

## EIGHTY-FIFTH DAY

St. Paul, Minnesota, Tuesday, March 7, 1978

The Senate met at 11:45 o'clock a.m. and was called to order by the President.

## CALL OF THE SENATE

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

Anderson	Gearty	McCutcheon	Purfeerst	Strand
Benedict	Hughes	Menning	Schaaf	Stumpf
Borden	Humphrey	Merriam	Schmitz	Tennessen
Chenoweth	Keefe, S.	Moe	Schrom	Ueland, A.
Chmielewski	Kleinbaum	Nelson	Setzepfandt	Vega
Davies	Knoll	Ogdahl	Sikorski	Wegener
Dunn	Lessard	Olhoff	Spear	Willet
Engler	Luther	Penny	Staples	

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

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

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

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

The President declared a quorum present.

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

## INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Bang introduced—

S. F. No. 2389: A bill for an act relating to public employee labor relations; establishing a demonstration project for school district labor contracts.

Referred to the Committee on Education.

Mr. Vega introduced—

S. F. No. 2390: A bill for an act relating to taxation; property taxes; providing for certification of taxes paid before recording certain deeds and instruments; amending Minnesota Statutes 1976, Sections 272.14; 508.47, Subdivision 4; and Chapter 272, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 272.12.

Referred to the Committee on Judiciary.

Mr. Perpich introduced—

S. F. No. 2391: A bill for an act relating to taconite occupation taxes; increasing the distribution of tax proceeds to certain school districts; amending Minnesota Statutes, 1977 Supplement, Section 298.28, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Dieterich introduced—

S. F. No. 2392: A bill for an act relating to contracts for deeds; requiring certain disclosures; requiring registration or recording of contracts for deed; providing additional remedies for vendees; amending Minnesota Statutes 1976, Section 559.21; Chapters 507, by adding sections; and 559, by adding a section.

Referred to the Committee on Judiciary.

#### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

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

Senate File No. 1617 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 6, 1978

**CONCURRENCE AND REPASSAGE**

Mr. Davies moved that the Senate concur in the amendments by the House to S. F. No. 1617 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1617 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knutson	Penny	Staples
Ashbach	Frederick	Lessard	Perpich	Stokowski
Bang	Gearty	Luther	Purfeerst	Strand
Benedict	Gunderson	McCutcheon	Renneke	Stumpf
Borden	Hughes	Menning	Schmitz	Tennessen
Chenoweth	Humphrey	Merriam	Schrom	Ueland, A.
Chmielewski	Johnson	Moe	Setzepfandt	Ulland, J.
Davies	Keefe, S.	Nelson	Sieloff	Vega
Dieterich	Kleinbaum	Nichols	Sikorski	Wegener
Dunn	Knoll	Olhoft	Spear	Willet

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

**MESSAGES FROM THE HOUSE—CONTINUED**

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 405 and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 405: A bill for an act relating to gambling; authorizing the operation of certain gambling devices by licensed organizations; providing a penalty; amending Minnesota Statutes 1976, Sections 325.54, Subdivision 1; 340.14, Subdivision 2; 609.75; 609.76; Chapters 349, by adding a section; and 609, by adding a section.

House File No. 405 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 6, 1978

Mr. Nelson moved that H. F. No. 405 and the Conference Committee Report be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 1141, 2005, 2051, 2281, 2298, 932, 1870, 1914, 1921, 2452, 1220, 1663, 1884, 2159, 838, 2043 and 2192.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 6, 1978

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 1937, 1797, 2493 and 2494.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 6, 1978

### FIRST READING OF HOUSE BILLS

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

H. F. No. 1141: A bill for an act relating to local government compliance with plans for wild, scenic or recreational river areas; providing for a study and recommendations concerning the amount and distribution of costs associated therewith.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 2005: A bill for an act relating to medical malpractice insurance; extending the temporary joint underwriting association for an additional two year period; amending Minnesota Statutes 1976, Section 62F.01; repealing Laws 1976, Chapter 242, Section 16.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 2287.

H. F. No. 2051: A bill for an act relating to the city of Minneapolis; authorizing increased compensation for members of the board of park commissioners; amending Laws 1974, Chapter 181, Section 1.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1909 now on General Orders.

H. F. No. 2281: A bill for an act relating to conveyances; providing for the adoption of uniform conveyancing forms to replace certain forms in use; amending Minnesota Statutes 1976, Section 507.09.

Referred to the Committee on Judiciary.

H. F. No. 2298: A bill for an act relating to highway traffic regulation; change of course; clarifying requirement to signal a turn; amending Minnesota Statutes 1976, Section 169.19, Subdivision 4.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1398 now on General Orders.

H. F. No. 932: A bill for an act relating to Ramsey county; amending the Ramsey county code by deleting an obsolete pro-

vision therein relating to the printing of the code; amending Laws 1974, Chapter 435, Section 1.0213.

Referred to the Committee on Local Government.

H. F. No. 1870: A bill for an act relating to nursing; providing for issuance of certain licenses without examination to persons receiving certain training or licensing outside this state; amending Minnesota Statutes 1976, Section 148.291, Subdivision 3.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1717 now in the Subcommittee on Bill Scheduling.

H. F. No. 1914: A bill for an act relating to Koochiching county; authorizing the county law library to be supported by judicially imposed fee charges.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1884.

H. F. No. 1921: A bill for an act relating to local improvements; special assessments; eliminating certain limitations on special assessments by municipalities; amending Minnesota Statutes 1976, Section 429.011, Subdivision 2b.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 2025 now in the Subcommittee on Bill Scheduling.

H. F. No. 2452: A bill for an act relating to state lands; directing the conveyance of Hastings state hospital surplus lands.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 1220: A bill for an act relating to courts; providing for law clerks to assist district judges; amending Minnesota Statutes 1976, Section 484.545, Subdivision 1.

Referred to the Committee on Judiciary.

H. F. No. 1663: A bill for an act relating to retirement; authorizing a combined service annuity and the purchase of prior service credit for certain university employees.

Referred to the Committee on Governmental Operations.

H. F. No. 1884: A bill for an act relating to highway traffic regulations; prohibiting passing a school bus when it is stopped and is displaying stop signals; providing penalties; amending Minnesota Statutes 1976, Section 169.44, Subdivision 1.

Referred to the Committee on Transportation.

H. F. No. 2159: A bill for an act relating to courts; permitting personal jurisdiction over non-residents for causes of action re-

lating to tortious acts; revising the provision to accord with federal constitutional requirements; amending Minnesota Statutes 1976, Section 543.19, Subdivision 1.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1862 now on General Orders.

H. F. No. 838: A bill for an act relating to natural resources; watershed districts; changing bonding provisions for managers; changing and clarifying administrative provisions; establishing a survey and data acquisition fund; creating fees for applications for permits and for field inspections; requiring a permit applicant to post a bond; providing penalties and enforcement provisions; amending Minnesota Statutes 1976, Sections 112.42, Subdivision 1; 112.43, Subdivision 1; 112.48, Subdivision 4; 112.49, by adding a subdivision; 112.50, Subdivision 1; 112.55; 112.61, by adding a subdivision; 112.62, by adding a subdivision; 112.69; 112.761, Subdivision 1; 112.85, Subdivision 1; and Chapter 112, by adding sections; repealing Laws 1969, Chapter 969.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 322 now on General Orders.

H. F. No. 2043: A bill for an act relating to the legislature; continuation in or return of members to their employment after legislative sessions; prescribing a period during which a member may not be discharged except for good cause; political discrimination; amending Minnesota Statutes 1976, Section 3.083.

Referred to the Committee on Governmental Operations.

H. F. No. 2192: 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.

H. F. No. 1937: A bill for an act relating to pollution control; providing for the receipt and appropriation of certain funds by the pollution control agency; further regulating the transport of sewage sludge; amending Minnesota Statutes 1976, Section 115.06, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Section 169.80, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 1797: A bill for an act relating to the city of Zumbrota; authorizing the sale of certain public land.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1916 now on General Orders.

H. F. No. 2493: A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings with certain conditions; postponing deadline for submission of capital budget; authorizing purchase and sale of public lands and buildings; appropriating money; amending Minnesota Statutes 1976, Section 16A.11, Subdivision 1.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 2370 now on General Orders.

H. F. No. 2494: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state building bonds; limiting capital improvements at vocational-technical schools; appropriating money; amending Minnesota Statutes 1976, Sections 121.21, Subdivision 4a; 121.214, Subdivisions 1, 3, and by adding a subdivision; 124.564; repealing Minnesota Statutes, 1977 Supplement, Sections 16.015 and 16.016.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 2371 now on General Orders.

#### REPORTS OF COMMITTEES

Mr. Borden moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on H. F. Nos. 17 and 830 and reports pertaining to appointments. The motion prevailed.

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

S. F. No. 2355: A bill for an act relating to unemployment compensation; providing benefits for certain persons reaching mandatory retirement age.

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

Strike everything after the enacting clause and insert:

"Section 1. Laws 1977, Chapter 242, is amended by adding a section to read:

*Sec. 2. Benefits provided pursuant to chapter 268 shall be provided to individuals defined in section 268.09, subdivision 1, clause (2) (d), when the separation from employment occurs on July 2, 1977 or thereafter."*

Amend the title as follows:

Page 1, line 4, after "age" insert "; amending Laws 1977, Chapter 242, by adding a section"

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. 1543: A bill for an act relating to unemployment compensation; making certain daytime activity center teachers ineligible for benefits during certain periods; amending Minnesota Statutes 1976, Section 268.08, Subdivision 5.

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 268.08, Subdivision 6, is amended to read:

Subd. 6. [SERVICES PERFORMED FOR STATE, MUNICIPALITIES OR CHARITABLE CORPORATION.] Effective January 1, 1978 benefits based on service in employment defined in section 268.04, subdivision 12, clauses (7), (8) and (9), shall be payable in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other service subject to this chapter; except that

(a) With respect to weeks of unemployment after December 31, 1977, benefits based upon service performed in an instructional, research, or principal administrative capacity for an institution of higher education or a public school, or a nonpublic school or the Minnesota school for the deaf or Minnesota braille and sight saving school, or a developmental achievement center operating pursuant to sections 252.21 to 252.26 and licensed pursuant to section 245.783, benefits shall not be paid based upon such services for any week of unemployment commencing during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such the individual performs such the services in the first of such the academic years or terms and if there is a contract or a reasonable assurance that such the individual will perform services in any such capacity for any institution of higher education, public school, nonpublic school, or said state deaf and sight saving schools, or developmental achievement center in the second of such the academic years or terms, and

(b) With respect to service performed after December 31, 1977 in any capacity, other than those capacities described in clause (a) of this subdivision, for a public school or nonpublic school, or the Minnesota school for the deaf or Minnesota braille and sight saving school, and for service with a political subdivision with respect to a school, or a developmental achievement center operating pursuant to sections 252.21 to 252.26 and licensed pursuant to section 245.783, benefits shall not be paid on the basis of such these services to any individual for any week which commences during a period between two successive academic years or term if such the individual performs such the services in the first of such the academic years or terms and there is a reasonable assurance



that ~~such the~~ individual will perform ~~such the~~ services in the second of ~~such the~~ academic years or terms, and

(c) With respect to any services described in clause (a) or (b), compensation payable on the basis of ~~such the~~ services shall not be paid to any individual for any week which commences during an established and customary vacation period or holiday recess if ~~such the~~ individual performs ~~such the~~ services in the period immediately before ~~such the~~ vacation period or holiday recess, and there is a reasonable assurance that ~~such the~~ individual will perform ~~such the~~ services in the period immediately following ~~such the~~ vacation period or holiday recess. *School year for a developmental achievement center operating pursuant to sections 252.21 to 252.26 and licensed pursuant to section 245.783, means that period established by resolution of its board of directors.*

Sec. 2. [EFFECTIVE DATE.] *This act is effective the day following its final enactment.*"

Amend the title as follows:

Page 1, line 5, strike "1976" and insert ", 1977 Supplement"

Page 1, line 6, strike "5" and insert "6"

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. 830: A bill for an act relating to public utilities; regulation of cooperative electric associations; amending Minnesota Statutes 1976, Sections 216B.01; 216B.02, Subdivision 4; 216B.06; 216B.17, by adding a subdivision; 216B.36; 216B.38, Subdivision 5; 216B.45; 216B.47; 216B.62, by adding a subdivision; repealing Minnesota Statutes 1976, Sections 216B.48, Subdivision 7; 216B.49, Subdivision 6; 216B.50, Subdivision 2; and 216B.51, Subdivision 2.

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

Page 2, line 22, after "308" insert ", and having less than 10,000 members or stockholders,"

Page 3, after line 3, insert:

"A cooperative electric association may elect to become subject to rate regulation by the commission pursuant to sections 216B.03 to 216B.23. The election shall be (a) approved by the board of directors and members or stockholders of the association in accordance with the procedures for amending the articles of incorporation contained in section 308.15, subdivision 1, excluding the filing requirements; or (b) approved by a majority of members or stockholders voting by mail ballot or voice vote at a special meeting called by petition of no less than 10 percent of the members or stockholders of the association, provided that a quorum of the

*members or stockholders is registered as being present or represented by mail vote at the special meeting. The election shall be effective 30 days after certified copies of the resolutions approving the election are filed with the commission. Any cooperative electric association electing to become subject to regulation of rates by the commission shall be exempt from the provisions of sections 216B.48, 216B.49, 216B.50, and 216B.51."*

Page 7, line 2, before "complaints" insert "all of the costs incurred in the adjudication of"

Page 7, after line 3, insert "Cooperative electric associations electing to become subject to rate regulation by the commission pursuant to section 216B.02, subdivision 4, shall be subject to this section."

Amend the title as follows:

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

Page 1, line 2, after "of" insert "certain"

Page 1, line 3, after "associations" insert "unless an election to continue regulation is made"

And when so amended the bill do pass. Mr. Dieterich questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

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.

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

Page 1, line 8, strike "governor" and insert "commissioner of agriculture"

Amend the title as follows:

Page 1, line 2, strike "governor" and insert "commissioner of agriculture"

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

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

S. F. No. 2251: A bill for an act relating to the town of White, St. Louis county; authorizing the board of supervisors to set the compensation of the town assessor; amending Laws 1973, Chapter 530, Section 1; repealing Laws 1959, Chapter 314, Section 1.

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

Page 1, strike lines 10 and 11, and insert "*The electors of the town of White may set the compensation of the town assessor at the annual town meeting or special town meeting called for that purpose.*"

Amend the title as follows:

Page 1, line 3, strike "board of supervisors" and insert "electors of the town"

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

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

S. F. No. 2181: A bill for an act relating to the practice of dentistry; amending Minnesota Statutes 1976, Sections 150A.06, Subdivision 4; 150A.08, Subdivision 1; and 150A.09, by adding subdivisions.

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

Page 1 after line 7, insert:

"Section 1. Minnesota Statutes 1976, Section 150A.03, Subdivision 1, is amended to read:

150A.03 [OFFICERS; EQUIPMENT AND SUPPLIES.] Subdivision 1. The board of dentistry shall elect from its members a president, a vice-president, and a ~~secretary treasurer~~ secretary. The board shall have a common seal. It may hold meetings at such times as may be necessary and as it may determine. The board may hold special meetings outside of the state for the purpose of conducting examinations in conjunction with the boards of dentistry of other states, provided that the cost of such examinations be borne entirely by those persons wishing to have the board of dentistry conduct such examinations affiliate and participate, both in and out of state, with regional and national testing agencies for the purpose of conducting examinations for licensure and registration. The fee charged by such an agency for conducting the examination may be in addition to the application fee established by the board pursuant to section 150A.06.

Sec. 2. Minnesota Statutes 1976, Section 150A.06, Subdivision 1, is amended to read:

150A.06 [LICENSURE.] Subdivision 1. [DENTISTS.] A person of good moral character not already a licensed dentist of the state, ~~desiring to practice dentistry herein, shall apply to the state board of dentistry for examination and pay the fee established by the board for the first examination, and the same fee for each subsequent examination, which in no case shall be refunded. At the time and place designated by the board the applicant may present~~

himself for examination and shall produce having submitted an application and fee as prescribed by the board and his diploma or equivalent from a dental college of good standing, of which standing the board shall be the sole judge, also satisfactory evidence showing that the applicant is of good moral character. The board shall give the applicant may be examined by the board or by an agency pursuant to section 150A.03, subdivision 1, in such a manner an examination as to test thoroughly his the applicant's fitness for the to practice of dentistry. In the case of examinations conducted pursuant to section 150A.03, subdivision 1, applicants may take the examination prior to applying to the board for licensure. Said The examination shall include an examination of the applicant's knowledge of the laws of Minnesota relating to dentistry and the rules of the state board of dentistry. A separate fee may be charged for each time a person applies which in no case shall be refunded. An applicant who successfully passes the examination and meets all other requirements of the board shall be licensed to practice dentistry and supplied with a license by the board. Rules of the board establishing an examination fee shall remain in effect and shall constitute the application fee provided for herein until such time as the board shall amend, repeal, or otherwise change the rules pursuant to the Minnesota Statutes, Chapter 15.

Sec. 3. Minnesota Statutes 1976, Section 150A.06, Subdivision 2, is amended to read:

Subd. 2. [DENTAL HYGIENISTS.] A person of good moral character not already a licensed dental hygienist of this state, being a graduate of an accredited high school or its equivalent, who is a graduate of and having submitted an application and fee as prescribed by the board and his diploma or equivalent from a training school for dental hygienists of good standing, of which standing the board shall be the sole judge, or equivalent approved by the board, may, upon payment of the fee established by the board, be examined by the board or by an agency pursuant to section 150A.03, subdivision 1 in such manner as to thoroughly test the applicant's fitness to practice dental hygiene. In the case of examinations conducted pursuant to section 150A.03, subdivision 1, applicants may take the examination prior to applying to the Board for licensure. Each applicant shall also be examined on the applicant's knowledge of the laws of Minnesota relating to dentistry and of the rules and regulations of the state board of dentistry. A separate fee may be charged for each time a person applies which in no case shall be refunded. An applicant who successfully passes the examination and meets all the other requirements of the board shall be licensed as a dental hygienist and supplied with a license by the board. Rules of the board establishing an examination fee shall remain in effect and shall constitute the application fee provided for herein until such time as the board shall amend, repeal, or otherwise change the rules pursuant to the Minnesota Statutes, Chapter 15.

Sec. 4. Minnesota Statutes 1976, Section 150A.06, Subdivision 2a, is amended to read:

Subd. 2a. [REGISTERED DENTAL ASSISTANTS.] Applica-

tion for registration as a registered dental assistant shall be made in writing to the board upon a form furnished by the board, accompanied by satisfactory evidence that the applicant is of good moral character and is a graduate of a training program approved by the board by rule. The application shall be accompanied by a fee set by the board by rule. Upon filing the application, the board, if satisfied, shall examine the applicant on his skills, and his knowledge of the laws of Minnesota relating to dentistry and the rules of the board. An applicant who successfully passes the examination shall be registered as a dental assistant. A person of good moral character, having submitted an application and fee as prescribed by the board and his diploma or equivalent from a training school, of good standing, for dental assistants, of which standing the board shall be sole judge, or equivalent as approved by the board, may be examined by the board or by an agency pursuant to 150A.03, subdivision 1, in such a manner as to test thoroughly the applicant's fitness to perform as a registered dental assistant. In the case of examinations conducted pursuant to section 150A.03, subdivision 1, applicants may take the examination prior to applying to the board for registration. The examination shall include an examination of the applicant's knowledge of the laws of Minnesota relating to dentistry and the rules of the board. A separate fee may be charged for each time a person applied which in no case shall be refunded. An applicant who passes the examination and meets all the other requirements of the board shall be registered as a dental assistant. Rules of the board establishing an examination fee shall remain in effect and shall constitute the application fee provided for herein until such time as the board shall amend, repeal, or otherwise change the rules pursuant to the Minnesota Statutes, Chapter 15."

Renumber the sections in sequence.

Page 1, line 12, delete the new language and insert: "any Canadian province"

Page 1, line 14, delete "Canada" and insert: "Canadian province"

Page 3, after line 32, insert:

"Sec. 9. [EFFECTIVE DATE.] *This act shall be effective the day following its final enactment.*"

Further, amend the title as follows:

Page 1, line 3 after "Sections" insert: "150A.03, Subdivision 1;"

Page 1, line 4, strike "Subdivision 4" and insert "Subdivisions 1, 2, 2a and 4"

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

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

S. F. No. 1705: A bill for an act relating to nursing homes;

medical assistance; providing for exceptions to rate limitations; amending Minnesota Statutes, 1977 Supplement, Section 256B.47, Subdivision 1.

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

Page 2, line 2, after "256B.45," insert "*or an incentive allowance pursuant to section 256B.46,*"

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

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

S. F. No. 1913: A bill for an act relating to medical assistance; nursing home rates; modifying exceptions to rate limits; amending Minnesota Statutes, 1977 Supplement, Section 256B.47, Subdivision 1.

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

Page 2, line 6, after "*with*" insert "*criteria and*"

Page 2, strike section 2 and insert:

"Sec. 2. *The commissioner of health shall design and conduct an experimental project to determine the feasibility of an alternative system of specifying nursing care time for patients in long term care facilities based upon the concepts of the quality assurance program under Medicaid.*

Sec. 3. *The commissioner of health shall seek the advice and assistance of the commissioner of public welfare in the design, conduct, and evaluation of the project.*

Sec. 4. *The commissioner of health shall seek the voluntary cooperation of not less than 10 and not more than 40 licensed long term facilities, and shall enter into contracts with the facilities chosen. The commissioner of health may terminate with seven days written notice without review the contract with any facilities that, in the opinion of the commissioner, are not following the protocols of the project or are not complying with the conditions of the contract or are otherwise not cooperating with the conduct of the project. The rules of the departments of health and of public welfare relating to minimum hours of nursing care time and maximum reimbursable hours of nursing care time shall not be applicable to the contracting facility during the contract period.*

Sec. 5. *The commissioner, not later than June 30, 1979, shall furnish the governor and the legislature with a report of the project and following the completion of the report shall promulgate rules to implement section 1.*

Sec. 6. *There is appropriated to the department of health a sum of \$95,000 for the biennium ending June 30, 1979, for the purpose of the above sections."*

Renumber the sections in sequence.

Amend the title as follows:

Page 1, line 3, after "limits;" insert "providing for an experimental project on alternative system of nursing home care; appropriating money;"

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

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

S. F. No. 1918: A bill for an act relating to retirement; transfer of pension coverage for university of Minnesota peace officers to the public employees police and fire fund; terminating the university of Minnesota police department retirement plan and fund; transfer of assets and records; providing for an extension of police state aid; amending Minnesota Statutes 1976, Sections 69.021, Subdivision 9; 69.031, Subdivision 4; 356.20, Subdivision 2; Minnesota Statutes, 1977 Supplement, Sections 69.011, Subdivisions 1 and 2; 69.021, Subdivisions 5, 6 and 7; and 69.031, Subdivision 5.

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

Page 3, line 13, after "1977." insert *"If an adjustment from the Minnesota adjustable fixed benefit fund pursuant to section 11.25 is payable as of January 1, 1979, the required reserves for the increase determined using a five percent interest assumption and the applicable public employees police and fire fund mortality table shall be transferred by the public employees police and fire fund to the Minnesota adjustable fixed benefit fund on January 1, 1979."*

Page 5, line 7, after "amount of" insert "82,904"

Page 5, line 8, strike "30" and insert "10"

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. 2082: A bill for an act relating to retirement; adjustment of benefits of disabilitants and survivors under public pension funds; amending Minnesota Statutes 1976, Chapter 356, by adding a section.

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

Page 1, line 11, after "disabilitant" insert "or a survivor"

Page 2, line 2, after "1976" insert *"and who did not receive an increase from or an increase equal to the increase from the Min-*

*nesota adjustable fixed benefit fund paid or payable January 1, 1978"*

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. 1663: A bill for an act relating to juveniles; probation officers; making county boards responsible for setting salaries for certain probation officers; amending Minnesota Statutes, 1977 Supplement, Section 260.311, Subdivision 5.

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

Page 2, line 10, after the period insert "*However, a county shall be eligible for reimbursement if the salary paid is determined according to a personnel classification and compensation system adopted pursuant to section 375.56, or similar special law.*"

Page 2, line 12, reinstate the stricken language and after "officers" insert "*in consultation with the*"

Page 2, line 14, reinstate the stricken language and after "authority" insert "*in consultation with the*"

Page 2, line 18, reinstate the stricken language and strike the new language

Amend the title as follows:

Page 1, line 2, strike "juveniles;"

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

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

H. F. No. 17: A bill for an act relating to elections; providing for special elections to the Minnesota legislature and the United States house of representatives; amending Minnesota Statutes 1976, Sections 202A.62, Subdivisions 1, 2 and 3; 202A.63; 202A.65, Subdivision 3; 202A.66, Subdivision 3; and 202A.67, Subdivisions 2 and 3.

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

Strike everything after the enacting clause and insert:

## "ARTICLE I

### LOCAL GOVERNMENT ELECTION DAY

Section 1. [205.011] [LOCAL GOVERNMENT ELECTION DAY.] *Subdivision 1. [LEGISLATIVE INTENT.] It is the purpose and intent of this act to increase public interest and participation in local elections and to draw the attention of the public*



and the news media to local government issues by the designation of a single, uniform, biennial date for all local elections in the state; to encourage more people to vote at local elections by permitting voters to cast their ballots in all local election contests, including school district, city and county elections, only once every two years and at a single, convenient polling place; to encourage more people to seek local elective offices by establishing a uniform time for filing for office; and to lower the administrative costs of local elections by eliminating separate dates and procedures for conducting local elections and providing a single, biennial election for all local offices conducted, as far as practicable, in the same manner as the statewide general election.

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

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

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

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

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

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

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

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

Subd. 6. [TIME FOR FILING.] The time for the filing of any affidavit, application, petition or other document required to place the name of any person on the ballot for election to any office to be filled on the local government election day for which a

*primary is required for nomination of candidates shall commence 14 weeks before the local government election day and shall conclude 12 weeks before that day. When no primary is required, the time for filing shall commence eight weeks before the local government election day and conclude six weeks before that day.*

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

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

## ARTICLE II

### ELECTION LAWS; LOCAL GOVERNMENT ELECTIONS

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

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

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

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

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

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

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

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

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

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

*Subd. 2. [RUN-OFF ELECTION REQUIRED, WHEN.] When more than twice the number of persons to be elected to any*

*municipal office are candidates for that office in a municipality which holds municipal elections on the local government election day but does not hold a municipal primary, a candidate for that office shall be declared elected only if he receives a majority of the vote cast for that office. When more than one person is to be elected to an office, the vote cast for that office shall be deemed to be the total vote cast for all candidates for that office divided by the number of persons to be elected. If no candidate, or an insufficient number of candidates, receives a majority of the vote cast for that office a run-off election shall be held among the number of candidates equal to twice the number of persons remaining to be elected to that office who receive the highest number of votes in the regular election. The run-off election shall be held three weeks after and conducted in the same manner as the regular municipal election.*

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

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

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

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

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

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

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

Subd. 2a. [PRIMARY ELECTION RESULTS.] *Within two days after the municipal primary election, the governing body of the municipality shall canvass the returns of the election; and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of persons to be elected to the office and who receive the highest number of votes, shall be the nominees for the office named. In any case where a tie vote causes more candidates than may be nominated to an office to receive the highest number of votes, the governing body shall determine the result by lot. The names of the nominees shall be certified to the municipal clerk who shall place them on the regular municipal election ballot without payment of an additional fee.*

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

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

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

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

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

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

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

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

[205.221] [INDEPENDENT SCHOOL DISTRICT ELECTIONS.] *Subdivision 1. [STATUTES APPLICABLE.] Except as otherwise provided in chapter 205, the statutes governing the general election and the primary preceding the general election shall govern independent school district regular and primary elections as far as practicable.*

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

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

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

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

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

*Subd. 2. [CANDIDATES; AFFIDAVITS AND APPLICATIONS.] The school board of each district shall designate one*

full time employee in the central office of the district to accept affidavits and applications made pursuant to this subdivision. Any person desiring to be a candidate for an independent school district office at the regular election shall file an affidavit of candidacy with the designated district employee. Affidavits shall be substantially the same form as required for state offices. Any five voters of the district may also file a written application for or on behalf of any qualified voter in the district whom they desire to be a candidate. An affidavit or application shall be filed during the time for filing prescribed by article 1, section 2, subdivision 6, of this act and shall be accompanied by payment of a fee not to exceed \$5.

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

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

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

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

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

**[205.241] [ELECTION RESULTS; CERTIFICATION OF CANDIDATES.]** Subdivision 1. **[PRIMARY RESULTS.]** Within two days after receipt of the returns of the primary election, the school board shall canvass the returns, issue certificates to the two candidates for each office who receive the highest number of votes, or to a number of candidates equal to twice the number

of persons to be elected to the office and who receive the highest number of votes, and shall place the names of those candidates on the official ballot for the regular election without the payment of an additional fee. In any case where a tie vote causes more candidates than may be nominated to an office to receive the highest number of votes, the board shall determine the result by lot.

Subd. 2. [REGULAR ELECTION RESULTS.] Within four days after receipt of the returns of the regular election, the school board shall canvass the returns and shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. If any candidates receive an equal number of votes for an office, the board shall resolve the tie by lot. The clerk shall deliver the certificate by registered mail, and each person so certified shall file an acceptance and oath of office in writing with the school district clerk within 30 days of the date of mailing of the certificate. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but the filing may be made at any time before action to fill the vacancy has been taken.

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

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

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

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

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

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

[205.271] [COORDINATION OF LOCAL ELECTIONS; DUTIES OF LOCAL ELECTION OFFICIALS AND THE SECRETARY OF STATE.] Subdivision 1. [DUTIES OF OFFICIALS.] In order to effectively coordinate the various elections held on



the local government election day all local election officials including county auditors, municipal clerks and clerks of school, hospital and other special purpose districts shall cooperate with one another and with the secretary of state in the manner required by the rules of the secretary of state adopted pursuant to subdivision 2.

**Subd. 2. [ADOPTION OF RULES.]** No later than January 1, 1979, the secretary of state shall adopt rules to facilitate the coordination of the various elections held on the local government election day. The rules shall provide:

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

(b) Requirements and procedures for preparation by county auditors and municipal clerks of precinct maps or precinct finders that indicate the boundary and district number of each school district and each school district election district in the precinct and that enable the judges in any precinct with more than one district to determine the district in which any voter residing in the precinct is entitled to vote;

(c) A procedure to be followed by local elections officials to ensure that the number of the school district in which the voter resides is placed on every voter registration card in the manner and by the time required in article III, sections 8 and 10 of this act;

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

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

**Subd. 3. [PREPARATION OF LOCAL ELECTION BOOKLET.]** No later than January 1, 1979, and every two years thereafter, the secretary of state shall prepare a booklet for distribution to local election officials setting forth all provisions of the election laws that are applicable to elections held on the local government election day.

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

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

**Subd. 2. [APPLICATION FOR CANDIDACY.]** Any person desiring to be a candidate for member of a hospital board shall file with the clerk of the town or city in which he resides an affi-

davit of candidacy as a member at large or member representing the town or city. Affidavits shall be substantially in the same form as required for municipal elections and shall be filed during the time for filing prescribed by article 1, section 2, subdivision 6 of this act. The clerk of the town or city shall transmit all affidavits of candidacy for member at large or member representing the town or city to the clerk of the district.

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

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

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

**Subd. 6. [CANVASSING OF RESULTS.]** Upon receiving the completed summary statements containing the primary election results the hospital board shall forthwith canvass the results of the primary election and shall certify the names of the candidates to appear on the regular election ballot. In any case where a tie vote causes more candidates than may be nominated to an office

to receive the highest number of votes, the board shall determine the result by lot. Upon receiving the summary statements containing the regular election results the board shall forthwith canvass the results and shall issue certificates of election to the candidates receiving the highest number of votes for each office. The clerk shall deliver the certificate to the person entitled thereto in person or by registered mail, and each person so certified shall file an acceptance and oath of office in writing with the clerk within 30 days after the date of delivery or mailing of the certificate. The board may fill any office in the manner provided in section 447.32, subdivision 1, if the person elected thereto fails to qualify within said period, but the qualification shall be effective if made at any time before action to fill the vacancy has been taken.

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

### ARTICLE III

#### ELECTION LAWS; GENERAL PROVISIONS

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

200.02 [DEFINITIONS.] Subdivision 1. [ELECTION.] The word "election" means any election except those held in any school district, unless otherwise specifically provided by law, at which the electors of the state or any subdivision thereof including any school district nominate or choose by ballot public officials or decide any public question lawfully submitted to them.

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

Subd. 2a. [LOCAL GOVERNMENT ELECTION DAY.] "Local government election day" means the first Tuesday after the first Monday in November in every odd numbered year as designated pursuant to article 1, section 2, of this act.

Sec. 3. Minnesota Statutes 1976, Section 200.02, is amended by adding a subdivision to read:

Subd. 7a. [CITY.] "City" means a home rule charter or statutory city.

Sec. 4. Minnesota Statutes 1976, Section 200.02, Subdivision 8, is amended to read:

Subd. 8. [HOME RULE CHARTER CITY.] The words "statutory city" mean "Home rule charter city" means any city which has not adopted a home rule charter pursuant to the constitution and laws of this state; the words "home rule charter city" mean any city which has adopted such a charter.

Sec. 5. Minnesota Statutes 1976, Section 200.02, is amended by adding a subdivision to read:

*Subd. 8a. "Statutory city" means a city that has not adopted a home rule charter.*

Sec. 6. Minnesota Statutes 1976, Section 200.02, Subdivision 24, is amended to read:

Subd. 24. [TERM OF OFFICE.] The term of office of every state and , county , city and school district officer and of every other officer and any political subdivision of the state except towns shall begin on the first Monday in January next succeeding his election, unless otherwise provided by law.

Sec. 7. Minnesota Statutes, 1977 Supplement, Section 201.061, Subdivision 6, is amended to read:

Subd. 6. Each eligible voter is entitled to vote only in the one precinct in which he resides. The judges of election in any election precinct may not receive the vote at any election of any person whose name is not registered in accordance with the provisions of Laws 1973, Chapter 676. The auditor municipal clerk shall supply the judges in each precinct with an accurate map maps or precinct finder of the precinct finders to assist them in determining the judges in each precinct to determine whether a newly registering voter is registering or voting in the proper precinct. The county auditor shall furnish the maps or precinct finders to judges in unorganized territory in the county.

Sec. 8. Minnesota Statutes, 1977 Supplement, Section 201.071, Subdivision 1, is amended to read:

201.071 [REGISTRATION CARDS.] Subdivision 1. Registration cards shall be manila or cardboard cards of size and weight suitable for mailing, and shall be substantially in the following form:

### VOTERS REGISTRATION CARD

(Please print or type)

- Date: ..... School District No. ....
1. Name: .....  
Last First Middle Initial
2. Address: .....  
Street or Route No. ....  
.....  
City (or Township) County Zip
3. Telephone Number: .....
4. Date of birth (optional): .....
5. Last registration if any: .....  
Street or Route Number .....  
.....  
City (or Township) Zip

6. I certify that I will be at least 18 years old on election day and that the above facts are correct. I understand that giving false information to procure a registration is a felony punishable by not more than five years imprisonment and a fine of not more than \$5,000, or both.

.....  
Signature of Voter

Sec. 9. Minnesota Statutes, 1977 Supplement, Section 201.071, Subdivision 3, is amended to read:

Subd. 3. No registration is faulty or defective if the registration card contains the voter's name, address, prior registration if any and signature, as in items 1, 2, 5 and 6 of the registration card above. The absence of a zip code number or school district number does not cause the registration to be faulty or defective. The judges of election may request a voter to complete a registration card that is incomplete or illegible. No voter may be prevented from voting unless his registration is faulty or defective or he is duly and successfully challenged in accordance with provisions of this chapter.

Sec. 10. Minnesota Statutes 1976, Section 201.071, is amended by adding a subdivision to read:

*Subd. 5. All voter registration cards on file on August 1, 1979, and thereafter shall have the number of the school district in which the voter resides recorded on the card as provided in subdivision 1.*

Sec. 11. Minnesota Statutes 1976, Section 202A.26, Subdivision 1, is amended to read:

202A.26 [CANDIDATES, WITHDRAWAL.] Subdivision 1. [AFFIDAVIT OF WITHDRAWAL.] No candidate may withdraw his name from the primary ballot unless he files an affidavit with the secretary of state or with the county auditor, as the case may be, within six days after the last day for filing for the office, requesting the officer to withdraw ~~affiant's~~ his name from the ballot. *In the case of any candidate for county office or for judge of the county or municipal court, an affidavit of withdrawal shall be filed no later than 5:00 p.m. on the day after the close of the filing period for those offices.*

Sec. 12. Minnesota Statutes 1976, Section 202A.52, is amended to read:

202A.52 [OFFICERS CHOSEN.] All elective ; state and county officers, judges of the supreme and district courts, members of the legislature, and senators and representatives in congress shall be elected at the general election ~~next before the preceding the~~ expiration of their respective terms ~~thereof shall expire, and~~ . At the general election held in the year preceding the expiration of a term of a president of the United States presidential electors shall also be chosen. *County officers and judges of the county court shall be elected on the local government election day; but, except as provided in article 1, section 2 and article 11, section 2, of this act the statutes governing the general election and the*

*primary preceding the general election shall govern the regular and primary election of those officers and judges.*

Sec. 13. Minnesota Statutes 1976, Section 203A.17, is amended to read:

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

Sec. 14. Minnesota Statutes 1976, Section 203A.31, Subdivision 1, is amended to read:

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

Sec. 15. Minnesota Statutes 1976, Section 203A.32, is amended to read:

203A.32 [COUNTY AND DISTRICT BALLOTS.] Subdivision 1. [CANARY BALLOT.] There shall be one ballot on canary paper, hereinafter called the "canary ballot," upon which shall be printed The names of all candidates for office and all questions and propositions to be submitted that are not required by law to be placed on other ballots, including but not to be restricted to, the candidates for all county elective offices; and the candidates for the district and probate court offices shall be placed on one ballot on canary paper to be known as the canary ballot. This ballot shall be headed "County and District Non-partisan Ballot."

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

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

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

Sec. 16. Minnesota Statutes 1976, Section 204A.05, Subdivision 1, is amended to read:

204A.05 [STATE ELECTIONS, HOURS FOR VOTING.] Subdivision 1. [OPENING AND CLOSING OF POLLS.] Except as otherwise provided in this section, at the general election and the primary election the polls in every precinct in the state shall open at 7:00 a.m., and they shall be kept open continuously until 8:00 p.m., at which time they shall close. The governing body of any municipality of less than 1,000 inhabitants, situated entirely outside the metropolitan area as defined in Minnesota Statutes 1965, section 473.02, Subdivision 5 473.121, subdivision 2, by resolution adopted 30 days prior to any general or primary election, may fix a time for the opening of the polls which may not be earlier than 7:00 a.m. nor later than 9:00 a.m. in the case of a general election, 5:00 p.m. in the case of a primary election. Resolutions adopted pursuant to this subdivision shall be effective for all ensuing general or primary elections until revoked. The governing body shall transmit a copy of the resolution to the secretary of state. Under no circumstances shall the ballot boxes be opened and the ballots counted before closing of the polls.

Sec. 17. Minnesota Statutes, 1977 Supplement, Section 204A.06, Subdivision 1b, is amended to read:

Subd. 1b. [PRECINCT BOUNDARIES; DESCRIPTION, MAPS.] The clerk shall file with the secretary of state and the state demographer in the state planning agency a map showing the correct boundaries of the precincts in the municipality and shall keep on file in his office for public inspection a copy of the map. At least 30 days before any change in a precinct or corporate boundary becomes effective, the clerk shall place on file for public inspection a map setting forth the revised precinct boundaries and forward copies to the secretary of state and the state demographer. For every election held in the municipality the clerk shall

furnish copies of the appropriate precinct map to the election judges for each polling place sufficient copies of the precinct map or of a precinct finder prepared in accordance with the rules of the secretary of state.

Sec. 18. Minnesota Statutes 1976, Section 204A.06, is amended by adding a subdivision to read:

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

Sec. 19. Minnesota Statutes 1976, Section 204A.09, Subdivision 1, is amended to read:

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

Sec. 20. Minnesota Statutes 1976, Section 204A.11, Subdivision 3, is amended to read:

**Subd. 3. [BALLOT BOXES.]** Each polling place shall be provided with one white, one pink, one canary, and one light green ballot box. As many of these ballot boxes shall be used at any election of each color as there are kinds colors of ballots to be voted upon at that election. Whenever buff ballot boxes are required, a separate box shall be provided for each school district for which ballots are to be cast at that polling place. The number of



*the school district shall conspicuously appear on the top of each buff ballot box. Each box shall be of sufficient size, and with a sufficient opening, to receive and contain all the ballots likely to be placed therein.*

Sec. 21. Minnesota Statutes 1976, Section 204A.11, is amended by adding a subdivision to read:

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

Sec. 22. Minnesota Statutes 1976, Chapter 204A, is amended by adding a section to read:

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

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

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

Sec. 23. Minnesota Statutes 1976, Section 204A.29, is amended to read:

204A.29 [REGISTRATION, VOTER'S CERTIFICATE.] Subdivision 1. [FORM OF CERTIFICATE.] Wherever voters are registered under a permanent registration system before any person desiring to vote receives the ballots from the judges, a certificate containing the following information shall be signed by the applicant:

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

(Signature of Voter)

School District No.:

(Address)

(Approved)

Judge of Election

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

Sec. 24. Minnesota Statutes 1976, Section 204A.40, Subdivision 2, is amended to read:

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

Sec. 25. Minnesota Statutes 1976, Section 204A.45, Subdivision 1, is amended to read:

**204A.45 [BALLOTS, DISPOSITION.]** Subdivision 1. **[ENVELOPES.]** Except in cities of the first class and in counties having a population of 200,000 or more, after the canvass has been completed and in the presence of all the judges, the ballots cast shall be removed from the ballot boxes and placed in envelopes and sealed. Each judge shall write his name upon the envelope over the sealed part in such a way that the envelope cannot be opened without disturbing the continuity of the lines in the writing. The envelopes shall be of a heavy paper, of the same color as the ballots to be placed therein, and of a size suitable to hold all the ballots without folding. The official charged with printing the ballots shall furnish the envelopes required in this section; provided, however, that the official charged with printing the state pink ballot shall furnish the envelopes for the state pink ballot and the state white ballot. The number of ballots in each envelope, the kind thereof, the name of the town or city, and the number of the precinct shall be plainly written upon the envelopes. *The number of the district shall be plainly written upon any envelope containing school district ballots.* The unused and spoiled ballots or returns may not be placed in the envelopes.

Sec. 26. Minnesota Statutes 1976, Section 204A.47, Subdivision 2, is amended to read:

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

Sec. 27. Minnesota Statutes 1976, Section 204A.49, is amended by adding a subdivision to read:

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

Sec. 28. Minnesota Statutes 1976, Section 204A.51, Subdivision 2, is amended to read:

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

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

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

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

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

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

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

Sec. 29. Minnesota Statutes 1976, Section 204A.53, Subdivision 1, is amended to read:

204A.53 [STATE CANVASSING BOARD.] Subdivision 1. [MEMBERSHIP.] The secretary of state shall call to his assistance two judges of the supreme court and two judges of the district court none of whom may be candidates at the election, and the

judges together with the secretary of state shall constitute the state canvassing board. The board shall meet at the office of the secretary of state on the second Tuesday after the primary and general election, except as otherwise provided for special elections. *When required to canvass any returns from the primary preceding the local government election day, the board shall meet no later than the first Tuesday after that primary.* When a vacancy in the membership of the state canvassing board occurs by reason of the failure of any judge to attend the meeting of the board on the day appointed, the secretary of state shall fill the vacancy by selecting another disinterested judge from either court, but not more than two judges of the supreme court shall serve upon the canvassing board at any one time.

Sec. 30. Minnesota Statutes 1976, Section 206.09, is amended to read:

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

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

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

*quires based on the available space in the frame of the voting machine or the space available on any card, paper, booklet or pages.*

*Subd. 4. [PARTISAN PRIMARY; COLOR, FORM.]* In primary elections where electronic voting systems are used, the ballot pages for the partisan primary ballots may be different colors or may be otherwise distinctively differentiated as between parties and all pages of the partisan primary ballot of a single party shall be consecutive without the intervention of any pages of any other party. In a prominent place on such ballots there shall be conspicuously printed a notice stating in substance the effect of attempting to vote in more than one partisan primary. Preparation of separate ballots for use on separate marking devices, each ballot containing the partisan primary ballot of only one party, shall also be permitted. Candidates' names may be set in as large type as the length of the majority of such names of all candidates on the ballot permits and the remaining candidates' names may be set in such smaller sizes or styles of type as the length of each such name requires based upon the available space in the frame of the voting machine or upon the space available on any card, paper, booklet, or pages.

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

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

*Subd. 7. [SAMPLE BALLOTS.]* The authorities charged with the duty of providing ballots for any polling place where voting machines are used shall provide therefor at least two sample ballots which shall be arranged in the form of a diagram showing such part of the face of the voting machine as shall be in use at that election for voting for all candidates whose names are entitled to be placed on the ballot at such election and shall also show such part of the face of the voting machine as shall be in use for voting for all referendum questions, constitutional amendments, or other propositions; the proper authorities shall provide at least two sample ballots, ballot cards, or ballot labels which shall be arranged in the form of a diagram showing the ballot label containing the names of all candidates and propositions to

be voted upon at that election in each polling place. Candidates' names shall not be rotated on such sample ballots but shall be arranged in alphabetical order for all offices where rotation of names on the official ballots on the voting machines is required by law. Such sample ballots shall be either in full or reduced size and shall contain suitable illustrated directions for voting on the voting machine, or for operating a marking device, or such illustrated instructions shall be provided on a separate poster, to be posted adjacent to each sample ballot. Not less than two such sample ballots shall be posted in a prominent place in the polling place and shall remain open to inspection by the voters throughout the election day.

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

Sec. 31. Minnesota Statutes 1976, Section 206.21, Subdivision 3, is amended to read:

Subd. 3. [OPENING OF MACHINES.] The voting machine shall remain locked against use for a period of at least 30 days and as much longer as may be necessary or advisable because of any existing or threatened contest over the result of the election, except that at any time, upon the order of any judge of a court having jurisdiction any voting machine may be opened and all data and figures therein examined; provided, that any voting machines used at an election may be opened ten days following such election for an election which is to be held on a day which is within 50 days after the day upon which such election is held; provided, further, that any voting machine used at a primary election, or a general election, in a statutory city may be opened ten days following such primary election and 20 days following such general election if such opening becomes necessary in order to prepare the voting machines so used at such primary election or general election for a statutory city election which is to be held on a day which is within 30 days after the day upon which such primary or general election is held.

Sec. 32. Minnesota Statutes, 1977 Supplement, Section 207.02, is amended to read:

207.02 [VOTING BY MAIL.] Any person entitled to vote at any general election; any primary election, any city election, or any statutory city or town election in statutory cities or towns operating under the "Australian Ballot System," who is absent on the day such election is held from the precinct in which he is entitled to vote, or who by reason of illness or physical disability or because of religious discipline or observance of a religious holiday is unable to go to the polling place of such precinct, or who is employed as a judge of election in a precinct other than his own, may vote therein by having his ballot delivered to the election board of such precinct on the day of such election, either by mail or by the clerk of the municipality in which such precinct is situated as provided for in sections 207.08 and 207.101, and

by complying with the provisions of this chapter. No person residing in a municipality now or hereafter having permanent registration of voters, as provided by chapter 201, shall be permitted to so vote unless he has registered as a voter in accordance with such provisions or registers on election day by enclosing a completed registration card with his ballot.

Sec. 33. Minnesota Statutes, 1977 Supplement, Section 207.03, Subdivision 1, is amended to read:

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

**"APPLICATION FOR BALLOTS**

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

Dated....., 19.....

.....

(Signature of Applicant)"

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

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

Sec. 34. Minnesota Statutes 1976, Section 207.04, is amended to read:

207.04 [COUNTY AUDITOR; MUNICIPAL CLERK TO BE SUPPLIED WITH BALLOTS.] The several officers charged by law with the preparation, printing, and distribution of ballots shall, at least 15 days before any election, print and deliver to



the county auditor and to the municipal clerk a sufficient number of the ballots printed under their supervision, respectively, to enable the auditor and the municipal clerk to comply with the provisions of this chapter. ~~It shall be the duty of The county auditor and , the municipal clerk to and the clerk of any school or hospital district shall each~~ prepare and print the ballots prepared ~~under his direction for their respective jurisdictions~~ at least 15 days before such election.

Sec. 35. Minnesota Statutes, 1977 Supplement, Section 207.05, Subdivision 1, is amended to read:

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

Sec. 36. Minnesota Statutes 1976, Section 207.151, is amended to read:

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

Sec. 37. Minnesota Statutes 1976, Section 209.02, Subdivision 1, is amended to read:

209.02 [ELECTION CONTESTS.] Subdivision 1. [CONTEST, WHO MAY INSTITUTE, GROUNDS.] Any voter, including a candidate, may contest the nomination or election of any person for whom he had the right to vote, who is declared nominated or elected to the senate or the house of representatives of the United States, to a state, county, legislative, or municipal, *school district*, or district court office, or *may contest* the declared result of a constitutional amendment or other question voted upon at an election by proceeding as provided in this chapter. The contest may be brought over an irregularity in the conduct of an election or canvass of votes or on the grounds of deliberate, serious, and material violations of the provisions of the Minnesota election law.

Sec. 38. Minnesota Statutes 1976, Section 209.02, Subdivision 3, is amended to read:

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

Sec. 39. Minnesota Statutes 1976, Chapter 210A, is amended by adding a section to read:

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

Sec. 40. Laws 1978, Chapter 456, Section 1, Subdivision 4, is amended to read:

Subd. 4. [NOVEMBER ELECTION.] "November election means (a) the general election in even numbered years or (b) the first Tuesday after the first Monday in November of local government election day in odd numbered years.

## ARTICLE IV

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

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

40.05 [THREE SUPERVISORS ELECTED FOR EACH DISTRICT.] Subdivision 1. Within 30 days after the date of issuance by the secretary of state of a certificate of organization of a soil and water conservation district, or such further time as the state soil and water conservation board may allow, nominating petitions may be filed with the state soil and water conservation board nominating legal voters as candidates for election as supervisors of such district, two for terms to expire on ~~December 31~~ *the first Monday in January* following the second ~~general regular~~ election after their initial election, and one for a term to expire on ~~December 31~~ *the first Monday in January* following the third ~~general regular~~ election after their initial election. Each petition must be subscribed by one or more legal voters of the district. No person shall sign petitions nominating more than three candidates and if he does his signature shall not be counted on any petition. The state board shall give due notice of the time and place where the election of three supervisors shall be held in the district, and shall specify therein the names of all candidates and the terms for which nominated. The state board shall prepare ballots for such election with the surnames of the candidates printed thereon in alphabetical order for each term and a square before each name and a direction to insert an X mark in the square before three names with different terms to indicate the voter's choice. All legal voters shall be eligible to vote at such election. The three candidates who shall receive the highest numbers respectively of the votes cast at such election shall be the elected supervisors for the district. In case of a tie, the election shall be determined by lot, under the direction of the state board. The state board shall supervise such election, pay all the expenses thereof, prescribe the regulations governing the same, determine the eligibility of voters and publish the results.

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

Subd. 3. After December 31, 1972, and for the elections required by subdivision 2, all elections except that provided for the organization of the district, in subdivision 1, shall be held at the time and place of holding the ~~general election~~, as defined in ~~section 280.82, subdivision 2 on the local government election day designated pursuant to article I, section 2 of this act~~. ~~No primary election shall be held.~~ Election of supervisors of the soil and water conservation district shall be by inclusion on the "canary ballot," as described in section 203A.32. Nominating petitions conforming to the rules stated in subdivision 1 shall be filed with the secretary of the soil and water conservation district at

least 60 days before the time of holding the general election during the time for filing prescribed by article I, section 2, subdivision 6 of this act. At least 45 40 days before the general primary election the district secretary shall submit the names of the candidates and the terms for which nominated to the appropriate county auditor. The ballots for use at the election shall be prepared by the county auditor. All laws relating to county elective office elections shall govern insofar as applicable. The county auditor shall certify the result to the state soil and water conservation board, and if the soil and water conservation district embraces land in more than one county the county auditor shall forthwith certify to the state soil and water conservation board the vote, as shown by the report of the county canvassing board, for all candidates voted for in more than one county. In the latter case the state soil and water conservation board shall certify the results of the election and publish the result.

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

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

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

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

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

Subd. 12. The county auditor shall determine the date of the

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

For consolidation . . . . .

Against consolidation . . . . .

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 2. At the annual meeting, if a majority of the votes cast

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

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

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

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

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

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

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

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

Subd. 22. If the people of a special district located in any county containing more than 5,000 square miles desire to change their organization to an independent district they may proceed in accordance with this subdivision.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) In any district which is *was* reclassified from a common district of ten or more townships to an independent district by the provisions of this code, the regular election of the board members may be held biennially concurrently with the general elections in the areas by resolution of the board made within 90 days of the adoption of this code. Board members presently serving shall continue in office until the expiration of the term to which they were elected. At the next general election following the adoption of the code, board members shall be elected to fill all vacancies then oc-

curing and any vacancies caused by reclassification to an independent district. Provided that three board members shall be elected for a term of four years each and any necessary additional board members shall be elected for a term of two years each, to serve until a successor is elected and qualifies on the local government election day designated pursuant to article 1, section 2 of this act. The term of members shall commence on the first Monday in January following the general regular election and shall be for four years. Thereafter, three members shall be elected at each general election for a term of four years from the first Monday in January following the general election.

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

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

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

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

board, a seventh member shall be elected at the next election of directors for a ~~three year~~ *four year* term and thereafter the board shall consist of seven members.

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

Subd. 4. Any other vacancy in a board shall be filled by the board at any regular or special meeting thereof. Such appointment shall be evidenced by a resolution entered in the minutes. *When such a vacancy occurs more than 14 weeks before the regular school district election next succeeding the election of the member whose office has become vacant, an appointment to fill the vacancy shall continue until the first Monday in January of the next even numbered year and the remainder of the unexpired term shall be filled by a special election at the regular election. In the case of any other vacancy filled under this subdivision, the appointment shall continue until July 1 next following such appointment. All elections to fill vacancies shall be for the remainder of the unexpired term. A candidate to fill a vacancy at a special election shall not run at large but shall file and appear on the ballot as a candidate "to fill the vacancy created . . . . . (the date the vacancy occurred), for the term expiring . . . . ."*

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

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

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

123.351 [COOPERATIVE CENTERS FOR VOCATIONAL EDUCATION.] Subdivision 1. [ESTABLISHMENT.] Two or more independent school districts may enter into an agreement to establish a cooperative center to provide for vocational education and other educational services upon the vote of a majority of the full membership of each of the boards of the districts entering into the agreement. When a resolution approving this action has been adopted by the board of a district, the resolution shall be published once in a newspaper of general circulation in the

district. If a petition for referendum on the question of the district entering into the agreement, containing signatures of qualified voters of the district equal to five percent of the number of voters at the last *annual regular* school election, is filed with the clerk of the board within 60 days after publication of the resolution, the board shall not enter into the agreement until the question has been submitted to the voters of the district at a special election. This election shall be conducted and canvassed in accordance with section 123.32 *the same manner as the regular election of officers of independent school districts*. If a majority of the total number of votes cast on the question within the district is in favor of the proposition, the board may thereupon enter into an agreement to establish the center for purposes herein described in section 123.351.

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

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

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

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

(d) The officers of the center board shall be a chairman, vice chairman, clerk and treasurer, no two of whom when possible shall be from the same school district. The chairman shall preside at all meetings of the center board except in his absence the vice chair-

man shall preside. The clerk shall keep a complete record of the minutes of each meeting and the treasurer shall be the custodian of the funds of the center. Insofar as applicable, sections 123.33 and 123.34, shall apply to the board and officers of the center.

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

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

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

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

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

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

365.51 [ANNUAL TOWN MEETING; PRECINCTS; POLL-

ING PLACES.] *Subdivision 1. [ANNUAL MEETING.]* There shall be an annual town meeting held in each town on the second Tuesday of March at the place of holding the last town meeting, or at such other place in the town, or county or in an adjoining town or city in an adjoining county, designated by the annual town meeting, and if no designation is so made the same shall then be made by the town board. The clerk shall give ten days' published notice in a qualified newspaper having general circulation within the town, or by posted notice, or both, as the voters at the annual town meeting may direct, specifying the time and place, but if the town meeting shall fail to direct the manner of giving such notice, the town board shall direct the manner of giving notice. *Except as provided in subdivision 2,* all town officers required by law to be elected shall be chosen thereat, and such other business done as is by law required or permitted by law shall be done at the annual meeting. The town board may, with respect to an election by ballot at the annual town meeting for the purpose of selecting town officers or of determining any matter of town business, provide for the casting of ballots in precincts and at polling places. Such precincts and polling places shall be designated by the board in the manner prescribed by sections 204A.06 and 204A.09.

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

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

*Subd. 4. [REDISTRICTING PLAN; ELECTION FOLLOWING REDISTRICTING.]* A redistricting plan whether prepared by the county board or the redistricting commission shall be filed in the office of the county auditor. Notice that the plan is on file shall be published in the newspaper having the contract for publishing the commissioners proceedings for the current year. A redistricting plan shall be effective on the 31st day after publication of the notice unless a later effective date is specified; provided, no redistricting plan shall be effective as to the next election of county commissioners unless the plan shall have been filed with the county auditor not less than 30 days before the first date candidates may file for the office of county commissioner.

One commissioner shall be elected in each district who, at the time of the election, shall be a resident thereof and the person so elected shall be entitled to hold the office only while he remains a resident of the commissioner district. The county board or the redistricting commission as appropriate shall determine the number of members of the county board who shall be elected for two year terms and for four year terms in order to provide for staggered terms on the county board. Thereafter, all commissioners shall be elected for four years. When a county is redistricted, there shall be a new election of commissioners in all the districts of the county at the next general *regular* election except that where the change made in the boundaries of a district is less than 10 percent of the average of all districts of the county, the commissioner in office at the time of the redistricting shall serve for the full period for which he was elected.

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

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

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

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

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

375A.02 [ELECTED EXECUTIVE PLAN.] Subdivision 1. [COUNTY EXECUTIVE.] In a county adopting the elected executive plan, the chief executive officer shall be known as county executive. The first county executive shall be elected at the county general *regular* election following the adoption of the elected executive plan and every four years thereafter. He shall hold office for a term of four years commencing on the first Mon-



day of January following his election. Only a voter of a county shall be eligible for election as county executive. He shall be nominated and elected by all the voters of the county in the manner provided by law for the election of county officers. In case the office of county executive is or becomes vacant by reason of death, resignation or removal, it shall be filled by the board of county commissioners for the unexpired term.

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

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

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

382.01 [OFFICERS ELECTED; TERMS.] In every county in this state there shall be elected at the general election in 1918 a *The regular election of the county auditor, a county treasurer, sheriff, county recorder, county attorney, and coroner, and county superintendent of schools shall be held on the local government election day designated pursuant to article 1, section 2 of this act.*

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

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

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

county board by resolution adopted at least six months before the date of any *general regular* election may rescind its action terminating the office. Such resolution rescinding its action terminating the office shall state whether the office shall be filled henceforth by election or by appointment.

If the resolution does not state that the office shall be filled by appointment the county surveyor shall be elected at the next *general regular* election according to law. If the office of county surveyor is to be filled by appointment the board of county commissioners shall within 30 days of said resolution appoint a land surveyor to such office.

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

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

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

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

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

397.06 [DISTRICT HOSPITAL BOARDS.] The board or boards of county commissioners may also authorize and direct the construction and equipment of a district hospital in any such

district, to be constructed, equipped and operated under the supervision of a district hospital board comprising one member from each city and town in the district elected by the voters at the ~~respective regular local elections thereof election held on the local government election day designated pursuant to article I, section 2 of this act~~ for a term of ~~three~~ four years or until his successor has been elected and has qualified, commencing on the first day of April Monday in January next following the election. When the district is first created, the governing body of each such city and town shall appoint a member of the board to serve until the commencement of the term of his successor. Thereafter whenever a vacancy occurs, the governing body of the city or town affected shall appoint a member to serve until April 1 the first Monday in January following the next regular municipal or town local government election day, when his successor shall be elected for a full three year four year term. Procedures for election of board members shall be as provided in article II, section 18 of this act.

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

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

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

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

terms of elected commissioners shall commence on the first Monday in January following their election.

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

410.21 [APPLICATION OF GENERAL ELECTION LAWS.] *Except as provided otherwise in article I, section 2 and article V, section 1 of this act*, the provisions of any charter of any such city adopted pursuant to this chapter shall be valid and shall control as to nominations, primary elections, and elections for municipal offices, notwithstanding that such charter provisions may be inconsistent with any general law relating thereto, and such general laws shall apply only in so far as consistent with such charter.

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

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

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

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

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

Subd. 5. [ABANDONMENT; INCUMBENT CLERK AND TREASURER TRANSITION.] When any optional plan is abandoned and the standard form of city government is resumed, the office of clerk, or clerk-treasurer shall remain appointive until the first ~~business day~~ *Monday* in January following the next regular

city election and the office of treasurer, if there is no clerk-treasurer, shall remain appointive until the first business day of *Monday* in January following the first subsequent city election at which the clerk is not elected; and the successor to the incumbent clerk, clerk-treasurer, and treasurer shall be chosen at the regular city election immediately preceding the January in which the office becomes elective.

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

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

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

Subd. 2. *The regular elections election of hospital board members* shall be held in each hospital district at the same time and in the same election precincts and at the same polling places as general elections of state and county officers, except that the hospital board may by resolution fix a date, not later than *December 7* immediately preceding the expiration of board members' terms, and may establish the whole district as a single election precinct or may establish two or more different election precincts and polling places for such elections; in which event the boundaries of the election precincts and the locations of the polling places shall be defined in the notice of election, either in full or by reference to a description or map on file in the office of the clerk on the local

*government election day designated pursuant to article I, section 2 of this act. Procedures for election of board members shall be as provided in article II, section 18 of this act. Special elections may be called by the hospital board at any time to vote on any matter required by law to be submitted to the electors, and such elections shall be held within the election precinct or precincts and at the polling place or places designated by the board or, in the case of the first election of officers of a new district, by the governing body of the most populous city or town included in the district. The procedure for a special election shall be the same as for the regular election except that the hospital board shall pay all expenses of a special election. Advisory ballots may be submitted by the hospital board on any question which it may desire, relating to the affairs of the district, but only at a regular election or at a special election required to be held for another purpose.*

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

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

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

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

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

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

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

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

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

(d) Each judge holds a separate nonpartisan office.

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

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

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

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

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

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

(d) Each judge holds a separate nonpartisan office.

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

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

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

## ARTICLE V OTHER PROVISIONS

Section 1. [205.012] [LOCAL GOVERNMENT ELECTION DAY; IMPLEMENTATION.] *Subdivision 1. [PRESENT OFFICEHOLDERS.] The term of office of any of the officers described in Article I, Section 2, Subdivision 2, holding office on August 1, 1978, shall expire as heretofore provided by law.*

*Subd. 2. [ODD YEAR FALL ELECTIONS.] Any regular election of any of the officers described in Article I, Section 2, Subdivision 2 heretofore required to be held in November or December of odd numbered years by any law, chapter or ordinance shall be held on the local government election day nearest the day the election would otherwise have been held and shall be held in accordance with the provisions of Articles I to IV of this act.*

*Subd. 3. [ELECTION OF SUCCESSORS TO PRESENT OFFICEHOLDERS.] Except as provided otherwise in subdivision 2, any regular election held to elect a successor to any of the officers described in Article I, Section 2, Subdivision 2 holding office on August 1, 1978 shall be held at the time and in the manner heretofore provided by law.*

*Subd. 4. [REDUCTION OF TERM OF SUCCESSORS TO PRESENT OFFICEHOLDERS; EXCEPTION.] The term of any person elected to succeed any of the officers described in Article I, Section 2, Subdivision 2 holding office on August 1, 1978, including the term of any such person elected on the local gov-*



ernment election day under subdivision 2, shall be reduced to expire on the first Monday in January of an even numbered year which next precedes the day the term would otherwise have expired as heretofore provided by law, charter or ordinance, unless that reduction exceeds 13 months in which case the term shall be extended to the first Monday in January of the even numbered year next succeeding the day the term would otherwise have expired.

**Subd. 5. [SUBSEQUENT REGULAR ELECTIONS.]** *The regular election of any officer to succeed an officer whose term is extended or reduced as provided in subdivision 4 shall be held on the local government election day preceding the expiration of the reduced or extended term and shall be held in accordance with the provisions of Articles I to IV of this act.*

**Subd. 6. [MODIFICATIONS PERMITTED FOR STAGGERED TERMS.]** *The governing body of any political subdivision required to hold its regular election on the local government election day except a county may provide, by ordinance or resolution adopted at least 14 days before the opening of filings for any affected office, that members of an elected body or other officers of the subdivision may be elected for a different term than is otherwise provided, in order to achieve staggered terms for the members of that body or other officers. With respect to the members of an elected body, any ordinance or resolution adopted pursuant to this subdivision shall provide that, to the extent mathematically possible, the same number of persons is chosen at each election, exclusive of those chosen to fill vacancies for the unexpired terms. This subdivision expires August 1, 1983.*

**Subd. 7. [EVEN YEAR TERMS.]** *The term of any officer described in Article I, Section 2, Subdivision 2 elected on the local government election day shall be for an even number of years. The governing body of any home rule charter city may by ordinance or charter amendment change any term of an odd number of years provided by its charter to a term of an even number of years one year longer or shorter than provided by the charter. The ordinance or charter amendment shall be adopted no later than 16 weeks before the first local government election day at which that officer is to be elected. In any case in which a home rule charter city fails to adopt an ordinance or charter amendment as provided in this subdivision, with respect to any officer to be elected at the local government election day that officer shall be elected to a term of an even number of years which is one year longer than the term otherwise provided.*

**Subd. 8. [PURPOSE.]** *It is the purpose and intent of this section to implement the provisions of articles I to IV of this act, by requiring the adjustment of terms of office, dates of certain elections and other procedures. To the extent inconsistent with the provisions of this section all general and special laws and municipal charter provisions providing otherwise are superseded. In all other respects, those laws and charter provisions shall continue in full force and effect. In the case of any conflict between*

*the provisions of this section and those of any other sections of this act the provisions of this section shall control.*

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

**Sec. 3. [APPROPRIATION.]** *The sum of \$7,000 is appropriated from the general fund to the secretary of state to carry out the duties prescribed by article II, section 17 of this act. This appropriation shall not lapse but shall be available for expenditure until June 30, 1979.*

## ARTICLE VI SPECIAL ELECTIONS

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

**[202A.74] [UNITED STATES REPRESENTATIVE.]** *Subdivision 1. [SCOPE OF SECTION.] Every vacancy in the office of United States representative from Minnesota shall be filled for the unexpired term by a special election upon the writ of the governor as provided in this section and sections 3 to 10; except that if congress will not be in session before the expiration of the vacant term or the term will expire or congress adjourn before a successor can be elected and qualified there shall be no special election to fill the vacancy.*

*For the purpose of this section "vacancy" means a vacancy in the office of United States representative from Minnesota.*

**Subd. 2. [SPECIAL ELECTION.]** *Every special election to fill a vacancy shall be held on a Tuesday not less than 10 or more than 15 weeks after the vacancy occurs.*

**Subd. 3. [WRIT OF GOVERNOR.]** *The governor shall issue a writ calling for a special election required pursuant to this section within one week after a vacancy occurs. The writ shall provide that:*

*(a) the time of filing of affidavits and petitions shall extend for at least two weeks;*

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

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

*(d) the special primary or special election or both shall be held on the day of a regular statewide election as far as practicable consistent with the time constraints prescribed in this section and the time reasonably required for adequate election administration. For the purpose of this subdivision "statewide election" means an election at which all home rule charter and statutory cities are required to hold city elections or at which state legislators are elected.*

Sec. 2. Minnesota Statutes 1976, Chapter 202A, is amended by adding a section to read:

**[202A.75] [STATE LEGISLATORS.] Subdivision 1. [SCOPE OF SECTION.]** *Except as provided in subdivision 3 every vacancy in the office of state senator or state representative shall be filled for the unexpired term by a special election upon the writ of the governor as provided in this section and sections 3 to 10. For the purpose of this section "vacancy" means a vacancy in the office of state senator or state representative.*

**Subd. 2. [SPECIAL ELECTION WHEN LEGISLATURE WILL BE IN SESSION.]** *When a vacancy occurs and the legislature will be in regular session so that a person elected to fill the vacancy as provided in this subdivision could take office and begin to exercise the duties of office immediately upon election and qualification, the vacancy shall be filled by a special election held not later than eight weeks after the vacancy occurs.*

**Subd. 3. [SPECIAL ELECTION AT OTHER TIMES.]** *When a vacancy occurs at a time other than that described in subdivision 2, a special election shall be held so that the person elected shall take office no later than the first day of the next meeting of the legislature in regular session in the year after the vacancy occurs; but no special election shall be held if the term of the vacant office expires before the next meeting of the legislature in regular session in the year after the vacancy occurs, except to permit a successor to serve in a special session of the legislature. An election called pursuant to this subdivision shall be held, as far as practicable, at the time that a regularly scheduled election is held in that legislative district.*

**Subd. 4. [SPECIAL PRIMARY.]** *A special primary to nominate candidates to fill a vacancy shall be held no later than three weeks before the special election.*

**Subd. 5. [TIME FOR FILING.]** *The time for filing of affidavits and petitions of candidacy to fill a vacancy shall extend for at least one week and shall close no later than two weeks before the special primary.*

**Subd. 6. [WRIT OF THE GOVERNOR.]** *The governor shall issue a writ calling for a special election required pursuant to this section no later than one week after the vacancy occurs except as otherwise provided in subdivision 7.*

**Subd. 7. [WRIT WHEN VACANCY RESULTS FROM ELECTION CONTEST.]** *If a vacancy results from a successful election contest the governor shall issue a writ calling for a special election required pursuant to this section 22 days after the first day of the legislative session unless the house in which the contest may be tried has passed a resolution stating that:*

*(a) it will review the court's determination of the contest, in which case no writ shall be issued pending the outcome of that review; or*

*(b) it will not review the court's determination, in which case*

*the writ shall be issued within five days of the adoption of the resolution.*

*For the purposes of subdivisions 2 and 3, when a vacancy results from a successful election contest the vacancy is deemed to occur on the date the governor issues his writ calling the special election.*

*Subd. 8. When any state senator or state representative submits a letter of resignation to the governor and the resignation is effective at a future date, the governor may issue his writ before the effective date of the resignation provided that:*

*(a) no special primary or special election shall be held before the vacancy occurs, and*

*(b) the minimum time periods prescribed by subdivisions 4 and 5 are observed.*

*A special election may be held pursuant to this subdivision at a time earlier than the election would otherwise have been held pursuant to the provisions of subdivisions 2 to 4; but in no case shall that election be held later than the time required by those provisions. Notwithstanding the provisions of subdivision 1, a special election may be held pursuant to this section if the vacancy occurs during a legislative session and less than nine weeks before the constitutionally required date of adjournment if the person elected will be able to take office before that adjournment date. If a resignation is withdrawn before it is effective so that no vacancy will exist on the dates designated for the special primary or special election, the governor shall rescind any writ issued pursuant to this subdivision and cancel the special elections ordered pursuant to that writ.*

### GENERAL PROVISIONS

*Sec. 3. Minnesota Statutes 1976, Chapter 202A, is amended by adding a section to read:*

**[202A.77] [SPECIAL ELECTIONS; NOTICE PROVISIONS.]**  
*Subdivision 1. [WRIT OF GOVERNOR.] Every writ calling for a special election issued pursuant to sections 1 and 2 shall state the office to be filled, the opening and closing dates for filing of candidacy, and the dates of the special primary and special election. The writ shall be filed immediately upon issuance with the secretary of state.*

*Subd. 2. [TRANSMITTAL AND POSTING OF WRIT.] Immediately upon receipt of the writ, the secretary of state shall transmit a certified copy of the writ to the auditor of each county in which candidates to fill the vacancy are to be voted upon. Each auditor shall promptly post a copy of the writ in his office.*

*Subd. 3. [NOTICE OF SPECIAL ELECTION.] Each auditor of a county in which a special election is to be held shall direct the clerk of each municipality in which the election is to be held to post a notice of the special primary and special election at least 14 days before the election in the manner provided in section*

204A.04, subdivision 1. *When the special primary or special election is to be held on the same day as any other election, notice of the special primary or special election may be included in the notice of the other election if practicable.*

*Subd. 4. [FAILURE OF NOTICE.] No omission or defect in any notice required to be given by this section shall invalidate any special primary or special election.*

Sec. 4. Minnesota Statutes 1976, Chapter 202A, is amended by adding a section to read:

[202A.78] [FILING OF CANDIDACY.] *Subdivision 1. [AFFIDAVITS.] Candidates to fill a vacancy at any special election shall file their affidavits within the time prescribed by the writ of the governor with the same officers and in the same manner and shall pay the same fees as provided by law for candidates for like office at the general election.*

*Subd. 2. [PETITIONS.] Candidates to fill a vacancy may also be nominated by petition under the conditions and in the manner provided by law for candidates for like office at the general election so far as applicable. Nominating petitions shall be filed during the time specified in the writ of the governor, which shall be the same time as is specified for filing of affidavits of candidacy.*

*Subd. 3. [FILING WITH SECRETARY OF STATE; CERTIFICATION OF CANDIDATES.] If affidavits or petitions are filed with the secretary of state he shall certify the names of the candidates to the auditor of each county in which the candidates are to be voted upon within 24 hours after the time for filing has closed.*

Sec. 5. Minnesota Statutes 1976, Chapter 202A, is amended by adding a section to read:

[202A.79] [PRIMARY; NOMINATION.] *Subdivision 1. [PRIMARY; EXEMPTION FROM TEN PERCENT REQUIREMENT.] Except as provided in subdivision 2, candidates to fill a vacancy at any special election shall be nominated at a special primary election. One candidate for each vacant office to be filled at a special election may be nominated for each political party.*

*The candidate of each party who receives the largest number of votes shall be nominated without reference to the number of votes cast by that party at the last general election.*

*Subd. 2. [NO PRIMARY, WHEN.] No special primary shall be held to nominate candidates to fill a vacancy if only one person from each party files as a candidate for nomination by his party. In this event, the persons who have filed are nominated.*

Sec. 6. Minnesota Statutes 1976, Chapter 202A, is amended by adding a section to read:

[202A.80] [PREPARATION OF BALLOTS; BALLOT BOXES; VOTING MACHINES.] *Ballots for every special primary and special election shall be prepared in accordance with section 203A.41. When a special primary or special election is held*

*on the same day as another election in a paper ballot precinct and the special election ballot is separate from any regular ballot, separate ballot boxes shall be used for special and regular ballots.*

Sec. 7. Minnesota Statutes 1976, Chapter 202A, is amended by adding a section to read:

[202A.81] [PRECINCTS; JUDGES; VOTERS.] *The election precincts, polling places and officials for any special primary or special election held pursuant to sections 1 and 2 on a day other than the day of a regular primary or statewide election shall be the same as at the last preceding statewide election as far as practicable unless changed according to law. In all other cases the election precincts, polling places and officials for the regular election shall also serve for the special primary or special election. In any municipality having a permanent registration system no person may vote at any special primary or special election unless he is registered under the system.*

Sec. 8. Minnesota Statutes 1976, Chapter 202A, is amended by adding a section to read:

[202A.82] [CANVASSING RETURNS; ELECTION CERTIFICATION; CONTESTS.] *Subdivision 1. [CANVASS AT REGULAR TIME.] At any special primary which is held at the time of the regular primary before a statewide election or at any special election which is held at the time of a statewide election the returns shall be canvassed and the results declared and certified together with and in the same manner as the other returns of that regular primary or statewide election.*

*Subd. 2. [CANVASS AT OTHER TIMES.] The returns of a special primary which is not held at the time of a regular primary and the returns of a special election which is not held at a statewide election shall be transmitted forthwith upon completion to the county auditor and shall be canvassed as provided in this subdivision. The returns shall be canvassed by the county canvassing board and the results certified to the secretary of state no later than the second day following the special primary or special election. Except for a state legislative special election, the state canvassing board shall meet and canvass the returns of any special primary or special election made to the secretary of state no later than one week after the special primary or special election. The state canvassing board shall canvass the returns of a state legislative special election no later than four days after the special election.*

*Subd. 3. [NOMINEES CERTIFIED BY SECRETARY OF STATE.] When the state canvassing board is required to canvass the results of a special primary election the secretary of state no later than one week after the special primary shall certify to the county auditors the names of each candidate nominated and shall notify each nominee.*

*Subd. 4. [NOTICE OF CONTEST.] Notices of contest of any special primary or special election which is held at the time of*

*the regular primary or statewide election, respectively, shall be filed during the time provided by law for contests for other offices elected at that regular primary or statewide election. Notice of contest of a special primary or special election held at any other time shall be filed as follows:*

*(a) For a special primary or special election to fill a vacancy in the office of United States representative, within five days after completion of the canvass; and*

*(b) For a special primary or special election to fill a vacancy in the office of state senator or state representative, within two days after completion of the canvass.*

**Subd. 5. [CERTIFICATES OF ELECTION.]** *Certificates of election shall be issued by the county auditor or secretary of state to the person declared elected by the county or state canvassing board at a special election held on a statewide election day at the time provided by law for issuing certificates after the general election for persons elected to a like office. Certificates of election for persons declared elected at a special election held on any other day shall be issued as follows:*

*(a) For election to the United States House of Representatives, seven days after the completion of the canvass; and*

*(b) For a state legislative election, two days after the completion of the canvass.*

*In case of a contest a certificate may not be issued until the district court has determined the contest.*

**Sec. 9. Minnesota Statutes 1976, Chapter 202A, is amended by adding a section to read:**

**[202A.83] [CHANGE IN CONGRESSIONAL OR LEGISLATIVE DISTRICT BOUNDARIES.]** *No change in the boundaries of any congressional or legislative district is effective as to any election to fill a vacancy in the representation from that district when the term of the vacant office began before the change was made.*

**Sec. 10. Minnesota Statutes 1976, Chapter 202A, is amended by adding a section to read:**

**[202A.84] [GENERAL ELECTION LAWS, APPLICATION.]** *Except as provided in sections 1 to 9, all of the provisions of Minnesota election law apply to special primary and special elections as far as practicable.*

**Sec. 11. Minnesota Statutes 1976, Section 203A.41, is amended to read:**

**203A.41 [SPECIAL ELECTION BALLOTS.]** **Subdivision 1. [NAMES.]** *Only the names of candidates who have duly filed or have been duly nominated shall be placed upon the ballots for any special primary or special election, respectively, held under sections 202A.61 to 202A.71, and only names of candidates who have been duly nominated shall be placed upon the ballots for any final*

election held under sections 202A.61 to 202A.71 pursuant to the special election provisions of chapter 202A. Blank spaces for writing in names shall be provided upon the final election ballots as upon general election ballots, but not upon the primary ballots.

Subd. 2. [FORM.] Except as provided in subdivision 3 the auditor of each county concerned shall prepare special ballots for every special election and special primary held under sections 202A.61 to 202A.71 pursuant to the special elections provisions of chapter 202A. The ballots shall be headed, "Special Election Ballot" or, "Special Primary Ballot," as the case may be, followed by the date of the election or primary. Immediately below the title of each office to be filled there shall be printed the words, "To fill vacancy in term expiring . . . . .," with the date of expiration of the term and such other information as may be necessary to distinguish the office from any other office to be voted upon at the same election or primary. Otherwise the ballots shall conform, as far as practicable, with the laws relating to ballots for general elections and regular primary elections. The county auditor shall post a sample of each ballot in his office as soon as prepared and not later than four days before the election or primary, as the case may be, but he need not publish any sample ballot.

Subd. 3. [USE OF REGULAR BALLOTS.] In any case where candidates are to be voted for under sections 202A.61 to 202A.71 pursuant to the special elections provisions of chapter 202A on the general election day or are to be nominated on the regular primary election day, as the case may be, and where the canvass of the returns is to be made by the regular county canvassing board, as provided in section 202A.69 8, subdivision 1, and where the ballots for the general election or primary have not been printed when the names of the candidates under sections 202A.61 to 202A.71 to be elected or nominated to fill a vacancy have been finally determined, the county auditor shall place the names of the candidates upon the regular ballots used for like offices at the general election or primary, designating the office to be filled in the same manner as provided in subdivision 2 for special ballots.

Sec. 12. Minnesota Statutes 1976, Section 412.02, Subdivision 2, is amended to read:

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

Sec. 13. Minnesota Statutes 1976, Section 412.02, is amended by adding a subdivision to read:

Subd. 2a. (a) Except as otherwise provided in this subdivision, the council shall call a special election to fill any vacancy in an



elective city office and may appoint a person to temporarily fill the vacancy until a successor is elected and qualified.

(b) No special election shall be held to fill a vacancy at any regular city election immediately before the expiration of the term of the vacant office. When no special election is permitted under this subdivision, any person appointed to fill the vacancy shall serve until the expiration of the term.

(c) Except as provided in clause (b), every vacancy in an elective city office shall be filled by a special election held at the next regular city election or state general election, whichever occurs first, provided that the vacancy occurs at least one week before the close of the time for filing for that election. If the vacancy occurs later than one week before the close of the time for filing for the next regular city election or state general election, the special election shall be held at the second succeeding regular city election or state general election after the vacancy occurs. The council by resolution shall call the special election not later than four weeks after the vacancy occurs, unless the vacancy occurs less than four weeks before the close of the time for filing, in which case the council shall call the special election not later than one week after the vacancy occurs. The council shall extend the time for filing if necessary to provide at least one week for that purpose.

(d) No candidate to fill a council vacancy shall run as an at large candidate but shall be identified on any affidavit of or application for candidacy and on the city ballot as a candidate "to fill the vacancy created on . . . . (the date the vacancy was created) . . . . for the term expiring . . . .".

(e) A special election held pursuant to this subdivision shall be held in accordance with the provisions of the Minnesota election laws, chapters 200 to 210A, as far as practicable.

(f) This subdivision shall not apply to any city with less than 2,500 inhabitants unless the city adopts an ordinance requiring vacancies in elective city offices to be filled pursuant to this subdivision.

Sec. 14. [REPEALER.] Minnesota Statutes 1976, Sections 123.015; 123.11, Subdivisions 2, 3, 4, 5 and 6; 123.32, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 11, 22, 24, 25, 26, and 27; 201.33; 202A.61; 202A.62; 202A.63; 202A.64; 202A.65; 202A.66; 202A.67; 202A.68; 202A.69; 202A.70; 202A.71; 205.02; 205.03; 205.07; 205.11; 205.18; 205.19; 205.20; 206.18; 447.32, Subdivisions 3 and 4; and Laws 1978, Chapter 456, Section 1, Subdivision 5, are repealed.

Sec. 15. [EFFECTIVE DATE.] Article II, Section 17; Article III, Sections 8, 9, 10, 18 and 19, Article IV, Sections 11 and 12 and Article V, Sections 2 and 3, are effective the day following final enactment. All other sections of this act are effective August 1, 1978."

Amend the title by striking it and inserting:

"A bill for an act relating to elections; establishing a local

government election day for election of county, city and school district officers, county and municipal judges and officers of all other political subdivisions except towns; requiring uniform and coordinated election precincts and polling places for municipalities and school districts; integrating municipal and school district election laws with laws applicable to other elections; providing state reimbursement for the costs of administration of the election held on the local government election day; superseding certain inconsistent general and special laws and home rule charter provisions; establishing times and procedures for special elections for United States representative, state senator, state representative and statutory city offices; amending Minnesota Statutes, 1976, Chapters 202A, by adding sections; 204A, by adding a section; 205, by adding sections; and 210A, by adding a section; and Sections 40.05, Subdivisions 1, 3 and 4; 40.06, Subdivision 1; 122.23, Subdivisions 12, 17, and 18; 122.25, Subdivision 2; 122.26, Subdivisions 4, 5, and 22; 123.12, Subdivisions 1 and 5; 123.32, Subdivisions 9, 13 and 23; 123.33, Subdivisions 1 and 4; 123.34, Subdivision 1; 123.351, Subdivisions 1 and 3; 123.51; 128.01; 200.02, Subdivisions 1, 8, 24, and by adding subdivisions; 201.071, by adding a subdivision; 202A.26, Subdivision 1; 202A.52; 203A.17; 203A.31, Subdivision 1; 203A.32; 203A.41; 204A.05, Subdivision 1; 204A.06, by adding a subdivision; 204A.09, Subdivision 1; 204A.11, Subdivision 3, and by adding a subdivision; 204A.29; 204A.40, Subdivision 2; 204A.45, Subdivision 1; 204A.47, Subdivision 2; 204A.49, by adding a subdivision; 204A.51, Subdivision 2; 204A.53, Subdivision 1; 205.01; 205.021; 205.13; 205.14; 205.16, Subdivision 2; 206.09; 206.21, Subdivision 3; 207.04; 207.151; 209.02, Subdivisions 1 and 3; 365.51; 375.025, Subdivision 4; 375.03; 375.101, Subdivision 2; 375A.02, Subdivision 1; 375A.09, Subdivision 4; 382.01; 389.011, Subdivision 2; 397.06; 397.07; 398.04; 410.21; 421.02, Subdivision 2 and by adding a subdivision; 412.021, Subdivision 2; 412.571, Subdivision 5; 447.32, Subdivisions 1 and 2; 487.03, Subdivisions 2 and 5; 488A.021, Subdivision 3; and 488A.19, Subdivision 3; amending Minnesota Statutes, 1977 Supplement, Sections 201.061, Subdivision 6; 201.071, Subdivisions 1 and 3; 204A.06, Subdivision 1b; 207.02; 207.03, Subdivision 1; 207.05, Subdivision 1; Laws 1978, Chapter 456, Section 1, Subdivision 4; repealing Minnesota Statutes 1976, Sections 123.015; 123.11, Subdivisions 2, 3, 4, 5 and 6; 123.32, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 11, 22, 24, 25, 26, and 27; 201.33; 202A.61 to 202A.71; 205.02; 205.03; 205.07; 205.11; 205.18; 205.19; 205.20; 206.18; 447.32, Subdivisions 3 and 4; and Laws 1978, Chapter 456, Section 1, Subdivision 5."

And when so amended the bill do pass, Mr. Wegener questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

S. F. No. 1644: A bill for an act relating to hazardous wastes; placing certain restrictions on site selection for disposal facilities in the metropolitan area; amending Minnesota Statutes 1976, Section 473.516.

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. 2076: A bill for an act relating to the departments of state; concerning the administrative procedure act; exempting the public employment relations board from the contested case provisions; amending Minnesota Statutes, 1977 Supplement, Section 15.0411, Subdivision 2.

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. 2316: A bill for an act relating to public employees; political subdivisions; prohibiting denial or abridgement of the right to engage in political activities except under certain circumstances.

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

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

S. F. No. 1636: A bill for an act relating to education; school aids; providing for additional aid for school year 1978-1979 for certain isolated districts.

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

Strike everything after the enacting clause and insert:

"Section 1. Notwithstanding the provisions of Minnesota Statutes, Section 475.61, Subdivision 4, the board of Independent School District No. 710 may transfer the surplus amount remaining in the district's debt service fund after all outstanding bonds and interest thereon are paid, but not to exceed the amount of \$210,000, from the debt service fund to the district's capital expenditure fund, for the purpose of paying for improvements to the district's sites and buildings.

Sec. 2. This act shall be effective upon its approval by the board of Independent School District No. 710 and upon compliance with section 645.021."

Amend the title as follows:

Page 1, line 2, strike "school aids; providing for" and insert "allowing Independent School District No. 710 to transfer a surplus amount from its debt service fund to its capital expenditure fund"

Page 1, strike line 3

Page 1, line 4, strike "certain isolated districts"

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

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

S. F. No. 2174: A bill for an act relating to taxation; distribution of taconite taxes to school districts; amending Minnesota Statutes, 1977 Supplement, Section 298.28, Subdivision 1.

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

Page 2, line 24, after "(c)" insert "and part (d)"

Page 2, line 31, after "(c)" insert "and part (d)"

Page 3, line 6, restore the stricken language

Page 3, lines 6 to 14, strike the new language

Page 3, after line 25, insert:

*"(d) 25 percent of the tax remaining in part (b) after deduction of the distribution pursuant to part (c) shall be distributed to a group of school districts comprised of those school districts wherein the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 or in which is located property which is entitled to the reduction of tax pursuant to section 273.135, subdivision 2, clause (c). It shall be distributed to such qualifying school districts by dividing the amount herein provided by the direct proportion of such school districts' pupil units to the total pupil units of such qualifying districts. Notwithstanding the provisions of section 124.212, subdivision 8a, clause (2) and the provisions of section 275.125, subdivision 9, clause (2) or any other law to the contrary, the amount which a school district is entitled to receive pursuant to this clause shall not be applied to reduce foundation aids which such school district is entitled to receive pursuant to section 124.212 or the permissible levies of the district."*

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. 2356: A bill for an act relating to plats and surveys; filing requirements for plats abutting highways; amending Minnesota Statutes 1976, Section 505.03, Subdivision 2.

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

Page 1, line 9, strike "such"

Page 1, line 15, strike "such" and insert "proposed"

Page 2, line 6, strike "such"

Page 2, line 8, strike "such a" and insert "*the proposed*"

Page 2, line 9, strike "such" and insert "*the proposed*"

Page 2, lines 12 to 15, strike the new language

Page 2, line 18, strike "such" and insert "*the*"

Page 2, line 24, strike "said" and insert "*the*"

Page 2, line 25, strike "No" and insert "A"

Page 2, line 25, strike "is" and insert "*shall be*"

Page 2, line 28, strike "such" and insert "*the*"

Page 2, line 28, after the period insert "*The city, town or county shall provide the certificate or other evidence to the county recorder or registrar of titles.*"

Further, amend the title as follows:

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

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. 1590: A bill for an act relating to retirement; definition of teacher; exemptions; amending Minnesota Statutes, 1977 Supplement, Section 354.05, Subdivision 2.

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

Page 2, line 17, strike the new language and insert "*During any fiscal year, the term also does not mean a person who works for a school or institution on a part time basis where the person has certified that he has established and is contributing to an individual retirement account, provided that the certification is made annually and is made on a form prescribed by the executive director*"

Page 2, lines 18 through 20, strike the new language

Page 2, line 21, strike the new language and insert "*This act is effective the day following final enactment.*"

Page 2, strike lines 22 through 24

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. 2204: A bill for an act relating to intoxicating liquor; hours and days of sale; amending Minnesota Statutes 1976, Section 340.14, Subdivision 1.

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

Page 1, line 20, strike "or" and insert "and"

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. 1966: 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.

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. 2081: A bill for an act relating to public utilities; telephone companies; assessment for costs of regulation; approval of capital expenditures; amending Minnesota Statutes 1976, Chapter 237, by adding sections; and Section 237.01; repealing Minnesota Statutes 1976, Section 237.29, as amended.

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

Pages 1 to 4, strike sections 1 to 4 and insert:

"Section 1. Minnesota Statutes, 1977 Supplement, Section 216B.16, Subdivision 2, is amended to read:

Subd. 2. Whenever there is filed with the commission any schedule modifying or resulting in a change in any rates then in force, together with the filed statements of facts, expert opinions, substantiating documents, and exhibits, supporting the changes requested, the commission shall upon complaint or may upon its own motion, upon reasonable notice to the governing bodies of municipalities affected, conduct a hearing to determine whether the rates are unjust or unreasonable. Pending the hearing and the decision thereon as provided in subdivision 1, the commission may suspend the operation of the schedule by filing with the schedule of rates and delivering to the affected utility a statement in writing of its reasons for the suspension, at any time before the rates become effective. The suspension shall not be for a longer period than 90 days beyond the time when the schedule of rates would otherwise go into effect unless the commission finds that a longer time will be required. If a longer time is required During the suspension the commission shall determine whether all questions of the reasonableness of the rates requested raised by persons deemed interested or by the adminis-

*trative division of the department of public service can be resolved to the satisfaction of the commission. If the commission finds that all significant issues raised cannot be resolved to its satisfaction, or upon petition by ten percent of the affected customers or 100 affected customers, whichever is less, it shall refer the matter to the office of hearing examiners with instructions for a public hearing as a contested case pursuant to chapter 15, and may further extend the period of suspension for a period not to exceed a total of 9 months. If the commission does not make a final determination concerning any schedule of rates within a period of nine months beyond the time when the schedule of rates would otherwise go into effect, under subdivision 1, the schedule shall be deemed to have been approved by the commission. For the purposes of this subdivision, "final determination" means the initial decision of the commission and not any order which may be entered by the commission in response to a petition for rehearing or other further relief. The commission may further suspend rates until it determines all such petitions.*

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 237.075, Subdivision 2, is amended to read:

Subd. 2. When there is filed with the commission as provided in subdivision 1 a schedule modifying or resulting in a change in any rate then in force, together with the filed statements of fact, expert opinions, substantiating documents, and exhibits, supporting the changes requested, the commission shall upon complaint or may upon its own motion, upon reasonable notice to the governing bodies of municipalities and counties affected, conduct a hearing to determine whether the rates are unjust or unreasonable. Pending the hearing and the decision thereon, the commission may suspend the operation of the schedule by filing of the schedule of rates and delivering to the affected telephone company a statement in writing of its reasons for the suspension at any time before the rates become effective. The suspension shall not be for a longer period than 90 days beyond the time when the schedule of rates would otherwise go into effect unless the commission finds that a longer time will be required. If a longer time is required During the suspension the commission shall determine whether all questions of the reasonableness of the rates requested raised by persons deemed interested or by the administrative division of the department of public service can be resolved to the satisfaction of the commission. If the commission finds that all significant issues raised cannot be resolved to its satisfaction, or upon petition by ten percent of the affected customers or 100 affected customers, whichever is less, it shall refer the matter to the office of hearing examiners with instructions for a public hearing as a contested case pursuant to chapter 15, and the commission may further extend the period of suspension, but in no event shall the period of suspension be more than nine months from the date when the schedule of rates would otherwise go into effect. If the commission does not make a final determination on or before the expiration of 12 months from the date the rates were initially filed, the schedule of rates shall be deemed to have been approved by the commission. The over-

charge resulting from implementation of the schedule prior to the final determination of the commission shall be refunded to the customers of the telephone company in a manner prescribed by rules of the commission. For the purposes of this subdivision "final determination" means the initial decision of the commission and not any order which may be entered by the commission in response to a petition for rehearing or other further relief. The commission may further suspend rates until it determines all such petitions."

Renumber the remaining sections

Amend the title as follows:

Page 1, line 2, after the first semicolon insert "providing for rate case settlement without a hearing; providing for the assessment of all costs of regulating"

Page 1, strike line 3

Page 1, line 4, strike everything before "amending"

Page 1, line 5, strike "sections" and insert "a section"

Page 1, line 5, strike "Section" and insert "Minnesota Statutes, 1977 Supplement, Sections 216B.16, Subdivision 2; and 237.075, Subdivision 2"

Page 1, line 6, strike "237.01"

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. 1364: A bill for an act relating to civil service; providing an affirmative action program for the state work force; amending Minnesota Statutes 1976, Section 43.15.

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 43.15, is amended to read:

43.15 [AFFIRMATIVE ACTION; DISCRIMINATION FORBIDDEN.] *Subdivision 1.* [STATEWIDE AFFIRMATIVE ACTION PROGRAM.] *In order to assure that positions in the state civil service are equally accessible to all qualified persons, and in order to eliminate the underutilization of qualified members of protected groups, the commissioner of personnel shall adopt and periodically revise as necessary a statewide affirmative action program covering all agencies in the executive branch. The commissioner shall designate a state director of equal employment opportunity to serve in the unclassified service and to whom may be delegated the preparation, revision and implementation of the program. The statewide program and any revisions thereto shall*



be adopted as rules but individual agency affirmative action plans adopted pursuant to the statewide program shall not be adopted as rules. As used in this section, "protected group" means a group consisting of females, handicapped persons, or members of the following minorities: Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan native.

**Subd. 2. [CONTENT OF STATEWIDE PROGRAM.]** The statewide affirmative action program shall consist of at least the following:

(a) a statement of general goals and policies to be followed in the state civil service in respect to affirmative action;

(b) forms, procedures, standards and assumptions to be used by state agencies in the preparation of their agency affirmative action plans;

(c) goals and timetables which the state civil service as a whole will be expected to meet;

(d) periodic reporting requirements whereby the head of each agency will be required to report to the governor and the legislature on the implementation of his agency's plan.

**Subd. 3. [AGENCY AFFIRMATIVE ACTION PLANS.]** The head of each agency in the executive branch shall prepare and implement an affirmative action plan consistent with subdivisions 1 and 2. Prior to implementation, the plan shall be submitted to the commissioner for approval or modification. Annually, or more often if necessary, the plan shall be updated and resubmitted to the commissioner.

**Subd. 4. [AFFIRMATIVE ACTION OFFICERS.]** Within each agency the agency head shall appoint an affirmative action officer who shall have primary responsibility for the administration of the agency's affirmative action plan. To the extent possible consistent with complement and budget restrictions, the affirmative action officer shall devote full time to affirmative action-related activities. The officer shall report directly to the agency head on affirmative action matters. The commissioner of personnel shall implement periodic training programs for affirmative action officers and shall provide the officers with necessary technical assistance.

**Subd. 5. [EXPANSION OF ELIGIBLE LISTS TO MEET AFFIRMATIVE ACTION GOALS.]** When the commissioner of personnel determines that a disparity exists between the agency's work force and its approved affirmative action plan, the commissioner shall insure to the extent possible that members of the protected group for which the disparity exists are included on that portion of the eligible list of persons to be considered for appointment, which list is hereinafter referred to as the "appointment list". Notwithstanding any contrary provision of chapter 43, when a position is to be filled by open competitive examination and fewer than three individuals of a protected group for which a disparity has been determined to exist appear on the appointment list, the commissioner shall certify, if possible, as many additional names

*in order from the eligible list as are necessary so that an aggregate total of three persons from all the protected groups for which a disparity has been determined to exist have been added to the appointment list. Notwithstanding any contrary provision of chapter 43, when a position is to be filled by examination other than open competitive examination and fewer than one-third of the individuals on an appointment list are members of the protected group for which a disparity has been determined to exist, the commissioner shall certify, if possible, as many additional names in order from the eligible list as are necessary so that persons from all the protected groups for which a disparity has been determined to exist comprise one-third of the appointment list or until an aggregate total of three persons from all the protected groups for which a disparity has been determined to exist have been added to the appointment list, whichever comes first.*

*Subd. 6. [DISCRIMINATION PROHIBITED.] No discrimination shall be exercised, threatened, or promised by any person in the civil service against, or in favor of, any applicant, eligible, or employee in the civil service because of his political or religious opinions or affiliations, or age, race, sex, or disability. Implementation of subdivisions 1 to 5 shall not be deemed a violation of this subdivision or a violation of any provisions of chapters 43 or 363, nor shall this section be construed to deny a veteran a credit afforded him pursuant to section 43.30.*

*Sec. 2. [TEMPORARY PROVISIONS.] This act supersedes and replaces executive orders of the governor relating to affirmative action and equal employment opportunity. Notwithstanding the foregoing, a statewide affirmative action program in effect on the effective date of this act and agency affirmative action plans adopted pursuant to that statewide program, shall be and remain effective until superseded, amended or repealed pursuant to this act.*

*Sec. 3. [EFFECTIVE DATE.] This act is effective July 1, 1978."*

*Amend the title by striking it in its entirety and inserting:*

*"A bill for an act relating to the state civil service; requiring a statewide affirmative action program and agency plans; providing for expanding eligible lists so as to include protected group members; amending Minnesota Statutes 1976, Section 43.15."*

*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. 633: A bill for an act relating to retirement; state employees; reducing the penalty for early retirement in certain cases; increasing the retirement annuity formula; amending Minnesota Statutes 1976, Sections 352.115, Subdivision 3; and 352.116, Subdivision 1.*

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

Page 1, strike section 1

Page 1, line 20, strike "Sec. 2." and insert "Section 1."

Page 2, line 12, strike "only"

Page 2, line 13, after "percent" insert "and applied only"

Page 2, after line 13, insert sections to read:

"Sec. 2. Minnesota Statutes 1976, Section 352.91, Subdivision 2, is amended to read:

Subd. 2. Covered correctional service shall also mean service rendered at any time by state employees as special teachers, tradesmen and maintenance personnel certified by the commissioner of personnel as being regularly engaged in rehabilitation, treatment, custody or supervision of inmates employed at the Minnesota state reformatory for men, the state prison and the Minnesota correctional institution for women on or after July 1, 1974, other than any such employees who are 62 years of age or older as of July 1, 1974. For each special teacher who on July 1, 1974 is employed at one of the foregoing institutions and is a member of the teachers retirement association, the teachers retirement association shall transfer to the Minnesota state retirement system an amount equal to accumulated employee and employer contributions, including any additional employer contributions on behalf of such employee. *The term "special teacher" shall also include the classifications of institution educational administrator and supervisor.*

Sec. 3. Minnesota Statutes, 1977 Supplement, Section 422A.32, Subdivision 2, is amended to read:

Subd. 2. [REDUCED RETIREMENT ANNUITY.] Upon separation from service, any coordinated employee who has attained the age of at least 58 years and who has received credit for not less than 20 years of service is entitled upon application to a retirement annuity in an amount equal to the normal coordinated retirement annuity reduced by one-half of one percent for each month that a coordinated employee is under age 65 at the time of retirement; provided however that for any coordinated employee who has received credit for 30 or more years of service who applies for a retirement annuity, ~~such reduction the normal coordinated retirement annuity shall be applied reduced by one quarter of one percent~~ for each month that the coordinated employee is under age 62 at the time of retirement.

Sec. 4. Minnesota Statutes 1976, Section 356.34, as amended by Laws 1977, Chapter 429, Section 49, is repealed."

Renumber the remaining section

Amend the title as follows:

Page 1, Line 2, after "employees" insert "and Minneapolis municipal employees"

Line 4, after "formula;" insert "clarifying the term "special teacher" in correctional plan; repealing 15 percent limit on average salary computation;"

Line 6, strike "352.115, Subdivision 3; and"

Line 7, after "1" insert "; and 352.91, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Section 422A.32, Subdivision 2; repealing Minnesota Statutes 1976, Section 356.34, as amended."

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

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

S. F. No. 507: A bill for an act relating to public welfare; licensing and regulating social workers; establishing the board of social work examiners; appropriating money; amending Minnesota Statutes 1976, Section 214.01, Subdivision 2.

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

Strike everything after the enacting clause and insert:

"Section 1. [POLICY.] The legislature reasserts its policy that no human services occupation should be credentialled until reviewed by the human services occupations advisory council as prescribed in sections 214.13 and 214.14. The legislature finds that social workers are engaged in a human services occupation and are therefore within the jurisdiction of the council's review authority. The legislature further finds that the social worker occupation is important to the health and welfare of citizens of this state and should receive prompt and thorough attention by the council. The legislature therefore intends by this act to expedite review by the council although the legislature does not by this act indicate a preference in respect to the credentialling of social workers.

Sec. 2. [DUTIES OF ADVISORY COUNCIL.] The human services occupations advisory council shall, pursuant to section 1 and section 214.13, report to the legislature no later than January 1, 1979, on whether the credentialling of social workers is necessary to protect the health and welfare of the citizens of the state. If the council determines that registration is appropriate, a copy of the report shall be delivered to the board of health. If the council determines that licensing or other legislation is appropriate, the council shall include draft legislation and rules as part of its report. In preparing its report, the council shall consult with representatives of social worker organizations and professional societies, clients and employers.

Sec. 3. [EFFECTIVE DATE.] This act is effective the day following final enactment and shall expire June 30, 1979."

Amend the title by striking it in its entirety and inserting

"A bill for an act relating to licensed occupations; providing for an expedited review by the human services occupations advisory council in respect to the regulation of social workers; requiring a report."

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

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

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.

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

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

H. F. No. 1612: A bill for an act relating to military justice; providing for military judges; modifying court composition and punishment authority; making other changes consistent and current federal military law; amending Minnesota Statutes 1976, Sections 192A.015; 192A.02; 192A.045; 192A.06; 192A.085; 192A.09; 192A.10; 192A.105; 192A.11, Subdivision 3; 192A.12; 192A.13; 192A.14; 192A.145, Subdivisions 3 and 4; 192A.15; 192A.155; 192A.16; 192A.165; 192A.18, Subdivisions 1 and 2; 192A.195; 192A.205; 192A.21, Subdivision 2; 192A.215; 192A.22; 192A.225; 192A.23; 192A.245; 192A.25, Subdivision 2; 192A.265, Subdivision 1; 192A.275; 192A.28; 192A.29; 192A.305; 192A.315; 192A.345, Subdivisions 2 and 3; 192A.355; 192A.47; 192A.555; 192A.585; 192A.595, Subdivision 1; 192A.61, Subdivision 3; 192A.615; Chapter 192A by adding sections; and repealing Minnesota Statutes 1976, Sections 192A.01, Subdivision 2; 192A.04, Subdivisions 4 and 5; 192A.125; and 192A.565.

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

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

H. F. No. 1119: A bill for an act relating to Ramsey county; providing for additional membership on its civil service commission; further prescribing and clarifying the duties of the commission; eliminating per diem payments for library board members; amending Laws 1974, Chapter 435, Section 3.02; repealing Laws 1974, Chapter 435, Section 1.0208.

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

Page 1, line 21, strike "(a) The Ramsey county board of"

Page 1, strike lines 22 to 24

Page 2, line 1, strike "(b)" and insert "(a)"

Page 2, strike lines 7 to 12

Reletter the remaining clauses in sequence

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

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

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.

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

Amend the title as follows:

Page 1, line 2, strike "powers of the boards of"

Page 1, line 3, strike "county commissioners;"

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

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

H. F. No. 1793: A bill for an act relating to Ramsey county; authorizing the county to issue general obligation bonds for the costs of construction of a county nursing home; amending Laws 1974, Chapter 435, by adding a section.

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

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

H. F. No. 1225: 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.

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. 2287: A bill for an act relating to medical malpractice insurance; extending the temporary joint underwriting association

for an additional two year period; amending Minnesota Statutes 1976, Section 62F.01; repealing Laws 1976, Chapter 242, Section 16.

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

Page 1, line 14, strike "*June 30*" and insert "*September 1*"

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

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

S. F. No. 2044: A bill for an act relating to insurance; permitting employees to opt for lower benefits provided by certain group insurance contracts; amending Minnesota Statutes 1976, Section 471.616, Subdivision 1.

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 471.616, Subdivision 1, is amended to read:

471.616 [GROUP INSURANCE: GOVERNMENTAL UNITS.] Subdivision 1. [BIDDING REQUIRED.] No governmental subdivision, political subdivision, or any other body corporate and politic authorized by law to purchase group insurance for its employees and providing or intending to provide such group insurance protections and benefits for 25 or more of its employees shall enter into a contract for or renew any such group insurance policy or contract without calling for bids and awarding the contract to the lowest responsible bidder by way of competitive bidding procedures similar to those for the provision of services and supplies under Minnesota Statutes 1971, Section 16.07, Subdivisions 1, 2, 4 and 5. Lowest responsible bidder means the insurer or service plan corporation submitting the lowest premium rate or the lowest charge for expenses and risk taking in accordance with the specifications for the coverage and administrative services from among such insurers or service plan corporations authorized to do business in this state which are deemed by the governmental unit to be financially able to carry the risk proposed and are capable of satisfactorily performing the administration of the policy or contract. The cost of changing insurers may also be considered in determining the lowest premium rate or the lowest charge for expenses and risk taking. The aggregate value of benefits provided by a contract entered into after July 1, 1973 shall not be less than those provided by the preexisting contract (a) *unless a majority of the employees covered under the group insurance plan and voting on the question agree to a reduction in the benefits, if the employees are not represented by an exclusive representative pursuant to section 179.67, or (b) unless the public employer and the exclusive representative of the employees of an appropriate bargaining unit, certified pursuant to*

*section 179.67, agree to a reduction in the benefits. (c) The aggregate value of benefits of any former employee who has retired shall not, in any event, be reduced pursuant to clause (a) or (b) unless he has individually agreed to the reduction.*

No such contract need be submitted to bid more frequently than once every 48 months, unless for any reason whatsoever, a 50 percent or greater change in the premium under the policy contract is provided, required or indicated.

When an insurer proposes an increase in rates, it shall accompany its proposal with an aggregate claims record for the appropriate period that explains the proposed increase. When a contract is resubmitted for bids the aggregate claims record shall accompany the specifications for the contract."

Amend the title as follows:

Page 1, line 5, strike "1976" and insert ", 1977 Supplement"

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. 2369: A bill for an act relating to the city of Chisholm; authorizing an on-sale liquor license for Chisholm sports arena.

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

Page 1, line 20, strike everything after the period

Page 1, strike line 21

Page 2, strike lines 1 to 3

Page 2, line 4, strike everything through the period

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. 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.

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

Page 1, line 22, strike "of this act"

Page 2, line 10, strike "of this act"



Page 3, line 12, strike "*the effective date of this act*" and insert "*August 1, 1978*"

Page 3, line 14, strike "*the*" and insert "*August 1, 1978*"

Page 3, line 15, strike "*effective date of this act*"

Page 4, lines 14 and 17, strike "*the effective date of this act*" and insert "*August 1, 1978*"

Page 5, line 30, strike "*such*" and insert "*the*"

Page 5, line 31, strike "*as is*"

Page 6, line 1, strike "*the*"

Page 6, line 4, strike "*such*" and insert "*the*" and strike "*as*"

Page 6, line 5, strike "*is*"

Page 6, lines 13, 18, 28 and 31, strike "*such*" and insert "*the*"

Page 7, line 2, strike "*such*" and insert "*the*"

Page 7, lines 13 and 16, strike "*such*" and insert "*that*"

Page 9, lines 17 and 23, strike "*such*" and insert "*the*"

Page 10, lines 1, 4, 8, 9 and 28, strike "*such*" and insert "*the*"

Page 11, lines 21, 24 and 26, strike "*such*" and insert "*the*"

Page 11, line 29, strike "*the effective date of this act*" and insert "*August 1, 1978*"

Page 11, line 32, after "*of*" strike "*the*"

Page 12, line 1, strike "*effective date of this act*" and insert "*August 1, 1978*"

Page 12, line 7, strike "*the second anniversary of*" and insert "*August 1, 1980*"

Page 12, strike line 8 except the period

Page 12, line 21, strike "*of this*"

Page 12, line 22, strike "*act*"

Page 12, line 25, strike "*such*"

Page 12, line 26, strike "*the effective date of this act*" and insert "*August 1, 1978*"

Page 12, line 29, strike "*the effective*" and insert "*August 1, 1978*"

Page 12, line 30, strike "*date of this act*"

Page 15, line 7, strike "*of this act*"

Page 15, line 10, strike "*the effective date of this*" and insert "*August 1, 1978*"

Page 15, line 11, strike "*act*"

Page 15, line 24, strike "*the effective date of this act*" and insert "*August 1, 1978*"

Page 15, lines 26 and 32, strike "*such*" and insert "*the*"

Page 15, line 30, strike "*the effective date of this act*" and insert "*August 1, 1978*"

Page 16, line 5, strike "*such*"

Page 16, lines 8 and 15, strike "*the effective date of*" and insert "*August 1, 1978*"

Page 16, lines 9 and 16, strike "*this act*"

Page 17, line 4, strike "*of this act*"

Page 18, line 32, strike "*such*" and insert "*the*"

Page 19, lines 3, 7, 8, 11 and 14, strike "*such*" and insert "*the*"

Page 19, line 24, strike "*of this act*"

Page 21, lines 17, 20 and 22, strike "*such*" and insert "*the*"

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

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

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

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 62A.147, Subdivision 5, is amended to read:

Subd. 5. "Employer" means any natural person, company, corporation, partnership, association, firm, or franchise, or the state or any political subdivision which employs any employee."

Amend the title as follows:

Page 1, line 2, after "employees" insert "of the state or a political subdivision"

Page 1, line 4, strike "or retirement"

Page 1, line 5, strike "62A.17" and insert "62A.147"

Page 1, line 6, strike "3" and insert "5"

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. 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.

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

Page 1, line 21, strike "This act" and insert "Sections 1 to 7"

Page 2, line 3, strike everything after "means" and insert "the person elected as director of the small business development consortium by the directors of the small business development programs of the eligible participants."

Page 2, strike lines 4 and 5

Page 2, line 17, strike "PURPOSE" and insert "DUTIES"

Page 2, line 17, strike "purpose of this" and insert "small business development"

Page 2, line 17, strike "is" and insert "shall"

Page 2, line 18, strike "to"

Page 3, lines 6 and 8, strike "by" and insert "On or before"

Page 3, line 10, strike "achieving the purposes of" and insert "fulfilling the duties imposed by"

Page 3, line 29, strike "director" and insert "directors"

Page 3, line 30, strike everything before the first comma and insert "programs of the eligible participants"

Page 4, line 10 strike everything after "be" and insert "elected by the task force members"

Page 4, line 11 strike everything before the period

Page 5, line 14, after "capacity" insert "to the small business development consortium"

Page 5, line 23, strike everything after "development" and insert "consortium"

Page 5, line 24, strike everything before "the"

And when so amended the bill be re-referred to the Committee on Finance without recommendation. Amendments adopted. Report adopted.

Mr. Moe from the Committee on Finance, to which was referred

S. F. No. 1781: A bill for an act relating to education; providing for certain adjustments in aids to education; tax levies, and the distribution of tax revenues; granting certain powers and duties to

school boards, school districts, school bus contractors, the commissioner of education, the state board of education, the state board for vocational education, and the board of teaching; allowing certain fees; establishing formulas for travel aid and aid for certain secondary vocational education programs; increasing incentives for teacher mobility; appropriating money; amending Minnesota Statutes 1976, Sections 6.62, Subdivision 1; 120.17, Subdivision 3; 120.64, Subdivision 4; 120.73, by adding a subdivision; 121.21, Subdivision 6; 121.216; 121.904, Subdivision 7, and by adding a subdivision; 122.23, by adding subdivisions; 123.34, Subdivisions 4 and 8; 123.37, Subdivisions 1b, 3 and 4; 123.39, by adding subdivisions; 124.15, Subdivisions 2 and 6; 124.17, by adding a subdivision; 124.212, Subdivision 20; 124.222, by adding a subdivision; 124.563, Subdivision 2; 124.565, by adding a subdivision; 125.12, Subdivisions 6a and 6b; 125.185, Subdivision 4, and by adding a subdivision; 126.12; 127.25, Subdivisions 1, 2, and by adding a subdivision; 128A.02, by adding a subdivision; 128A.03, Subdivision 2; 134.03; 275.125, Subdivisions 6, 15, 16 and 18, and by adding a subdivision; 275.48; 298.39; 298.396; 471.16, Subdivision 1; 471.61, Subdivision 1; Chapter 120, by adding a section; Chapter 124, by adding sections; Minnesota Statutes, 1977 Supplement, Sections 121.912, Subdivision 1; 124.17, Subdivision 1; 124.212, Subdivisions 5a and 8a; 124.214; 124.222, Subdivision 6; 124.223; 124.32, Subdivisions 1b, 5 and 7; 124.562, Subdivision 1; 124.563, Subdivision 1; 124.572, Subdivision 3; 124.573, Subdivisions 2, 3, and by adding a subdivision; 125.60, Subdivision 2; 125.61, Subdivisions 1 and 2; 176.011, Subdivision 9; 275.07; 275.124; 275.125, Subdivisions 2a, 9 and 13; 298.28, Subdivision 1; Laws 1967, Chapter 33, by adding a section; Laws 1967, Chapter 822, Section 7, as amended; Laws 1969, Chapter 775, Section 4, Subdivision 1 and Subdivision 2, as amended; Laws 1969, Chapter 1060, Section 7, as amended; Laws 1971, Chapter 722, Section 1, as amended; Laws 1974, Chapter 237; Laws 1977, Chapter 447, Article I, Section 23, Subdivision 2 and Article III, Section 16, Subdivision 2; repealing Minnesota Statutes 1976, Sections 120.065; 120.07; 124.02; 124.16; Minnesota Statutes, 1977 Supplement, Sections 123.39, Subdivision 5a; and 124.213.

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

Page 68, line 18, after "(c)" insert "and part (d)"

Page 68, line 25, after "(c)" insert "and part (d)"

Page 69, after line 13, insert:

*"(d) 25 percent of the tax remaining in part (b) after deduction of the distribution pursuant to part (c) shall be distributed to a group of school districts comprised of those school districts wherein the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 or in which is located property which is entitled to the reduction of tax pursuant to section 273.135, subdivision 2, clause (c). It shall be distributed to such qualifying school districts by dividing the amount herein provided by the direct proportion of*

*such school districts' pupil units to the total pupil units of such qualifying districts. Notwithstanding the provisions of section 124.212, subdivision 8a, clause (2) and the provisions of section 275.125, subdivision 9, clause (2) or any other law to the contrary, the amount which a school district is entitled to receive pursuant to this clause shall not be applied to reduce foundation aids which such school district is entitled to receive pursuant to section 124.212 or the permissible levies of the district."*

Pages 86 and 87, strike Section 85

Pages 89 and 90, strike Section 92

Page 91, line 4, strike "1967" and insert "1977"

Page 91, line 20, after "in" insert "section 94, subdivision 2, and in"

Page 91, line 29, after "84," insert "91,"

Page 91, line 29, after "92" strike the comma and insert "and"

Page 91, line 29, strike ", 94,"

Page 91, line 30, strike "and 95"

Renumber the sections in sequence

Amend the title as follows:

Page 2, line 10, strike "Laws 1974, Chapter 237;"

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

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

S. F. No. 2075: A bill for an act relating to employments licensed by the state; concerning architects, engineers, surveyors, and landscape architects; amending Minnesota Statutes 1976, Section 326.03, Subdivision 2.

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 326.03, Subdivision 1, is amended to read:

326.03 [LICENSE REQUIRED.] Subdivision 1. No person, except an architect, engineer, land surveyor or landscape architect, licensed as provided for in sections 326.02 to 326.15 shall practice architecture, professional engineering, land surveying or landscape architecture, respectively, in the preparation of plans, specifications, ~~report~~ reports, plats or other architectural, engineering, land surveying or landscape architectural documents, or in the observation of architectural, engineering, land survey-

ing or landscape architectural projects. *All the documents shall meet and be in full compliance with all applicable building codes and ordinances.*

Sec. 2. Minnesota Statutes 1976, Section 326.03, Subdivision 2, is amended to read:

Subd. 2. Nothing contained in sections 326.02 to ~~326.16~~ 326.15 shall prevent persons from advertising and performing services such as consultation, investigation, or evaluation in connection with, or from making plans and specifications for, or from supervising, the erection, enlargement, or alteration of any of the following buildings:

(a) Dwellings for single families, and outbuildings in connection therewith, such as barns and private garages;

(b) Two family dwellings;

(c) Any farm building or accessory thereto;

(d) Temporary buildings or sheds used exclusively for construction purposes, not exceeding two stories in height, and not used for living quarters;

(e) Any public work or public improvement done by a public body in this state, the cost of which does not exceed \$30,000 \$100,000, provided that plans and specifications for such work or improvement affecting water supply or waste disposal are approved by the appropriate state agency; or

(f) Any building, structure, or work, the total cost of which does not exceed \$30,000 \$100,000.

Sec. 3. Minnesota Statutes 1976, Section 326.06, is amended to read:

326.06 [GENERAL POWERS AND DUTIES OF BOARD.] Each member of the board shall receive a certificate of appointment from the governor, and, before beginning his term of office, shall file with the secretary of state the constitutional oath of office. The board shall adopt and have an official seal, which shall be affixed to all licenses granted; shall make all rules, not inconsistent with law, needed in performing its duties; and shall fix standards for determining the qualifications of applicants for certificates, which shall not exceed the requirements contained in the curriculum of a recognized school of architecture, landscape architecture or engineering. *The board shall make rules to define classes of buildings with respect to which persons performing services described in section 326.03, Subdivision 2, may be exempted from the provisions of sections 326.02 to 326.15, by a finding of no probable risk to life, health, property or public welfare. These rules shall be promulgated on or before April 1, 1979. Upon the adoption of these rules, section 326.03, subdivision 2, clauses (e) and (f), and section 2 are superseded and of no effect.*

Sec. 4. [EFFECTIVE DATE.] *Section 2 is effective April 2.*

1979. Sections 1 and 3 are effective the day following final enactment."

Amend the title as follows:

Page 1, strike lines 3 to 5 and insert "requiring the services of a licensed architect, engineer, surveyor or landscape architect for the supervision, erection or alteration of buildings and structures exceeding certain specified costs; requiring compliance with applicable building codes and ordinances; prescribing certain duties of the licensing board; amending Minnesota Statutes 1976, Sections 326.03, Subdivisions 1 and 2; and 326.06."

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. 2165: A bill for an act relating to retirement; increased benefits of former probate judges; payment by the Minnesota state retirement system; appropriating money; amending Minnesota Statutes 1976, Chapter 490, 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:

"Section 1. Minnesota Statutes 1976, Chapter 490, is amended by adding a section to read:

[490.107] [RETIREMENT BENEFITS; INCREASE AND PAYMENT.] (1) *Effective July 1, 1978, all retirement and disability benefits payable pursuant to sections 490.11, 490.12, subdivisions 1 and 2, and 487.06, commencing with the monthly benefit payment accruing on and after July 1, 1978 shall be paid by the Minnesota state retirement system.*

(2) *On the effective date of this act the balance of the sums appropriated to the commissioner of finance by Laws 1977, Chapter 432, for payment of the disability benefit made pursuant to sections 490.11 and 490.12, subdivision 1, shall be paid to the Minnesota state retirement system, judges retirement fund.*

(3) *Prior to July 1, 1978, the county auditors of the counties which on the effective date of this act are liable for the payment of retirement benefits pursuant to sections 487.06 and 490.12, subdivision 2, shall certify to the executive director of the Minnesota state retirement system the amount of the monthly benefit that the former judge of that county is or will be entitled to receive and, on June 30, 1978, and each June 30 thereafter, shall pay to the Minnesota retirement system an amount equal to the annual retirement benefit due such retired judge for the following fiscal year plus \$25 for administrative expense. In the event of the death of the retired judge, the director shall refund to the county any unexpended balance of the moneys the county had paid.*

(4) On July 1, 1978, the retirement benefits due and payable as certified by the county auditors and disability benefit paid by the state pursuant to Minnesota Statutes, 1977 Supplement, Section 15A.083, Subdivision 3, shall be increased in accordance with the following schedule:

<i>Benefit payments which initially had commenced:</i>	<i>Shall be increased on July 1, 1978 by the following percentages:</i>
<i>Prior to July 1, 1969</i>	<i>19.4 percent</i>
<i>Between July 1, 1969 and June 30, 1970</i>	<i>15.3 percent</i>
<i>Between July 1, 1970 and June 30, 1971</i>	<i>13.0 percent</i>
<i>Between July 1, 1971 and June 30, 1972</i>	<i>8.2 percent</i>
<i>Between July 1, 1972 and June 30, 1976</i>	<i>4.0 percent</i>

(5) On and after July 1, 1978, these retirement and disability benefits shall be payable from the judges retirement fund but shall thereafter be adjusted in the same manner and at the same time as other benefits payable from the Minnesota adjustable fixed benefit fund. The benefit level in effect on July 1, 1978, including the increase pursuant to clause (4), shall be deemed to be the originally determined benefit for the purpose of future adjustments.

Sec. 2. [APPROPRIATION.] There is hereby appropriated from the general fund to the executive director of the Minnesota state retirement system, to be deposited in the judges retirement fund, the sum of \$10,000 to be available for the fiscal year ending June 30, 1979, for the payment of the increases provided in section 1, clause (4).

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

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

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

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

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

Pages 1 to 3, strike sections 2 and 3 and insert

"Sec. 2. Minnesota Statutes 1976, Chapter 139, is amended by adding a section to read:

[139.19] [STATE BUILDINGS; ART ACQUISITIONS.]  
Subdivision 1. [DEFINITIONS.] As used in this section the following terms shall have the meanings given them:

(a) "Board" means the state board of the arts;



(b) "Acquire" or "acquisition" means purchase of a completed work of art or commissioning for the future production of a work of art;

(c) "Art acquisition funds" means one percent of the amount of money appropriated in respect to a state building after June 30, 1979, for alteration, renovation or construction costing in excess of \$100,000;

(d) "Building" or "state building" means a structure the title to which is in, or will be in upon construction, the state of Minnesota or any department or agency thereof, and for which the alteration, renovation or construction is or was financed in whole or part by state appropriations.

**Subd. 2. [REQUEST FOR BUILDING COSTS; NOTICE OF APPROPRIATION.]** A state department or agency shall include art acquisition funds in its request for appropriations for the alteration, renovation or construction of a state building. Within 30 days after the effective date of an appropriation for the alteration, renovation or construction, the commissioner of finance shall advise the board of the amount of art acquisition funds available in connection with that building.

**Subd. 3. [APPROPRIATION; USE OF FUNDS.]** There is appropriated to the state board of the arts all art acquisition funds. Except as provided in subdivision 5, the funds so appropriated shall be used by the board for the acquisition of works of art, excluding landscaping, which shall become an integral part of the affected state building or its adjacent grounds, shall be attached or affixed thereto, or shall be capable of being exhibited in that building. Title to the works of art acquired through purchase shall be vested in the state of Minnesota.

**Subd. 4. [METHOD OF ACQUISITION.]** Upon receipt of the notice specified in subdivision 2, the board shall solicit the recommendations of the designers of the building, the principal user agencies of the building, artists, arts administrators, arts educators, and residents of the region in which the building is located. After receiving these recommendations the board shall acquire art pursuant to acquisition procedures and standards to be specified by the board by rule. Consideration for acquisition shall first be given to works of art produced by artists who are residents of Minnesota, then to residents of the Upper Midwest area and, lastly, to all others. In conformance with the provisions of this section, the board shall have sole ultimate responsibility for the selection, review of applicable designs, execution, placement and acceptance of all acquisitions made with art acquisition funds.

**Subd. 5. [SPECIAL ART ACQUISITION ACCOUNT.]** Notwithstanding the provisions of subdivisions 3 and 4, if art acquisition funds are available in connection with the alteration, renovation or construction of a state building, and if the board and the commissioner of administration determine that the building is inappropriate for the placement of works of art because of the type of operations carried on therein or because of limited public

access, then there shall be no art acquisition funds in connection with that building. There is created a special art acquisition account in the state treasury to receive any portions of art acquisition funds associated with a state building which remain unencumbered one year after completion of the alteration, renovation or construction of that building. All moneys in the special art acquisition account are appropriated to the board for the acquisition of works of art to be placed by the board in those buildings or adjacent grounds for which art acquisition funds were not available. To the extent possible, works of art acquired under this subdivision shall be placed in buildings within the same county of the building from which the relevant art acquisition funds were derived.

Subd. 6. [TRANSFER OF WORKS OF ART.] After consultation with the commissioner of administration and the principal user agencies of the affected state buildings, the board may transfer works of art acquired with art acquisition funds within or between state buildings whenever the board determines that the transfer will benefit the citizens of this state.

Subd. 7. [MAINTENANCE AND ADMINISTRATIVE COSTS.] Maintenance and repair costs for works of art acquired with art acquisition funds shall be paid for out of appropriate building maintenance accounts of the buildings with which the works of art are associated. Maintenance or repair of these works of art shall be performed under the supervision of the board. Administrative costs of the board associated with the administration of this section shall be paid for out of the board's administrative services budget.

Sec. 3. [APPROPRIATION.] There is appropriated to the board of the arts for the year ending June 30, 1979, the sum of \$15,000 to be used for the promulgation of rules as provided in this act."

Amend the title as follows:

Page 1, line 5, after "art" insert "by the state board of the arts; appropriating money"

Page 1, line 6, strike "Chapters 16 and" and insert "Chapter"

Page 1, line 7, strike "sections" and insert "a section"

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 the following appointment as reported in the Journal for March 2, 1978:

#### BOARD OF THE ARTS

Alvina O'Brien

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

Mr. Borden 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. 740, 2159, 2370, 2371, 2130, 1618, 2182, 2170, 2178, 1623, 1117, 1345, 2117, 1926, 1917, 2248, 2186, 2256, 2158, 1985, 1976, 1697, 2205, 2300, 427, 1717, 814, 1935, 1442, 1788, 1450 and H. F. Nos. 1908, 2000, 1878 makes the following report:

That S. F. Nos. 740, 2159, 2370, 2371, 2130, 1618, 2182, 2170, 2178, 1117, 1345, 2117, 1926, 1917, 2248, 2186, 2256, 2158, 1985, 1976, 1697, 2205, 2300, 427, 1717, 814, 1935, 1442, 1788, and H. F. Nos. 1908, 2000, 1878 be placed on the General Orders Calendar in the order indicated.

That S. F. Nos. 1623 and 1450 are being retained in the Subcommittee.

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. 1636 and 2287 were read the second time.

S. F. Nos. 2355, 1543, 2251, 2181, 1918, 2082, 1663, 1644, 2076, 2316, 2356, 1590, 2204, 2081, 1364, 633, 507, 2044, 2369, 1983, 1770 and 2075 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. 935 and 1793 were read the second time.

H. F. Nos. 1966, 1665, 1612, 1119 and 1225 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

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. Luther, Willet, Borden and Sikorski introduced—

S. F. No. 2393: A bill for an act relating to solid and hazardous wastes and toxic substances; providing for technology assessments and related research directed to certain goals; requiring studies and reports by the state planning agency, the pollution control agency, and the energy agency; establishing a temporary state solid and hazardous waste advisory task force; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

### REPORTS OF COMMITTEES

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

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

H. F. No. 1813: A bill for an act relating to the town of Leota in Nobles county; authorizing the establishment of detached banking facilities.

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

Page 1, after line 16 insert

"Sec. 2. [FINDINGS.] The legislature finds that the laws governing our financial institutions have not been reviewed as a whole by the governing bodies of this state for over forty years; that during that period major and significant social, competitive and technological changes have occurred which have affected many categories of financial institutions; and that a comprehensive study of the effects of these changes upon the institutions and existing laws and the resulting need for any changes in our laws is necessary to ensure that the financial institutions of this state may develop to their maximum extent and to ensure that the future financial needs of the citizens and institutions are met.

Sec. 3. [STUDY COMMISSION ON FINANCIAL INSTITUTIONS.] Subdivision 1. A study commission is hereby created to study and report on the services and regulation of financial institutions in Minnesota, including banks subject to chapter 48; savings banks organized and operated pursuant to chapter 50; savings and loan associations subject to chapter 51A; credit unions organized pursuant to chapter 52; industrial loan and thrift companies organized pursuant to chapter 53; small loan companies subject to chapter 56; federally-chartered banks, savings and loan associations and credit unions; insurance companies, to the extent of their credit extension activities only; and such other financial institutions as the commission deems necessary and important to carry out its duties under this section.

Subd. 2. The commission shall consist of seven members appointed by the governor. The members shall be knowledgeable in the area of financial services and shall have had practical experience in the provision of financial services, regulation of financial service providers, representation of interests of consumers of financial services, or actual use of financial services to a significant degree, but shall not be employees of the financial services industry. Members shall serve until December 31, 1979. The compensation of members, their removal and the filling of vacancies shall be as provided in section 15.059.

Subd. 3. The commission shall study, make findings and recommendations, and report on:

(a) the roles, functions and services of all categories of financial institutions, their inter-relationships and any specific changes in state laws;

(b) the expected future need for capital and financial services of all consumers and the means to achieve the needs;

(c) the feasibility of and methods for this state becoming a more significant financial center;

(d) regulation of the structure of the financial services industry, competition within the financial services industry and consumer protection;

(e) the propriety of present interest rate ceilings and the need for alternative systems for altering interest rate ceilings; and

(f) the adequacy of or need for the present degree of regulation of financial institutions by the commissioner of banking.

Subd. 4. The commission may study, make findings and recommendations and report on other matters the commission believes necessary and important.

Subd. 5. The commission shall hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in this section. It shall select a chairman and vice chairman from its membership. The commission may conduct inspections, take testimony, require by subpoena the attendance of witnesses and production of records and documents, and administer oaths as it deems advisable to accomplish the purposes set forth in this section. A subpoena shall be issued only upon an affirmative vote of a majority of all members of the commission. Subpoenas shall be issued over the signature of the chairman and shall be served by any person designated by the chairman. Any member of the commission may administer oaths or affirmations to witnesses appearing before the commission.

Subd. 6. The commission shall have authority to employ staff, rent office space and enter into contracts. Commission members shall be compensated at the rate of \$50 per day spent on commission activities, when authorized by the commission, plus expenses in the same manner and amount as received by state employees.

Subd. 7. The chairman of the commission, or the vice chairman in the absence of the chairman, shall be the official spokesman of the commission in its relations with the legislature, governmental agencies, other persons and the public, and, on behalf of the commission, shall see that the administrative policies and decisions of the commission are faithfully executed.

Sec. 4. [APPROPRIATION.] There is appropriated from the general fund to the legislative coordinating commission the sum of \$ . . . . . for the period ending December 31, 1979, to pay the expenses incurred by the commission."

Page 1, line 17, strike "This act" and insert "Section 1"

Page 1, after line 19, insert

"Sections 2 to 4 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, strike everything before the semicolon and insert "relating to financial institutions"

Page 1, line 4, before the period insert "in the town of Leota in Nobles County; providing for the creation of a study commission to study services and regulation of financial institutions; appropriating money"

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

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

Mr. Borden moved that the Senate do now adjourn until 11:15 o'clock a.m., Wednesday, March 8, 1978. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate