least two weeks;

(b) the close of the filing period shall be at least four weeks before the special primary;

(c) the special primary shall be at least four weeks before the special election; and

(d) the special primary or special election or both shall be held on the day of a regular statewide election as far as practicable consistent with the time constraints prescribed in this section and the time reasonably required for adequate election administration.

Subd. 4. [SPECIAL ELECTIONS AT ANNUAL STATE-WIDE ELECTIONS.] If a statewide election is held annually every special primary and special election required pursuant to subdivision 2 shall be held at the time of the next regular statewide primary and statewide election respectively, provided that the vacancy occurs at least 10 weeks before the regular primary. If the vacancy occurs less than 10 weeks before the next regular primary the special elections shall be held at the time of the regular statewide elections in the succeeding year. When special elections are held pursuant to this subdivision, the provisions of

subdivision 3 shall not apply but the governor shall issue a writ calling for the election within one week of the vacancy and shall order an extension of the regular time for filing of affidavits and petitions of candidacy when necessary to provide at least two weeks for filing for the special election. For the purpose of this subdivision "statewide election" means an election at which all home rule charter and statutory cities are required to hold city elections or at which state legislators are elected.

Subd. 5. [TEMPORARY APPOINTMENT.] The governor may make a temporary appointment to fill a vacancy. The person appointed shall serve until the election and qualification of a successor.

Subd. 6. [APPLICATION OF OTHER SPECIAL ELECTION LAWS.] Except as provided in this section, the general provisions that apply to special elections for United States representatives concerning notice of election, nomination of candidates, election precincts and judges, voter registration and election canvassing, certification and contests shall also apply to special elections for United States senator.

Subd. 7. [APPLICATION OF MINNESOTA ELECTION LAW.] Except as provided in this section all of the provisions of Minnesota election law apply to special elections for United States senator as far as practicable.

Sec. 2. [REPEALER.] Minnesota Statutes 1976, Section 202A.72 is repealed.

Sec. 3. [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 procedures for filling a vacancy in the office of senator in congress; providing for a special election to fill a vacancy; permitting a temporary appointment by the governor; amending Minnesota Statutes 1976, Chapter 202A, by adding a section; repealing Minnesota Statutes 1976, Section 202A.72."

The question was taken on the adoption of the amendment.

Mr. Schaaf moved that those not voting be excused from voting. The motion prevailed.

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

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|----------|-----------|------------|
| Ashbach | Engler | Kirchner | Penny | Sillers |
| Bang | Frederick | Knaak | Pillsbury | Strand |
| Bernhagen | Gunderson | Knutson | Renneke | Ueland, A. |
| Brataas | Jensen | Menning | Schmitz | Ulland, J. |
| Chmielewski | Keefe, J. | Ogdahl | Sieloff | |

Those who voted in the negative were:

| | | | | |
|-----------|--------------|------------|-------------|-----------|
| Anderson | Hanson | Luther | Perpich | Spear |
| Benedict | Hughes | McCutcheon | Peterson | Staples |
| Borden | Johnson | Merriam | Purfeerst | Stokowski |
| Chenoweth | Keefe, S. | Moe | Schaaf | Stumpf |
| Coleman | Kleinbaum | Nelson | Schrom | Vega |
| Davies | Knoll | Nichols | Setzepfandt | Wegener |
| Dieterich | Laufenburger | Olhoft | Sikorski | Willet |
| Gearty | Lewis | Olson | Solon | |

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

Mr. Ulland, J. moved to strike the amendment placed on H. F. No. 1500 by the Committee on Elections, adopted by the Senate January 23, 1978.

The question was taken on the adoption of the amendment.

Mr. Ulland, J. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 20 and nays 41, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------|----------|-----------|------------|
| Ashbach | Engler | Kirchner | Ogdahl | Sieloff |
| Bang | Frederick | Knaak | Penny | Sillers |
| Bernhagen | Jensen | Knutson | Pillsbury | Ueland, A. |
| Brataas | Keefe, J. | Menning | Renneke | Ulland, J. |

Those who voted in the negative were:

| | | | | |
|-------------|--------------|------------|-------------|---------|
| Anderson | Gunderson | Luther | Purfeerst | Strand |
| Benedict | Hanson | McCutcheon | Schaaf | Stumpf |
| Borden | Hughes | Merriam | Schmitz | Vega |
| Chenoweth | Johnson | Moe | Setzepfandt | Wegener |
| Chmielewski | Keefe, S. | Nichols | Sikorski | Willet |
| Coleman | Kleinbaum | Olhoft | Solon | |
| Davies | Knoll | Olson | Spear | |
| Dieterich | Laufenburger | Perpich | Staples | |
| Gearty | Lewis | Peterson | Stokowski | |

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

H. F. No. 1500 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 44 and nays 19, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|------------|-------------|-----------|
| Anderson | Gunderson | Luther | Penny | Spear |
| Benedict | Hanson | McCutcheon | Perpich | Staples |
| Borden | Hughes | Menning | Peterson | Stokowski |
| Chenoweth | Johnson | Merriam | Purfeerst | Strand |
| Chmielewski | Keefe, S. | Moe | Schaaf | Stumpf |
| Coleman | Kleinbaum | Nelson | Schmitz | Vega |
| Davies | Knoll | Nichols | Setzepfandt | Wegener |
| Dieterich | Laufenburger | Olhoft | Sikorski | Willet |
| Gearty | Lewis | Olson | Solon | |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|-----------|-----------|------------|
| Ashbach | Dunn | Keefe, J. | Ogdahl | Sillers |
| Bang | Engler | Kirchner | Pillsbury | Ueland, A. |
| Bernhagen | Frederick | Knaak | Renneke | Ulland, J. |
| Brataas | Jensen | Knutson | Sieloff | |

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Monday, January 30, 1978. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate