

## SEVENTIETH DAY

St. Paul, Minnesota, Thursday, February 9, 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. Dean Stille.

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

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

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. Knoll, Hanson and Strand were excused from the Session of today.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

January 30, 1978

The Honorable Edward J. Gearty  
President of the Senate

Dear Sir:

This is to inform you that Mr. Richard W. Session, 4401 Heritage Hills Drive, Bloomington, Hennepin County, has resigned as Commissioner of the Department of Personnel.

I, therefore, respectfully request that the name of Mr. Session be removed from Senate consideration.

Referred to the Committee on Governmental Operations.

January 30, 1978

The following appointment to the Minnesota Environmental Quality Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Allan E. Mulligan, 11421 Live Oak Drive, Minnetonka, Hennepin County, has been appointed by me, effective January 18, 1978, for a term expiring the first Monday in January, 1979.

Referred to the Committee on Agriculture and Natural Resources.

January 31, 1978

The following appointment to the Crime Control Planning Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Cheryl Morrison, 2506 12th Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective July 29, 1977, for a term expiring January 1, 1979.

Referred to the Committee on Health, Welfare and Corrections.

January 31, 1978

The following appointment to the Tax Court of Appeals is hereby respectfully submitted to the Senate for confirmation as required by law:

John Knapp, 250 1st Street, Albany, Stearns County, has been appointed by me, effective January 1, 1977, for a term expiring January 1, 1979.

Referred to the Committee on Judiciary.

January 31, 1978

The following appointment to the Tax Court of Appeals is hereby respectfully submitted to the Senate for confirmation as required by law:

Earl B. Gustafson, 700 1st National Bank Building, Duluth, St. Louis County, has been appointed by me, effective January 1, 1977, for a term expiring January 1, 1983.

Referred to the Committee on Judiciary.

February 2, 1978

The following appointment to the Worker's Compensation Court

of Appeals is hereby respectfully submitted to the Senate for confirmation as required by law:

Robert McCarthy, 2356 Swan Drive, Mendota Heights, Dakota County, has been appointed by me, effective September 2, 1977, for a term expiring the first Monday in September, 1983.

Referred to the Committee on Employment.

February 8, 1978

The following appointments to the Crime Control Planning Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Gerald Benjamin, 235 State Street, Jackson, Jackson County, has been appointed by me, effective January 1, 1978, for a term expiring the first Monday in January, 1982.

Jimmy H. Evans, 215 Oak Grove Street, Minneapolis, Hennepin County, has been appointed by me, effective January 1, 1978, for a term expiring the first Monday in January, 1982.

Frederick D. McDougall, Sr., 1014 21st Street, Bemidji, Beltrami County, has been appointed by me, effective January 1, 1978, for a term expiring the first Monday in January, 1982.

Referred to the Committee on Health, Welfare and Corrections.

Sincerely,  
Rudy Perpich, Governor

February 3, 1978

The Honorable Martin O. Sabo  
Speaker of the House of Representatives

The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1978 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1978	Date Filed 1978
686		457	February 3rd	February 3rd

Sincerely,  
Joan Anderson Growe  
Secretary of State

#### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Johnson, Willet, Anderson, Laufenburger and Lessard introduced—

S. F. No. 1971: A bill for an act relating to taxation; income tax; providing a credit against tax due for costs of installation of certain approved wood or coal burning heating equipment; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Messrs. Ulland, J. and Johnson introduced—

S. F. No. 1972: A bill for an act relating to state parks; deleting certain land from the boundaries of Judge C. R. Magney State Park.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Chmielewski, Penny, Benedict, Sieloff and Anderson introduced—

S. F. No. 1973: A resolution relating to the war in Southeast Asia; expressing the concern of the Minnesota legislature for those MIAs and POWs that are unaccounted; urging action by the national leadership to end the heartache caused by the lack of information about these servicemen.

Referred to the Committee on Rules and Administration.

Mrs. Staples, Messrs. Perpich, Davies, Sillers and Hughes introduced—

S. F. No. 1974: A bill for an act relating to children; authorizing children to be taken into protective custody when there is imminent danger to their health and welfare.

Referred to the Committee on Judiciary.

Messrs. Hanson, Strand, Dunn, Setzepfandt and Penny introduced—

S. F. No. 1975: A bill for an act relating to livestock; requiring weighers to provide a certificate of weight to the seller; amending Minnesota Statutes, 1977 Supplement, Section 17A.10.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stokowski, Strand and Renneke introduced—

S. F. No. 1976: A bill for an act relating to retirement; teachers retirement association; prospective discontinuation of the variable annuity program; amending Minnesota Statutes 1976, Sections

354.44, Subdivision 7; 354.62, Subdivisions 1 and 2; and Chapter 354, by adding a section.

Referred to the Committee on Governmental Operations.

Mr. Benedict introduced—

S. F. No. 1977: A bill for an act proposing an amendment to the Minnesota Constitution, adding a new article; providing for initiative-referendum.

Referred to the Committee on Judiciary.

Mr. Merriam introduced—

S. F. No. 1978: A bill for an act relating to education; providing a formula for special education services provided by contract as part of a summer school program; amending Minnesota Statutes, 1977 Supplement, Section 124.32, Subdivision 1b.

Referred to the Committee on Education.

Mr. Merriam introduced—

S. F. No. 1979: A bill for an act relating to insurance; regulating the bidding on certain government insurance contracts; amending Minnesota Statutes, 1977 Supplement, Section 471.616, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Willet, Purfeerst and Ashbach introduced—

S. F. No. 1980: A bill for an act relating to motor vehicles; extending protection provided by motor vehicle dealer surety bonds; authorizing the issuance of nontransferable certificates of title; changing the definition of a bus; amending Minnesota Statutes 1976, Sections 168A.07, Subdivision 2; 171.01, Subdivision 19; Minnesota Statutes, 1977 Supplement, Section 168.27, Subdivision 24.

Referred to the Committee on Commerce.

Messrs. Merriam, Frederick, Solon, Sikorski and Stokowski introduced—

S. F. No. 1981: A bill for an act relating to taxation; property tax; extending special levy status for certain shade tree disease control programs; appropriating money; amending Minnesota Statutes, 1977 Supplement, Section 275.50, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegener, Dunn and Lessard introduced—

S. F. No. 1982: A bill for an act relating to environmental impact statements; authorizing local units of government to assess

preparation costs against private developers on certain projects; amending Minnesota Statutes 1976, Section 116D.045, Subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Davies, Sieloff and Sikorski introduced—

S. F. No. 1983: A bill for an act relating to insurance; regulating minimum nonforfeiture benefits and reserves of insurance policies and annuity contracts; amending Minnesota Statutes 1976, Sections 61A.08; 61A.21; 61A.24, Subdivisions 1, 9 and 11; 61A.25, Subdivisions 3, 3a, 4, 5, 6, 7, and by adding a subdivision; and Chapter 61A, by adding a section.

Referred to the Committee on Commerce.

Messrs. Johnson and Solon introduced—

S. F. No. 1984: A bill for an act relating to St. Louis county; providing for certain employees to be in the unclassified civil service; amending Laws 1941, Chapter 423, Section 6.

Referred to the Committee on Local Government.

Messrs. Stokowski, Chenoweth, Kirchner, Ogdahl and Schaaf introduced—

S. F. No. 1985: A bill for an act relating to retirement; transit operating division of the metropolitan transit commission; transfer of pension coverage; termination of the metropolitan transit commission—transit operating division employees retirement fund; amending Minnesota Statutes 1976, Sections 352.01, Subdivisions 2A and 11; and 352.22, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Sections 352.03, Subdivisions 1 and 2; and 473.415.

Referred to the Committee on Governmental Operations.

Messrs. Kleinbaum, Sikorski and Dunn introduced—

S. F. No. 1986: A bill for an act relating to commerce; requiring metering of wholesale petroleum sales; providing a penalty; amending Minnesota Statutes 1976, Chapter 325, by adding a section.

Referred to the Committee on Commerce.

Mr. Kleinbaum introduced—

S. F. No. 1987: A bill for an act relating to the legislature; setting the size of the legislature after the 1980 census; amending Minnesota Statutes 1976, Section 2.021.

Referred to the Committee on Rules and Administration.

Mr. Kleinbaum, Mrs. Staples and Mr. Dunn introduced—

S. F. No. 1988: A bill for an act relating to commerce; establishing a small business consortium; creating an advisory task force on small business development programs; appropriating money.

Referred to the Committee on Commerce.

Mr. Johnson introduced—

S. F. No. 1989: A bill for an act relating to towns; authorizing town constables to be elected or appointed by the town board; amending Minnesota Statutes 1976, Section 367.03, Subdivisions 1 and 3.

Referred to the Committee on Local Government.

Messrs. Dieterich, Sikorski and Keefe, S. introduced—

S. F. No. 1990: A bill for an act relating to unemployment compensation; providing benefits to certain employees; amending Minnesota Statutes, 1977 Supplement, Section 268.09, Subdivision 1.

Referred to the Committee on Employment.

Mr. Nelson introduced—

S. F. No. 1991: A bill for an act relating to retirement; validating certain administrative expenses from the special fund of the Austin firefighter's relief association.

Referred to the Committee on Governmental Operations.

Messrs. Johnson, Willet and Engler introduced—

S. F. No. 1992: A bill for an act relating to emergency services; authorizing the division of emergency services to enter into an agreement with the federal disaster assistance administration for the maintenance of the Minnesota natural disaster assistance plan; appropriating money.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Johnson, Willet and Engler introduced—

S. F. No. 1993: A bill for an act relating to weather; authorizing the division of emergency services to establish a warning system in conjunction with the national weather service; appropriating money.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Olson, Frederick, Wegener, Dieterich and Sillers introduced—

S. F. No. 1994: A bill for an act relating to taxation; property taxes; requiring notice to certain delinquent taxpayers before publication of delinquent list; amending Minnesota Statutes 1976, Sections 279.05; 279.09; and 279.10.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olson; Vega; Stumpf; Ueland, A. and Solon introduced—

S. F. No. 1995: A bill for an act relating to health; concerning smoking; providing for the designation of smoking and nonsmoking areas; amending Minnesota Statutes 1976, Section 144.415.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Borden, Anderson, McCutcheon and Sillers introduced—

S. F. No. 1996: A bill for an act relating to industrial revenue bonding; creating bonding authority to fund development of solar and other alternative energy sources; amending Minnesota Statutes 1976, Sections 474.01, Subdivision 4; 474.02, Subdivision 1, and by adding a subdivision; and 474.03.

Referred to the Committee on Energy and Housing.

Mr. Stumpf introduced—

S. F. No. 1997: A bill for an act relating to Ramsey county and the city of Saint Paul; changing the name of the Ramsey county hospital and sanitarium commission; further prescribing its powers and duties, removing obsolete provisions; amending Laws 1974, Chapter 435, Section 3.14.

Referred to the Committee on Local Government.

Messrs. Pillsbury, Frederick and Mrs. Knaak introduced—

S. F. No. 1998: A bill for an act relating to taxation; income tax; exempting certain capital gains on homesteads held for more than one year from taxation; amending Minnesota Statutes 1976, Section 290.13, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kleinbaum, Solon and Bang introduced—

S. F. No. 1999: A bill for an act relating to intoxicating liquor; requiring wholesalers to maintain a warehouse stock; amending Minnesota Statutes 1976, Section 340.07, Subdivision 8.

Referred to the Committee on Commerce.



Messrs. Spear; Keefe, S.; Stumpf; Nelson and Mrs. Staples introduced—

S. F. No. 2000: A bill for an act relating to labor and employment; prohibiting mandatory retirement of public or private employees; rights and remedies of employees; amending Minnesota Statutes 1976, Sections 43.24, Subdivision 1; 69.29; 352.22, Subdivisions 1 and 2; 422A.13, Subdivision 2; and 490.124, Subdivision 1; and Chapter 181, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 43.12, Subdivision 17; and 363.02, Subdivision 6; repealing Minnesota Statutes 1976, Sections 125.12, Subdivision 5; 163.07, Subdivision 2a; 354A.21; 423.075; and 423.26; and Minnesota Statutes, 1977 Supplement, Section 43.051, Subdivision 1.

Referred to the Committee on Employment.

Messrs. Nichols, Hanson, Moe and Strand introduced—

S. F. No. 2001: A bill for an act relating to agriculture; family farm security program; providing for exclusion from gross income of interest on certain loans; amending Minnesota Statutes 1976, Section 41.58, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Hanson, Olhoff, Willet, Strand and Coleman introduced—

S. F. No. 2002: A bill for an act relating to agriculture; corporate farming; providing new definitions; declaring the desirability of family farm stability; amending Minnesota Statutes 1976, Sections 268.04, Subdivision 31; 308.11; 500.24; and Minnesota Statutes, 1977 Supplement, Section 176.041, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Keefe, S. introduced—

S. F. No. 2003: A bill for an act relating to unclaimed property; providing for reporting of certain unclaimed intangible property; amending Minnesota Statutes 1976, Sections 345.38, by adding a subdivision; 345.54; and 345.55, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Kleinbaum, Chenoweth and Mrs. Brataas introduced—

S. F. No. 2004: A bill for an act relating to cable communications; abolishing the cable communications board; transferring the functions of the board to the public service commission; amending Minnesota Statutes 1976, Sections 216A.05, Subdivision 2; 238.01; 238.02, Subdivision 4; 238.05; 238.06; 238.07; 238.08, Subdivisions

2 and 3; 238.09, as amended; 238.11, Subdivision 1; 238.12, Subdivision 3; 238.13; 238.14; 238.15; 238.16, Subdivision 1; repealing Minnesota Statutes 1976, Section 238.04, as amended.

Referred to the Committee on Commerce.

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

S. F. No. 2005: A bill for an act relating to taxation; income tax; providing a deduction from gross income of certain amounts of part time military pay; amending Minnesota Statutes 1976, Section 290.65, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Strand, Tennessen and Davies introduced—

S. F. No. 2006: A bill for an act relating to courts; disqualification of a presiding judge without a showing of prejudice; amending Minnesota Statutes 1976, Section 542.16.

Referred to the Committee on Judiciary.

Mr. Laufenburger introduced—

S. F. No. 2007: A bill for an act relating to public health; establishing a preventive dental health program for certain children; appropriating money; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Laufenburger introduced—

S. F. No. 2008: A bill for an act relating to labor; requiring some employees to be paid bimonthly.

Referred to the Committee on Employment.

Mr. Sieloff introduced—

S. F. No. 2009: A bill for an act relating to the administration of criminal justice; providing that persons convicted of crimes punishable by incarceration shall be released pending appeal; authorizing direct appeal to the supreme court upon denial of release pending appeal.

Referred to the Committee on Judiciary.

Messrs. Sieloff, Engler, Bernhagen and Mrs. Knaak introduced—

S. F. No. 2010: A bill for an act relating to taxation; income tax; excluding certain capital gains which result from eminent domain

proceedings from gross income; amending Minnesota Statutes 1976, Sections 290.14; and 290.16, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Nelson, Strand and Setzepfandt introduced—

S. F. No. 2011: A bill for an act relating to public employee labor relations; redefining "employer" and "essential employee"; revising procedures relating to certification petitions and elections; permitting employers to hold closed meetings to discuss negotiation strategy; moving up time deadlines in state employee negotiations; removing the ability of the legislature to modify state employee agreements; extending to state employees an additional limited right to strike; requiring arbitrators to submit findings and explanations; requiring the director of the bureau of mediation services to index arbitration orders; appropriating money; amending Minnesota Statutes 1976, Sections 179.63, Subdivisions 4 and 11; 179.67, Subdivision 4; 179.69, Subdivisions 2 and 5; 179.70, Subdivision 5; 179.71, Subdivision 5; 179.72, Subdivisions 7 and 9; and Minnesota Statutes, 1977 Supplement, Sections 179.65, Subdivision 6; and 179.74, Subdivisions 4 and 5.

Referred to the Committee on Governmental Operations.

Mr. Benedict introduced—

S. F. No. 2012: A bill for an act relating to education; school lunch program; requiring school boards to appoint citizens advisory committees for school meal improvement.

Referred to the Committee on Education.

Messrs. Purfeerst, Penny, Coleman, Peterson and Hanson introduced—

S. F. No. 2013: A bill for an act relating to taxation; establishing a rail line fuel tax; dedicating revenues to the rail service improvement account; providing penalties; permitting the commissioner of transportation to make grants to railroads; amending Minnesota Statutes 1976, Sections 222.50, by adding a subdivision; 296.15, Subdivision 1; 296.25, Subdivision 1; and Chapter 296, by adding sections.

Referred to the Committee on Transportation.

Messrs. Wegener, Bernhagen and Schrom introduced—

S. F. No. 2014: A bill for an act relating to taxation; property tax; providing a credit against taxes due on certain land crossed by high voltage power lines; amending Minnesota Statutes 1976,

Section 273.42; and Chapter 273, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 276.04.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kirchner, Gearty, Willet and Bang introduced—

S. F. No. 2015: A bill for an act relating to state parks; authorizing the lease of a portion of Fort Snelling state park; waiving park admission fees and authorizing a liquor license on the leased property.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Lewis; Keefe, S.; McCutcheon; Schaaf and Kirchner introduced—

S. F. No. 2016: A bill for an act relating to crimes; authorizing counties to establish victim support funds and to provide services to victims of crime; providing for a penalty assessment on convicted persons; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Purfeerst, Penny, Moe, Setzepfandt and Hanson introduced—

S. F. No. 2017: A bill for an act relating to transportation; establishing a rail user loan guarantee program; creating a rail user loan guarantee account; prescribing powers and duties of the commissioner of transportation; appropriating money; amending Minnesota Statutes 1976, Sections 362A.01, Subdivision 2; and 474.02, Subdivision 2.

Referred to the Committee on Transportation.

Messrs. Nichols, Strand and Setzepfandt introduced—

S. F. No. 2018: A bill for an act relating to Yellow Medicine county; authorizing the expenditure of money by the county board to restore county ditch number nine.

Referred to the Committee on Local Government.

Messrs. Vega and Merriam introduced—

S. F. No. 2019: A bill for an act relating to education; providing aid and levy adjustments for abatements in school district taxes; amending Minnesota Statutes 1976, Section 275.48; and Minnesota Statutes, 1977 Supplement, Section 124.214.

Referred to the Committee on Education.

Messrs. Strand, Coleman, Gearty, Nichols and Chenoweth introduced—

S. F. No. 2020: A bill for an act relating to retirement; computation of legislator's retirement allowances; amending Minnesota Statutes, 1977 Supplement, Section 3A.02, Subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Setzepfandt, Renneke and Purfeerst introduced—

S. F. No. 2021: A bill for an act relating to power plant siting; rule making powers of the environmental quality board; amending Minnesota Statutes, 1977 Supplement, Section 116C.66.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Olhofft, Strand, Wegener, Bernhagen and Schrom introduced—

S. F. No. 2022: A bill for an act relating to taxation; property tax; altering rate and distribution of proceeds of tax on certain transmission and distribution lines; amending Minnesota Statutes 1976, Sections 273.38 and 273.42.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Keefe, S.; Knoll; Spear; Tennesen and Stokowski introduced—

S. F. No. 2023: A bill for an act relating to the Minneapolis police department; providing for certain employee appointments; amending Laws 1961, Chapter 108, Section 1, as amended.

Referred to the Committee on Local Government.

Messrs. Sikorski, Purfeerst, Setzepfandt, Luther and Penny introduced—

S. F. No. 2024: A bill for an act relating to public utilities; siting and location of coal, gas and petroleum product storage facilities and pipelines; amending Minnesota Statutes 1976, Sections 116C.52, Subdivision 6, and by adding subdivisions; 116C.61, as amended; and 116C.69, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Sections 116C.52, Subdivisions 8 and 9; 116C.53; 116C.54; 116C.55, Subdivisions 2 and 3; 116C.57; 116C.63, Subdivision 1; 116C.65; 116C.67; and 116C.69, Subdivision 3.

Referred to the Committee on Transportation.

Messrs. Wegener, Chmielewski and Renneke introduced—

S. F. No. 2025: A bill for an act relating to taxation; property

tax; eliminating certain limitations on special assessments by municipalities; amending Minnesota Statutes 1976, Section 429.011, Subdivision 2b.

Referred to the Committee on Local Government.

Messrs. Wegener, Bernhagen and Chmielewski introduced—

S. F. No. 2026: A bill for an act relating to agriculture; agricultural product containers; providing for parity in treatment of dairy containers; repealing Minnesota Statutes, 1977 Supplement, Sections 116F.21 and 116F.22.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Kleinbaum; Ueland, A. and Laufenburger introduced—

S. F. No. 2027: A bill for an act relating to intoxicating liquor; places where sale or consumption prohibited; amending Minnesota Statutes 1976, Sections 340.14, Subdivision 3; 340.58; and 624.701, Subdivision 1.

Referred to the Committee on Commerce.

Mr. Nichols introduced—

S. F. No. 2028: A bill for an act relating to game and fish; restricting licenses which authorize the taking of raccoon to residents only; amending Minnesota Statutes, 1977 Supplement, Section 100.27, Subdivision 3.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Wegener, Dunn, Setzepfandt and Lessard introduced—

S. F. No. 2029: A bill for an act relating to taxation; property tax; requiring county to reimburse township for certain errors made by county auditor.

Referred to the Committee on Local Government.

Messrs. Strand, Nichols and Benedict introduced—

S. F. No. 2030: A bill for an act relating to education; authorizing expansion of the environmental education program; amending Minnesota Statutes 1976, Section 89.35, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Section 126.111, Subdivision 1.

Referred to the Committee on Education.

Mr. McCutcheon introduced—

S. F. No. 2031: A bill for an act relating to highways; directing

the department of transportation to utilize a certain corridor in Washington county for the construction of interstate highway marked No. I 94.

Referred to the Committee on Transportation.

Messrs. Setzepfandt, Peterson, Nelson, Bernhagen and McCutcheon introduced—

S. F. No. 2032: A bill for an act relating to taxation; income tax; providing a deduction from gross income of certain amounts of military pay; amending Minnesota Statutes 1976, Section 290.65, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Humphrey, Chenoweth and Kirchner introduced—

S. F. No. 2033: A bill for an act relating to cable communications; providing for line extension; amending Minnesota Statutes 1976, Sections 238.02, by adding subdivisions; 238.08, Subdivision 1; and Chapter 238, by adding a section.

Referred to the Committee on Commerce.

Mr. Benedict introduced—

S. F. No. 2034: A bill for an act relating to the governor; appropriating money for the establishment of a governor's conference on food and nutrition.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Chenoweth, Vega, Humphrey, McCutcheon and Ashbach introduced—

S. F. No. 2035: A bill for an act relating to the operation of state government; providing for the periodic review and evaluation of executive branch agencies and departments; establishing a pilot program; prescribing goals and procedures; appropriating money.

Referred to the Committee on Governmental Operations.

#### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 935, 1065, 1604, 1761, 1394, 1424, 1665 and 1930.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 6, 1978

**FIRST READING OF HOUSE BILLS**

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

H. F. No. 935: A bill for an act relating to counties; powers of the boards of county commissioners; including the board of county commissioners of Ramsey County among those county boards that may set expense allowances for members of certain boards and agencies; amending Minnesota Statutes 1976, Section 375.47, Subdivision 1.

Referred to the Committee on Local Government.

H. F. No. 1065: A bill for an act relating to St. Louis county; fees for tax search certificate; amending Laws 1955, Chapter 633, Section 1, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 851.

H. F. No. 1604: A bill for an act relating to town roads; providing cartways; amending Minnesota Statutes 1976, Section 164.08, Subdivision 2.

Referred to the Committee on Transportation.

H. F. No. 1761: 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, as amended.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1589 now on the Consent Calendar.

H. F. No. 1394: A bill for an act relating to natural resources; directing the governor and the commissioner of natural resources to continue efforts to enter into certain agreements with the state of Wisconsin to maximize the fishery potential of certain boundary waters; amending Minnesota Statutes 1976, Section 97.48, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 1424: A bill for an act relating to intoxicating liquor; permitting licensing and sale on certain tour boats; amending Minnesota Statutes 1976, Section 340.11, by adding a subdivision.

Referred to the Committee on Commerce.

H. F. No. 1665: 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.



H. F. No. 1930: 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.

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

S. F. No. 1627: A bill for an act relating to Minnesota Statutes; words and phrases; including Commonwealth of Puerto Rico within the definition of state; amending Minnesota Statutes 1976, Section 645.44, Subdivision 11.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S. F. No. 1616: A bill for an act relating to probate; enacting the Uniform International Wills Act; amending Minnesota Statutes 1976, Chapter 524, by adding sections.

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

Page 1, line 9, strike "*In this part,*" and insert "*Subdivision 1. For the purposes of sections 1 to 10, the terms defined in this section have the meanings ascribed to them.*"

Page 1, line 10, strike "(1)" and insert "*Subd. 2.*"

Page 1, line 12, strike "(2)" and insert "*Subd. 3.*"

Page 1, line 20, strike "(a)" and insert "*Subdivision 1.*"

Page 2, line 3, strike "*this part*" and insert "*sections 2 to 5*"

Page 2, line 4, strike "(b)" and insert "*Subd. 2.*"

Page 2, line 7, strike "*(c) This part does*" and insert "*Subd. 3. Sections 1 to 10 do*"

Page 2, line 12, strike "(a)" and insert "*Subdivision 1.*"

Page 2, line 16, strike "(b)" and insert "*Subd. 2.*"

Page 2, line 20, strike both commas

Page 2, line 22, strike "(c)" and insert "*Subd. 3.*"

Page 2, line 22, strike the comma

Page 2, line 26, strike "(d)" and insert "*Subd. 4.*"

Page 3, line 4, strike "(e)" and insert "Subd. 5."

Page 3, line 10, strike "(a)" and insert "Subdivision 1."

Page 3, line 16, strike "(b)" and insert "Subd. 2."

Page 3, line 19, strike "(c)" and insert "Subd. 3."

Page 3, line 25, strike "(d)" and insert "Subd. 4."

Page 3, line 25, strike the comma

Page 3, line 32, strike "this" and insert "sections 2 to 5"

Page 4, line 1, strike "part"

Page 5, line 24, strike "this" and insert "sections 1 to 10"

Page 5, line 25, strike "part"

Page 5, line 26, strike "this part" and insert "sections 1 to 10"

Page 6, line 5, strike "this part" and insert "sections 1 to 7"

Page 6, line 19, before "The" insert "Subdivision 1."

Page 6, line 20, after "register" insert a comma

Page 6, line 22, strike ", keeping that" and insert ". The"

Page 6, line 23, strike "in strictest confidence" and insert "shall be private"

Page 6, line 23, strike "maker and" and insert "testator, after which date it shall be"

Page 6, line 24, strike "then making it"

Page 6, line 26, strike "center" and insert "secretary of state"

Page 6, strike lines 27 to 32

Page 7, line 1, strike "maker." and insert:

"Subd. 2."

Page 7, line 2, strike "it" and insert "he"

Page 7, after line 7, insert:

"Subd. 3. Only the following information may be received, preserved and reported pursuant to this section:

(a) The testator's name, social security number or other individual identifying number established by law;

(b) The testator's address and date and place of birth; and

(c) The intended place of deposit or safekeeping of the instrument pending the death of the testator.

Sec. 11. This act shall be effective the day following final enactment."

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

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

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.

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

Page 2, line 19 delete "*July*" and insert "*March*"

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

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

S. F. No. 318: A bill for an act relating to crimes; specifying the crime of inflicting bodily harm on a spouse; authorizing a "crisis team" consisting of a male and female peace officer to take preventive action to deter the possibility of further spousal harm; prescribing penalties.

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 609.135, is amended by adding a subdivision to read:

*Subd. 4. [DOMESTIC VIOLENCE; PROBATION AND COUNSELING.] If a person is convicted of assaulting his spouse or other person with whom he resides, and the court stays imposition or execution of sentence and places the defendant on probation, the court may condition the stay upon the defendant's participation in counseling or other appropriate programs selected by the court.*

Sec. 2. Minnesota Statutes 1976, Chapter 629, is amended by adding a section to read:

*[629.341] [PROBABLE CAUSE ARRESTS; DOMESTIC VIOLENCE.] Notwithstanding the provisions of section 629.34 or any other law or rule to the contrary, a peace officer may arrest without a warrant a person if the peace officer has probable cause to believe the person has assaulted his spouse or other person with whom he resides, although the assault did not take place in the presence of the peace officer.*

Sec. 3. Minnesota Statutes 1976, Chapter 629, is amended by adding a section to read:

[629.72] [BAIL IN CASES OF DOMESTIC ASSAULT.]  
*Subdivision 1. [DETENTION IN LIEU OF CITATION; RELEASE.] Notwithstanding any other law or rule to the contrary, an arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with assaulting his spouse or other individual with whom he resides.*

*Notwithstanding any other law or rule to the contrary, an individual who is arrested on a charge of assaulting his spouse or other person with whom he resides shall be brought to the police station or county jail. The officer in charge of the police station or the county sheriff in charge of the jail shall issue a citation in lieu of continued detention unless it reasonably appears to the officer or sheriff that detention is necessary to prevent bodily harm to the arrested person or another, or there is a substantial likelihood the arrested person will fail to respond to a citation.*

*If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff, he shall be brought before the nearest available judge of the county court or county municipal court in the county in which the alleged assault took place without unnecessary delay, but no more than 24 hours after his arrest, exclusive of Sundays and legal holidays.*

*Subd. 2. [JUDICIAL REVIEW; RELEASE; BAIL.] The judge before whom the arrested person is brought shall review the facts surrounding the arrest and detention. The arrested person shall be ordered released pending trial or hearing on his personal recognizance or on an order to appear or upon the execution of an unsecured bond in a specified amount unless the judge determines that release will be inimical to public safety, will create a threat of bodily harm to the arrested person or another, or will not reasonably assure the appearance of the arrested person at subsequent proceedings. If the judge so determines, he may impose any conditions of release which will reasonably assure the appearance of the person for subsequent proceedings, or may fix the amount of money bail without other conditions upon which the arrested person may obtain his release.*

*Subd. 3. [RELEASE AFTER 24 HOURS.] If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff pursuant to subdivision 1, or is not brought before a judge within the time limits prescribed in subdivision 1, he shall be released by the arresting authorities, and a citation shall be issued in lieu of continued detention.*

*Sec. 4. This act is effective the day following final enactment."*

*Further, amend the title as follows:*

*Strike the title in its entirety and insert:*

*"A bill for an act relating to criminal procedure; permitting peace officers to make arrests upon probable cause in cases of domestic assault; requiring detention and review of bail for persons charged with domestic assault; permitting the judge to stay execution and imposition of sentence conditioned upon the de-*

pendant seeking appropriate counseling; amending Minnesota Statutes 1976, Section 609.135, by adding a subdivision; and Chapter 629, by adding sections."

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

Mr. Laufenburger from the Committee on Employment, to which was referred

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

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

Page 1, line 16, strike "three" and insert "five"

Page 1, line 17, strike "three" and insert "five"

Page 2, line 29, strike "December 31, 1978" and insert "June 30, 1979"

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

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 1606: A bill for an act relating to no-fault automobile insurance; eliminating medical expense as a basis for recovering damages for non-economic detriment; amending Minnesota Statutes 1976, Section 65B.51, Subdivision 3.

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

Page 1, reinstate the stricken language in lines 14 to 23

Page 1, line 15, strike "\$2,000" and insert "\$3,000"

Page 2, reinstate the stricken language in lines 1 to 17

Page 2, line 13, strike the comma

Page 2, after line 21, insert:

"Sec. 2. *This act applies to injuries occurring after August 1, 1978.*"

Amend the title as follows:

Page 1, line 3, strike "eliminating" and insert "increasing"

Page 1, line 3, strike everything after "expense" and insert "threshold for recovery of"

Page 1, line 4, strike "recovering"

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

Mr. Tennesen from the Committee on Commerce, to which was referred

H. F. No. 356: A bill for an act relating to insurance; examination fees; abstract or summary of the annual statement; amending Minnesota Statutes 1976, Sections 60A.03, Subdivision 5; 60A.13, Subdivision 3; and 60A.14, Subdivision 1.

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

Page 3, strike all of section 2

Page 5, line 10, strike "the" and insert "*a domestic*"

Page 5, line 11, before the semicolon insert "*and all other insurers shall remit \$3*"

Page 5, line 12, after the comma strike "the" and insert "*a domestic*"

Page 5, line 12, before the period insert "*and all other insurers shall remit \$1*"

Page 5, line 16, strike "1977" and insert "1978"

Renumber the sections

Amend the title as follows:

Page 1, line 2, strike everything after the first semicolon

Page 1, line 3, strike everything before the semicolon and insert "increasing fees for examinations of insurance companies and insurance agents; increasing fees for agents' licenses and amendments"

Page 1, line 5, strike "; 60A.13, Subdivision 3"

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

Mr. Tennesen from the Committee on Commerce, to which was referred

H. F. No. 1095: A bill for an act relating to public health; requiring medical malpractice information from insurers; granting subpoena power to the board of medical examiners; amending Minnesota Statutes 1976, Section 147.072.

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

Page 2, line 6, after "*made*" insert "*or with whom a settlement was made*"

Page 2, line 7, strike "*the claim*" and insert "*an award*"

Page 2, line 8, before the period insert "*or with whom a settlement was made*"

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

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 1206: A bill for an act relating to aircraft; clarifying compulsory insurance requirements; requiring maintenance of liability coverage only during periods of contemplated aircraft operation; amending Minnesota Statutes 1976, Section 360.59, Subdivision 10.

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

Page 1, line 17, after "*contemplated*" insert "*use or*"

Page 2, lines 2 and 17, after "*contemplated*" insert "*use or*"

Amend the title as follows:

Page 1, line 5, after "aircraft" insert "use or"

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

Mr. Tennesen from the Committee on Commerce, to which was referred

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

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

Mr. Tennesen from the Committee on Commerce, to which was referred

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.

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

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 762: A bill for an act relating to the operation of state government; centralizing the management and review of all state contracts in the office of the commissioner of administration; distinguishing consultant, professional and technical contracts; amending Minnesota Statutes 1976, Sections 15.061; 161.35; and Chapter 16, by adding a section; repealing Minnesota Statutes 1976, Sections 4.19 and 16.10.

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 15.061, is amended to read:

15.061 [CONSULTANT PROFESSIONAL AND TECHNICAL SERVICES.] *Notwithstanding the provisions of any other law Pursuant to the provisions of section 2 , the head of a state departments and agencies department or agency may, with the approval of the commissioner of administration, use salary appropriations to contract for consultant services and professional and technical services in connection with the operation of the departments and agencies department or agency . Such contracts A contract negotiated under this section shall not be subject to the competitive bidding requirements of chapter 16.*

Sec. 2. Minnesota Statutes 1976, Chapter 16, is amended by adding a section to read:

[16.098] [CONTRACT MANAGEMENT AND REVIEW.]  
Subdivision 1. [DEFINITIONS.] *For the purposes of this section:*

- (1) "Commissioner" means the commissioner of administration.
- (2) "State contract" means any written instrument containing the elements of offer, acceptance and consideration to which a state agency is a party.
- (3) "Agency" means any state officer, employee, board, commission, authority, department or other agency of the executive branch of state government.
- (4) "Consultant services" means services which are intellectual in character which do not involve the provision of supplies or materials; which include analysis, evaluation, prediction, planning or recommendation; and which result in the production of a report.
- (5) "Professional and technical services" means services which are predominantly intellectual in character; which do not involve the provision of supplies or materials; and in which the final result is the completion of a task rather than analysis, evaluation, prediction, planning or recommendation.

Subd. 2. [DUTIES OF COMMISSIONER.] *The commissioner shall perform all contract management and review functions for state contracts, excepting those functions presently performed by the contracting agency, the attorney general and the commissioner of finance. In so doing, the commissioner shall establish the manner and form in which all state contracts shall be prepared and processed and shall examine and approve or disapprove all state contracts as to content, purpose, propriety and budget ramifications. No agency shall execute a state contract without receiving the prior approval of the commissioner pursuant to this subdivision. All agencies shall afford full cooperation to the commissioner in the management and review of state contracts.*

Subd. 3. [PROCEDURE FOR CONSULTANT AND PROFESSIONAL AND TECHNICAL SERVICES CONTRACTS.] *Before approving a proposed state contract for consultant services or professional and technical services the commissioner shall have at least determined that:*



(1) *the work to be performed under the contract is necessary to the agency's achievement of its statutory responsibilities, and that there is statutory authority to enter into the contract;*

(2) *the work cannot be performed adequately by personnel currently employed by the state;*

(3) *the contract will not establish an employer/employee relationship between the state or the agency and any persons performing under the contract;*

(4) *the agency made reasonable efforts to publicize the availability of the contract;*

(5) *no current state employees will engage in the performance of the contract;*

(6) *no state agency has previously performed or contracted for the performance of tasks which would be substantially duplicated under the proposed contract;*

(7) *the contracting agency has sufficiently specified the work tasks to be performed and time periods for their completion; and*

(8) *the contracting agency has specified a satisfactory method of evaluating and utilizing the results of the work to be performed.*

Subd. 4. [CONTRACT ADMINISTRATION.] *Upon entering into a state contract, an agency shall bear full responsibility for the diligent administration and monitoring of the contract. The commissioner may require an agency to report to him at any time on the status of any outstanding state contract to which the agency is a party.*

Subd. 5. [DELEGATION.] *The commissioner may delegate a part or all of his contract management and review functions to the head of another agency including the contracting agency when he deems it appropriate. Delegations shall be filed with the secretary of state and shall not, except with respect to delegations within the department of administration, exceed two years in duration.*

Subd. 6. [RULEMAKING AUTHORITY.] *The commissioner may adopt and enforce rules as he deems necessary regarding the management and review of state contracts.*

Subd. 7. [VALIDITY OF STATE CONTRACTS.] *No state contracts shall be valid, nor shall the state be bound by the contract until it has first been executed by the head of the agency which is a party to the contract and has been approved in writing by the commissioner or his delegate pursuant to this section, by the attorney general or his delegate as to form and execution and by the commissioner of finance or his delegate for encumbrance or recordation purposes. The head of the agency may delegate the execution of specific contracts or specific types of contracts to a deputy or assistant head within his agency if the delegation has been approved by the commissioner of administration and filed with the secretary of state.*

*Subd. 8. [REPORTS.] The commissioner shall monthly submit to the governor and the legislature a listing of all contracts for consultant services and for professional and technical services executed or disapproved in the preceding month. The report shall identify the parties and the contract amount, duration and tasks to be performed. The commissioner shall also issue quarterly reports summarizing the contract review activities of his department over the preceding quarter.*

*Sec. 3. Minnesota Statutes 1976, Sections 16.10 and 161.35, are repealed.*

*Sec. 4. This act is effective the day following final enactment."*

Amend the title as follows:

Page 1, line 7, delete "Sections" and insert "Section" and delete "161.35;"

Page 1, line 9, delete "4.19 and" and after "16.10" insert "; and 161.35"

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

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

S. F. No. 1276: A bill for an act relating to Dakota county; housing and redevelopment authority; establishing powers of the authority; providing compensation for commissioners; amending Laws 1971, Chapter 333, Section 2, as amended; repealing Laws 1971, Chapter 333, Section 3.

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

Page 2, line 16, before "The" insert "Upon approval of the municipal housing and redevelopment authority,"

Page 2, line 17, after "jurisdiction" insert "over any part or all of the housing or redevelopment programs"

Page 2, line 19, strike "upon approval of the municipal"

Page 2, strike line 20 except the period

Page 2, line 24, strike "although" and insert "and"

Page 2, line 25, strike "exceeds" and insert "may exceed"

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

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

S. F. No. 1603: A bill for an act relating to authorizing Washington county, the city of Stillwater, and the town of Stillwater to jointly exercise planning and land use control powers; applying the authorization retroactively.

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

Amend the title as follows:

Page 1, line 2, strike "authorizing"

Page 1, line 2, after "county" strike the comma and insert "; authorizing"

Page 1, line 3, strike "and"

Page 1, line 3, after "town of Stillwater" insert "and Washington county"

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

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1573: A bill for an act relating to education; higher education coordinating board; private post-secondary institutions; providing certain exemptions and restrictions on the use of records in connection with registration of private post-secondary institutions; amending Minnesota Statutes 1976, Sections 136A.64 and 136A.65; and Chapter 136A, by adding a section.

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

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 136A.61, is amended to read:

136A.61 [POLICY.] The legislature has found and hereby declares that the availability of legitimate courses and programs leading to academic degrees offered by responsible private institutions and post-secondary education and the existence of legitimate private colleges and universities are in the best interests of the people of this state. The legislature has found and declares that the state can provide assistance and protection for persons choosing private institutions and programs, by establishing policies and procedures to assure the authenticity and legitimacy of private post-secondary education institutions and programs. *The legislature has also found and declares that this same policy applies to any public post-secondary educational institution located in another state or country which offers or makes available to a Minnesota resident any course, program or educational activity which does not require the leaving of the state for its completion.*

Sec. 2. Minnesota Statutes 1976, Section 136A.62, Subdivision 3, is amended to read:

Subd. 3. [SCHOOL.] "School" means any individual, partnership, company, firm, society, trust, association, corporation, or any combination thereof, which (a) is, owns, or operates a private,

nonprofit post-secondary education institution ; ; (b) provides a post-secondary instructional program or course leading to a degree whether or not for profit ; or ; (c) is, owns, or operates a private, post-secondary education institution which uses the term "college", "academy", "institute" or "university" in its name ; or (d) operates for profit and provides programs or courses which are intended to allow an individual to fulfill in part or totally the requirements necessary to maintain a license to practice an occupation. "School" shall also mean any public post-secondary educational institution located in another state or country which offers or makes available to a Minnesota resident any course, program or educational activity which does not require the leaving of the state for its completion.

Sec. 3. Minnesota Statutes 1976, Section 136A.63, is amended to read:

136A.63 [REGISTRATION.] All schools located within Minnesota and all schools located outside Minnesota which offer programs or courses within Minnesota shall register annually with the board. The board shall have the authority to require these schools located outside Minnesota which offer programs or courses within Minnesota to register annually.

Sec. 4. Minnesota Statutes 1976, Section 136A.64, is amended to read:

136A.64 [INFORMATION.] *Subdivision 1.* As a basis for registration, schools shall provide the board with such information as the board needs to determine the nature and activities of the school, including but not limited to, requirements for admission, enrollments, tuition charge, refund policies, curriculum, degrees granted, and faculty employed. The board shall have the authority to verify the accuracy of the information submitted to it by inspection or any other means it deems necessary.

*Subd. 2.* The board shall not disclose financial records provided to it by a school pursuant to this section except for the purpose of defending, at hearings pursuant to Minnesota Statutes, Chapter 15, or other appeal proceedings, its decision to approve or not to approve the granting of degrees or the use of a name by the school. Minnesota Statutes, Section 15.17, Subdivision 4, shall not apply to such records.

Sec. 5. Minnesota Statutes 1976, Section 136A.65, is amended to read:

136A.65. [APPROVAL OF DEGREES AND NAME.] *Subdivision 1.* No school subject to registration shall grant a degree unless such degree is approved by the board, nor shall any school subject to registration use the name "college", "academy", "institute" or "university" in its name without approval by the board.

*Subd. 2.* The board shall establish procedures for approval, including notice and an opportunity for a hearing pursuant to chapter 15 if such approval is not granted. If a hearing is requested, no disapproval shall take effect until after such hearing.

*Subd. 3.* A school subject to registration shall be granted ap-

proval to use the term "college", "academy", "institute" or "university" in its name whether or not it offers a program leading to a degree, if it was organized, operating and using such term in its name on or before August 1, 1975, and if it meets the other policies and standards for approval established by the board.

Sec. 6. Minnesota Statutes 1976, Chapter 136A, is amended by adding a section to read:

[136A.653] [EXEMPTIONS.] Subdivision 1. A school which does not grant a degree and which is subject to licensing by the state board of education pursuant to Minnesota Statutes, Chapter 141, is exempt from the provisions of sections 136A.61 to 136A.71. The determination of the commissioner of education as to whether a particular school is subject to regulation under chapter 141 is final for the purposes of this exemption.

Subd. 2. Educational programs which are sponsored by a bona fide and nonprofit trade, labor, business, professional or fraternal organization, which are conducted solely for that organization's membership and for the members of the particular industries or professions served by that organization, and which are not available to the public on a fee basis, are exempted from the provisions of sections 136A.61 to 136A.71.

Subd. 3. Educational programs which are sponsored by a business firm for the training of its employees or the employees of other business firms with which it has contracted to provide educational services at no cost to the employees are exempted from the provisions of sections 136A.61 to 136A.71.

Sec. 7. Minnesota Statutes 1976, Chapter 136A, is amended by adding a section to read:

[136A.657] [EXEMPTION; RELIGIOUS SCHOOLS.] Subdivision 1. Any school or any department or branch of a school (a) which is substantially owned, operated or supported by a bona fide church or religious organization; (b) whose programs are primarily designed for, aimed at and attended by persons who sincerely hold or seek to learn the particular religious faith or beliefs of that church or religious organization; and (c) whose programs are primarily intended to prepare its students to become ministers of, to enter into some other vocation closely related to, or to conduct their lives in consonance with the particular faith of that church or religious organization, is exempt from the provisions of sections 136A.61 to 136A.71.

Subd. 2. This exemption shall not extend to any school or to any department or branch of a school which through advertisements or solicitations represent to any students or prospective students that the school, its aims, goals, missions or purposes or its programs are different from those described in subdivision 1. This exemption shall not extend to any school which represents to any student or prospective student that the purpose or effect of its programs is to prepare the student for a vocation not closely related to that particular religious faith, or to provide the student with a general educational program recognized by other schools

*or the broader educational, business or social community as being substantially equivalent to the educational programs offered by schools or departments or branches of schools which are not exempt from Minnesota Statutes, Sections 136A.61 to 136A.71, and rules adopted pursuant thereto.*

*Subd. 3. Nothing in Minnesota Statutes, Sections 136A.61 to 136A.71, or rules adopted pursuant thereto, shall be interpreted as permitting the board to determine the truth or falsity of any particular set of religious beliefs.*

*Sec. 8. This act shall be effective the day following its final enactment."*

Further, amend the title as follows:

Page 1, line 3, strike "private" and insert "making certain public"

Page 1, line 4, before "institutions" insert "educational"

Page 1, line 4, after "institutions" insert "located in another state or country subject to registration"

Page 1, line 4, strike "exemptions and"

Page 1, line 5, after "records" insert "provided"

Page 1, line 6, strike "of private post-secondary" and insert "; granting approval for the use of certain names by certain schools; providing exemptions from registration by certain schools"

Page 1, line 7, strike "institutions"

Page 1, line 8, after "Sections" insert "136A.61; 136A.62, Subdivision 3; 136A.63;"

Page 1, line 9, strike "a section" and insert "sections"

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

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 1431: A bill for an act relating to food; regulation and licensing of food handlers; defining terms; providing for inspection or license fees for certain coin operated food vending machines; amending Minnesota Statutes 1976, Sections 28A.03; and 28A.09.

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

Page 1, line 9, strike "1976" and insert ", 1977 Supplement"

Page 3, after line 19, insert:

"(g) A custom processor is a person who for a fee slaughters animals or processes non-inspected meat for the owner of such animals, and returns the meat products derived from such slaughter or processing to the owner. "Custom processor" shall not in-

clude a person who slaughters animals or poultry and/or processes meat for the owner of the animals or poultry on the farm or premises of the owner of such animals, meat or poultry. For the purpose of this clause, "animals" or "meat" do not include poultry or game animals or meat derived therefrom."

Page 4, line 12, after "by" insert "either"

Page 4, line 13, after "city" insert " ,"

Page 4, line 13, before "and" insert "but not both,"

Amend the title as follows:

Page 1, line 2, strike everything after the semicolon

Page 1, line 3, strike everything before "providing"

Page 1, line 4, strike "or" and insert "and"

Page 1, line 6, strike "1976" and insert " , 1977 Supplement" and strike "Sections" and insert "Section"

Page 1, line 6, after "and" insert "Minnesota Statutes 1976, Section"

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

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 1229: A bill for an act relating to commerce; permitting price advertising of eyeglasses; amending Minnesota Statutes 1976, Section 148.57, Subdivision 3.

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

Page 1, line 13, strike "grossly" and " , afflicted with"

Page 1, line 14, strike "contagious disease, an habitual drunkard,"

Page 2, lines 6 to 8, strike the new language

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

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

S. F. No. 1548: A bill for an act relating to courts; changing fees collected by court clerks for certain actions and services; amending Minnesota Statutes 1976, Sections 260.106, Subdivision 1; 557.021, Subdivision 2; 491.02; 517.08, Subdivision 1; and Chapter 525 by adding a section.

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

Page 1, strike section 1

Page 2, strike line 8

Page 2, line 9, strike "*in an action not*"

Page 2, line 10, strike "*triable of right by a jury*"

Page 2, line 10, strike "\$25" and insert "\$15"

Page 3, strike the new language in lines 8, 9 and 10

Pages 3 and 4, strike section 3

Pages 4 and 5, strike section 4 and insert:

"Sec. 2. Minnesota Statutes, 1977 Supplement, Section 517.08, Subdivision 1, is amended to read:

517.08 [APPLICATION FOR LICENSE.] Subdivision 1. Application for a marriage license shall be made at least five days before a license shall be issued. Such application shall be made upon a form provided for the purpose and shall contain the full names of the parties, their post office addresses and county and state of residence, their full ages, and the full names the parties will have after marriage. The clerk shall examine upon oath the party applying for license relative to the legality of such contemplated marriage and, if at the expiration of this five-day period, he is satisfied that there is no legal impediment thereto, he shall issue such license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance thereof, which license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, the judge of the probate court, the court commissioner, or any judge of the district court, of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The clerk shall collect from the applicant a fee of ~~\$11~~ \$15 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If illness or other extenuating circumstances, it may be surrendered to the clerk for cancellation, and in such case a new license shall issue upon request of the parties of the original license without fee therefor. Any clerk who shall knowingly issue or sign a marriage license in any other manner than in this section provided shall forfeit and pay for the use of the parties aggrieved not to exceed \$1,000."

Page 5, line 26, strike "*The filing fee in this section*" and insert "*There shall be no additional fee for*"

Page 5, line 27, strike "*includes all required*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, strike "Sections" and insert "Section"



Page 1, line 5, strike "260.106, Subdivision 1;"

Page 1, line 6, strike "491.02; 517.08, Subdivision 1; and"

Page 1, line 7, before the period, insert "; and Minnesota Statutes, 1977 Supplement, Section 517.08, Subdivision 1"

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. 1630: A bill for an act relating to elections; providing certain safeguards against improper voter registration and casting of absentee ballots; prescribing certain duties for the secretary of state; prescribing penalties; amending Minnesota Statutes 1976, Sections 201.121; 201.15; 201.27; 204A.14, Subdivision 2; 207.06; 207.08; and Chapter 201, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 201.061, Subdivision 3; 201.071, Subdivision 4; 204A.13, Subdivision 2; 204A.175; 207.02; 207.03; and 207.11.

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, 1977 Supplement, Section 201.061, Subdivision 3, is amended to read:

Subd. 3. A person who on election day presents himself at the polling place for the precinct in which he resides and who is not registered but is otherwise eligible to vote may nevertheless vote upon registering. A person may register at this time by completing a registration card, making an oath in the form prescribed by the commissioner and providing proof of his residence. An individual may prove his residence by :

(1) ~~The Showing of his drivers license or nonqualification certificate~~ *Minnesota identification card* issued pursuant to section 171.07 ; ~~or ;~~ ;

(2) Providing any document approved by the commissioner as proper identification ; ; or

(3) ~~Having an a qualified individual who is registered to vote in the precinct sign an oath in the presence of the election judge that he personally knows that the applicant is a resident of the precinct. An individual is qualified to sign an oath as provided in this clause if he has registered to vote in the precinct before the day of the election.~~

Forms for the card and oath shall be available at each polling place. When an individual signs an oath that he personally knows that an applicant is a resident of the precinct the oath shall be attached to the applicant's registration card until the address of the applicant is verified by the county auditor. Forms used pursuant to this section shall be forwarded to the auditor who shall,

unless the information forwarded is substantially deficient, add the name of the voter to the registration system. If the auditor finds a registration pursuant to this subdivision substantially deficient he shall give written notice to the person whose registration is found deficient.

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 201.071, Subdivision 4, is amended to read:

Subd. 4. Upon receipt of Any county auditor who receives a registration card indicating that a voter has changed residence since voting last was previously registered in a different county in Minnesota, a county auditor shall notify the county auditor of the voter's last registration. Notification shall be made upon that county on a form prescribed by the commissioner. A county auditor receiving a registration card indicating that a voter was previously registered in a different precinct in the same county or a notification that a voter has registered in another county shall delete the that voter's name from the registration lists and affix the notification to the cancelled remove the original and duplicate voter registration card cards from the files. Any auditor who receives a registration card or notification requiring a change of registration records under this subdivision shall also check the duplicate registration card from the county or precinct of prior residence to determine whether the voter voted in that county or precinct in the most recent election.

Sec. 3. Minnesota Statutes 1976, Section 201.121, is amended to read:

201.121 [ENTRY OF NAMES; MAILED NOTICE.] Subdivision 1. Upon receiving a registration card properly completed and submitted in accordance with sections 201.001 201.061 and 201.11 201.071, the county auditor shall enter the registration card or the information contained on the card in the appropriate registration files.

Subd. 2. The county auditor shall mail to the voter each registrant a notice indicating the voter's name, address, precinct and polling place. The card notice shall require that it be returned if not deliverable. For any card returned because not deliverable to the voter at the named address, For any notice that is returned the county auditor shall cause to be affixed to the duplicate registration card of the voter the word "challenged." No person so challenged shall be permitted to vote except by complying with all provisions of law applicable to the proving of challenges.

Subd. 3 In the case of election day registrations, the county auditor shall within ten days of the election send the notice prescribed in subdivision 2 to a random sampling of the election day registrants. The random sampling shall be determined in accordance with the rules of the commissioner. The county auditor shall send the notice prescribed in subdivision 2 to all other election day registrants as soon as practicable after the election. If any notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. If, upon inquiry, the county

*auditor does not receive or obtain satisfactory proof of the registrant's eligibility to vote, he shall immediately notify the county attorney and the commissioner of the irregularity.*

Sec. 4. Minnesota Statutes 1976, Section 201.15, is amended to read:

201.15 [PROBATE JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS.] The judge of probate in each county in the state shall report monthly to the county auditor the name, age and address of each person 18 years of age, or over, residing in such municipality the county, who has, during the month preceding the date of the report, been *was* placed under a guardianship of the person, and each such person under guardianship of the person transferred to the jurisdiction of the probate court, or restored to capacity, and each person, 18 years of age, or over, adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, or as a psychopathic personality, and each such person transferred to the jurisdiction of or restored to capacity by the court. Upon receipt of such the report, the auditor shall examine the original and duplicate registration files; and, to determine if such examination discloses that any of the persons person named in such the report as being under guardianship of the person or as adjudged incompetent or a psychopathic personality, is registered, to vote. The auditor shall remove the registration cards of such persons from the active files; and attach a notice to the original and duplicate registration cards of any person so named informing the election judges that the person is not eligible to reregister or vote. The notice shall contain the reason for ineligibility, the date of the determination, and the dated signature of the county auditor. Upon notice from the judge of probate of a restoration to capacity, the county auditor shall then remove the notice from the person's registration cards and thereafter process the person's registration card cards in the same manner as if no guardianship or adjudication had occurred.

Sec. 5. Minnesota Statutes 1976, Section 201.27, is amended to read:

201.27 [VIOLATIONS, PENALTIES.] *Subdivision 1.* Any officer, deputy, clerk, or other employee who shall wilfully fail fails to perform or enforce any of the provisions of this chapter except the provisions of subdivision 2, or who shall unlawfully or fraudulently remove removes any registration card or record from its proper compartment in the registration files, or who shall wilfully destroy destroys any record provided by this chapter to be kept, or any person who shall wilfully or fraudulently register registers more than once, or register registers under any but his true name, or attempt attempts to vote by impersonating another who is registered, or who wilfully registers in any precinct where he is not a resident at any time of registering, or who adds a name or names to the registration files, records or cards, or who violates any of the provisions of this chapter is guilty of a felony.

*Subd. 2.* Any deputy, clerk, employee or other subordinate of a county auditor or municipal clerk who has knowledge or reason

to believe that a violation of chapter 201 has occurred, shall immediately transmit a report of his knowledge or belief to the county auditor or municipal clerk, together with any evidence of the violation coming into his possession. Any county auditor or municipal clerk who has knowledge or reason to believe that a violation of chapter 201 has occurred shall immediately transmit a report of his knowledge or belief to the county attorney of the county wherein the violation is thought to have occurred, together with any evidence of the violation coming into his possession. The county auditor or municipal clerk shall also immediately send a copy of the report to the commissioner. A violation of this subdivision is a misdemeanor.

Sec. 6. Minnesota Statutes 1976, Chapter 201, is amended by adding a section to read:

[201.275] [INVESTIGATIONS; PROSECUTIONS.] Any county attorney receiving any report of a possible violation of chapter 201 shall immediately and diligently inquire into the facts of the possible violation. If there are reasonable grounds for instituting a prosecution, the county attorney shall present the charge, together with all the evidence that he can procure, to the grand jury of the county. If any county attorney fails or refuses to faithfully perform any duty imposed on him by chapter 201, he is guilty of a misdemeanor and on conviction thereof shall forfeit his office.

Any citizen may employ an attorney to assist the county attorney to perform his duties under this section, and that attorney shall be recognized by the county attorney and the court as associate counsel in the proceeding. No prosecution, action, or proceeding shall be dismissed without notice to, or against the objection of, the associate counsel until the reasons of the county attorney for the dismissal, together with the objections of the associate counsel, are filed in writing, argued by counsel, and fully considered by the court. The court may impose reasonable limits on the time of filing the reasons and objections.

Sec. 7. Minnesota Statutes, 1977 Supplement, Section 204A.13, Subdivision 2, is amended to read:

Subd. 2. [ELECTION LAW.] On or before July 1 of every even-numbered year the secretary of state shall furnish to the county auditors sufficient copies of the Minnesota election law. The secretary of state shall determine the manner of distribution of the Minnesota election law. The secretary of state also may prepare and transmit to the county auditors detailed written instructions on election laws relating to the conduct of elections, conduct of voter registration and voting procedures.

Sec. 8. Minnesota Statutes, 1977 Supplement, Section 204A.13, Subdivision 6, is amended to read:

Subd. 6. [ELECTION JUDGES TRAINING.] The secretary of state may formulate shall adopt rules establishing a program for the training of election judges, and for the conduct of their

duties as prescribed by law, throughout the state by county auditors as required by section 204A.175.

Sec. 9. Minnesota Statutes 1976, Section 204A.14, Subdivision 2, is amended to read:

Subd. 2. [ELECTION SUPPLIES, DUTY OF CLERKS.] At least one week before every state election, the clerk of each city and town and each statutory city that is separated from the town for election purposes, municipality in the county shall secure from the county auditor the necessary copies of each of the blanks and forms as are required in preparation for the conduct of the election, printed instruction cards, two copies of the Minnesota election law and any other instructions for election officers, for each precinct, and sufficient quantities of the necessary official ballots, ballot boxes, registers, and other supplies and materials so that the judges of the election precincts may comply with the provisions of the Minnesota election law. The clerk of each municipality in the county shall post in a conspicuous manner in the polling place the printed instruction cards secured from the county auditor. If it is more convenient, and in lieu of complying with the foregoing provisions of this subdivision, the auditor may furnish such the election supplies to the person entitled thereto in the same manner as such the supplies are furnished in unorganized territory. If there are election precincts in unorganized territory, the county auditor shall send by registered or certified mail, insured parcel post, express, or deliver to the judges in these precincts the supplies that are enumerated in this subdivision.

Sec. 10. Minnesota Statutes, 1977 Supplement, Section 204A.175, is amended to read:

204A.175 [TRAINING FOR ELECTION JUDGES; DUTIES OF THE COUNTY AUDITOR.] The county auditor of each county shall train all election judges who are appointed to serve at any election to be held in the county and shall provide a procedure for emergency training of judges appointed to fill vacancies in election boards after the opening of the polls when no regularly trained judges are available. The county auditor may delegate to a municipal election official the duties to train election judges for any municipality. No person may serve as an election judge who has not received training as required by this section.

Sec. 11. 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 on the day that election is held, 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 in that precinct, or who is em-

played 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 Any 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 if he has registered as a voter in accordance with such those provisions or registers on election day by enclosing a completed registration card with his ballot and providing proof of his residence in the manner required in section 207.03.

Sec. 12. Minnesota Statutes, 1977 Supplement, Section 207.03, 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 apply in writing subscribed by him for absentee ballots 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, 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 is signed and dated by the applicant, contains his voting and mailing addresses and states that he will be absent from the precinct or that he will be unable to go to the polling place for one of the reasons provided in section 207.02. Any county auditor or clerk of a town or city who receives an application for absentee ballots which he cannot provide to the applicant shall forthwith forward that application to the official who can provide the ballots.

Subd. 1a. If a Any person applies in person for an desiring to vote by absentee ballot and who 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, provide proof of residence as required by this subdivision. Applicants in person shall present, at the time of application, proof of residence as required by section 201.061, subdivision 3. Applicants by mail shall present proof of residence by enclosing a completed proof of residence certificate with his ballots and registration card. The certificate shall contain a signed statement by the person witnessing the marking of the absentee ballots that the voter presented to that person proof of his residence as required by section 201.061, subdivision 3.

Subd. 2. An eligible voter may apply for an absentee ballot on election day if he becomes a resident or patient on the day before election in a health care facility or hospital located in the municipality to which he applies. The voter may request and if he requests an absentee ballot application directly from the judges engaged in delivering ballots pursuant to section 207.31 or by telephone to the municipal clerk not later than 5 p.m. on the day before election day. An application shall be delivered to any such voter by the judges designated to deliver ballots pursuant to section 207.31.

Subd. 3. Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any " application for ballots " ; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote in any precinct or to aid another in so doing shall be guilty of a felony. If the person applying for a ballot resides in a political subdivision which does not accept registration other than on election day and the individual is not registered in that political subdivision, the county auditor shall send a registration card and instructions for completing the registration card along with the ballots and envelopes. Upon receipt of an application for ballots submitted by mail, the county auditor or municipal clerk receiving the application shall determine whether the applicant is a registered voter. If the applicant is not registered to vote, the auditor or clerk shall include a registration card, proof of residence certificate, and instructions for completing them, among the election materials mailed to the applicant.

Subd. 4. For the purposes of this chapter, "municipal clerk" shall mean means the full time clerk designated pursuant to this section.

Sec. 13. Minnesota Statutes 1976, Section 207.04, is amended to read:

207.04 [SUPPLIES OF BALLOTS AND APPLICATIONS.]  
Subdivision 1. [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 prepare and print the ballots prepared under his direction at least 15 days before such election.

*Subd. 2. [APPLICATIONS.] The county auditor or the municipal clerk shall prepare and print a suitable number of blanks for the application for ballots and deliver a copy of the application to any voter who requests one.*

Sec. 14. 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 *the ballots and other materials required by this chapter* 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 *the application* or as soon thereafter as ballots are available, mail; ~~or deliver the ballots and other materials required by this chapter to the applicant, without charge; if he apply therefor to any voter who applies by mail, or deliver the ballots and materials to any voter who applies 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 in his office.~~ 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.

Sec. 15. Minnesota Statutes 1976, Section 207.06, is amended to read:

207.06 [FEES.] The expense of such *any* extra clerical assistance as may be required for the performance by the auditor or by the municipal clerk of the duties imposed by this chapter; the cost of furnishing and printing the application blanks, specified in section 207.03; ~~the cost of furnishing and printing the envelopes and, proof of residence certificates and voters' certificates herein specified; the cost of postage both in for forwarding and for the return of returning the ballots as herein specified; and in the cost of delivering endorsed applications to the judges of the several precincts in his the county or in his municipality the applications after the same have been endorsed by him as herein specified,~~ shall be paid by the county or by the municipality.

Sec. 16. Minnesota Statutes 1976, Section 207.08, is amended to read:

207.08 [RETURN AND BALLOT ENVELOPES, DIRECTIONS TO VOTERS.] Subdivision 1. The county auditor of each of the several counties or the municipal clerk of each of the several



municipalities shall mail or deliver to the applicant with the ballots two envelopes a return envelope, a ballot envelope and "a copy of the directions to voters" as prescribed by this section. One envelope shall be known as The "return envelope" herein described, shall be of sufficient size to conveniently enclose and contain the "ballot envelope" herein described and a voter registration card. There shall be printed or written across the left hand end of this envelope, by the auditor or by the municipal clerk, before delivery thereof to the applicant, the words:

**"Return Envelope**

**Postmaster to deliver on Election Day."**

The auditor or the municipal clerk shall also cause this "Return Envelope" to be addressed to the "Judges of Election" in the precinct in which the applicant is entitled to vote. Such address shall be in substantial conformity to one of the illustrations herein set forth and as the facts may require:

**"To the Judges of Election,**

**Seventh Precinct, Third Ward,**

**City of Minneapolis,**

**Hennepin County,**

**Minnesota."**

**"To the Judges of Election, Rosedale Town,**

---

**(Here insert name of post office nearest voting place)**

**Hennepin County, Minnesota."**

**"To the judges of Election, City of Excelsior,**

**Excelsior, Hennepin County, Minnesota."**

If the auditor does not know or cannot ascertain the precinct in which the applicant is entitled to vote he shall cause the Return Envelope to be addressed to the clerk of the municipality in which the applicant is entitled to vote. Such address shall be in substantial conformity to one of the illustrations herein set forth and as the facts may require:

**"To the Town Clerk of the Town of Fisher**

**For the Judges of Election of the Precinct**

**in which Box 32, Route 3, Fisher, Minnesota is situated.**

**Town Hall, Town of Fisher,**

**Blue Earth County, Minnesota."**

**"To the Town Clerk of the Town of White**

**For the Judges of Election of the Precinct**

in which Route 3, Aurora, Minnesota is situated.

City of Aurora

St. Louis County, Minnesota."

The auditor may vary any such form for addressing "Return Envelope" as the facts may require, but shall adopt such form of address as will best insure the prompt delivery of such envelope and contents to the judges on election day. If the Return Envelope is addressed to the clerk of a municipality it shall contain a notation in bold face type reading substantially as follows:

"Clerk of

.....

(Here insert name of municipality)

Deliver this envelope to the correct Election Precinct immediately upon receipt thereof." The county auditor or the municipal clerk shall also affix to this "return envelope" United States postage stamps sufficient in amount to pay the required United States postage on the "Return Envelope," after the ballot envelope and voter's certificate herein prescribed have been enclosed therein. If necessary to assure delivery to the judges of election in the polling place by the postmaster, the county auditor or the municipal clerk shall affix to this "Return Envelope" United States postage stamps necessary for special delivery.

There shall be printed on the back of this "Return Envelope" a certificate which shall be substantially in the following form:

**"VOTER'S CERTIFICATE**

County of ..... )

+ ss

State of ..... )

I do swear that I am a citizen of the United States; that I am an eligible voter; that I am an actual resident of the election precinct indicated by my address in my application; that I do not intend to abandon my residence in said precinct prior to such date; that at said time I will be a qualified voter in said precinct.

(Signed) .....

(Voter)

Subscribed and sworn to before me this ..... day of ..... A.D. ...., and I hereby certify that the affiant exhibited the enclosed ballots to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballots and enclosed and sealed the same in the ballot envelope; or that he was physically incapacitated from marking his ballots and that at his request I marked the ballots for him; that the affiant was

not solicited or advised by me for or against any candidate or measure.

---

(Attesting Witness)

---

Official Title or address where witness is registered voter or address of residence from which the witness voted if he resides where there was no permanent registration)

(Here write name of office or official character of attesting witness, such as notary public, postmaster, etc. or that the witness is an eligible voter in the absentee's county, who has voted within the last four years.)"

The return envelope shall be so made as *designed* to open on the left hand end and the . A certificate above set forth of eligibility to vote by absentee ballots shall be printed on the right hand three-fourths of the back of the envelope. *The certificate shall contain a statement to be signed and sworn by the voter indicating that the voter meets all of the requirements provided by law to vote by absentee ballot. The certificate shall also provide for signature by an eligible voter of the county in which the absent voter resides or by a notary public, United States postmaster, assistant postmaster, postal supervisor, clerk of a postal service contract station or other person authorized to administer oaths.*

The following "The county auditor or municipal clerk shall print directions to Voters" for casting an absentee ballot shall be printed and furnished furnish a copy of the directions to each voter at the time such the ballots are mailed or delivered in person. The directions may include instructions for registering to vote.

#### "DIRECTIONS TO VOTERS"

"(1) Locate a Notary Public, United States Postmaster, Assistant United States postmaster, postal supervisor, clerk in charge of contract postal station, or any officer having authority to administer an oath or take an acknowledgment or an eligible voter in your county, who has voted in the last four years.

(2) Exhibit the ballots to be voted on to such person unmarked.

(3) In his presence mark the ballots in such a manner that he cannot see your vote. If you are physically incapacitated, you may ask him to mark your ballot for you.

(4) Fold each ballot separately so that your cross marks cannot be seen without unfolding, but so that facsimile signature of officer (secretary of state, county auditor, or municipal clerk) on back of ballot can be seen without unfolding ballot. Do not put your name, initials, or any other identifying mark on the ballots.

(5) Enclose all the ballots in the 'Ballot Envelope' and seal the envelope.

(6) Sign your name on back of the 'Return Envelope.' The person taking your acknowledgement must sign his name as attesting witness, and, if he is an official, indicate his official title, insert proper date, and affix his official seal, or, in the case of postal authorities previously mentioned, the cancellation stamp of their respective post offices. When the person taking your acknowledgement is an eligible voter of your county he must state the fact below his signature. Insert the 'Ballot Envelope' in the 'Return Envelope' and seal the 'Return Envelope.'

(7) Deposit the 'Return Envelope' in the mail in the presence of the attesting witness or have him do it for you.

(8) The ballots may be marked and mailed at any time after you receive them from the county auditor or from the municipal clerk. However, they must be marked and mailed so that they can be delivered by the post office to the judges of election at your polling place before the polls close on election day."

*Subd. 2. When absentee ballots are mailed to the absent voter, the county auditor or municipal clerk shall provide for the return of the ballots to judges in the precinct in which the voter is eligible to vote by one of the following methods:*

(a) by mail to the county auditor or municipal clerk who sent the ballots to the voter and delivery by the auditor or clerk to the judges;

(b) by mail to the clerk of the town or city in which the absent voter is eligible to vote and delivery by that clerk to the judges;

(c) by mail directly to the judges of election; or

(d) any other method authorized by rules adopted by the secretary of state.

*The county auditor or municipal clerk shall in all cases affix sufficient postage to return envelopes to assure return of the ballots to the judges by election day. When absentee ballots are delivered by election judges pursuant to section 207.31, the ballots shall be returned in person to the municipal clerk by the judges who delivered them and the clerk shall deliver the ballots to the judges in the precincts.*

*The secretary of state shall adopt rules establishing the procedures to be used for each method of returning ballots permitted by clauses (a) to (c), including procedures necessary to assure accurate and timely delivery of ballots by the United States postal service, and may authorize additional methods and procedures of return.*

Sec. 17. Minnesota Statutes 1976, Chapter 207, is amended by adding a section to read:

[207.085] [FORM AND CONTENT OF REQUIRED MATERIALS; RULES OF SECRETARY OF STATE.] *The secretary of state shall adopt rules establishing the form, content, and type size and style for the printing of applications for absentee ballots.*

*proof of residence certificates, return envelopes, certificates of eligibility to vote by absentee ballot, ballot envelopes and directions for casting an absentee ballot. Any official charged with the duty of printing any of these materials shall do so in accordance with these rules.*

Sec. 18. Minnesota Statutes 1976, Section 207.09, is amended to read:

207.09 [ENDORSEMENT OF APPLICATION; RECEIPT AND DELIVERY OF BALLOTS.] *Subdivision 1. [ENDORSEMENT OF APPLICATION.] When the county auditor or the municipal clerk on mailing or delivering mails or delivers ballots to an applicant ballots as hereinbefore specified, he shall date and sign or cause to be signed by his deputy, and date the certificate printed on the application for ballots and shall authenticate such certificate his signature with his official seal. All applications shall be preserved by the auditor or the municipal clerk and arranged by him according to precincts and the initial letter of the surname of the applicant.*

*Subd. 2. [DELIVERY BY AUDITOR AND TOWN AND CITY CLERKS.] At the time On the day before election day the county auditor delivers the state and county ballots shall deliver to the town and city clerks within his county, he shall also deliver to the respective town and city clerks the applications theretofore received by him and endorsed by him. Such The town and city clerks shall in turn deliver said those endorsed applications so endorsed together with the applications filed with their respective offices to the respective judges of the several precincts.*

Sec. 19. Minnesota Statutes, 1977 Supplement, Section 207.10, is amended to read:

207.10 [VOTER TO MAIL BALLOT.] Any qualified voter of any precinct of this state to whom ballots have been mailed or delivered by the county auditor or by the municipal clerk, may mark and mail the those ballots so delivered to him at any place, the same to be marked and mailed in the manner specified in the directions to voters, set forth in section 207.08, and before an attesting witness belonging to one of the classes specified in the directions to voters for casting an absentee ballot. Ballots delivered to qualified voters pursuant to section 207.31 may be returned in person to the municipal clerk by the judges who delivered the ballots. The municipal clerk shall forthwith deliver those ballots to the judges of the appropriate precincts either by mail or in person. A voter to whom ballots have been delivered in person may leave his marked ballots with the county auditor or municipal clerk who shall deliver or forward them in accordance with section 207.08, subdivision 2.

Sec. 20. Minnesota Statutes, 1977 Supplement, Section 207.11, is amended to read:

207.11 [JUDGES TO RECEIVE AND COUNT BALLOTS.] *Subdivision 1. [RECEIPT OF RETURN ENVELOPES.] The judges in the several precincts at any election shall receive all*

ballots return envelopes delivered to them on election day by officers or employees of the United States post office department in due course of the business of that department postal service or by the auditor or town or city clerk of the municipality; and as herein provided; and deposit the same in the appropriate ballot box provided that they are satisfied that the person is a voter in such precinct and entitled to vote therein at such election; provided, further, that the conditions precedent hereinafter set forth, exist. Ballots so deposited shall be counted, canvassed and returned and shall be given the same force and effect as the votes of other duly qualified voters who vote in person.

Subd. 2. [EXAMINATION OF RETURN ENVELOPES.] Upon a "Return Envelope" being delivered to The judges they shall open the same examine the return envelopes and receive or reject absentee ballots in such a the manner as not to cut or mutilate the contents or deface or damage the certificate or the signatures thereto on the outside thereof. They shall compare the signature of the voter on the outside of the "return envelope" with the signature on the "application for ballots" delivered to them as provided herein provided in this subdivision. The judges or one or more of them shall mark the ballot envelope "Received" and place his or their initials or names below the word "Received," if:

(a) the judges or a majority of them, shall be are satisfied that the signature of the voter subscribed to on the "voter's certificate" printed on the return envelope is the genuine signature of the person who made the "application for ballots," and if the signature of the voter the certificate has been properly authenticated completed as prescribed in the "directions to voters" set forth in this chapter, the judges, or one or more of them shall write the word "Received" on such "Ballot Envelope" and under such word his or their name or initials for casting an absentee ballot;

Subd. 3. (b) In municipalities where with a permanent voter registration is required no ballot envelope may be marked "Received" nor ballots accepted unless system, the voter who has mailed the ballots is registered and eligible to vote in the precinct or has included a properly completed registration form card and proof of residence certificate in the return envelope.

Subd. 4. The ballots shall not be so marked with the word "Received" if it appears from the registration file that such or, in municipalities with no permanent voter registration system, the address of the voter lies within the precinct; and

(c) The voter has not already voted at such that election, either in person or by mail. If the voter who has mailed the ballots fails to comply with the requirements of this section or has previously voted at such election, then such "judges find that an absent voter has failed to meet one of the requirements prescribed in clauses (a) to (c), they shall remove the ballot envelope from the return envelope, mark the ballot envelope "shall be marked "Rejected" and placed place it back in the "return envelope" and placed with and returned return it to the county auditor with

the unused ballots. No person who voted by mail as herein provided shall be permitted to thereafter vote in person in the same election.

Subd. 5 3 . [NOTATION ON REGISTRATION CARD OR ELECTION REGISTER.] If the " ballot envelope " is marked with the word "Received", the judges in charge of the register shall make an appropriate notation on the register of voters indicating record the fact that the voter has voted by mail ; on the voter registration card or on the election register in precincts with no permanent voter registration. This shall be done by placing the letters "V.M." in the appropriate column opposite the voter's name space on the card or register . No person who has voted by mail shall thereafter be permitted to vote in person at that election.

Subd. 6 4 . [PLACEMENT IN CONTAINER; OPENING AND COUNTING OF BALLOTS.] The Any " ballot envelope " marked "Received" shall be placed by the judges in a separate absentee ballot box container until . The container and each ballot envelope may be opened after the last regular mail delivery by the United States post office department postal service on the election day. The absentee ballot box and each " ballot envelope " may then be opened , ballots therein shall then be initialled , counted and tabulated by the election judges in the same manner as ballots delivered by them to voters in person and shall be deposited in the appropriate ballot box. Ballots so deposited shall be counted, canvassed and returned and shall be given the same force and effect as the votes of other duly qualified voters who vote in person . If there be more than one ballot of any kind enclosed in said the " ballot envelope, " then and in such case neither of such ballots of such ballot of that kind shall be counted but all such kinds ballots of that kind shall be placed with the spoiled ballots and returned as is provided for by law with reference to such spoiled ballots. The judges shall write their initials on absentee ballots in the same manner as is provided by law with reference to ballots delivered by them to voters in person. No count results from any precinct shall be disclosed by any election official or other individual until all count results are available, nor shall the public media disclose any count results from any precinct before the polls are closed.

Subd. 5. [EXCEPTION FOR ABSENTEE BALLOT PRECINCTS.] In municipalities with an absentee ballot precinct the judges shall receive and process return envelopes and ballot envelopes as provided in this section except that the ballot envelopes marked "Received" shall be delivered in an absentee ballot container to the absentee ballot precinct for the counting of ballots as soon as possible after processing. The judges shall include the vote totals provided by the absentee ballot precinct in the vote totals on the summary statements of the returns for that precinct.

Sec. 21. Minnesota Statutes 1976, Section 207.30, Subdivision 2, is amended to read:

Subd. 2. [ESTABLISHMENT.] Any city or town charged with

the responsibility of elections may by ordinance of The governing body of such *any* municipality *may by ordinance* establish an absentee ballot precinct.

Sec. 22. Minnesota Statutes 1976, Section 207.30, Subdivision 3, is amended to read:

Subd. 3. [COMPOSITION AND DUTIES.] An absentee ballot precinct shall be a *consist of an election* board set up by the designated election official of a municipality whose duties shall be as follows:

(a) Receive all absentee ballots of the electorate of the municipality for any election.

(b) Check the registration of each absentee ballot.

(c) Determine the precinct of each absentee ballot voter and report the results of such election to each precinct with such results to be tabulated with that precinct.

(d) Prepare a list for submission to each precinct within the municipality prior to the close of the election day for the precinct officials to check against the voter registration file to ascertain if any absentee ballot voter voted by person.

(e) Reject any absentee ballots of persons who had voted at a precinct making a notation on the envelope of the absentee ballot as to the reason for rejection.

(f) After the polls have closed in the municipality the board shall count the absentee ballots by opening them and tabulating the vote of each absentee ballot voter in a manner which will indicate each vote of the absentee voter and designate that the vote was received by absentee ballot by the city or town clerk. The board shall:

(a) Receive from each regular precinct all ballot envelopes marked "Received" by the precinct judges;

(b) Open and count the absentee ballots, tabulating the vote in a manner that indicates each vote of the absentee voter and the total absentee vote cast for each candidate or question in each precinct; and

(c) Report the vote totals tabulated for each precinct to the appropriate precinct judges.

Sec. 23. Minnesota Statutes 1976, Section 207.30, Subdivision 4, is amended to read:

Subd. 4. [APPOINTMENT OF MEMBERS.] The election official of each municipality city or town clerk shall be charged with the responsibility, after an ordinance has been adopted by the governing body of the municipality, to appoint the number of persons he deems necessary to carry out the duties of the absentee ballot precinct.

Sec. 24. Minnesota Statutes 1976, 207.30, Subdivision 5, is amended to read:



Subd. 5. [COMPENSATION OF MEMBERS.] The election official of each municipality city or town clerk shall pay a reasonable compensation to each member of the absentee ballot precinct for his services rendered during each election.

Sec. 25. Minnesota Statutes 1976, Section 207.30, Subdivision 6, is amended to read:

Subd. 6. [APPLICABLE LAWS.] Except as otherwise provided by this section, all of the laws applicable to absentee ballots and absentee voters as well as any other applicable and all other provisions of law as contained within the election laws of this state and specifically this chapter, shall apply to the ballots handled by the an absentee ballot precinct. It is intended by this section that an absentee ballot precinct may be established and that the provisions of this section are to be supplementary to the election laws of the state.

Sec. 26. Minnesota Statutes, 1977 Supplement, Section 207.31, is amended to read:

207.31 [HOSPITAL PATIENTS AND HEALTH CARE FACILITY RESIDENTS.] Each municipal clerk shall designate election judges to deliver absentee ballots to any eligible voter who has applied for an absentee ballot as provided in section 207.03 and who is a resident or patient in a health care facility or hospital located in the municipality to which the application has been submitted. The ballots shall be delivered to any such voter by two election judges, each of whom is affiliated with a different political party. When the judges are engaged in delivering or returning ballots as provided in this section, they shall travel together in the same vehicle. Both judges shall be present when an applicant completes his voter's certificate and casts his absentee ballot, and may assist an applicant to mark his ballot in the manner provided in section 204A.34. The judges shall deposit the return envelopes containing the voted absentee ballots in a sealed container and deliver them to the clerk on the same day that they are delivered and cast. Except as provided in subdivision 2, The judges shall deliver the absentee ballots to the applicant during the ten days preceding an election except that ballots may be delivered on election day to any voter who has applied for ballots pursuant to section 207.03, subdivision 2.

Sec. 27. [REVISOR'S INSTRUCTION.] In the next edition of Minnesota Statutes, the revisor of statutes shall

(a) delete the words "commissioner of voter registration" or "commissioner" in Minnesota Statutes, Chapter 201, and insert in lieu thereof the words "secretary of state" or "secretary", and

(b) delete all capital letters and quotation marks appearing in connection with the terms "Return Envelope," "Ballot Envelope," "Directions to Voters," "Application for Ballots" and variations of those terms, wherever they appear in Minnesota Statutes, Chapter 207, including headnotes, as necessary to conform to the usage of those terms in this act.

Sec. 28. [REPEALER.] *Minnesota Statutes 1976, Sections 207.101, 207.12, 207.13 and 207.30, Subdivision 1, are repealed.*

Sec. 29. [EFFECTIVE DATE.] *This act is effective the day following its final enactment; provided that*

(a) *until the secretary of state adopts rules pursuant to section 17, county auditors and municipal clerks shall continue to print any form or other items heretofore required by Minnesota Statutes, Chapter 207, in accordance with the description of the form or item heretofore provided in that chapter and*

(b) *until the secretary of state adopts rules pursuant to Minnesota Statutes, Section 207.08, Subdivision 2; county auditors and municipal clerks shall provide for return of absentee ballots from voters to the judges in the precincts as heretofore provided by law."*

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "revising forms and procedures for administering absentee ballot laws;"

Page 1, line 5, before "duties" insert "powers and"

Page 1, line 8, before "207.06" insert "207.04;"

Page 1, line 8, after "207.08;" insert "207.09; 207.30, Subdivisions 2, 3, 4, 5 and 6;"

Page 1, line 8, strike "and Chapter" and insert "Chapters"

Page 1, line 9, after "section;" insert "and 207, by adding a section;"

Page 1, line 11, after "204A.13," strike "Subdivision" and insert "Subdivisions" and after "2" insert "and 6"

Page 1, line 12, after "207.03;" insert "207.05, Subdivision 1; 207.10;"

Page 1, line 12, strike "and" and before the period insert "; and 207.31; repealing Minnesota Statutes 1976, Sections 207.101; 207.12; 207.13; and 207.30, Subdivision 1"

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

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

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.

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

Page 1, line 9, strike "3" and insert "2"

Page 1, after line 9, insert:

"Subd. 2. The commissioner shall make the proposed management plan available to affected local governmental bodies, shoreland owners, conservation and outdoor recreation groups, *the director of the state planning agency, the governor, and the general public. The director of the state planning agency and the governor shall review the proposed management plan pursuant to the criteria specified in section 86A.09, subdivision 3, and submit any written comments to the commissioner within 60 days after receipt of the proposed management plan.* Not less than 60 days after making such information available, the commissioner shall conduct a public hearing on the proposed management plan in the county seat of each county which contains a portion of the designated area, in the manner provided in chapter 15.

Sec. 2. Minnesota Statutes 1976, Section 104.35, subdivision 3, is amended to read:

Page 1, line 13, after "*plan*" insert "*and the hearing examiner's report*"

Page 1, line 18, strike "*proposed management plan*" and insert "*hearing examiner's report*"

Page 2, line 8, strike "2" and insert "3"

Amend the title as follows:

Line 5, strike "Subdivision" and insert "Subdivisions 2 and"

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

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1574: A bill for an act relating to the Metropolitan airport; designating the Hubert H. Humphrey International Airport; amending Minnesota Statutes 1976, Section 473.608, Subdivisions 19 and 20.

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

Page 1, line 9, before "HUBERT" insert "MINNEAPOLIS-ST. PAUL"

Page 1, line 11, before "*Hubert*" insert "*Minneapolis-St. Paul*"

Page 1, line 17, restore the stricken "*Minneapolis-St. Paul*" and after "*St. Paul*" insert a hyphen

Page 2, line 20, restore the stricken "*Minneapolis-St. Paul*" and after "*St. Paul*" insert a hyphen

Page 2, after line 25, insert:

"Sec. 4. [REVISOR'S INSTRUCTIONS.] *In the next and subsequent editions of Minnesota Statutes, the revisor of stat-*

utes shall change all references to the "Minneapolis-St. Paul International Airport" to read "Minneapolis-St. Paul-Hubert H. Humphrey International Airport."

Sec. 5. [EFFECTIVE DATE.] *This act is effective January 1, 1979.*"

Amend the title as follows:

Page 1, line 3, after "the" insert "Minneapolis-St. Paul -"

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

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

S. F. No. 851: A bill for an act relating to St. Louis county; fees for tax search certificate; amending Laws 1955, Chapter 633, Section 1, Subdivision 2.

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

Amend the title as follows:

Page 1, line 2, after the semicolon insert "changing the"

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 1645: A bill for an act relating to veterans; providing tuition assistance; providing a study of academic credit for military training and experience; appropriating money; amending Minnesota Statutes 1976, Section 197.75, Subdivisions 1 and 2.

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

Page 1, line 20, strike "university of higher learning" and insert "post secondary institution"

Page 2, line 31, before "who" insert "who is otherwise eligible but"

Page 3, lines 2 and 3, strike the new language

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

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.

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

Page 2, line 4, after "lapse." insert *"In the event that both the municipality and the county desire to purchase the armory, the municipality shall be given the right to purchase the armory."*

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

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

#### **MINNESOTA MUNICIPAL BOARD**

Robert Johnson

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. Perpich from the Committee on Health, Welfare and Corrections, to which were referred the following appointments as reported in the Journal for January 17, 1978:

#### **MINNESOTA CORRECTIONS BOARD**

Richard F. Alstad

Mrs. Dorothy Skwiera

#### **CRIME CONTROL PLANNING BOARD**

John Sonsteng

Carol Lemcke

Gerald Benjamin

John D. Wunsch

Felipe Z. Ramirez

Thomas Motherway

Frederick D. McDougall, Sr.

Jimmy Evans

Ruth Cain

Lise Schmidt

Rosemary Ahmann

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. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 1765, 1006, 1073, 1685, 1021, 837, 838, 839, 1637, 1635, and 1446 makes the following report:

That S. F. Nos. 1765, 1006, 1073, 1685, 1021, 837, 838, 839, 1637, 1635 and 1446 be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the Subcommittee on which floor action was requested. Report adopted.

### SECOND READING OF SENATE BILLS

S. F. Nos. 1627 and 851 were read the second time.

S. F. Nos. 1616, 1655, 318, 1606, 1206, 1662, 1647, 762, 1276, 1603, 1573, 1431, 1229, 1548, 1630, 1743 and 1698 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. Nos. 356 and 1095 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

### MOTIONS AND RESOLUTIONS

Mr. Davies moved that the name of Mr. Sikorski be added as co-author to S. F. No. 1310. The motion prevailed.

Mr. Benedict moved that the name of Mrs. Staples be added as co-author to S. F. No. 1594. The motion prevailed.

Mr. Humphrey moved that the name of Mrs. Staples be added as co-author to S. F. No. 1728. The motion prevailed.

Mr. Solon moved that the name of Mr. Lessard be added as co-author to S. F. No. 1877. The motion prevailed.

Mr. McCutcheon moved that the name of Mr. Johnson be added as co-author to S. F. No. 1929. The motion prevailed.

Mr. Schrom moved that the name of Mr. Lessard be added as co-author to S. F. No. 1944. The motion prevailed.

Mr. Peterson moved that the name of Mr. Lessard be added as co-author to S. F. No. 1947. The motion prevailed.

Mr. Chmielewski moved that the names of Messrs. Willet and Schrom be added as co-authors to S. F. No. 1428. The motion prevailed.

Mr. Willet moved that S. F. No. 2034 be withdrawn from the Committee on Health, Welfare and Corrections and re-referred to the Committee on Agriculture and Natural Resources. The motion prevailed.

Mr. Sieloff introduced—

Senate Resolution No. 27. A Senate resolution relating to the engrossment and printing of House bills amended by the Senate which are to be known as "Unofficial Engrossments", amending Senate Rule No. 41.

Be It Resolved, by the Senate, that Senate Rule 41 be amended by adding a paragraph to read:

Upon a motion being made and supported by six members, the Secretary of the Senate shall engross and print a House bill amended by the Senate which shall be known as an Unofficial Engrossment.

Referred to the Committee on Rules and Administration.

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 appointments of:

#### MINNESOTA BOARD ON AGING

Marty Martinovich, Eveleth, St. Louis County, effective January 3, 1977, for a term expiring the first Monday in January, 1979.

Joe Sherin, 2191 East Third Street, St. Paul, Ramsey County, effective January 3, 1977, for a term expiring the first Monday in January, 1979.

Archie Baumann, 307 East Chestnut, Redwood Falls, Redwood County, effective April 20, 1977, for a term expiring the first Monday in January, 1980.

The motion prevailed. So the appointments were 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 appointments of:

#### MINNESOTA BOARD ON AGING

Sharon Roe Anderson, 5701 Bryant Avenue South, Minneapolis, Hennepin County, effective January 3, 1977, for a term expiring the first Monday in January, 1979.

William Brummer, 114 South Main Street, Crookston, Polk County, effective January 3, 1977, for a term expiring the first Monday in January, 1979.

Dr. Virgil Christensen, 239 West Skyline, Mankato, Blue Earth County, effective January 3, 1977, for a term expiring the first Monday in January, 1979.

Nathaniel Chumley, Route One, Tenstrike, Beltrami County, effective January 3, 1977, for a term expiring the first Monday in January, 1979.

Mrs. William Fenelon, 859 Linwood Avenue, St. Paul, Ramsey County, effective January 3, 1977, for a term expiring the first Monday in January, 1979.

Father Alcuin Henger, Madonna Towers, Rochester, Olmsted County, effective January 3, 1977, for a term expiring the first Monday in January, 1979.

Helga Neilsen, 635 Harmony, Hutchinson, McLeod County, effective January 3, 1977, for a term expiring the first Monday in January, 1979.

Erma St. George, Bagley, Clearwater County, effective January 3, 1977, for a term expiring the first Monday in January, 1979.

Leo Skarda, Route 2, Box 224, Lindstrom, Isanti County, effective January 3, 1977, for a term expiring the first Monday in January, 1979.

Harold Windingstad, Jr., Dawson, Lac qui Parle County, effective January 3, 1977, for a term expiring the first Monday in January, 1979.

#### **GILLETTE HOSPITAL BOARD**

Harold Schultz, 1176 East Hawthorne Avenue, St. Paul, Ramsey County, effective January 3, 1977, for a term expiring January 1, 1983.

Clifford Retherford, 7007 West Shore Drive, Edina, Hennepin County, effective January 3, 1977, for a term expiring January 1, 1983.

The motion prevailed. So the appointments were confirmed.

#### **MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Perpich moved that the report from the Committee on Health, Welfare and Corrections, reported February 2, 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 February 2, 1978; the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF HEALTH  
COMMISSIONER**

Dr. Warren Lawson, 5133 Mirror Lakes Drive, Edina, Hennepin County, effective December 6, 1977, for a term expiring the first Monday in January, 1979.

The motion prevailed. So the appointment was confirmed.

**THIRD READING OF SENATE BILLS**

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; 203A.15; and 206.17.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knutson	Penny	Spear
Ashbach	Frederick	Laufenburger	Perpich	Stokowski
Bang	Gearty	Lessard	Peterson	Stumpf
Benedict	Gunderson	Luther	Pillsbury	Tennessen
Bernhagen	Hughes	McCutcheon	Purfeerst	Ueland, A.
Borden	Humphrey	Menning	Renneke	Vega
Brataas	Johnson	Merriam	Schmitz	Wegener
Chmielewski	Keefe, J.	Moe	Schrom	Willet
Coleman	Keefe, S.	Nelson	Setzenfandt	
Davies	Kirchner	Nichols	Sieloff	
Dieterich	Kleinbaum	Olhoff	Sillers	
Dunn	Knaak	Olson	Solon	

Messrs. Jensen and Ulland, J. voted in the negative.

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Dunn	Knutson	Olson	Sillers
Ashbach	Engler	Laufenburger	Penny	Solon
Bang	Frederick	Lessard	Perpich	Spear
Benedict	Gearty	Luther	Peterson	Stokowski
Bernhagen	Gunderson	McCutcheon	Pillsbury	Stumpf
Borden	Jensen	Menning	Purfeerst	Tennesen
Brataas	Johnson	Merriam	Renneke	Ueland, A.
Chmielewski	Keefe, J.	Moe	Schmitz	Ulland, J.
Coleman	Keefe, S.	Nelson	Schrom	Vega
Davies	Kirchner	Nichols	Setzepfandt	Wegener
Dieterich	Knaak	Olhoff	Sieloff	Willet

So the bill passed and its title was agreed to.

S. F. No. 1066: A bill for an act relating to taxation; exempting a portion of the increase in assessed value of major electric generating facilities from the property tax.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Moe	Pillsbury	Stumpf
Bang	Gearty	Nelson	Purfeerst	Tennesen
Bernhagen	Gunderson	Nichols	Schaaf	Vega
Borden	Humphrey	Ogdahl	Schmitz	Wegener
Chmielewski	Kirchner	Olhoff	Schrom	Willet
Coleman	Kleinbaum	Olson	Setzepfandt	
Davies	Knaak	Penny	Sieloff	
Dieterich	McCutcheon	Perpich	Sillers	
Dunn	Merriam	Peterson	Stokowski	

Those who voted in the negative were:

Ashbach	Hughes	Keefe, S.	Luther	Spear
Benedict	Jensen	Knutson	Menning	Ueland, A.
Brataas	Johnson	Laufenburger	Renneke	Ulland, J.
Engler	Keefe, J.	Lessard	Solon	

So the bill passed and its title was agreed to.

#### CONSENT CALENDAR

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.

With the unanimous consent of the Senate, Mr. Perpich moved to amend S. F. No. 1178 as follows:

Page 2, line 5, strike "the official" and insert "a"

Page 2, line 6, after "newspaper" insert "of general circulation published in the county"

Page 2, line 11, strike "county" and insert "town"

Page 2, line 12, strike "county auditor" and insert "town clerk"

The motion prevailed. So the amendment was adopted.

S. F. No. 1178 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 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

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

S. F. No. 1713: A bill for an act relating to the city of Minneapolis; providing for the extended assignment of city employees to the riverfront development coordination board.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

#### 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. 910, 1758, 1282, 1285, 1602 and H. F. No. 1792 which the committee recommends to pass.

S. F. No. 1727, which the committee recommends to pass with the following amendment offered by Mr. Moe:

Page 1, line 7, after "2," insert "Subdivision 2,"

Page 1, delete lines 9 to 22

Page 2, delete lines 1 to 11

Page 2, line 15, reinstate "In the county of Clearwater,"

Page 2, line 32, after "Half" insert "*of the Southwest Quarter*"

Amend the title as follows:

Line 4, after "2" insert ", Subdivision 2"

Mr. Jensen moved to amend S. F. No. 1727 as follows:

Pages 3 and 4, strike section 2

Renumber the remaining section

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 4 and nays 45, as follows:

Mrs. Brataas, Messrs. Dieterich, Jensen and Mrs. Knaak voted in the affirmative.

Those who voted in the negative were:

Anderson	Gearty	Lessard	Perpich	Sikorski
Benedict	Gunderson	Lewis	Peterson	Solon
Bernhagen	Humphrey	Luther	Pillsbury	Spear
Borden	Johnson	Menning	Purfeerst	Staples
Chmielewski	Keefe, J.	Merriam	Renneke	Stumpf
Coleman	Keefe, S.	Moe	Schaaf	Tennessen
Davies	Kleinbaum	Nelson	Schmitz	Ulland, J.
Engler	Knutson	Olhoft	Setzepfandt	Wegener
Frederick	Laufenburger	Penny	Sieloff	Willet

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

S. F. No. 438 which the committee reports progress, subject to the following motion:

Mr. Tennessen moved to amend S. F. No. 438 as follows:

Page 2, line 26, strike "*interest*" and insert "*intent*"

Page 4, line 30, before the period insert "*and shall apply to applications for certificates of authorization filed on that date and thereafter*"

The motion prevailed. So the amendment was adopted.

S. F. No. 438 was then progressed.

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

Without objection, the Senate reverted to the Order of Business of Introduction and First Reading of Senate Bills.

#### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bill was read the first time and referred to the committee indicated.

Messrs. Schaaf, Lewis, Coleman, Borden and Ogdahl introduced—

S. F. No. 2036: A bill for an act relating to the organization and operation of state government; stating a legislative policy regarding executive branch reorganization; creating a council on state government reorganization; requiring a report and recommendations; appropriating money.

Referred to the Committee on Governmental Operations.

#### **MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Coleman moved that the Senate do now adjourn until 9:30 o'clock a.m., Monday, February 13, 1978. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate