

EIGHTY-SEVENTH DAY

St. Paul, Minnesota, Wednesday, March 26, 1980

The Senate met at 1:00 o'clock p.m. and was called to order by the President.

CALL OF THE SENATE

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

Anderson	Gearty	Laufenburger	Omann	Spear
Bang	Gunderson	Lessard	Perpich	Staples
Barrette	Hanson	Luther	Peterson	Stokowski
Benedict	Johnson	McCutcheon	Pillsbury	Strand
Bernhagen	Keefe, S.	Menning	Renneke	Stumpf
Chmielewski	Kirchner	Merriam	Rued	Ueland, A.
Coleman	Kleinbaum	Moe	Schmitz	Ulland, J.
Davies	Knaak	Nichols	Sieloff	Vega
Dunn	Knoll	Ogdahl	Sikorski	Wegener
Frederick	Knutson	Olhoff	Solon	Willet

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

Prayer was offered by the Chaplain, Rev. Lee Freeman.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Mr. Penny was excused from this afternoon's Session. Mrs. Brataas was excused from the Session of today from 1:00 to 1:45 o'clock p.m.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Benedict, Mrs. Staples and Mr. Spear introduced—

S. F. No. 2415: A resolution memorializing the Congress and President of the United States to continue and increase the funding of the food stamp program.

Referred to the Committee on Rules and Administration.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 25, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1980	Date Filed 1980
	2110	364	March 24	March 24
	1488	365	March 24	March 24
1755		366	March 24	March 24
1296		367	March 24	March 24
920		368	March 24	March 24
	1656	369	March 25	March 25
	1666	370	March 25	March 25
	1932	371	March 25	March 25
	2012	372	March 25	March 25
273		373	March 25	March 25
759		374	March 25	March 25
1609		375	March 25	March 25

Sincerely,
Joan Anderson Growe,
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 2168.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 25, 1980

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. 975: A bill for an act relating to cemeteries; providing for the preservation of burial grounds; eliminating obsolete provisions; imposing penalties; appropriating money; amending Minnesota Statutes 1978, Section 307.08; repealing Minnesota Statutes 1978, Section 149.07.

Senate File No. 975 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 25, 1980

CONCURRENCE AND REPASSAGE

Mr. Ulland, J. moved that the Senate concur in the amendments by the House to S. F. No. 975 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 975 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Hughes	Luther	Perpich	Staples
Bang	Humphrey	McCutcheon	Peterson	Stern
Barrette	Johnson	Menning	Pillsbury	Stokowski
Benedict	Keefe, J.	Merriam	Rued	Strand
Bernhagen	Keefe, S.	Moe	Schaaf	Stumpf
Chmielewski	Kirchner	Nelson	Schmitz	Tennessen
Coleman	Kleinbaum	Nichols	Setzepfandt	Ueland, A.
Davies	Knaak	Ogdahl	Sieloff	Ulland, J.
Frederick	Knoll	Olhoft	Sikorski	Vega
Gearty	Knutson	Olson	Sillers	Wegener
Gunderson	Laufenburger	Omann	Solon	Willet
Hanson	Lessard	Penny	Spear	

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 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. 654: A bill for an act relating to human services; pro-

viding state recognition and financial grants to volunteer programs for retired senior citizens; appropriating money.

Senate File No. 654 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 25, 1980

CONCURRENCE AND REPASSAGE

Mrs. Staples moved that the Senate concur in the amendments by the House to S. F. No. 654 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 654 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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 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. 507: A bill for an act relating to taxation; providing for a levy apportionment for certain jurisdictions upon an assessment level differential greater than five percent; amending Minnesota Statutes 1978, Section 270.12, Subdivision 3.

Senate File No. 507 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 25, 1980

Mr. Pillsbury moved that the Senate do not concur in the amendments by the House to S. F. No. 507 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

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. 744: A bill for an act relating to automobile insurance; regulating damage appraisals, adjustments and related repair practices; prohibiting certain acts by insurers, adjusters and appraisers; amending Minnesota Statutes 1978, Section 72B.02, by adding a subdivision; and Chapter 72B, by adding sections.

Senate File No. 744 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 25, 1980

CONCURRENCE AND REPASSAGE

Mr. Sikorski moved that the Senate concur in the amendments by the House to S. F. No. 744 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 744 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 58 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Laufenburger	Omann	Staples
Ashbach	Hanson	Lessard	Penny	Stern
Bang	Hughes	Luther	Perpich	Stokowski
Barrette	Humphrey	McCutcheon	Peterson	Strand
Benedict	Johnson	Menning	Renneke	Stumpf
Bernhagen	Keefe, J.	Merriam	Schaaf	Tennessee
Chmielewski	Keefe, S.	Moe	Schmitz	Ulland, J.
Davies	Kirchner	Nelson	Setzepfandt	Vega
Dieterich	Kleinbaum	Nichols	Sikorski	Wegener
Engler	Knaak	Ogdahl	Sillers	Willet
Frederick	Knoll	Olhoft	Solon	
Gearty	Knutson	Olson	Spear	

Those who voted in the negative were:

Dunn	Pillsbury	Rued	Sieloff	Ueland, A.
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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 the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 251, 262, 1662 and 1443.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 25, 1980

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 2268, 2429, 1047 and 1710.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 25, 1980

FIRST READING OF HOUSE BILLS

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

H. F. No. 251: A bill for an act relating to local government; permitting self insurance of health benefits; authorizing joint self insurance; amending Minnesota Statutes 1978, Section 471.616, Subdivision 1; Section 60A.23, by adding a subdivision; and Chapter 471, by adding a section; repealing Minnesota Statutes, 1979 Supplement, Section 471.61, Subdivision 1b.

Referred to the Committee on Finance.

H. F. No. 262: A bill for an act relating to local government; permitting self insurance for local governments; authorizing insurance pooling; amending Minnesota Statutes 1978, Sections 60A.-02, Subdivisions 3 and 4; 79.01, Subdivisions 2 and 3; and Chapter 471, by adding sections.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 403 now in the Subcommittee on Bill Scheduling.

H. F. No. 1662: A bill for an act relating to state government; providing for a demonstration job-sharing project in state government; appropriating money.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1629 now on General Orders.

H. F. No. 1443: A bill for an act relating to transportation; providing for a transportation board; providing for transfer of certain duties, powers and functions of the public service commission and the commissioner of transportation to the transportation regulation board; regulating railroads and other common carriers of persons or property for hire; providing penalties; appropriating

funds; amending Minnesota Statutes 1978, Sections 174.02, Subdivision 4; 174.03, Subdivision 2; 174.10, Subdivisions 1, 3, 4; 218.011, Subdivision 7; 218.021; 218.025; 218.031, Subdivisions 1, 6, 8, 10; 218.041; 218.071; 219.03; 219.14; 219.23; 219.24; 219.25; 219.27; 219.28; 219.383; 219.39; 219.40; 219.41; 219.42; 219.43; 219.46, Subdivision 7; 219.47; 219.51; 219.52; 219.54; 219.55; 219.562, Subdivision 3; 219.65; 219.681; 219.70; 219.71; 219.741; 219.85; 219.86; 219.87; 221.011, Subdivisions 2b, 15; 221.021; 221.031, Subdivision 1; 221.041; 221.051; 221.061; 221.071; 221.081; 221.101; 221.121; 221.131; 221.141, Subdivision 2; 221.151; 221.161; 221.171; 221.181; 221.221; 221.261; 221.271; 221.281; 221.291, Subdivision 1; 221.293; 221.295; 221.296, Subdivisions 2, 3, 4, 8; 221.55; 221.68; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 1; and 221.011, Subdivision 22; repealing Minnesota Statutes 1978, Section 219.742.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1457 now on General Orders.

H. F. No. 2268: A bill for an act relating to financial institutions; authorizing examinations of certain bank holding companies; providing for the institution of cease and desist proceedings and the issuance of temporary orders; amending Minnesota Statutes 1978, Section 46.24; and Minnesota Statutes, 1979 Supplement, Section 46.04.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 2161 now on General Orders.

H. F. No. 2429: A bill for an act relating to usury; changing the penalty for usurious loans made by state banks and savings banks; amending Minnesota Statutes 1978, Sections 334.02; 334.03; and Chapter 48, by adding a section.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1562 now on General Orders.

H. F. No. 1047: A bill for an act relating to county and county regional jails; providing for establishment and use of county jails and county regional jails and the financing thereof by county contributions and bonds and municipal revenue bonds and leases; amending Minnesota Statutes 1978, Sections 385.18, Subdivision 3; 474.01, Subdivisions 7a and 8, and by adding a subdivision; 474.02, by adding a subdivision; 641.23; 641.24; 641.262, Subdivision 1; 641.263, Subdivision 2; 641.264, Subdivision 1; 641.265; and 642.04.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 376 now in the Subcommittee on Bill Scheduling.

H. F. No. 1710: A bill for an act relating to energy; stating legislative energy policy; providing grants and assistance for community energy planning; assessment of fees for residential energy audits; providing grants for residential heating costs and weatherization; providing guidelines for a state plan for spending federal

money; reimbursing counties for heating emergency assistance expenses; defining large energy facilities; authorizing subdivisions to levy for certain energy related activities; providing grants for energy research and development projects; providing education on building energy efficiency; energy audits; ethanol plant demonstration project; creating the alcohol fuels information center; directing the public service commission to establish a pilot project allowing utilities to make conservation investments for customers; appropriating money; amending Minnesota Statutes 1978, Sections 116H.01; 116H.087; 116H.12, Subdivision 11; 216B.16, by adding a subdivision; 275.50, by adding a subdivision; 462A.05, by adding a subdivision; 462A.21, by adding a subdivision; Chapter 216B, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 116H.02, Subdivision 5; 116H.085; 116H.13, Subdivisions 3 and 7; 116H.22; and 268.37; repealing Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

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

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

S. F. No. 2085: A bill for an act relating to public employees; creating a state department of employee relations; establishing appropriate units for state employees; providing for a right to strike; providing for interim contract approval by the legislative commission on employee relations; clarifying civil service laws; providing for health benefits; providing for a study of promotional systems; repealing the duty of the revisor of statutes regarding certain collective bargaining agreements; appropriating money; amending Minnesota Statutes 1978, Sections 43.001; 43.01, Subdivision 8; 43.05, by adding a subdivision; 43.111; 43.245; 43.321; 43.45; 43.46; 179.63, Subdivision 8; 179.64, Subdivisions 2, 3, 4, and 5, and by adding a subdivision; 179.67, Subdivision 4; 179.69, Subdivisions 1 and 3; 179.71, Subdivisions 3 and 5; 179.72, Subdivision 6; 179.74, Subdivision 3; and Chapters 43 and 179, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 3.855; 43.05, Subdivision 2; 43.067, Subdivision 1; 43.19, Subdivision 1; 43.50, Subdivision 1; 62D.22, Subdivision 7; 179.63, Subdivision 11; 179.65, Subdivision 6; and 179.74, Subdivisions 4 and 5; and Laws 1979, Chapter 332, Article I, Sections 114 and 116; repealing Minnesota Statutes 1978, Sections 43.003; 43.50, Subdivision 3; 179.64, Subdivision 1; 179.69, Subdivisions 4, 5, and 6; and 482.18; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 5; 179.64, Subdivision 7.

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

Page 1, after line 33, insert:

"ARTICLE I"

Page 6, line 10, delete "*commissioner*" and insert "*commissioners*"

Page 6, line 10, delete "*division*" and insert "*divisions*"

Page 6, line 11, after "*personnel*" insert "*and labor relations*"

Page 6, line 13, delete everything after the period

Page 6, delete line 14

Page 6, line 15, delete "*at the pleasure of the governor.*"

Page 18, line 11, delete "*given the option of*"

Page 18, delete line 12

Page 18, line 13, delete "*standard negotiated packages or being*"

Page 18, line 26, delete "*given the option of using the difference*"

Page 18, delete line 27

Page 18, line 28, delete "*packages or being*"

Page 21, line 32, delete "*full*"

Page 21, delete line 33

Page 22, delete lines 1 to 3 and insert "*salaried employees of a fire department whose duties involve directly or indirectly controlling, extinguishing, preventing, detecting or investigating fires.*"

Page 25, line 33, after "*permitted.*" insert "*For state employees a supervisory employee organization that is affiliated, either directly or indirectly, with another employee organization that has among its members non-supervisory employees, or with a federation or other joint body of employee organizations any one of whose affiliates has among its members non-supervisory employees shall not be certified as or act as an exclusive representative pursuant to sections 179.61 to 179.76 or section 36.*"

Page 36, line 9, delete "*15*" and insert "*16*"

Page 37, after line 32, insert:

"(15) Professional state residential instructional unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on....."

Page 37, line 33, delete "*(15)*" and insert "*(16)*"

Page 44, line 10, strike "*43.064;*"

Page 45, line 13, delete "*act*" and insert "*article*"

Page 45, after line 15, insert:

"ARTICLE II

Section 1. Minnesota Statutes, 1979 Supplement, Section 15A.083, Subdivision 4, is amended to read:

Subd. 4. [RANGES FOR OTHER JUDICIAL POSITIONS.] Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of any position for which a salary range has been provided shall fix the individual salary within the prescribed range, considering the qualifications and overall performance of the employee. Appointments to fill vacancies shall not be made above the midpoint of the salary range prescribed for the position unless the ~~personnel board~~ *chief justice of the supreme court* has been consulted in advance and ~~its~~ *his* approval obtained. Any salary increase that would adjust an employee's rate of pay beyond the midpoint of the range prescribed for the position must be approved in advance by the ~~personnel board~~ *chief justice of the supreme court*.

	Salary or Range	
	Effective July 1, 1979	Effective July 1, 1980
Public defender	\$37,500	\$40,000
District administrator	27,000-37,500	28,500-40,000
County attorneys council executive director	22,000-32,000	23,500-34,000
Board on judicial standards executive director	36,000	38,000
State court administrator	44,500	47,000

Sec. 2. Minnesota Statutes 1978, Section 43.005, is amended by adding a subdivision to read:

Subd. 1a. Notwithstanding the provisions of subdivision 1, the personnel board is hereby abolished. Its duties and functions are transferred as provided for in sections 1 to 15. All employees of the board shall be reassigned to the department of personnel without loss of seniority, salary, benefits or other rights.

Sec. 3. Minnesota Statutes 1978, Section 43.05, Subdivision 2, is amended to read:

Subd. 2. [SPECIFIED DUTIES.] The commissioner shall:

(1) Attend all meetings of the board;

(2) (1) Promulgate personnel rules for the purpose of carrying out the provisions of this chapter; these rules shall provide, among other things, for current records of efficiency, and standards of performance, for all employees subject to the provisions of this chapter; the manner of completing appointments and promotions; rejection of eligible candidates; examinations; retention of examination records under the provisions of section 138.163; creation of

eligible lists, with successful candidates ranked according to their ratings in the examinations; leaves of absence with and without pay; transfers, reinstatements, layoffs, vacations, and hours of work; public notice of examinations; procedure for changes in rates of pay; compulsory retirement at fixed ages; and other conditions of employment. If a rule is made concerning sick leave for illness in the immediate family of an employee, the term "immediate family" shall be limited to the spouse, minor or dependent children, or parent where the parent has no other person to provide the necessary nursing care, living in the household of the employee;

(3)(2) Operate an information system from which data can be retrieved concerning employees in agencies under his jurisdiction showing their employment histories including the date of appointment, demotion, reinstatement, increases or decreases in pay, the compensation and title of the position, changes in title, transfers, and separations from the service; and the commissioner shall have access to all public and private personnel data kept by an appointing authority, the examination of which will aid in the discharge of his duties;

(4)(3) Prepare, in accordance with the provisions of this chapter and the rules adopted hereunder, examinations, eligible lists, and ratings of candidates for appointment;

(5)(4) Make certifications for appointment within the classified service, in accordance with the provisions of this chapter;

(6)(5) Make investigations concerning all matters touching the enforcement and effect of the provisions of this chapter and the personnel rules prescribed hereunder;

(7)(6) Discharge such duties as are imposed upon him by this chapter;

(8)(7) Establish, publish and continually review logical career paths in the classified civil service;

(9)(8) Consider all requests for other than state appropriated funds from any state department or agency for personnel purposes all of which shall be submitted to him for comment before any such request is made of a federal, local, or private agency; and

(10)(9) Prepare rules regulating the temporary designation of positions in the unclassified civil service;

(11)(10) Review, establish or change titles for the positions in the unclassified civil service in the executive branch of state government except those established by law or by the constitution, to make titles descriptive of positions and consistent throughout the state service; and

(12)(11) In conformance with the rule making provisions of chapter 15, promulgate a code of ethics establishing standards of conduct to be observed by state employees in the performance of their official duties.

Sec. 4. Minnesota Statutes 1978, Section 43.062, Subdivision 1, is amended to read:

43.062 [SALARY SETTING AUTHORITY.] Subdivision 1. [SALARY LISTING.] The *commissioner of personnel board* shall, on or before ~~November 15~~ *December 1* of each even numbered year, submit to the *commissioner of personnel governor* a listing of salaries for the positions listed in sections 15A.081 and 15A.083 and for members of the legislature. The *board commissioner* may also recommend adding or deleting of positions from this list.

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 43.062, Subdivision 3, is amended to read:

Subd. 3. [BASE SALARIES.] Except for positions for which salary ranges have been established, the salary listing shall contain a specific salary for each position defined in subdivision 1.

The *board commissioner* shall determine only a fixed salary for the positions of the constitutional officers, executive secretary of the board of investment, the judge of the workers' compensation court of appeals and the commissioner of public service.

Sec. 6. Minnesota Statutes 1978, Section 43.065, is amended to read:

43.065 [SALARY REVIEW.] Subdivision 1. [SALARIES TO BE EQUITABLE.] When determining or recommending salaries for any position, the *personnel board* and the *commissioner of personnel* shall assure that:

(1) Salaries in the classified and unclassified service bear equitable relationship to one another;

(2) Salaries among the various positions listed in section 15A.081, bear equitable relationships to one another; and

(3) Salaries for state positions bear equitable relationships to salaries for similar positions outside state service.

Salaries bear equitable relationships to one another within the meaning of this section if salaries for positions which require comparable knowledge, abilities, duties, responsibilities and accountabilities are comparable and if salaries for positions which require differing knowledge, abilities, duties, responsibilities and accountabilities are directly proportional to the knowledge, abilities, duties, and responsibilities required.

Subd. 2. [METHOD OF REVIEW.] In recommending the salary listing described in section 15A.081, the *board commissioner* shall consider only those criteria established by subdivision 1 and shall not take into account personal performance of individual incumbents. The *board commissioner* shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities and accountabilities and in determining salary listings rate each position according to this system.

Subd. 3. [INFORMATION, CONSULTANTS.] Each depart-

ment shall furnish the *board commissioner* with any information which the *board commissioner* may request to aid in the performance of its duties. Subject to appropriations, the *board commissioner* may engage expert consultants.

Sec. 7. Minnesota Statutes 1978, Section 43.067, Subdivision 2, is amended to read:

Subd. 2. [DISCRETIONARY EXEMPTIONS.] The *personnel board commissioner* may grant exemptions from the provisions of subdivision 1 in the case of individual persons. A salary increase authorized by other law by reason of seniority or cost of living adjustments shall not be sufficient reason to grant an exemption. The *board commissioner* may grant an exemption upon application of the appointing authority, but only if the *board commissioner* determines that the position requires special expertise necessitating a higher salary in order to attract or retain qualified persons. In no event may a salary exempted pursuant to this subdivision exceed 120 percent of the base salary of the position in respect to which the exemption was requested.

Sec. 8. Minnesota Statutes 1978, Section 43.068, is amended to read:

43.068 [GOVERNOR MAY FIX CERTAIN SALARIES.] The initial salary of a department head and any deputy of a department head occupying a position in the unclassified service hereafter established whose salary is not specifically prescribed by law shall be fixed by the governor, after consultation with the *personnel board commissioner*, whose recommendation shall be advisory only, in an amount comparable to the salary of a department head or a deputy of a department head having similar duties and responsibilities.

Sec. 9. Minnesota Statutes, 1979 Supplement, Section 43.09, Subdivision 2a, is amended to read:

Subd. 2a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Notwithstanding any other law to the contrary, the *personnel board commissioner*, upon the request of the governor, is hereby authorized to establish permanent unclassified positions, or to unclassify previously classified positions, provided that:

(1) Positions so established involve only deputy or assistant heads of departments or agencies, or director level positions which are not specifically established by law, and who are appointed by and report directly to a head of a department or agency who is required by law to be appointed by the governor, or by a gubernatorially appointed board; as well as one position for a personal secretary of any head of a department or agency listed in clause (4).

(2) Classified incumbents of such the positions, if any, are not removed from that position for a period of one year except under applicable provisions of rules and laws governing classified state employees. An incumbent of a position that is declassified pur-

suant to this subdivision, if he so requests within 120 days after being removed from that position, shall be appointed to a classified position comparable to the position that was declassified, or if such a position is unavailable, to a position comparable to that which he held immediately prior to being appointed to the position that was declassified. If a position is declassified and the incumbent at the time the position was declassified had no classified status immediately prior to the appointment to the position that was declassified, he shall, if he so requests within 120 days after being removed from that position, be appointed to a comparable or lower classified position within two salary ranges of the position that was declassified.

(3) If an employee in the classified civil service accepts a newly created unclassified position, he shall retain an inactive classified civil service status and, upon his request, shall be reappointed to a classified position comparable to that which he held immediately prior to being appointed to the unclassified position.

(4) Positions so established are limited in number to six in the departments of administration, corrections, economic security, finance, transportation, natural resources, public safety, public welfare, and revenue; to five in the departments of commerce, education, health, labor and industry, personnel and the housing finance agency; to four in the departments of agriculture, and economic development; to three in the department of public service, the planning agency, and the pollution control agency; and to two in the departments of human rights, the crime control planning board and veterans affairs. Departments or agencies not enumerated in this clause shall not be authorized to establish additional unclassified positions under the provisions of this subdivision.

(5) Funds are available.

Sec. 10. Minnesota Statutes, 1979 Supplement, Section 43.24, is amended to read:

43.24 [REMOVAL.] Subdivision 1. [WRITTEN STATEMENT.] No permanent employee in the classified service, under the provisions of this chapter or the rules made pursuant thereto, shall be removed, discharged, suspended without pay for more than 30 days, or reduced in pay or position, except for just cause. In case of any disciplinary action, as enumerated in this section, the employee shall, before the action is taken, be furnished with a statement, in writing, setting forth the reasons for the disciplinary action, be permitted five days time to reply thereto, in writing, or upon his request, to appear personally and reply to the head of the department. A copy of the statement and the employee's reply, if any, shall be filed with the commissioner prior to the effective date thereof. Any permanent employee in the classified service who is removed, discharged, suspended without pay for more than 30 days, or reduced in pay or position, shall be notified no later than the effective date of the action of his right to appeal the action to the *board chief hearing examiner of the state office of administra-*

tive hearings who shall assign a hearing examiner to hear the matter.

Subd. 1a. [JUST CAUSE.] For the purposes of this section, "just cause" includes, but is not limited to, consistent failure to perform assigned duties, substandard performance, insubordination, and serious violation of written policies and procedures, provided the policies and procedures are applied in a uniform, non-discriminatory manner. "Just cause" excludes the religious beliefs, political beliefs, race, sex, disability status and age of the employee, subject however to mandatory retirement ages specified by law and excludes discharge for mere whim or caprice.

Subd. 2. [APPEAL TO BOARD; PUBLIC HEARINGS, FINDINGS, HEARING CONFERENCE.] Any permanent employee who is removed, discharged, suspended without pay for more than 30 days, or reduced in pay or position and who has not elected to proceed pursuant to a grievance procedure, if ~~such~~ *the* procedure is available, pursuant to sections 179.61 to 179.77, may appeal to the ~~board~~ *chief hearing examiner of the state office of administrative hearings who shall assign a hearing examiner to hear the matter* within 30 days after the effective date of ~~such~~ *the* removal, discharge, suspension or reduction in pay or position. In no event may an employee avail himself of both the procedure under this section and the grievance procedure under sections 179.61 to 179.77. Upon ~~such~~ *an* appeal, both the appealing employee and the appointing authority or their representatives shall meet with the hearing officer, at a place and on ~~such~~ *a* date as set by him for the purpose of determining the facts at issue. Prior to the hearing conference, both parties may stipulate on mutually agreed matters relevant to the dismissal or other disciplinary action referred to in this subdivision. If the hearing officer is successful in reaching a mutually agreed settlement between both parties, such agreement shall be certified to the ~~board~~ *chief hearing examiner*, with copies furnished to both parties, and ~~such~~ *the* agreement, if approved by the ~~board~~ *chief hearing examiner*, shall become binding on both parties. The hearing conference shall be conducted in such manner and follow such procedures as prescribed by the ~~board~~ *contested case provisions of chapter 15*. The issues and facts on which agreement has not been reached will be decided during the hearing at which hearing technical rules of evidence shall not apply. If the ~~board~~ *hearing examiner* finds that the action complained of was not taken by the appointing authority for just cause, the employee shall be reinstated to his position, or an equal position in another department or division, without loss of pay. If the ~~board~~ *hearing examiner* finds that there exist sufficient grounds for institution of dismissal but extenuating circumstances are brought out in testimony and evidence, ~~it~~ *he* may in ~~its~~ *his* discretion reinstate the employee, with full, partial, or no pay, or it may modify the appointing authority's action by substituting a lesser disciplinary action. The hearing officer shall recommend to the ~~board~~ *chief hearing examiner* an appropriate disposition of the case. If no exceptions are made, the hearing officer's recommended disposition shall, at the option of the ~~board~~ *chief hearing examiner*, become final. If exceptions are taken, the ~~board~~ *chief hearing*

examiner, upon a review of the record, may accept the officer's recommendations with or without additional oral or written evidence from the parties, may remand the case to the officer for further hearing, adopt the hearing officer's report with any changes warranted by the record, or issue its own report of findings and orders. In those cases in which the *board chief hearing examiner* finds just cause for dismissal, the findings and recommendations of the board shall be submitted to and considered by the appointing authority, who may, not later than 30 days after receipt of such the findings and recommendations, reinstate the employee with or without pay for the period of suspension, or otherwise modify his original decision of suspension, demotion, or discharge. When any permanent employee is dismissed and not reinstated after appeal, the *board chief hearing examiner* may direct that his name be placed on an appropriate reemployment list, for employment in any similar position other than the one from which he has been removed, which direction shall be enforced by the commissioner. *If the chief hearing examiner supports the agency decision, or if the agency refuses to accept the chief hearing examiner's recommendations, the employee may appeal as though from a contested case decision pursuant to chapter 15.*

Subd. 3. [REQUEST FOR WRITTEN STATEMENT.] When any such permanent employee shall be suspended without pay, he shall, within 30 days time after being notified of such disciplinary action, be furnished with a statement in writing specifically setting forth the reasons for the disciplinary action, and a copy of such statement shall then also be filed with the commissioner.

Sec. 11. Minnesota Statutes 1978, Section 43.323, Subdivision 1, is amended to read:

43.323 [PERSONNEL RULE; PROCEDURE.] Subdivision 1. When so authorized by law, the commissioner of personnel shall issue, in conformance with the requirements of chapter 15, personnel rules, or changes thereof, and shall submit such proposed rules, or changes to existing rules, to the personnel board, for its opinion which shall be advisory only.

Within three weeks after receipt of such proposed rules or changes to existing rules, the personnel board shall file its opinion on the proposed rule or rule change with the commissioner.

After receipt of the board's advisory opinion on the proposed rule or change of rule, the commissioner shall within seven days promulgate or withdraw the proposed rule or proposed change of rule. A provision of an agreement entered into by the commissioner pursuant to section 179.74, subdivision 5 shall supersede the provisions of any rule or portion thereof which is inconsistent therewith.

Sec. 12. Minnesota Statutes 1978, Section 43.35, is amended to read:

43.35 [VIOLATIONS; PENALTIES.] Any personnel board member, The commissioner, or an examiner or any other person,

(1) who wilfully or corruptly, by himself or in cooperation with one or more persons, defeats, deceives, or obstructs any person with respect to his rights of examination or application according to this chapter, or to any rules or regulations prescribed pursuant thereto, or

(2) who wilfully or corruptly falsely marks, grades, estimates, or reports upon the examination or proper standing of any person examined, registered, certified, employed, or promoted pursuant to the provisions of these sections, or aids in so doing, or who wilfully destroys any examination questions, answers, or records thereon of any applicant for civil service within a period of one year after any examination has been completed, or

(3) who wilfully or corruptly makes or files any false representations concerning the persons examined, registered, certified, appointed, employed, or promoted, or

(4) who wilfully or corruptly furnishes any person with any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered, or certified, being appointed, employed, or promoted, or

(5) who personates any other person, or permits or aids in any manner any other person to personate him in connection with any examination or registration, or application or request to be examined or registered, or

(6) who wilfully or corruptly shall appoint to a position in the classified service, or dismisses, suspends, reduces in rank or pay any officer or employee from any position in the classified service otherwise than in compliance with, and in conformity to, the provisions of this chapter and the rules and regulations of the commissioner of personnel adopted pursuant thereto, or

(7) who wilfully or corruptly refuses or neglects otherwise to comply with, or conform to, the provisions of this chapter and the rules and regulations made pursuant thereto, or violates any of these provisions, shall be deemed guilty of a misdemeanor and punished accordingly.

Any conviction under this section shall render the public officer or position held by the person so convicted vacant, and such person shall be ineligible to hold public office for a period of five years from the date of the conviction.

Sec. 13. Minnesota Statutes 1978, Section 246.014, is amended to read:

246.014 [SERVICES.] The measure of services established and prescribed by section 246.012, are:

(1) There shall be served in state hospitals a single standard of food for patients and employees alike, which is nutritious and palatable together with special diets as prescribed by the medical staff thereof. There shall be a chief dietitian in the department of public welfare and at least one dietitian at each state hospital.

There shall be adequate staff and equipment for processing, preparation, distribution and serving of food.

(2) There shall be a staff of persons, professional and lay, sufficient in number, trained in the diagnosis, care and treatment of the mentally ill, physical illness, and including religious and spiritual counsel through qualified chaplains (who shall be in the unclassified service) adequate to take advantage of and put into practice modern methods of psychiatry, medicine and related field.

(3) There shall be a staff and facilities to provide occupational and recreational therapy, entertainment and other creative activities as are consistent with modern methods of treatment and well being.

(4) There shall be in each state hospital for the care and treatment of the mentally ill facilities for the segregation and treatment of patients who have communicable disease.

(5) The commissioner of public welfare shall provide modern and adequate psychiatric social case work service.

(6) The commissioner of public welfare shall make every effort to improve the accommodations for patients so that the same shall be comfortable and attractive with adequate furnishings, clothing, and supplies.

(7) The commissioner of public welfare shall establish training programs for the training of personnel and may require the participation of personnel in such programs. Within the limits of the appropriations available he may establish professional training programs in the forms of educational stipends for positions for which there is a scarcity of applicants.

(8) There shall be a separate hospital for the diagnosis, care and treatment of the mentally ill who have tuberculosis which shall conform to the standards established for the diagnosis, care and treatment of physical disease. Pending construction of such separate hospital, one of the present state hospitals, or so much thereof as may be necessary, shall be set apart for the diagnosis, care and treatment of the mentally ill who have tuberculosis and shall be staffed and equipped to meet the accepted requirements of modern medicine for the care and treatment of persons afflicted with tuberculosis.

(9) The standards herein established shall be adapted and applied to the diagnosis, care and treatment of inebriate persons and mentally deficient persons who come within those terms as defined in the laws relating to the hospitalization and commitment of such persons, and of persons who are psychopathic personalities within the definition thereof in Minnesota Statutes 1945, Section 526.09.

(10) The commissioner of public welfare shall establish a program of detection, diagnosis and treatment of mentally or nervously ill persons and persons described in paragraph (9), and within the limits of appropriations may establish clinics and staff the

same with persons specially trained in psychiatry and related fields.

(11) The commissioner of personnel and the personnel board may reclassify employees of the mental institutions from time to time, and assign classifications to such salary brackets as will adequately compensate personnel and reasonably assure a continuity of adequate staff.

(12) In addition to the chaplaincy services, provided in (2), the commissioner of public welfare shall open said institutions to ministers of the Gospel to the end that religious and spiritual counsel and services are made available to the patients therein, and shall cooperate with all ministers of the Gospel in making said patients available for religious and spiritual counsel, and shall provide such ministers of the Gospel with meals and accommodations.

(13) Within the limits of the appropriations therefor, the commissioner of public welfare shall establish and provide facilities and equipment for research and study in the field of modern hospital management, the causes of mental and related illness and the treatment, diagnosis and care of the mentally ill and funds provided therefor may be used to make available services, abilities and advice of leaders in these and related field, and may provide them with meals and accommodations and compensate them for traveling expenses and services.

Sec. 14. Minnesota Statutes 1978, Section 352.01, Subdivision 2B, is amended to read:

Subd. 2B. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of state employee:

(1) Elective state officers;

(2) Students employed by the university of Minnesota, the state universities, and community colleges unless approved for coverage by the board of regents, the state university board or the state board for community colleges, as the case may be;

(3) Employees who are eligible to membership in the state teachers retirement association except employees of the department of education who have elected or may elect to be covered by the Minnesota state retirement system instead of the teachers retirement association;

(4) Employees of the university of Minnesota who are excluded from coverage by action of the board of regents;

(5) Officers and enlisted men in the national guard and the naval militia and such as are assigned to permanent peacetime duty who pursuant to federal law are or are required to be members of a federal retirement system;

(6) Election officers;

(7) Persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;

(8) Officers and employees of the senate and house of representatives or a legislative committee or commission who are temporarily employed;

(9) All courts and all employees thereof, referees, receivers, jurors, and notaries public, except employees of the supreme court and referees and adjusters employed by the department of labor and industry;

(10) Patient and inmate help in state charitable, penal and correctional institutions including the Minnesota veterans home;

(11) Persons employed for professional services where such service is incidental to regular professional duties and whose compensation is paid on a per diem basis;

(12) Employees of the Sibley House Association;

(13) Employees of the Grand Army of the Republic and employees of the ladies of the G.A.R.;

(14) Operators and drivers employed pursuant to section 16.07, subdivision 4;

(15) ~~Members of the personnel board,~~ and The members of any other state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of such boards if their compensation is \$500 or less per year, or, if they are legally prohibited from serving more than two consecutive terms and their total service therefor is required by law to be less than ten years; and the board of managers of the state agricultural society and its treasurer unless he is also its full time secretary;

(16) State highway patrolmen;

(17) Temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of the same year; also persons employed at any time or times by the state fair administration for special events held on the fairgrounds;

(18) Emergency employees in the classified service except emergency employees who within the same pay period become provisional or probationary employees on other than a temporary basis, shall be deemed "state employees" retroactively to the beginning of the pay period;

(19) Persons described in section 352B.01, subdivision 2, clauses (b) and (c) formerly defined as state police officers;

(20) All temporary employees in the classified service, all temporary employees in the unclassified service appointed for a definite period of not more than six months and employed less than six months in any one year period and all seasonal help in the unclassified service employed by the department of revenue;

(21) Trainees paid under budget classification number 41, and other trainee employees, except those listed in subdivision 2A(10);

(22) Persons whose compensation is paid on a fee basis;

(23) State employees who in any year have credit for 12 months service as teachers in the public schools of the state and as such teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;

(24) Employees of the adjutant general employed on an unlimited intermittent or temporary basis in the classified and unclassified service for the support of army and air national guard training facilities;

(25) Chaplains and nuns who have taken a vow of poverty as members of a religious order;

(26) Labor service employees employed as a laborer 1 on an hourly basis;

(27) Examination monitors employed by departments, agencies, commissions, and boards for the purpose of conducting examinations required by law;

(28) Members of appeal tribunals, exclusive of the chairman to which reference is made in section 268.10, subdivision 4;

(29) Persons appointed to serve as members of fact finding commissions, adjustment panels, arbitrators, or labor referees under the provisions of chapter 179;

(30) Temporary employees employed for limited periods of time under any state or federal program for the purpose of training or rehabilitation including persons employed thereunder for limited periods of time from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;

(31) Full time students employed by the Minnesota historical society who are employed intermittently during part of the year and full time during the summer months;

(32) Temporary employees, appointed for not more than six months, of the Metropolitan council and of any of its statutory boards, the members of which board are appointed by the metropolitan council;

(33) Persons employed in positions designated by the department of personnel as student workers;

(34) Any person who is 65 years of age or older when appointed and who does not have allowable service credit for previous employment, unless such employee gives notice to the director within 60 days following his appointment that he desires coverage;

(35) Tradesmen employed by the metropolitan waste control commission with trade union pension plan coverage pursuant to a collective bargaining agreement first employed after June 1, 1977; and

(36) Persons employed in subsidized on-the-job training, work experience or public service employment as enrollees under the

federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement system to meet the minimum vesting requirements for a deferred annuity, or the employer agrees in writing on forms prescribed by the director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive employment and training act, or the person agrees in writing on forms prescribed by the director to make the required employer contribution in addition to the required employee contribution.

Sec. 15. [REPEALER.] *Minnesota Statutes 1978, Sections 43.01, Subdivision 7; 43.03; 43.06; 43.062, Subdivision 2; 43.07; and 43.324, Subdivision 2, are repealed.*

Sec. 16. [EFFECTIVE DATE.] *This article is effective July 1, 1980.*

Amend the title as follows:

Page 1, line 11, after the semicolon insert "abolishing the personnel board and transferring the duties thereof;"

Page 1, line 13, after "43.001;" insert "43.005, by adding a subdivision;"

Page 1, line 13, after "43.05," insert "Subdivision 2, and"

Page 1, line 14, before "43.111" insert "43.062, Subdivision 1; 43.065; 43.067, Subdivision 2; 43.068;"

Page 1, line 14, after "43.321;" insert "43.323, Subdivision 1; 43.35;"

Page 1, line 19, before "and" insert "246.014; 352.01, Subdivision 2B;"

Page 1, line 21, after "3.855;" insert "15A.083, Subdivision 4;"

Page 1, line 21, after "2;" insert "43.062, Subdivision 3;"

Page 1, line 22, after the first semicolon, insert "43.09, Subdivision 2a;"

Page 1, line 22, after the second semicolon, insert "43.24;"

Page 1, line 28, after "43.003;" insert "43.01, Subdivision 7; 43.03; 43.06; 43.062, Subdivision 2; 43.07; 43.324, Subdivision 2;"

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 2181: A bill for an act relating to taxation; sales; exempting sales of road building materials; amending Minnesota Statutes, 1979 Supplement, Section 297A.25, Subdivision 1; repealing Minnesota Statutes 1978, Section 297A.25, Subdivision 4.

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

Page 4, lines 21 and 22, reinstate the stricken language

Page 5, lines 28 and 29, delete the new language

Page 8, after line 32, insert:

"(y) The gross receipts from the sale of and the storage, use or consumption of road building materials intended for use in road construction by contractors employed by or performing under contract for the United States and its agencies and instrumentalities or a state and its agencies, instrumentalities and political subdivisions."

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

Mr. Coleman from the Committee on Rules and Administration, to which were referred

H. F. Nos. 1731 and 1765 for comparison with companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their second reading and substituted for their companion Senate Files as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
1731	1753				
1765	1876				

and that the above Senate Files be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred

H. F. No. 1838 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
1838	2047				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred

H. F. No. 1818 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS CONSENT CALENDAR

CALENDAR

H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
1818	1785				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1818 be amended as follows:

Page 2, delete lines 9 to 33

Amend the title as follows:

Page 1, lines 4 and 5, delete "granting preference to landowners in obtaining moose licenses;"

Page 1, lines 6 to 8, delete "; and Minnesota Statutes, 1979 Supplement, Section 100.271, Subdivision 1"

And when so amended H. F. No. 1818 will be identical to S. F. No. 1785, and further recommends that H. F. No. 1818 be given its second reading and substituted for S. F. No. 1785, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred

H. F. No. 1768 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS CONSENT CALENDAR

CALENDAR

H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
1768	1134				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1768 be amended as follows:

Page 2, lines 1 and 2, delete "*after viewing the land, in the judgment of the fence viewers,*" and insert "*in the judgment of the fence viewers after viewing the land,*"

Page 2, delete lines 7 to 20

Amend the title as follows:

Page 1, line 8, delete "sections" and insert "a section"

And when so amended H. F. No. 1768 will be identical to S. F. No. 1134, and further recommends that H. F. No. 1768 be given

its second reading and substituted for S. F. No. 1134, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 2085 and 2181 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. 1731, 1765, 1838, 1818 and 1768 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Rued moved that the name of Mrs. Knaak be added as co-author to S. F. No. 1873. The motion prevailed.

Mr. Sikorski moved that the name of Mr. Solon be added as co-author to S. F. No. 2414. The motion prevailed.

CONFIRMATION

Mr. Davies moved that the report from the Committee on Judiciary, reported March 25, 1980, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Davies moved that in accordance with the report from the Committee on Judiciary, reported March 25, 1980, the Senate, having given its advice, do now consent to and confirm the appointment of:

CRIME VICTIMS REPARATIONS BOARD

Dr. Johanna B. Miller, 2909 Drew Avenue South, Minneapolis, Hennepin County, effective January 7, 1980, for a term expiring the first Monday in January, 1984.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Kleinbaum introduced—

Senate Resolution No. 61: A Senate resolution congratulating St. Cloud Technical High School on being the runner-up champion in the Class AA state high school boys' basketball tournament.

Referred to the Committee on Rules and Administration.

Mr. Chmielewski introduced—

Senate Resolution No. 62: A Senate resolution congratulating the Moose Lake High School Lakers girls' basketball team on participating in the Class A state high school girls' basketball tournament.

Referred to the Committee on Rules and Administration.

Mr. Stern introduced—

Senate Resolution No. 63: A Senate resolution congratulating the Saint Louis Park High School Orioles boys' basketball team on winning third place in the Class AA state high school boys' basketball tournament.

Referred to the Committee on Rules and Administration.

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

CALENDAR

H. F. No. 1824: A bill for an act relating to driver's licenses; providing for the disposition of the county fee in Dakota County.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Gearly	Laufenburger	Penny	Solon
Ashbach	Gunderson	Lessard	Perpich	Spear
Bang	Hanson	Luther	Peterson	Stern
Barrette	Hughes	McCutcheon	Pillsbury	Stokowski
Benedict	Humphrey	Menning	Purfeerst	Strand
Bernhagen	Jensen	Merriam	Renneke	Stumpf
Chmielewski	Johnson	Moe	Rued	Ueland, A.
Coleman	Keefe, J.	Nelson	Schaaf	Ulland, J.
Davies	Keefe, S.	Nichols	Schmitz	Vega
Dieterich	Kirchner	Ogdahl	Setzepfandt	Wegener
Dunn	Knaak	Olhoft	Sieloff	Willet
Engler	Knoll	Olson	Sikorski	
Frederick	Knutson	Omann	Sillers	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S. F. No. 1978: A bill for an act relating to veterans; authorizing a memorial to Minnesota's war dead in Arlington National Cemetery; appropriating money.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Benedict	Davies	Frederick	Hughes
Ashbach	Bernhagen	Dieterich	Gearly	Humphrey
Bang	Chmielewski	Dunn	Gunderson	Jensen
Barrette	Coleman	Engler	Hanson	Johnson

Keefe, J.	McCutcheon	Omann	Schmitz	Strand
Keefe, S.	Menning	Penny	Setzepfandt	Stumpf
Kirchner	Merriam	Perpich	Sieloff	Tennessee
Kleinbaum	Moe	Peterson	Sikorski	Ueland, A.
Knaak	Nelson	Pillsbury	Sillers	Ulland, J.
Knutson	Nichols	Purfeerst	Solon	Vega
Laufenburger	Ogdahl	Renneke	Staples	Wegener
Lessard	Olhoft	Rued	Stern	Willet
Luther	Olson	Schaaf	Stokowski	

So the bill passed and its title was agreed to.

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

GENERAL ORDERS

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

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

S. F. Nos. 1984, 2244, 2113, 2263, 1835 and H. F. Nos. 2152, 753, 1987, 1723, 2314, 1884, which the committee recommends to pass.

S. F. No. 1795, which the committee recommends be returned to its author.

S. F. No. 1695, which the committee recommends be re-referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

S. F. No. 1698, which the committee recommends be re-referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

S. F. No. 1607, which the committee recommends be re-referred to the Committee on Governmental Operations.

H. F. No. 1814, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1978, Section 273.111, Subdivision 3, is amended to read:

Subd. 3. Real estate consisting of ten acres or more shall be entitled to valuation and tax deferment under this section only if it is actively and exclusively devoted to agricultural use as defined in subdivision 6 and either (1) is the homestead ~~or thereafter becomes the homestead~~ of the owner, or of a surviving spouse, child, or sibling of the said owner or is real estate which is farmed with the real estate which contains the homestead property, or (2) has been in possession of the applicant, his spouse, parent, or sibling, or any combination thereof, for a period of at least seven years prior to application for benefits under the provisions of Laws 1969, Chapter 1039, or (3) is the homestead of a shareholder in a fam-

ily farm corporation as defined in section 500.24, notwithstanding the fact that legal title to the real estate may be held in the name of the family farm corporation. "Family farm corporation" for the purpose of this subdivision means a corporation founded for the purpose of farming and owning agricultural land, in which all of the stockholders are members of a family related to each other within the third degree of kindred according to the rules of civil law."

Renumber the remaining section

Amend the title as follows:

Page 1, line 2, after the semicolon insert "altering the definition of family farm corporation for the purpose of the Minnesota agricultural property tax law;"

Page 1, line 4, delete "Section" and insert "Sections 273.111, Subdivision 3; and"

The motion prevailed. So the amendment was adopted.

H. F. No. 2082, which the committee recommends to pass with the following amendments offered by Messrs. Schaaf and Keefe, S.;

Mr. Schaaf moved to amend H. F. No. 2082, as amended pursuant to Rule 49, adopted by the Senate March 21, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2138.)

Page 2, after line 9, insert:

"Sec. 2. Minnesota Statutes 1978, Section 205.17, is amended by adding a subdivision to read:

Subd. 6. In statutory cities, the names of candidates to fill vacancies at any special election held as provided in section 4 shall be placed on the city primary and regular election ballots. The names of candidates to fill a vacancy in the office of councilman in a statutory city shall be listed under the separate heading "Special election for councilman to fill vacancy in term expiring", with the date of expiration of the term and any other information as may be necessary to distinguish the office. Under the heading for the office of mayor in a special election shall be the words "To fill vacancy in term expiring".

Page 2, line 27, before the comma, insert "and more than two years remain in the unexpired term"

Page 2, line 31, after "occurs" insert "on or"

Page 2, line 33, before the comma, insert "or when less than two years remain in the unexpired term"

Page 3, line 1, delete everything before the comma, and insert "to fill the vacancy"

Page 3, line 3, delete "the second ensuing" and insert "a"

Page 3, line 4, delete everything after the period

Page 3, delete lines 5 to 14

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "205.17, by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

Mr. Keefe, S. moved to amend H. F. No. 2082, as amended pursuant to Rule 49, adopted by the Senate March 21, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2138.)

Page 1, after line 8, insert:

"ARTICLE I GENERAL PROVISIONS

Section 1. Minnesota Statutes 1978, Section 200.01, is amended to read:

200.01 [CITATION, MINNESOTA ELECTION LAW.] *Articles III to VI and chapters 200 to 211 are, 201, 202A, 205, 206, 208, 209 and 210A shall be known as the Minnesota election law; and the words used in the Minnesota election law have the meanings prescribed in section 200.02.*

Sec. 2. Minnesota Statutes 1978, Chapter 200, is amended by adding a section to read:

[200.015] [SCHOOL DISTRICT ELECTIONS EXCLUDED.] *Articles III to VI and chapters 200, 201, 202A, 205, 206, 208, 209 and 210A do not apply to school district elections unless otherwise specifically provided by law.*

Sec. 3. Minnesota Statutes 1978, Section 200.02, is amended to read:

200.02 [DEFINITIONS.] Subdivision 1. 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 nominate or choose by ballot public officials or decide any public question lawfully submitted to them. The terms defined in this section apply to Articles III to VI and chapters 200, 201, 202A, 205, 206, 208, 209 and 210A.

Subd. 2. The words "general election" mean the election provided to be held in the state on the first Tuesday after the first Monday of November in every even numbered year. "General election" means an election held at regular intervals on a day determined by law or charter at which the voters of the state or any of its subdivisions choose by ballot public officials or presidential electors.

Subd. 3. The words "primary" or "primary election" mean an election held for the purpose of deciding by ballot who shall be the

nominees for offices to be filled at an election. "Primary" means an election at which the voters of this state or any of its subdivisions choose by ballot the nominees for the offices to be filled at a general election.

Subd. 4. The words "municipal election" mean an election held in any municipality at which the electors of the municipality choose by ballot public officials for the municipality or decide any public question relating to the municipality lawfully submitted to them.

Subd. 5 4 . The words "special election" means an election held for a special purpose. "Special election" means:

(a) An election held at any time to fill vacancies in public offices; or

(b) An election held by a subdivision of the state for a special purpose.

Subd. 6 5 . The words "Special primary" or "special primary election" mean a primary means an election held to select choose the nominees for the vacant public offices to be filled at a special election.

Subd. 6. "Political party" means an association of individuals under whose name a candidate files for partisan office.

Subd. 7. The words "political party" mean an organization which shall have maintained in the state, governmental subdivision thereof or precinct therein in question, a party organization and presented candidates for election at the last preceding general election one or more of which candidates shall have been voted for in each county within the state at such election and shall have received in the state not less than five percent of the total vote cast for all candidates at such election. "Major political party" means a political party that maintains a party organization in the state, political division or precinct in question and:

(a) Which has presented at least one candidate for election to a partisan office at the last preceding state general election, which candidate received votes in each county in that election and received votes from not less than five percent of the total number of individuals who voted in that election; or

(b) Whose members to a number equal to at least five percent of the total number of votes cast at the preceding general election in the county where the application is made shall present to the county auditor a petition for a place on the state partisan primary election ballot, which petition contains signatures of a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding state general election in the county where the application is submitted.

Subd. 8. The words "statutory city" mean 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 "*City*" means a home rule charter or statutory city .

Subd. 10 9 . The word "*Municipality*" means any city or town.

Subd. 11 10 . The word "*council*" means the governing body of a municipality. "*Governing body*" means the board of commissioners of a county, the elected council of a city, or the board of supervisors of a town.

Subd. 12. The word "*judge*" means any judge of election.

Subd. 13. The words "*peace officer*" mean any sheriff, constable, policeman, or any citizen appointed and empowered to perform any of their duties.

Subd. 14 11 . The word "*Precinct*" means an election district a geographical area the boundaries of which are established for election purposes in accordance with Article IV, Section 14 .

Subd. 15. The word "*Voter*" means an elector qualified to vote at an election.

Subd. 16 12 . The words "*polls*" or "*Polling place*" mean means the place of voting.

Subd. 17 13 . The word "*Convention*" means an organized body of delegates representing a political party assembled for the purpose of transacting such business as lawfully comes before it the business of a major political party .

Subd. 18. The word "*contestant*" means the person who begins any proceeding to contest the result of an election.

Subd. 19. The word "*contestee*" means the person who is adverse to the contestant.

Subd. 20. The word "*senator*" means a member of the senate of this state.

Subd. 21. The word "*representative*" means a member of the house of representatives of this state.

Subd. 22. The word "*commissioner*" means the secretary of state of the state of Minnesota.

Subd. 23 14 . The words "*Election board*" mean means the election judges of election of an election serving in a precinct.

Subd. 24. The term of office of every state and county officer shall begin on the first Monday in January next succeeding his election, unless otherwise provided by law.

Subd. 25 15 . (a) "*Eligible voter*" means a person who at the time of any election,

(1) is 18 or more years of age,

(2) is a citizen of the United States, and

(3) has resided in Minnesota for 30 days.

(b) The following persons are not eligible voters:

(1) Any person who has been convicted of treason or any felony, who has not had his civil rights restored;

(2) Any person who is under guardianship over his person;

(3) Any person who is adjudicated to be non compos mentis or insane;

(4) Any person who is not properly registered an individual who is eligible to vote as provided in Article II, Section 2.

Subd. 26 16 . The words "County auditor" mean that officer means the county auditor or, in counties where that office does not exist, the principal county officer charged with duties relating to elections.

Subd. 27 17 . The words "Member of a major political party" mean a person means an individual who:

(a) Supports the general principles of a political party as stated in that party's constitution ; ;

(b) Voted for a majority of that party's candidates in the last general election ; ; or

(c) Intends to vote for a majority of a that party's candidates in the next general election.

Subd. 18. "Oath" means an oath or affirmation, as the conscience of the individual dictates. If an affirmation is given instead of an oath, "swear" means to affirm and "sworn" means affirmed.

Sec. 4. Minnesota Statutes 1978, Chapter 200, is amended by adding a section to read:

[200.031] [DETERMINATION OF RESIDENCE.] Residence shall be determined in accordance with the following principles, so far as they may be applicable to the facts of the case:

(a) The residence of an individual is in the precinct where the individual's home is located, from which the individual has no present intention of moving, and to which, whenever the individual is absent, he intends to return;

(b) An individual does not lose residence if he leaves his home to live temporarily in another state or precinct;

(c) An individual does not acquire a residence in any precinct of this state if he is living there only temporarily, without the intention of making that precinct his home;

(d) If an individual goes into another state or precinct with the intention of making it his home or files an affidavit of residence there for election purposes, he loses his residence in his former precinct;

(e) If an individual moves to another state with the intention of living there for an indefinite period, he loses his residence in this state, notwithstanding any intention to return at some indefinite future time;

(f) Except as otherwise provided in this section, an individual's residence is located in the precinct where his family lives, unless his family is living in that precinct only temporarily;

(g) If an individual's family lives in one precinct and the individual lives or does business in another, the individual's residence is located in the precinct where his family lives, unless he establishes a home in the other precinct and intends to remain there, with or without his family;

(h) The residence of a single individual is in the precinct where he lives and usually sleeps;

(i) The mere intention to acquire a new residence, is not sufficient to acquire a new residence, unless the individual moves to that location; moving to a new location is not sufficient to acquire a new residence unless the individual intends to remain there;

(j) The residence of an individual who is working temporarily in any precinct of this state is in the precinct where his permanent home is located;

(k) The residence of an individual who is living permanently in a soldiers' home or nursing home is in the precinct where the home is located.

ARTICLE II

VOTER ELIGIBILITY AND REGISTRATION

Section 1. Minnesota Statutes 1978, Section 201.01, is amended to read:

201.01 [DEFINITIONS.] The words used in sections 201.01 to 201.27 have the meanings prescribed to them definitions in chapter 200 apply to chapter 201 .

Sec. 2. Minnesota Statutes 1978, Chapter 201, is amended by adding a section to read:

[201.014] [ELIGIBILITY TO VOTE.] Subdivision 1. Except as provided in subdivision 2, an individual who meets the following requirements at the time of an election is eligible to vote. The individual must:

(a) Be 18 years of age or older;

(b) Be a citizen of the United States; and

(c) Maintain residence in Minnesota for 20 days immediately preceding the election.

Subd. 2. The following individuals are not eligible to vote. Any individual:

(a) *Convicted of treason or any felony whose civil rights have not been restored;*

(b) *Under a guardianship of the person; or*

(c) *Found by a court of law to be legally incompetent.*

Subd. 3. Any individual who votes when he knows he is not eligible to vote is guilty of a felony.

Sec. 3. Minnesota Statutes 1978, Chapter 201, is amended by adding a section to read:

[201.016] [RESIDENCE REQUIREMENTS FOR VOTING; PENALTIES.] *Subdivision 1. An eligible voter may vote only in the precinct in which he maintains residence. The residence of a voter shall be determined in accordance with Article I, Section 4. Any individual who votes in a precinct knowing that he does not maintain residence in that precinct is guilty of a felony.*

Subd. 2. The governing body of any city by resolution may require an eligible voter to maintain residence in a precinct for a period of 30 days prior to voting on any question affecting only that precinct or voting to elect public officials representing only that precinct. The governing body of any town by resolution may require an eligible voter to maintain residence in that town for a period of 30 days prior to voting in a town election.

Sec. 4. Minnesota Statutes 1978, Chapter 201, is amended by adding a section to read:

[201.018] [REGISTRATION REQUIREMENTS FOR VOTING.] *Subdivision 1. An eligible voter who maintains residence in a county without a permanent voter registration system, may vote in any election in that county after the voter's name is entered in the election register as provided in Article V, Section 11.*

Subd. 2. An eligible voter who maintains residence in a county with a permanent voter registration system must register in a manner specified by Article II, Section 6, in order to vote in any primary, special primary, general, or special election held in the county. An eligible voter who maintains residence in a school district which uses the county voter registration system as authorized by Article II, Section 12, must register in a manner specified by Article II, Section 6, in order to vote in any school election held in that district.

Sec. 5. Minnesota Statutes 1978, Section 201.021, is amended to read:

201.021 [PERMANENT REGISTRATION SYSTEM.] A permanent system of voter registration by county is established. Any county ~~containing no city with a population of 10,000 or more not containing a city with a population of 10,000 or more may by resolution of the county board be exempted~~ exempt itself from the provisions of sections ~~201.021 to 201.221~~ Article II, Sections 5 to 24. The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county.

Sec. 6. Minnesota Statutes 1978, Chapter 201, is amended by adding a section to read:

[201.054] [METHODS OF REGISTERING; PENALTIES.]
Subdivision 1. *An individual may register to vote:*

(a) *At any time before the 20th day preceding any election as provided in section 201.061, subdivision 1, in counties where pre-registration is allowed; or*

(b) *On the day of an election as provided in section 201.061, subdivision 3; or*

(c) *When submitting an absentee ballot, by enclosing a completed registration card as provided in Article III, Section 4, Subdivision 4.*

Subd. 2. *No individual shall intentionally:*

(a) *Cause or attempt to cause his name to be registered in any precinct if he is not eligible to vote;*

(b) *Cause or attempt to cause his name to be registered for the purpose of voting in more than one precinct, or in any precinct in which he does not maintain residence;*

(c) *Misrepresent his identity when attempting to register to vote; or*

(d) *Aid, abet, counsel, or procure any other individual to violate this subdivision.*

A violation of this subdivision is a felony.

Sec. 7. Minnesota Statutes 1978, Chapter 201, is amended by adding a section to read:

[201.056] [SIGNATURE OF REGISTERED VOTER; MARKS ALLOWED.] *An individual who is unable to write his name shall be required to sign a registration card by making his mark. If the individual registers in person, the clerk or election judge accepting the registration shall certify the mark by signing the individual's name. If the individual registers by mail, the mark shall be certified by having a voter registered in the individual's precinct sign the individual's name and his own name and give his own address.*

Sec. 8. Minnesota Statutes 1978, Section 201.061, is amended to read:

201.061 [REGISTRATION; ON OR BEFORE ELECTION DAY.] Subdivision 1. *At any time before the 20th day preceding any election, an eligible voter or any person individual who upon registration will have the qualifications of will be an eligible voter at the time of the next election may register as a voter to vote in the precinct in which he resides, at any time prior to the 20th day preceding any election the voter maintains residence by completing a registration card and submitting it in person or by mail to the county auditor of the that county where he resides. Registration cards may be submitted to the county auditor in person or by*

U.S. mail addressed and postage paid. A registration card that is postmarked no later than 11:59 p.m. on the 20th day preceding any election or received on the next working day shall be deemed timely accepted. An improperly addressed or delivered registration cards card shall be forwarded within two working days from after receipt by an official receiving one to the county auditor of the county where the voter resides if the county can be determined maintains residence.

Subd. 2. The provisions of Subdivision 1 shall does not apply to eligible voters in any political subdivision which does not on July 1, 1973 have a permanent system of voter registration provided that unless the governing body of any that political subdivision may by ordinance or resolution elect elects to come under the provisions of subdivision 1. Once having so elected, the action The decision to allow preregistration may not be rescinded.

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

(1) Showing his drivers license or Minnesota identification card issued pursuant to section 171.07;

(2) Providing Showing any document approved by the secretary of state as proper identification; or

(3) Having an individual a voter who is registered to vote in the precinct sign an oath in the presence of the election judge stating that he personally knows that the applicant individual is a resident of the precinct. No individual who registers to vote on election day by proving residence as provided in clause (3) shall provide proof of residence for any other individual on that election day.

The election judge responsible for election day registration shall attempt to keep a record of and forward to the county auditor the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section.

Subd. 4. Registration at the polling place on election day shall be conducted by the election judges. The election judge who registers an individual at the polling place on election day shall not handle that voter's ballots at any time prior to the opening of the ballot box after the voting ends. Registration cards and forms for the card and oaths shall be available at each polling place. When an individual signs an oath that he personally knows that an applicant is a resident of the precinct If an individual who registers on election day proves residence by oath of a registered voter, the form containing the oath shall be attached to the applicant's

individual's registration card until the his address of the applicant is verified by the county auditor. Forms used pursuant to this section Registration cards completed on election day shall be forwarded to the county auditor who shall , unless the information forwarded is substantially deficient, add the name of the each voter to the registration system unless the information forwarded is substantially deficient . If the A county auditor who finds a an election day registration pursuant to this subdivision substantially deficient he shall give written notice to the person individual whose registration is found deficient. A An election day registration shall not be found deficient only solely because the individual who provided proof of residence was ineligible to do so shall not be considered deficient, and the name of the voter shall be added to the registration system .

Subd. 4. Registration at the polls on election day shall be conducted by the election judges. The election judge who registers a person at the polls on election day shall not be the same judge who shall have charge of and hand to and receive from the voter his ballots.

Subd. 5. In case a voter is unable to write his name, he shall be required to make a cross, which shall be certified by signing the name of the applicant by the registration clerk taking the application. If the registration card is submitted by mail the cross shall be certified by having a voter registered in the precinct of the applicant sign the name of the applicant and sign his own name and give his own address.

Subd. 6 5 . Each eligible voter is entitled to vote only in the one precinct in which he resides. The judges of No election judge in any election precinct in which registration is required may not receive the vote at any election of any person individual whose name is not registered in accordance with the provisions of Laws 1972, Chapter 676 in a manner specified in Article II, Section 6, Subdivision 1. A violation of this subdivision is a felony .

Subd. 6. Except as otherwise provided by this subdivision, the county auditor shall supply the judges in provide each precinct with an accurate precinct map or precinct finder of the precinct to assist them the election judges in determining whether a newly registering voter is registering an address is located in the proper that precinct. A county auditor may delegate this responsibility as provided in Article II, Section 24, Subdivision 4, to a municipal clerk who prepares precinct maps as provided in Article IV, Section 14, Subdivision 5.

Subd. 7. Voters registered under Minnesota Statutes 1971 shall not be required to reregister under Laws 1973, Chapter 676.

Subd. 7. The election judge responsible for election day registration shall attempt to keep a record of the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section. The record shall be forwarded to the county auditor with the election returns for that precinct.

Subd. 8. Any political subdivision which did not on July 1, 1973 have a permanent system of voter registration shall provide prior to the date of the 1974 primary election for the transfer of names of persons who voted at the general election in 1972 and who are not permanently registered to permanent registration cards, together with such other information available from the election records as is required by section 201.071, subdivision 1. Such registration cards shall be alphabetized by precinct and the cards for each precinct shall be kept at the polling place on the 1974 primary and general election days. Persons whose registration cards have been so prepared and who have not changed residence shall be deemed registered by proving identity and signing the registration card.

Subd. 9. For the general election in 1974 only, each political subdivision which did not on July 1, 1973 have a permanent system of voter registration shall provide one additional election judge in each precinct for every 400 persons voted at the general election in 1972.

Sec. 9. Minnesota Statutes 1978, Section 201.071, is amended to read:

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

VOTERS VOTER REGISTRATION CARD

(Please print or type)

Date:

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

Subd. 2. When made available for potential registrants the A registration card shall be accompanied by instructions specifying the manner and method of registration and stating, the qualifications for an eligible voter voting and specifying the penalties for false registration.

Subd. 3. No registration is faulty or defective deficient if the registration card it 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 does not cause the registration to be faulty or defective deficient. The election judges of election may shall request a voter an individual to complete correct a registration card that if it is incomplete deficient or illegible. No eligible voter may be prevented from voting unless his registration card is faulty or defective deficient or he is duly and successfully challenged in accordance with provisions of this chapter Article II, Section 22 or Article V, Section 12.

Subd. 4. Any county auditor who receives a registration card indicating that a voter an individual was previously registered in a different county in Minnesota shall notify the county auditor of that county on a form prescribed by the secretary of state. A county auditor receiving a registration card indicating that a voter was previously registered in a different precinct in the same county or receiving a notification form from the auditor of another county, as provided in this subdivision or Article V, Section 30, Subdivision 2, shall delete that voter's individual's name from the registration lists and remove the original and duplicate voter registration cards from the files. Any county auditor who receives a registration card or notification requiring a change of registration records under this subdivision shall also check the duplicate registration card from the precinct of prior residence to determine whether the voter individual voted in that precinct in the most recent election.

Sec. 10. Minnesota Statutes 1978, Section 201.081, is amended to read:

201.081 [REGISTRATION FILES.] Subdivision 1. Within 90 days after the effective date of regulations of the secretary of state implementing Laws 1973, Chapter 676, the municipal official for each municipality who has custody of the original record of voters pursuant to Minnesota Statutes 1971, Chapter 201, shall deliver to the county auditor of the county where the municipality is located:

- (1) The original registration file of voters registered under any law prior to Laws 1973, Chapter 676; and
- (2) The duplicate registration file of the voters.

Subd. 2. The original registration file and the duplicate registration file shall be the record of registered voters. The original and duplicate registration files shall be kept in the office of the county auditor or in the office of a person public official to whom the county auditor has delegated the responsibility of keeping either file and. The files shall not be removed except that the duplicate

file shall be delivered *as provided in section 201.221, Subdivision 3,* to the duly authorized *election* judges of *election* for use on election day.

Sec. 11. Minnesota Statutes 1978, Section 201.091, is amended to read:

201.091 [PRECINCT LISTS; INSPECTION OF DUPLICATE REGISTRATION FILE; ADMINISTRATIVE COSTS OF VOTER REGISTRATION; ANNUAL REPORT: DESIGNATION OF PUBLIC BUILDINGS FOR REGISTRATION.] Subdivision 1. Each county auditor shall prepare and maintain a current list of the duplicate registration file. *This cards, which* list shall be known as the precinct list and *. It* shall show the names *name* and residence address of all voters *each voter* registered *within in* the precinct. The telephone number shall be included on the list *when if* provided by the *person registering voter* .

Subd. 2. Within 90 days after each *state* general election, the county auditor shall *have prepare and on request make* available current registered voter precinct lists by precinct for the county. *The Each* precinct list shall be periodically corrected and updated by the county auditor ; and *. A final corrected precinct list for each precinct* shall be available 15 days before each primary election . A corrected precinct list may be either in the form of a complete corrected list or as a separate list of additions and deletions to the preceding list.

Subd. 2a 3 . If the responsibility for maintaining the duplicate registration file has been delegated by the county auditor in accordance with section 201.081, subdivision 2, the *A public official* maintaining the duplicate registration file *pursuant to section 201.081* shall deliver the original voter registration cards to the county auditor within 30 days after the *a* primary election and within 60 days after a general election. Within 60 days after he *receives receiving* the original voter registration cards after a general election , the county auditor shall *send back return* the corrected precinct list of registered voters to the *public official* maintaining the duplicate registration file.

Subd. 2b 4 . Subject to reasonable rules and regulations, The duplicate registration file shall be open to public inspection ; *but* no public inspection shall be permitted or allowed that will *disarrange* the registration files. No person to whom a file of registered electors is made available under this subdivision and no person . The public official having custody of the voter registration files may adopt reasonable rules governing access to the files. No individual inspecting the duplicate registration file shall tamper with the cards or their arrangement. No individual who inspects a duplicate registration file or who acquires a list of registered electors voters prepared from the file may use any information contained therein in the file or list for purposes which are not related unrelated to elections, political activities, or law enforcement.

Subd. 3 5 . Paper copies of the latest registered voter lists as specified in subdivision 2 shall be available within ten days of a request. The county auditor shall provide paper copies of the current precinct lists and may provide lists in some other form to any voter registered within in the county ; upon within ten days of receiving a written request therefor to the county auditor accompanied by payment of the cost of reproduction and . The county auditor shall make a paper copy of the list shall be available for examination public inspection without cost. No person to whom a registered voter list is made available under this subdivision and no person who acquires a registered voter list individual who inspects or acquires a copy of a precinct list may use any information contained therein in it for the purposes which are not related unrelated to elections, political activities, or law enforcement.

Subd. 4 6. Each person public official to whom the county auditor has delegated responsibility for the administration of the provisions of this chapter shall maintain records and accounts for his office and submit annually an annual report to the county auditor a report on the conduct and costs of registration and voting borne by his office. The public official shall maintain adequate records to verify the information contained in the report.

Subd. 5 7 . Each county auditor shall maintain records and accounts for his office and submit annually a an annual report on the conduct and costs of registration and voting in the county to the secretary of state . The county auditor shall maintain adequate records to verify the information contained in the report .

Subd. 6 8 . Each county auditor shall determine designate a number of public buildings located within in those political subdivisions of the county ; and not less than one location per 30,000 residents, where preregistration of voters is allowed as provided in section 201.061, subdivision 1, where eligible voters may register by completing a registration card and leaving it with an official within the building whose duty it shall be to transmit the card to the appropriate county auditor to vote. At least one public building shall be designated for each 30,000 residents of the political subdivision . An adequate supply of registration cards shall be maintained at the each designated locations location, and a designated individual shall be available there to accept registration cards and transmit them to the county auditor .

Sec. 12. Minnesota Statutes 1978, Chapter 201, is amended by adding a section to read:

[201.095] [SCHOOL ELECTIONS; USE OF VOTER REGISTRATION SYSTEM.] The county auditor shall allow independent or special school districts to use the necessary portions of the county's registration system for school district elections, if requested by the school board of the district, and provided that the use does not interfere with other elections. The county auditor may impose reasonable requirements to preserve the security and integrity of the system. The county auditor and the school district shall provide by agreement for the details of the use of the system

by the school district. The school board may designate a member of the board or an employee as registration officer. The provisions of chapter 201 and Article III relating to registration of voters shall apply to school district elections in which the county registration system is used.

Sec. 13. Minnesota Statutes 1978, Section 201.11, is amended to read:

201.11 [PRECINCT BOUNDARIES; CHANGE OF BOUNDARIES; CHANGE OF FILES.] When the boundaries of an election a precinct in any such municipality shall be are changed, the county auditor shall immediately change the registration files to correctly show the names of the voters who are residents therein of that precinct .

Sec. 14. Minnesota Statutes 1978, Section 201.12, is amended to read:

201.12 [PROPER REGISTRATION; VERIFICATION BY MAIL; CHALLENGES.] *Subdivision 1. For the purpose of preventing To prevent fraudulent voting and eliminating to eliminate excess names, the county auditor , at any time he deems it necessary, may send by mail to any registered voter whose name appears in the original registration file a notice that his stating the voter's name and address appear therein as indicated; and, if there is any mistake in the name or the address, the voter shall so as they appear in the registration files. The notice shall request the voter to notify the office of the county auditor and have the same corrected if there is any mistake in the information .*

Subd. 2. Failure to do so or the return of the notice by the post office to the county auditor shall be sufficient evidence to justify a challenge of his vote at an election, which challenge shall be signed by the county auditor. Upon the return by the post office of any such of the notice by the postal service , the county auditor or his staff shall direct a deputy or clerk in his office to personally ascertain the name and address of any such voter; and, if such voter is found to have removed from that individual. If the individual is no longer at the address recorded in the original registration file, the county auditor shall cause to be affixed to the duplicate registration file card of the voter affix the word "challenged" to the duplicate registration card . No person so challenged shall be permitted to vote except by complying with all provisions of law applicable to the proving of challenges. Any individual challenged in accordance with this subdivision shall comply with the provisions of Article V, Section 12, before being allowed to vote.

Sec. 15. Minnesota Statutes 1978, Section 201.121, is amended to read:

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

Subd. 2. The county auditor shall mail to each registrant a notice indicating the voter's individual's name, address, precinct and polling place to each registered voter. The notice shall require indicate that it must be returned if it is not deliverable to the voter at the named address. For any notice that is returned Upon return of the notice by the postal service, the county auditor shall cease to be affixed to the affix the word "challenged" to the voter's duplicate registration card of the voter the word "challenged". No An individual so challenged in accordance with this subdivision shall be permitted to vote except by complying comply with all the provisions of law applicable to the proving of challenges Article V, Section 12, before being allowed to vote.

Subd. 3. In the case of election day registrations Within ten days after an election, the county auditor shall within ten days of the election send the notice prescribed in required by subdivision 2 to a random sampling of the election day registrants individuals registered on election day. The random sampling shall be determined in accordance with the rules of the secretary of state. As soon as practicable after the election, the county auditor shall send mail the notice prescribed in required by subdivision 2 to all other election day registrants as soon as practicable after the election individuals registered on election day. If any a notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. If, upon inquiry, the county auditor does not receive or obtain satisfactory proof of the registrant's individual's eligibility to vote, he shall immediately notify the county attorney and the secretary of state of the irregularity.

Sec. 16. Minnesota Statutes 1978, Section 201.13, is amended to read:

201.13 [LOCAL REGISTRAR OF VITAL STATISTICS; REPORT OF DEATHS TO COUNTY AUDITOR.] The local registrar of vital statistics in each county or municipality, as the case may be, shall report monthly to the county auditor the name and address of each person individual 18 years of age or older who has died while a resident in the registration jurisdiction maintaining residence in that county or municipality since the last previous report. Upon receipt of such the report, the county auditor shall examine the original and duplicate registration files and remove therefrom and destroy remove from the files the original and duplicate registration cards of registered persons so the voters reported by the local registrar as to be deceased.

Sec. 17. Minnesota Statutes 1978, Section 201.14, is amended to read:

201.14 [CLERK OF DISTRICT COURT; REPORT OF CHANGED NAMES.] The clerk of district court in each county in the state shall report monthly to the county auditor the name and address of each person individual, 18 years of age or over, residing who maintains residence in that county and whose name shall have been was changed during the month preceding the date of the report, by marriage, divorce or any order or decree of such

the court. Upon receipt of such the report, the county auditor shall notify such voter by mail each registered voter whose name was changed that it is will be necessary for him to re-register under such the changed name in order to vote at an election .

Sec. 18. Minnesota Statutes, 1979 Supplement, Section 201.15, is amended to read:

201.15 [PROBATE JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS.] *Subdivision 1. The probate judge of probate in each county in the state shall report monthly to the county auditor the name , age and address of each individual 18 years of age or over residing , who maintains residence in the that county and who, during the month preceding the date of the report , :*

(a) was placed under a guardianship of the person or ;

(b) adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, or as ; or

(c) was adjudged a psychopathic personality , and each such .

The judge shall also report the same information for each individual transferred to the jurisdiction of or restored to capacity by the court , or transferred from guardianship to conservatorship who meets a condition specified in clause (a), (b) or (c) . Upon receipt of the report, the county auditor shall examine the original and duplicate registration files to determine if whether any individual named in the report is registered to vote. The county auditor shall attach a notice to the original and duplicate registration cards of any individual as named in the report informing the election judges that the individual is not eligible to reregister or vote. The notice shall contain the reason for ineligibility, the date of the determination, and the dated signature of the county auditor.

Subd. 2. The probate judge in each county shall report monthly to the county auditor the name and address of each individual transferred from guardianship to conservatorship or who is restored to capacity by the court after being ineligible to vote for any of the reasons specified in subdivision 1. Upon notice from the judge of probate of a restoration to capacity, or of a transfer from guardianship to conservatorship, the county auditor shall remove the notice from the individual's registration cards and thereafter process the cards in the same manner as if no guardianship or adjudication had occurred.

Sec. 19. Minnesota Statutes 1978, Section 201.161, is amended to read:

201.161 [CHANGE OF DRIVER'S LICENSE.] *When a person notifies the department of public safety of a change of domicile or name and an individual applies for a corrected duplicate driver's license pursuant to section 171.11, the department of public safety shall transmit a voter registration card to the applicant a voters*

registration card together with instructions for completing the card and returning it by mail to the appropriate county auditor. ~~Voters~~ Voter registration cards shall also be available from clerks and agents who receive applications pursuant to sections 171.06 and 171.07. ~~Voters~~ Voter registration cards required to carry out the provisions of this section shall be provided at no cost to the department of public safety at no cost by the secretary of state.

Sec. 20. Minnesota Statutes 1978, Section 201.171, is amended to read:

201.171 [FAILURE TO VOTE; REMOVAL OF REGISTRATION.] After the close of each calendar year, the county auditor shall ~~examine remove~~ the original and duplicate registration files and shall delete therefrom the name cards of any voter who has not voted during the four preceding calendar years in any election, including but not limited to a school district election where the permanent voter registration cards specified in this chapter are used including a school election during the four preceding calendar years system is used. Although not counted in any race an election, a late absentee ballot shall be considered a vote for the purpose of continuing registration.

Sec. 21. Minnesota Statutes 1978, Section 201.18, is amended to read:

201.18 [MEMBERS OF THE MILITARY; REGISTRATION SAVED.] In the event that the applicant ~~If the voter was registered but is did not entitled to vote because he has failed to vote at an election at least once in any during the four successive preceding calendar years wherein elections are held; if the applicant because of service in the military, the voter, or someone in his on the voter's behalf, shall may file an affidavit with the county auditor; stating that on the date of any one election during such four year period the applicant the voter was a member of the armed forces of the United States, such military during that period or any portion of it. The affidavit shall operate as a re-registration, and shall entitle the applicant voter to vote.~~

Sec. 22. Minnesota Statutes 1978, Chapter 201, is amended by adding a section to read:

[201.195] [CHALLENGES.] Subdivision 1. Upon petition filed with the county auditor, any voter registered within a county may challenge the eligibility or residence of any other voter registered within that county. The petition shall state the grounds for challenge and be accompanied by an affidavit stating that the challenge is based on the challenger's personal knowledge. Within five days after receipt of the petition, the county auditor shall set a date for a hearing on the challenge and notify the challenger by mail. A copy of the petition and notice of the hearing shall be served on the challenged voter by the county auditor in the same manner as in a civil action. The hearing shall be held before the county auditor or his designee who shall then make findings and affirm or dismiss the challenge.

Subd. 2. If a challenge is affirmed, the voter whose registration has been challenged may appeal the ruling to the secretary of state. The appeal shall be heard within five days but in any case before election day. Upon hearing the appeal the secretary of state shall affirm or reverse the ruling and shall give appropriate instructions to the county auditor.

Subd. 3. A hearing before the secretary of state shall be conducted as a contested case and determined in accordance with chapter 15.

Sec. 23. Minnesota Statutes 1978, Section 201.211, is amended to read:

201.211 [ADMINISTRATIVE COSTS; ALLOCATION.] *The costs of administering office required to perform the functions and duties of this chapter shall be borne by the office required by Laws 1973, Chapter 676 to perform the functions and duties herein required but bear the costs incurred. If these functions and duties are delegated to another office they, that office shall be borne by that office bear the costs.*

Sec. 24. Minnesota Statutes 1978, Section 201.221, is amended to read:

201.221 [RULES.] Subdivision 1. *To implement the provisions of this chapter, the secretary of state shall adopt rules and regulations to implement the provisions of this chapter by October 1, 1973 consistent with federal and state election laws.*

Subd. 2. *He shall make rules consistent with the federal and state election laws to facilitate the execution of their provisions in an orderly manner and to that end. The secretary of state shall assist local election officers by devising uniform forms and procedures. He The secretary of state shall provide uniform regulations governing the maintenance of rules for counties maintaining voter registration records on electronic or automatic data processing systems so that the records of counties using the systems are compatible with a uniform system of electronic data maintenance. He The secretary of state shall supervise the development and use of the system to insure that it conforms to applicable provisions of law laws and regulations rules.*

Subd. 3. *He shall prescribe the method and manner of transporting and delivering the original and duplicate registration files from the office where now located to the locations required by Laws 1973, Chapter 676.*

Subd. 4 3. *He The secretary of state shall prescribe the form of the duplicate registration file so that a duplicate card will contain spaces for the voter's name, address, and telephone number, and signature, and space to indicate whether the voter has voted in a given election and the voter's signature. He The secretary of state shall prescribe procedures for transporting the duplicate registration files to the election judges for use on election day so the signatures of voters may be compared with the signatures on the duplicate registration file.*

Subd. 5 4 . The county auditor of each county may adopt rules and regulations which provide for the delegation of delegate to municipal officials in that county the duties assigned to him county auditors by Laws 1973, Chapter 676 to municipal officials this chapter . Provided however the county auditor may not delegate the responsibility to maintain custody of the original registration file of voters and the preparation and distribution of precinct lists. Provided further that If the county auditor may delegate delegates the power and responsibility duty to accept registrations but a , that delegation of this power does not relieve him of the power and duty to accept these registrations. When any a municipality shall have municipal official is delegated to it responsibilities duties given to the county auditor by Laws 1973, Chapter 676 this chapter , the council governing body of the municipality shall immediately provide the necessary funds, equipment and facilities and shall proceed to , establish a place of registration and put the registration plan into operation without delay.

Sec. 25. Minnesota Statutes 1978, Section 201.27, is amended to read:

201.27 [VIOLATIONS, PENALTIES.] Subdivision 1. Any No officer, deputy, clerk, or other employee who wilfully shall intentionally:

(a) fails Fail to perform or enforce any of the provisions of this chapter except the provisions of subdivision 2 ; or who ;

(b) unlawfully or fraudulently removes Remove any registration card or record from its proper compartment place in the registration files, or who in any manner or for any purpose not authorized by law;

(c) wilfully destroys Destroy any record provided required to be kept by this chapter to be kept, or any person who wilfully or fraudulently registers more than once, or registers under any but his true name, or attempts to vote by impersonating another who is registered, or who wilfully registers in any precinct where he is not a resident at any time of registering, or who ; or

(d) adds Add a name or names to the voter registration files, records or cards, or who violates any of the provisions of this chapter except as authorized by law.

An individual who violates this subdivision is guilty of a felony.

Subd. 2. Any A deputy, clerk, employee or other subordinate of a county auditor or municipal clerk who has knowledge or reason to believe that a violation of this chapter has occurred ; shall immediately transmit a report of his knowledge or belief to the county auditor or municipal clerk, together with any evidence of the violation coming into his possession. Any county auditor or municipal clerk who has knowledge or reason to believe that a violation of this chapter has occurred shall immediately transmit a report of his knowledge or belief to the county attorney of the county wherein where the violation is thought to have occurred,

together with any evidence of the violation coming into his possession. The county auditor or municipal clerk shall also immediately send a copy of the report to the secretary of state. A violation of this subdivision is a misdemeanor.

Subd. 3. An individual who intentionally violates any provision of this chapter is guilty of a felony, unless a different penalty is specifically provided by law.

Sec. 26. Minnesota Statutes 1978, Section 201.275, is amended to read:

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

ARTICLE III

ABSENTEE VOTING

Section 1. [203B.01] [ABSENTEE BALLOTING; DEFINITIONS.] *Subdivision 1. The definitions in Minnesota Statutes, Chapter 200 and this section apply to this article.*

Subd. 2. "Municipal clerk" means a full-time town or city clerk who is authorized or required to administer the provisions of Article III, Sections 4 to 15, as provided in Article III, Section 5.

Subd. 3. "Military" means the army, navy, air force, marine corps, coast guard or merchant marine of the United States.

Sec. 2. [203B.02] [ABSENTEE VOTING; GENERAL ELIGIBILITY REQUIREMENTS.] *Subdivision 1. Any eligible voter who is unable to go to the polling place on election day in the precinct where the individual maintains residence because of absence from the precinct, illness, physical disability, religious discipline, observance of a religious holiday or service as an election judge in another precinct may vote by absentee ballot as provided in Article III, Sections 4 to 15.*

Subd. 2. An eligible voter who is either in the military, or is a spouse or dependent of an individual serving in the military, or is temporarily outside the territorial limits of the United States may vote by absentee ballot either as provided in Article III, Sections 4 to 15 or as provided in Article III, Sections 16 to 27.

Subd. 3. A United States citizen living permanently outside the United States who is eligible under federal law to vote in federal elections in Minnesota may vote by absentee ballot only as provided in Article III, Sections 16 to 27.

Sec. 3. [203B.03] [ABSENTEE VOTING PROHIBITIONS; PENALTIES.] *Subdivision 1. No individual shall intentionally:*

- (a) Make or sign any false certificate required by this article;*
- (b) Make any false or untrue statement in any application for absentee ballots;*
- (c) Apply for absentee ballots more than once in any election with the intent to cast an illegal ballot;*
- (d) Exhibit a ballot marked by that individual to any other individual; or*
- (e) Do any act in violation of the provisions of this article for the purpose of casting an illegal vote in any precinct or for the purpose of aiding another to cast an illegal vote.*

Subd. 2. A violation of this section is a felony.

Sec. 4. [203B.04] [APPLICATION FOR BALLOTS.] *Subdivision 1. Except as otherwise allowed by subdivision 2, an application for absentee ballots for any election may be submitted at any time not more than 45 days nor less than one day before the day of that election. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:*

- (a) The county auditor of the county where the applicant maintains residence; or*
- (b) The municipal clerk of the municipality where the applicant maintains residence.*

An application shall be accepted if it is signed and dated by the applicant, contains the applicant's residence and mailing addresses and states that the applicant is eligible to vote by absentee ballot for one of the reasons specified in Article III, Section 2.

Subd. 2. An eligible voter who on the day before an election becomes a resident or patient in a health care facility or hospital located in the municipality in which the eligible voter maintains residence may apply for absentee ballots on election day if the voter:

- (a) Requests an application form by telephone from the municipal clerk not later than 5 p.m. on the day before election day; or*
- (b) Submits an absentee ballot application to the election judges engaged in delivering absentee ballots pursuant to Article III, Section 11.*

Subd. 3. The election judges designated to deliver absentee ballots pursuant to Article III, Section 11 shall deliver a blank application form for absentee ballots to any individual who requests one in order to apply for absentee ballots pursuant to subdivision 2.

Subd. 4. In counties with a permanent system of voter registration, an eligible voter who is not registered to vote but who is otherwise eligible to vote by absentee ballot may register by in-

cluding a completed voter registration card with the absentee ballot. The individual shall present proof of residence as required by Minnesota Statutes, Section 201.061, Subdivision 3, to the individual who witnesses the marking of the absentee ballots.

Sec. 5. [203B.05] [DESIGNATION OF MUNICIPAL CLERKS TO ADMINISTER ABSENTEE VOTING LAWS.]
Subdivision 1. The full-time clerk of any city or town shall administer the provisions of Article III, Sections 4 to 15 if:

(a) The county auditor of that county has designated the clerk to administer them; or

(b) The clerk has given the county auditor of that county notice of intention to administer them.

Subd. 2. For city elections not held on the same day as a statewide election and for town elections conducted under the Australian ballot system, applications for absentee ballots shall be filed with the city or town clerk and the duties prescribed by this article for the county auditor shall be performed by the city or town clerk unless the county auditor agrees to perform those duties on behalf of the city or town clerk. The costs incurred to provide absentee ballots and perform the duties prescribed by this subdivision shall be paid by the city or town holding the election.

Sec. 6. [203B.06] [APPLICATIONS; FILING WITH COUNTY AUDITOR OR MUNICIPAL CLERK; DELIVERY OF BALLOT.]
Subdivision 1. Each county auditor and municipal clerk shall prepare and print a sufficient number of blank application forms for absentee ballots. The county auditor or municipal clerk shall deliver a blank application form to any voter who requests one pursuant to Article III, Section 4.

Subd. 2. If for any reason an application for absentee ballots is submitted to the wrong county auditor or city or town clerk, that official shall promptly forward it to the proper county auditor or municipal clerk.

Subd. 3. If an application for absentee ballots is accepted at a time when absentee ballots are not yet available for distribution, the county auditor or municipal clerk accepting the application shall file it and as soon as absentee ballots are available for distribution shall mail them to the address specified in the application. If an application for absentee ballots is accepted when absentee ballots are available for distribution, the county auditor or municipal clerk accepting the application shall promptly:

(a) Mail the ballots to the voter whose signature appears on the application if the application is submitted by mail; or

(b) Deliver the absentee ballots directly to the voter if the application is submitted in person.

If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring after receipt of the application.

This subdivision does not apply to applications for absentee ballots received pursuant to Article III, Section 4, Subdivision 2, and Section 11.

Subd. 4. In counties with a permanent system of voter registration, upon receipt of an application for ballots, the county auditor, municipal clerk, or election judge acting pursuant to Article III, Section 11, who receives the application shall determine whether the applicant is a registered voter. If the applicant is not registered to vote, the county auditor, municipal clerk or election judge shall include a voter registration card among the election materials provided to the applicant.

Subd. 5. An application for absentee ballots shall be dated by the county auditor or municipal clerk when it is received and shall be initialed when absentee ballots are mailed or delivered to the applicant. All applications shall be preserved by the county auditor or municipal clerk and arranged according to precincts and the initial letter of the applicant's surname.

Subd. 6. If an application for absentee ballots requests delivery of absentee ballots to a point outside the continental United States, the absentee ballots shall be sent by air mail. The transmittal and return envelopes shall be marked with the words "OFFICIAL ELECTION BALLOTING MATERIAL — VIA AIR MAIL". Priority in mailing shall be given to all ballots sent by air mail.

Subd. 7. If the federal government or any of its branches, departments, agencies or other instrumentalities makes any special service available for the mailing of absentee voting materials, any county auditor or municipal clerk may use the service.

Subd. 8. No envelope, return envelope or directions for casting an absentee ballot shall contain the name of any candidate whose name appears on any of the absentee ballots.

Sec. 7. [203B.07] [RETURN AND BALLOT ENVELOPES; DIRECTIONS TO VOTERS.] *Subdivision 1. The county auditor or the municipal clerk shall prepare, print, and transmit a return envelope, a ballot envelope and a copy of the directions for casting an absentee ballot to each applicant whose application for absentee ballots is accepted pursuant to Article III, Section 4. When a voter registration card is sent to the applicant as provided in Article III, Section 6, Subdivision 4, the directions or registration card shall include instructions for registering to vote.*

Subd. 2. The return envelope shall be of sufficient size to conveniently enclose and contain the ballot envelope and a voter registration card folded along its perforations. The return envelope shall be designed to open on the left hand end. A certificate of eligibility to vote by absentee ballot shall be printed on the right hand three-fourths of the back of the envelope. The certificate shall contain a statement to be signed and sworn by the voter indicating that the voter meets all of the requirements established by law for voting by absentee ballot. The certificate

shall also contain a statement signed by an eligible voter of the county in which the absent voter maintains residence or by a notary public, United States postmaster, assistant postmaster, postal supervisor, clerk of a postal service contract station or other individual authorized to administer oaths stating that:

- (a) The ballots were displayed to that individual unmarked;*
- (b) The voter marked the ballots in that individual's presence without showing how they were marked; and*
- (c) If the voter was not previously registered, that the voter has provided proof of residence as required by Minnesota Statutes, Section 201.061, Subdivision 3.*

The county auditor or municipal clerk shall affix first class postage to the return envelopes.

Sec. 8. [203B.08] [MARKING AND RETURN OF ABSENTEE BALLOTS.] *Subdivision 1. An eligible voter who receives absentee ballots as provided in this article shall mark them in the manner specified in the directions for casting the absentee ballots. The return envelope containing marked ballots may be mailed as provided in the directions for casting the absentee ballots or may be left with the county auditor or municipal clerk who transmitted the absentee ballots to the voter.*

Subd. 2. The county auditor or municipal clerk shall address return envelopes to allow direct mailing of the absentee ballots to:

- (a) The county auditor or municipal clerk who sent the ballots to the voter;*
- (b) The clerk of the town or city in which the absent voter is eligible to vote; or*
- (c) The appropriate election judges.*

Subd. 3. When absentee ballots are returned to a county auditor or town or city clerk, that official shall stamp and date the return envelope with an official seal of the office and place it in a secure location with other return envelopes received by that office. The county auditor or town or city clerk shall deliver them to the appropriate election judges on election day.

Subd. 4. The secretary of state by rule shall establish procedures to be followed by county auditors and town and city clerks to assure accurate and timely return of absentee ballots. The rules of the secretary of state may authorize procedures and methods of return in addition to those specified in this section.

Sec. 9. [203B.09] [FORM AND CONTENT OF REQUIRED MATERIALS; RULES OF SECRETARY OF STATE.] *The secretary of state shall adopt rules establishing the form, content, and type size and style for the printing of blank applications for absentee ballots, return envelopes, certificates of eligibility to vote by absentee ballot, ballot envelopes and directions for casting an absentee ballot. Any official charged with the duty*

of printing any of these materials shall do so in accordance with these rules.

Sec. 10. [203B.10] [DELIVERY OF ABSENTEE BALLOT APPLICATIONS TO ELECTION JUDGES.] *On the day before an election:*

(a) The county auditor shall deliver to the town and city clerks within that county the applications for absentee ballots theretofore received and endorsed as provided in Article III, Section 6, Subdivision 5; and

(b) The town and city clerks shall deliver the applications received from the county auditor and the applications for absentee ballots filed with their respective offices and endorsed as provided in Article III, Section 6, Subdivision 5, to the appropriate election judges. Applications received on election day pursuant to Article III, Section 4, Subdivision 2, shall be promptly delivered to the election judges in the precincts.

Sec. 11. [203B.11] [HOSPITAL PATIENTS AND RESIDENTS OF HEALTH CARE FACILITIES.] *Each municipal clerk shall designate election judges to deliver absentee ballots to any eligible voter who has applied for an absentee ballot as provided in Article III, Section 4, Subdivision 2, and who is a temporary or permanent resident or a patient in a health care facility or hospital located in the municipality in which the voter maintains residence. The ballots shall be delivered by two election judges, each of whom is affiliated with a different major political party. When the election judges deliver or return ballots as provided in this section, they shall travel together in the same vehicle. Both election judges shall be present when an applicant completes the certificate of eligibility and marks the absentee ballots, and may assist an applicant as provided in Article V, Section 15. The election judges shall deposit the return envelopes containing the marked absentee ballots in a sealed container and return them to the clerk on the same day that they are delivered and marked. The election judges shall deliver absentee ballots as provided in this section during the ten days preceding an election except that ballots may be delivered on election day to any voter who has applied for ballots pursuant to Article III, Section 4, Subdivision 2.*

Sec. 12. [203B.12] [ELECTION JUDGES TO RECEIVE AND COUNT BALLOTS.] *Subdivision 1. [RECEIPT OF RETURN ENVELOPES.] The election judges in each precinct shall take possession of all return envelopes delivered to them in accordance with Article III, Section 8.*

Subd. 2. [EXAMINATION OF RETURN ENVELOPES.] *Two or more election judges shall examine each return envelope and shall mark it accepted or rejected in the manner provided in this subdivision. The election judges shall remove the ballot envelope from the return envelope, mark the ballot envelope "Accepted" and initial or sign the ballot envelope below the word "Accepted" if the election judges or a majority of them are*

satisfied that:

(a) *The voter's signature on the return envelope is the genuine signature of the individual who made the application for ballots and the certificate has been completed as prescribed in the directions for casting an absentee ballot;*

(b) *In precincts with a permanent voter registration system, the voter is registered and eligible to vote in the precinct or has included a properly completed registration card in the return envelope or, in precincts with no permanent voter registration system, the address of the voter lies within the precinct; and*

(c) *The voter has not already voted at that election, either in person or by absentee ballot.*

The return envelope from accepted ballots shall be preserved and returned to the county auditor with the voters' certificates.

If all or a majority of the election judges examining return envelopes find that an absent voter has failed to meet one of the requirements prescribed in clauses (a) to (c), they shall remove the ballot envelope from the return envelope, mark the ballot envelope "Rejected", initial or sign it below the word "Rejected", and place it back in the return envelope for return to the county auditor with the unused ballots.

Subd. 3. [NOTATION ON REGISTRATION CARD OR ELECTION REGISTER.] *If the ballot envelope is marked with the word "Accepted", the election judges shall record the fact that the voter has voted by absentee ballot on the voter registration card or in the election register in precincts with no permanent voter registration. This shall be done by placing the letters "A.B." in the appropriate space on the card or register. After a registration card or election register has been marked to record that an individual has voted by absentee ballot, the individual shall not be allowed to vote in person at that election.*

Subd. 4. [PLACEMENT IN CONTAINER; OPENING AND COUNTING OF BALLOTS.] *The ballot envelopes marked "Accepted" shall be placed by the election judges in a separate absentee ballot container. The container and each ballot envelope may be opened only after the last regular mail delivery by the United States postal service on election day. The ballots shall then be initialled by the election judges in the same manner as ballots delivered by them to voters in person and shall be deposited in the appropriate ballot box.*

If more than one ballot of any kind is enclosed in the ballot envelope, none of the ballots of that kind shall be counted but all ballots of that kind shall be returned in the manner provided by Article V, Section 25 for return of spoiled ballots.

Subd. 5. [ELECTRONIC VOTING SYSTEM PRECINCTS.] *Paper absentee ballots delivered to the election judges in precincts which use an electronic voting system shall be counted in*

the manner provided in this section. No duplicate ballot cards shall be prepared. The paper ballot vote totals for each candidate and on each question shall be added to the results obtained from the electronic tabulating equipment in each precinct.

Subd. 6. [EXCEPTION FOR MUNICIPALITIES WITH ABSENTEE BALLOT COUNTING BOARDS.] *In municipalities with an absentee ballot counting board, the election judges in each precinct shall receive and process return envelopes and ballot envelopes as provided in this section except that the ballot envelopes marked "Accepted" shall be delivered in an absentee ballot container to the absentee ballot counting board for the counting of ballots as soon as possible after processing. The vote totals provided by the absentee ballot counting board shall be included in the vote totals on the summary statements of the returns for the precinct in which they were received.*

Sec. 13. [203B.13] [ABSENTEE BALLOT COUNTING BOARDS.] Subdivision 1. [ESTABLISHMENT.] *The governing body of any municipality may by ordinance authorize an absentee ballot counting board for the purpose of counting all absentee ballots cast in that municipality. The board shall consist of a sufficient number of election judges appointed as provided in Article IV, Sections 19 to 22.*

Subd. 2. [DUTIES.] *The absentee ballot counting board shall:*

(a) Receive from each precinct in the municipality all ballot envelopes marked "Accepted" by the election judges;

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

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

Subd. 3. [COMPENSATION OF MEMBERS.] *The city or town clerk shall pay a reasonable compensation to each member of the absentee ballot counting board for services rendered during each election.*

Subd. 4. [APPLICABLE LAWS.] *Except as otherwise provided by this section, all of the laws applicable to absentee ballots and absentee voters and all other provisions of the Minnesota election law shall apply to an absentee ballot counting board.*

Sec. 14. [203B.14] [COUNTY AUDITOR OR MUNICIPAL CLERK MAY EMPLOY ADDITIONAL HELP.] *Each county auditor and each municipal clerk may employ additional clerical assistance as necessary to discharge the responsibilities imposed on the county auditor or municipal clerk as provided in this article.*

Sec. 15. [203B.15] [ADMINISTRATIVE EXPENSES.] *Each county shall pay the expenses incurred by its county auditor and each municipality shall pay the expenses incurred by its clerk for administering the provisions of Article III, Sections 4 to 15.*

Sec. 16. [203B.16] [ABSENT VOTERS IN THE MILITARY OR TEMPORARILY OUTSIDE THE UNITED STATES.] Subdivision 1. Article III, Sections 16 to 27 provide alternative voting procedures for eligible voters who are absent from the precinct where they maintain residence because they are:

(a) Either in the military or the spouses or dependents of individuals serving in the military; or

(b) Temporarily outside the territorial limits of the United States.

Subd. 2. Article III, Sections 16 to 27 provide the exclusive voting procedure for United States citizens who are living permanently outside the territorial limits of the United States who meet all the qualifications of an eligible voter except residence in Minnesota, but who are authorized by federal law to vote in Minnesota because they maintained residence in Minnesota for at least 20 days immediately prior to their departure from the United States. Individuals described in this subdivision shall be permitted to vote only for the offices of president, vice-president, senator in congress, and representative in congress.

Sec. 17. [203B.17] [APPLICATION FOR BALLOT.] Subdivision 1. An application for absentee ballots for a voter described in Article III, Section 16 may be submitted by that voter or by that voter's parent, spouse, sister, brother, or child over the age of 18 years. An application for a voter described in Article III, Section 16, Subdivision 1, shall be submitted to the county auditor of the county where the voter maintains residence. An application for a voter described in Article III, Section 16, Subdivision 2, shall be submitted to the county auditor of the county where the voter last maintained residence in Minnesota. An application for absentee ballots for a primary shall also constitute an application for absentee ballots for the ensuing general election. There shall be no limitation of time for filing and receiving applications for ballots under Article III, Sections 16 to 27.

Subd. 2. An application shall be accepted if it contains the following information stated under oath:

(a) The voter's name, birthdate, and present address of residence in Minnesota, or former address of residence in Minnesota if the voter is living permanently outside the United States;

(b) A statement indicating that the voter is in the military, or is the spouse or dependent of an individual serving in the military, or is temporarily outside the territorial limits of the United States, or is living permanently outside the territorial limits of the United States and voting under federal law;

(c) A statement that the voter expects to be absent from the precinct at the time of the election;

(d) The address to which absentee ballots are to be mailed;

(e) The voter's signature or the signature and relationship of the individual authorized to apply on the voter's behalf; and

(f) *The signed statement of an individual authorized to administer oaths or a commissioned or non-commissioned officer of the military not below the rank of sergeant or its equivalent, certifying that the voter or other individual requesting absentee ballots has attested to the truthfulness of the contents of the application under oath.*

A form for providing this information shall be prepared by each county auditor and shall be furnished to individuals who request it pursuant to this section.

Sec. 18. [203B.18] [FORWARDING APPLICATIONS.] *If an application for absentee ballots under Article III, Sections 16 to 27, is received by the secretary of state or by any election official other than the proper county auditor described in Article III, Section 17, Subdivision 1, that official shall forward the application to the appropriate county auditor.*

Sec. 19. [203B.19] [RECORDING APPLICATIONS.] *Upon accepting an application, the county auditor shall record in a permanent register the voter's name, address of present or former residence in Minnesota, mailing address, and the category under Article III, Section 16, to which the voter belongs. After recording this information, the county auditor shall retain the application for two years after the date of the next general election. A voter whose name is recorded as provided in this section shall not be required to register under any other provision of law in order to vote under Article III, Sections 16 to 27.*

Sec. 20. [203B.20] [CHALLENGES.] *Except as provided in this section, the eligibility or residence of a voter whose application for absentee ballots is recorded under Article III, Section 19 may be challenged in the manner set forth by Article II, Section 22. The county auditor or municipal clerk shall not be required to serve a copy of the petition and notice of hearing on the challenged voter. All reasonable doubt shall be resolved in favor of the validity of the application. If the voter's challenge is affirmed, the county auditor shall provide the challenged voter with a copy of the petition and the decision and shall inform the voter of the right to appeal as provided in Article II, Section 22.*

Sec. 21. [203B.21] [BALLOTS AND ENVELOPES.] *Subdivision 1. Absentee ballots under Article II, Sections 16 to 27 shall conform to the requirements of the Minnesota election law, except that modifications in the size or form of ballots or envelopes may be made if necessary to satisfy the requirements of the United States postal service.*

Subd. 2. *Ballots and instructions for marking them shall be sent by first class mail to addresses within the continental United States and by air mail to addresses outside the continental United States. The ballot envelope and return envelope shall be marked "Official Ballot," and shall contain sufficient postage to assure proper return delivery. The return envelope shall be addressed to comply with any method for return of absentee ballots as authorized under Article III, Section 8, Subdivision 2.*

Subd. 3. On the back of the return envelope an affidavit form shall appear with space for:

(a) The voter's address of present or former residence in Minnesota;

(b) A statement indicating the category described in Article III, Section 16 to which the voter belongs;

(c) A statement that the voter has not cast and will not cast another ballot in the same election or elections;

(d) A statement that the voter personally marked the ballots without showing them to anyone, or if physically unable to mark them, that the voter directed another individual to mark them; and

(e) The signature and certification of an individual authorized to administer oaths or a commissioned or non-commissioned officer of the military not below the rank of sergeant or its equivalent.

Subd. 4. No envelope, return envelope, or instruction to voters shall contain the name of an individual who appears as a candidate on any enclosed ballot.

Sec. 22. [203B.22] [MAILING BALLOTS.] *The county auditor shall mail the appropriate ballots, as promptly as possible, to an absent voter whose application has been recorded under Article III, Section 19. If the county auditor determines that a voter is not eligible to vote at the primary but will be eligible to vote at the general election, only general election ballots shall be mailed. Only one set of ballots shall be mailed to any applicant for any election. Ballots to be sent outside the United States shall be given priority in mailing. A county auditor may make use of any special service provided by the United States government for the mailing of voting materials under Article III, Sections 16 to 27.*

Sec. 23. [203B.23] [APPLICATION RECORDS; DELIVERY TO ELECTION JUDGES.] *When election materials are transmitted to the town and city clerks as provided in Article IV, Section 28, Subdivision 2, the county auditor shall also transmit a certified copy of the record of applications compiled as provided in Article III, Section 19, for absentee ballots to be cast at that election in that town or city. A certified copy of the record of additional applications received by the county auditor after the ballots have been delivered shall also be delivered to the appropriate town or city clerk. Each town and city clerk shall in turn deliver to the election judges in the appropriate precincts the application records received from the county auditor.*

Sec. 24. [203B.24] [DUTIES OF ELECTION JUDGES.] *Subdivision 1. Upon receipt of an absentee ballot returned as provided in Article III, Sections 16 to 27, the election judges shall compare the voter's name with the names appearing on their copy of the application records to insure that the ballot is from a voter eligible to cast an absentee ballot under Article III, Sec-*

tions 16 to 27. Any discrepancy or disqualifying fact shall be noted on the envelope by the election judges. Failure to return unused ballots shall not invalidate a marked ballot, but a ballot shall not be counted if the affidavit on the return envelope is not properly executed. In all other respects the provisions of the Minnesota election law governing deposit and counting of ballots shall apply.

Subd. 2. The election judges shall compare the voter's name with the names appearing on their copy of the application records to insure that the voter has not already returned a ballot in the election. If a voter whose application has been recorded under Article III, Section 19 casts a ballot in person on election day, no absentee ballot shall be counted for that voter. If more than one return envelope is received from a voter whose application has been recorded under Article III, Section 19, the ballots in the return envelope bearing the latest date shall be counted.

Sec. 25. [203B.25] [DEATH OF VOTER; INDIVIDUALS VOTING UNDER SPECIAL ABSENTEE PROCEDURES.] If the election judges receive proof that a voter who has returned an absentee ballot as provided in Article III, Sections 16 to 27, has died before the time when voting is scheduled to begin on election day, the ballot of that voter shall be returned by the election judges with the rejected ballots. Notwithstanding the other provisions of this section, the counting of the absentee ballot of a deceased voter shall not invalidate the election.

Sec. 26. [203B.26] [SEPARATE RECORD.] A separate record of the ballots of absent voters cast under Article III, Sections 16 to 27 shall be kept in each precinct.

Sec. 27. [203B.27] [EXPENSE CHARGEABLE TO GENERAL REVENUE.] Expenses incurred by a county auditor to carry out the provisions of Article III, Sections 16 to 27 shall be paid by that county from its general revenue fund.

ARTICLE IV

ELECTIONS, GENERAL PROVISIONS

Section 1. [204B.01] [DEFINITIONS.] The definitions in Minnesota Statutes, Chapter 200 apply to this article.

Sec. 2. [204B.02] [APPLICATION.] This article applies to all elections held in this state, except school district elections and except as otherwise provided by law.

Sec. 3. [204B.03] [MANNER OF NOMINATION.] Candidates of a major political party for a partisan office and all candidates for nonpartisan office shall apply for a place on the primary ballot by filing an affidavit of candidacy as provided in Article IV, Section 6, and except as otherwise provided in Article VI, Section 7, Subdivision 3, shall be nominated by primary. Candidates for any partisan office who do not seek the nomination of a major political party shall be nominated by nominating petition as provided in Article IV, Sections 7 and 8, and shall file an affidavit of candidacy as provided in Article IV, Section 6.

Sec. 4. [204B.04] [CANDIDACY; PROHIBITIONS.] *Subdivision 1. [MAJOR PARTY CANDIDATES.] No individual shall be named on any ballot as the candidate of more than one major political party. No individual who has been certified by a canvassing board as the nominee of any major political party shall be named on any ballot as the candidate of any other major political party at the next ensuing general election.*

Subd. 2. [CANDIDATES SEEKING NOMINATION BY PRIMARY.] No individual who seeks nomination for any partisan or nonpartisan office at a primary shall be nominated for the same office by nominating petition except as provided in Article VI, Section 10, Subdivision 2.

Subd. 3. [NOMINATION FOR NONPARTISAN OFFICE.] No individual shall be nominated by nominating petition for any nonpartisan office except in the event of a vacancy in nomination as provided in Article IV, Section 13.

Sec. 5. [204B.05] [WOMEN CANDIDATES; NAMES.] *Any married woman, or widow who has not remarried, may use the title "Mrs." and the name or initials of her husband, or deceased husband, in stating her own name on an affidavit of candidacy or on a nominating petition filed pursuant to this article. The name as written on the affidavit or petition shall be used in designating the candidate on the official ballot.*

Sec. 6. [204B.06] [FILING FOR PRIMARY; AFFIDAVIT OF CANDIDACY.] *Subdivision 1. [FORM OF AFFIDAVIT.] An affidavit of candidacy shall state the name of the office sought and shall state that the candidate:*

(a) Is an eligible voter;

(b) Has no other affidavit on file as a candidate for any other office at the same primary or next ensuing general election; and

(c) Is, or will be on assuming the office, 21 years of age or more, and will have maintained residence in the district from which he seeks election for 30 days before the general election.

An affidavit of candidacy for partisan office shall also state the name of the candidate's political party or political principle, stated in three words or less.

Subd. 2. [MAJOR PARTY CANDIDATES.] A candidate who seeks the nomination of a major political party for a partisan office shall state on the affidavit of candidacy that he participated in that party's most recent caucus in the election precinct in which he maintained residence or that he intends to vote for a majority of that party's candidates at the next ensuing general election.

Subd. 3. [INDEPENDENT OR NONAFFILIATED CANDIDATES.] A candidate for any partisan office who does not seek the nomination of any major political party and whose political principle is expressed on a nominating petition using the word "independent" or any other word indicating nonaffiliation with

any political party shall state on the affidavit of candidacy that the candidate did not seek, does not intend to seek and will not accept the support of any political party in that election.

Subd. 4. [PARTICULAR OFFICES.] Candidates who seek nomination for the following offices shall state the following additional information on the affidavit:

(a) For United States senator, that the candidate will be 30 years of age or older and a citizen of the United States for not less than nine years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(b) For United States representative, that the candidate will be 25 years of age or older and a citizen of the United States for not less than seven years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(c) For governor or lieutenant governor, that on the first Monday of the next January the candidate will be 25 years of age or older and, on the day of the state general election, a resident of Minnesota for not less than one year;

(d) For supreme court justice or district court judge, that the candidate is learned in the law;

(e) For county or county municipal court judge or other judicial officer, that the candidate is qualified as prescribed by law;

(f) For senator or representative in the legislature, that on the day of the general or special election to fill the office the candidate will have resided not less than one year in the state and not less than six months in the legislative district from which the candidate seeks election.

Subd. 5. [UNITED STATES SENATOR; TWO CANDIDATES AT SAME ELECTION.] When two candidates are to be elected United States senators from this state at the same election, each individual filing for the nomination shall state in the affidavit of candidacy the term for which the individual desires to be a candidate, by stating the date of the expiration of the term.

Subd. 6. [JUDICIAL CANDIDATES; DESIGNATION OF TERM.] An individual who files as a candidate for the office of associate justice of the supreme court, judge of the district court, or judge of county or county municipal court shall state in the affidavit of candidacy the office of the particular justice or judge for which the individual is a candidate. The individual shall be a candidate only for the office identified in the affidavit. Each justice of the supreme court and each district, county or county municipal court judge is deemed to hold a separate nonpartisan office.

Subd. 7. [GOVERNOR AND LIEUTENANT GOVERNOR.] An individual who files as a candidate for governor or lieutenant

governor shall file the affidavit of candidacy jointly with the affidavit of another individual who seeks nomination as a candidate for the other office.

Sec. 7. [204B.07] [NOMINATING PETITIONS.] Subdivision 1. [FORM OF PETITION.] *A nominating petition may consist of one or more separate pages each of which shall state:*

(a) The office sought;

(b) The candidate's name and residence address, including street and number if any; and

(c) The candidate's political party or political principle expressed in not more than three words. No candidate who files for a partisan office by nominating petition shall use the term "nonpartisan" as a statement of his political principle or the name of his political party. A candidate who files by nominating petition to fill a vacancy in nomination for a nonpartisan office pursuant to Article IV, Section 13, shall not state any political principle or the name of any political party on the petition.

Subd. 2. [PETITIONS FOR PRESIDENTIAL ELECTORS.] *On petitions nominating presidential electors, the names of the candidates for president and vice-president shall be added to the political party or political principle stated on the petition. One petition may be filed to nominate a slate of presidential electors equal in number to the number of electors to which the state is entitled.*

Subd. 3. [NUMBER OF CANDIDATES NOMINATED.] *No nominating petition shall contain the name of more than one candidate except a petition jointly nominating individuals for governor and lieutenant governor or nominating a slate of presidential electors.*

Subd. 4. [OATH AND ADDRESS OF SIGNER.] *Following the information required by subdivisions 1 and 2 and before the space for signing, each separate page that is part of the petition shall include an oath in the following form:*

"I solemnly swear (or affirm) that I know the contents and purpose of this petition, that I do not intend to vote at the primary election for the office for which this nominating petition is made, and that I signed this petition of my own free will."

Notarization or certification of the signatures on a nominating petition is not required. After the name of each signer shall be written the signer's residence address including street and number, if any, and mailing address if different from residence address.

Subd. 5. [SAMPLE FORMS.] *An official with whom petitions are filed shall make sample forms for nominating petitions available upon request.*

Subd. 6. [PENALTY.] *An individual who, in signing a nominating petition, makes a false oath is guilty of perjury.*

Sec. 8. [204B.08] [SIGNING PETITIONS.] *Subdivision 1. [TIME FOR SIGNING.] Nominating petitions shall be signed during the period when petitions may be filed as provided in Article IV, Section 9.*

Subd. 2. [QUALIFICATIONS OF SIGNERS.] A nominating petition may be signed only by individuals who are eligible to vote for the candidate who is nominated. No individual may sign more than one nominating petition for candidates for the same office unless more than one candidate is to be elected to that office. If more than one candidate is to be elected to the office, an individual may sign as many petitions as there are candidates to be elected.

Subd. 3. [NUMBER OF SIGNATURES.] The number of signatures required on a nominating petition shall be as follows:

(a) For a state office voted on statewide or for United States senator, one percent of the total number of individuals voting in the state at the last preceding state general election, or 2,000, whichever is less;

(b) For a congressional or judicial district office, five percent of the total number of individuals voting in the district at the last preceding state general election, or 1,000, whichever is less;

(c) For a county or legislative office, ten percent of the total number of individuals voting in the county or legislative district at the last preceding state or county general election, or 500, whichever is less; and

(d) For a municipal office in a city of the first class, the number specified in Article VII, Section 8.

Sec. 9. [204B.09] [TIME AND PLACE OF FILING AFFIDAVITS AND PETITIONS.] *Subdivision 1. [CANDIDATES IN STATE AND COUNTY GENERAL ELECTIONS.] Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state and federal offices filled at the state general election shall be filed not more than 70 days nor less than 56 days before the state primary. Candidates for presidential electors may file affidavits and petitions on or before the state primary day. Nominating petitions to fill vacancies in nominations shall be filed as provided in Article IV, Section 13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing. Affidavits and petitions for offices to be voted on in only one county shall be filed with the county auditor of that county. Affidavits and petitions for offices to be voted on in more than one county shall be filed with the secretary of state.*

Subd. 2. [OTHER ELECTIONS.] Affidavits of candidacy and nominating petitions for city, town or other elective offices shall be filed during the time and with the official specified in Minnesota Statutes, Chapter 205 or other applicable law or charter.

Sec. 10. [204B.10] [AFFIDAVITS OF CANDIDACY; NOMINATING PETITIONS; DUTIES OF ELECTION OFFICIALS.]

Subdivision 1. [AFFIDAVITS OF CANDIDACY; NUMBERING.] *The official with whom affidavits of candidacy are filed shall number them in the order received.*

Subd. 2. [NOMINATING PETITIONS; ACKNOWLEDGEMENT; NUMBERING.] *On the day a nominating petition is filed, the election official shall deliver or mail an acknowledgement of the petition to the individual who files it and to the candidate who is to be nominated. The election official shall also number the petitions in the order received. The petitions shall be retained as provided in Article IV, Section 40, and shall be available for public inspection during that period.*

Subd. 3. [INSPECTION.] *The official with whom nominating petitions are filed shall inspect the petitions in the order filed to verify that there are a sufficient number of signatures of individuals whose residence address as shown on the petition is in the district where the candidate is to be nominated.*

Subd. 4. [CERTIFICATION.] *The secretary of state shall certify to the county auditor of each county the names of all candidates nominated by petitions filed with the secretary of state. Certification shall be made at the same time as the secretary of state certifies the names of candidates who are nominated at the primary.*

Sec. 11. [204B.11] [CANDIDATES; FILING FEES; PETITION IN PLACE OF FILING FEE.] Subdivision 1. [AMOUNT.] *Except as provided by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:*

(a) *For the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, secretary of state, representative in congress, judge of the supreme court, judge of the district court, or judge of the county municipal court of Hennepin county, \$100;*

(b) *For the office of senator in congress, \$150;*

(c) *For office of senator or representative in the legislature, \$20; and*

(d) *For a county office, \$20.*

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees received by the secretary of state shall immediately be paid to the state treasurer.

When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, the filing fee shall not be refunded.

Subd. 2. [PETITION IN PLACE OF FILING FEE.] *At the*

time of filing an affidavit of candidacy, a candidate may present a petition in place of the filing fee. The petition may be signed by any individual eligible to vote for the candidate. A nominating petition filed pursuant to Article IV, Section 7 or Article IV, Section 13, Subdivision 4, is effective as a petition in place of a filing fee if the nominating petition includes a prominent statement informing the signers of the petition that it will be used for that purpose.

The number of signatures on a petition in place of a filing fee shall be as follows:

(a) For a state office voted on statewide or for United States senator, 2,000;

(b) For a congressional office, 1,000;

(c) For a county or legislative office, or for the office of district, county or county municipal judge, 500; and

(d) For any other office which requires a filing fee as prescribed by law, municipal charter or ordinance, the lesser of 500 signatures or five percent of the total number of votes cast in the municipality, ward or other election district at the preceding general election at which that office was on the ballot.

An official with whom petitions are filed shall make sample forms for petitions in place of filing fees available upon request.

Sec. 12. [204B.12] [WITHDRAWAL OF CANDIDATES.] Subdivision 1. [BEFORE PRIMARY.] A candidate may withdraw his name from the primary ballot by filing an affidavit of withdrawal with the same official who received the affidavit of candidacy. The affidavit shall request that official to withdraw the candidate's name from the ballot and shall be filed no later than six days after the last day for filing for the office.

Subd. 2. [AFTER PRIMARY.] Any candidate nominated at a primary or by a nominating petition may withdraw his name from the general election ballot by filing an affidavit of withdrawal with the official who received his affidavit of candidacy. The affidavit shall be filed not later than 35 days before the general election.

Subd. 3. [TIME FOR FILING.] An affidavit of withdrawal filed pursuant to subdivision 1 or 2 shall not be accepted later than 5:00 p.m. on the last day for withdrawal.

Sec. 13. [204B.13] [VACANCY IN NOMINATION.] Subdivision 1. [DEATH OR WITHDRAWAL.] A vacancy in nomination may be filled in the manner provided by this section. A vacancy in nomination exists when:

(a) A major political party candidate or nonpartisan candidate who was nominated at a primary dies, withdraws, or for any other reason ceases to be the nominated candidate for that office; or

(b) A candidate for a nonpartisan office, for which one or two

candidates filed, dies or withdraws after the last day for filing for that office.

Subd. 2. [PARTISAN OFFICE; NOMINATION BY PARTY COMMITTEE.] A vacancy in nomination of a major political party may be filled by filing a nomination certificate not later than four days before the general election with the same official who received the affidavits of candidacy for that office.

The nomination certificate shall be prepared under the direction of and executed by the chairman and secretary of the proper committee of that political party. The chairman and secretary when filing the certificate shall attach an affidavit stating that the newly nominated candidate has been selected by that committee and that the individuals signing the certificate and making the affidavit are the chairman and secretary of the committee.

Subd. 3. [PARTISAN OFFICE; NOMINATION OF NEXT HIGHEST CANDIDATE.] If there is no committee to fill a vacancy in nomination of a major political party as provided in subdivision 2, the vacancy shall be filled by the candidate who received the next highest number of votes at the primary for that office among candidates of that party. If a vacancy in nomination occurs in a nonpartisan office, the unnominated candidate who received the next highest number of votes at the primary for the office shall fill the vacancy.

Subd. 4. [PARTISAN OR NONPARTISAN OFFICE; FILLING VACANCY BY NOMINATING PETITIONS.] If a vacancy in nomination cannot be filled pursuant to subdivision 2 or 3, the vacancy shall be filled by nominating petition in the manner provided in Article IV, Sections 6 to 9. The petition shall be filed within one week after the vacancy in nomination occurs, but not later than four calendar days before the election.

An individual is eligible to sign a nominating petition to fill a vacancy in nomination without regard to whether that individual intends to vote or did vote for any candidate for that office at the primary or signed other nominating petitions for candidates for that office.

Sec. 14. [204B.14] [ELECTION PRECINCTS.] Subdivision 1. **[BOUNDARIES.]** The governing body of each municipality shall establish the boundaries of the election precincts in the municipality. The governing body of a county shall establish the boundaries of precincts in unorganized territory in the county. Except as provided in subdivision 3, a governing body may change the boundaries of any election precinct which it has established.

Subd. 2. [SEPARATE PRECINCTS; REQUIREMENTS.] The following shall constitute at least one election precinct:

(a) Each city ward; and

(b) Each town and each statutory city, unless a town and statutory city are combined for election purposes. Notwithstanding any law to the contrary, each town and each statutory city located within the metropolitan area as defined in Minnesota

Statutes, Section 473.121, Subdivision 2 shall constitute at least one election precinct.

Subd. 3. [BOUNDARY CHANGES; PROHIBITIONS; EXCEPTION.] During the period from January 1 in any year ending in seven to January 1 in any year ending in two, no changes may be made in the boundaries of any election precinct except as provided in this subdivision. If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

A municipality or county may establish new election precincts lying entirely within the boundaries of any existing precinct and shall assign names to the new precincts which include the name of the former precinct.

Subd. 4. [BOUNDARY CHANGE PROCEDURE.] Any change in the boundary of an election precinct shall be adopted at least 90 days before the date of the next election, and shall not take effect until notice of the change has been posted in the office of the municipal clerk or county auditor for at least 60 days. The municipal clerk or county auditor shall notify each affected registered voter of the change in election precinct boundaries at least 30 days prior to the first election held after the change takes effect.

Subd. 5. [PRECINCT BOUNDARIES; DESCRIPTION; MAPS.] Each municipal clerk shall prepare and file with the county auditor of each county in which the municipality is located, with the secretary of state and with the state demographer in the state planning agency maps showing the correct boundaries of each election precinct in the municipality. At least 30 days before any change in an election precinct or in a corporate boundary becomes effective, the municipal clerk shall prepare maps showing the new boundaries of the precincts and shall forward copies of these maps to the secretary of state, the appropriate county auditors and the state demographer. The clerk shall retain copies of the precinct maps for public inspection. The county auditor shall prepare and file precinct boundary maps for precincts in unorganized territories in the same manner as provided for precincts in municipalities. For every election held in the municipality the election judges shall be furnished precinct maps as provided in article II, section 8, subdivision 6.

Subd. 6. [PRECINCT BOUNDARIES TO FOLLOW PHYSICAL FEATURES.] The boundaries of election precincts shall follow visible, clearly recognizable physical features. If it is not possible to establish the boundary between any two adjacent precincts along such features, the boundary around the two precincts combined shall be established to comply with the provisions of this subdivision. The maps required by subdivision 5 shall clearly indicate which boundaries do not follow visible, clearly recognizable physical features.

For the purposes of this subdivision, "visible, clearly recogniz-

able physical feature" means a street, road, boulevard, parkway, river, stream, shoreline, drainage ditch, railway right-of-way, or any other line which is clearly visible from the ground. A street or other roadway which has been platted but not graded is not a visible, clearly recognizable physical feature for the purposes of this subdivision.

Subd. 7. [APPLICATION TO MUNICIPALITIES.] Notwithstanding the provisions of Minnesota Statutes, Section 410.21, or any other law, ordinance or charter to the contrary, the provisions of subdivisions 1, 3 and 6 apply to all municipalities.

Sec. 15. [204B.15] [UNORGANIZED TERRITORY; ELECTION PRECINCTS.] A county board, at its meeting in either January or July, upon the petition of not less than ten eligible voters residing in unorganized territory more than ten miles from the polling place in any established precinct, shall establish a new election precinct. The board shall designate a polling place for the new precinct that is convenient for the individuals residing in it. No polling place designated under this section shall be located within ten miles of an existing polling place.

Sec. 16. [204B.16] [POLLING PLACES; DESIGNATION.]
Subdivision 1. [AUTHORITY; LOCATION.] The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. The polling place for a precinct in a municipality shall be located within the boundaries of the precinct or within 1500 feet of one of those boundaries unless a single polling place is designated for a city pursuant to subdivision 2. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct.

Subd. 2. [SINGLE POLLING PLACE PERMITTED.] The governing body of any city of the third or fourth class having more than one precinct or of any city with territory in more than one county may by ordinance or resolution designate a single, centrally located polling place where all the voters of the city shall cast their ballots. A single board of election judges may be appointed to serve at this polling place. The number of election judges appointed shall be determined by considering the number of voters in the entire city as if they were voters in a single precinct. Separate ballot boxes shall be provided and separate returns made for each precinct in the city.

Subd. 3. [DESIGNATION EFFECTIVE UNTIL CHANGED.] The designation of a polling place pursuant to this section shall remain effective until a different polling place is designated for that precinct. No designation of a new or different polling place shall become effective less than 30 days prior to an election.

Subd. 4. [PROHIBITED LOCATIONS.] No polling place shall be designated in any place where intoxicating liquors or non-intoxicating malt beverages are served or in any adjoining room. No polling place shall be designated in any place in which sub-

stantial compliance with the requirements of this article cannot be attained.

Subd. 5. [ACCESS BY ELDERLY AND HANDICAPPED.] *Each polling place shall be accessible to and usable by elderly and physically handicapped individuals. A polling place is deemed to be accessible and usable if it complies with the following standards:*

(a) At least one set of doors shall have a minimum width of 31 inches if the doors must be used to enter or leave the polling place.

(b) Any curb adjacent to the main entrance to a polling place shall have curb cuts or temporary ramps.

(c) At least one set of stairs shall have a temporary handrail and ramp if stairs must be used to enter or leave the polling place.

(d) No barrier in the polling place shall impede the path of the physically handicapped to the voting booth.

A governing body shall designate as polling places only those places which meet the standards prescribed in this subdivision unless no available place within a precinct can be made accessible.

Sec. 17. [204B.17] [CHANGE OF POLLING PLACE BY ELECTION JUDGES.] *When a designated polling place does not comply with the requirements of this article the election judges of that precinct, on or before the opening of the polls on election day and upon approval by the municipal clerk in municipalities or the county auditor in unorganized territory, shall procure a polling place which is as near the designated polling place as possible and which does comply with those requirements.*

When a new polling place is procured by the election judges, they shall meet on election day at the original polling place where they shall fill any vacancies in their number, publicly announce the change in polling place to the voters who are present and post a notice of the change in a conspicuous place. Upon completing these duties the election judges shall adjourn to the new polling place, where they shall post a similar notice of the change in polling place. The election judges shall certify to the appropriate governing body the expenses incurred because of the change. These expenses shall be paid as part of the expenses of the election.

Sec. 18. [204B.18] [POLLING PLACES; EQUIPMENT.]
Subdivision 1. [BOOTHES.] *Each polling place shall contain a number of voting booths in proportion to the number of individuals eligible to vote in the precinct. Each booth shall be at least six feet high, three feet deep and two feet wide with a shelf at least two feet long and one foot wide placed at a convenient height for writing. The booth shall be provided with a door or curtain and shall be constructed so that a voter is free from observation while marking ballots. During the hours of voting, the booths shall be provided with instructions, a pencil, and other supplies*

needed to mark the ballots. All ballot boxes, voting booths and election judges shall be in open public view in the polling place.

Subd. 2. [BALLOT BOXES.] Each polling place shall be provided with one ballot box for each kind of ballot to be cast at the election. The boxes shall be substantially the same color as the ballots to be deposited in them. Each box shall be of sufficient size and shall have a sufficient opening to receive and contain all the ballots likely to be deposited in it.

Sec. 19. [204B.19] [ELECTION JUDGES; QUALIFICATIONS.] Subdivision 1. [INDIVIDUALS QUALIFIED TO BE ELECTION JUDGES.] *Any individual who is eligible to vote in an election precinct is qualified to be appointed as an election judge for that precinct subject to the provisions of this section. If an insufficient number of eligible voters maintaining residence in any precinct are willing and qualified to be appointed election judges for that precinct, the appointing authority may appoint as an election judge for that precinct any qualified individual who is eligible to vote in the territory under the jurisdiction of the authority which established the precinct.*

Subd. 2. [INDIVIDUALS NOT QUALIFIED TO BE ELECTION JUDGES.] *No individual shall be appointed as an election judge for any precinct if that individual:*

(a) Is unable to read, write or speak the English language;

(b) Is the spouse, parent, child or sibling of any election judge serving in the same precinct or of any candidate at that election or of any member of the governing body of the municipality or county which established the precinct;

(c) Is a candidate at that election; or

(d) Is receiving compensation as an employee or officer of the United States, the state or any municipality or county in the state.

Subd. 3. [EXCEPTIONS.] *Notwithstanding subdivision 2, clause (d), the following individuals may serve as election judges in municipalities with only one election precinct:*

(a) Any town clerk, town treasurer or member of a town board; and

(b) Any city clerk or member of the city council of any statutory city.

Subd. 4. [ADDITIONAL QUALIFICATIONS PERMITTED; EXAMINATION.] *The appointing authority may establish additional qualifications which are not inconsistent with the provisions of this section and which relate to the ability of an individual to perform the duties of an election judge. The appointing authority may examine any individual who seeks appointment as an election judge to determine whether the individual meets any qualification established under this section.*

Subd. 5. [PARTY BALANCE REQUIREMENT.] *No more*

than half of the election judges in a precinct may be members of the same major political party unless the election board consists of an odd number of election judges, in which case the number of election judges who are members of the same major political party may be one more than half the number of election judges in that precinct.

Sec. 20. [204B.20] [ELECTION BOARD; CHAIRMAN; DUTIES.] *The election judges appointed to serve in an election precinct shall constitute the election board for that precinct. The appointing authority shall designate one of the election judges in each precinct to serve as the chairman of the election board. The chairman shall assign specific duties to the election judges of that precinct as necessary or convenient to complete forms, obtain signatures, and perform all the other duties required of election judges.*

Sec. 21. [204B.211] [APPOINTMENT OF ELECTION JUDGES.] Subdivision 1. [APPOINTMENT LISTS; DUTIES OF POLITICAL PARTIES AND COUNTY AUDITOR.] *At least 65 days before any election for a partisan political office, the county or legislative district chairmen of each major political party, whichever is designated by the state party, shall prepare a list of eligible voters to act as election judges in each election precinct in the county or legislative district. The chairmen shall furnish the lists to the county auditor of the county in which the precinct is located.*

At least 55 days before the date of the election, the county auditor shall furnish to the appointing authorities a list of the appropriate names for each election precinct in the jurisdiction of the appointing authority. Separate lists shall be submitted by the county auditor for each major political party.

Subd. 2. [APPOINTING AUTHORITY; POWERS AND DUTIES.] *Election judges for precincts in a municipality shall be appointed by the governing body of the municipality. Election judges for precincts in unorganized territory shall be appointed by the county board. Appointments shall be made from lists furnished pursuant to subdivision 1 subject to the eligibility requirements and other qualifications established or authorized under Article IV, Section 19. If no lists have been furnished or if additional election judges are required after all listed names have been exhausted, the appointing authority may appoint any other individual to serve as an election judge subject to the same requirements and qualifications. The appointments shall be made at least 25 days before the election at which the election judges will serve.*

Sec. 22. [204B.22] [ELECTION JUDGES; NUMBER REQUIRED.] Subdivision 1. [MINIMUM NUMBER REQUIRED.] *A minimum of three election judges shall be appointed for each precinct. The appointing authorities may appoint election judges for any precinct in addition to the number required by this subdivision including additional election judges to count ballots after voting has ended.*

Subd. 2. [ADDITIONAL ELECTION JUDGES IN PAPER BALLOT PRECINCTS.] *In precincts using paper ballots, one election judge shall be appointed for each 150 votes cast in that precinct at the last similar election. At each state primary or state general election in precincts using paper ballots and in which more than 300 votes were cast at the last similar election, additional election judges shall be appointed to count the ballots and complete the returns in place of the election board that served while voting was taking place.*

Sec. 23. [204B.23] [VACANCIES AMONG ELECTION JUDGES.] *A vacancy on an election board occurs when any election judge who is a member of that board:*

(a) Fails to arrive at the polling place within 30 minutes after the time when the polling place is scheduled to open;

(b) Becomes unable to perform the duties of the office after assuming those duties; or

(c) For any reason fails or refuses to perform the duties of the office as assigned by the chairman of the election board.

When a vacancy occurs, the remaining election judges of the precinct shall elect an individual to fill the vacancy subject to the provisions of Article IV, Section 19. When possible the election judges shall elect individuals who have been trained as election judges pursuant to Article IV, Section 25. The oath signed by the new election judge shall indicate that the new election judge was elected to fill a vacancy.

Sec. 24. [204B.24] [ELECTION JUDGES; OATH.] *Each election judge shall sign the following oath before assuming the duties of the office:*

"I solemnly swear that I will perform the duties of election judge according to law and the best of my ability and will diligently endeavor to prevent fraud, deceit and abuse in conducting this election."

The oath shall be attached to the summary statement of the election returns of that precinct. If there is no individual present who is authorized to administer oaths, the election judges may administer the oath to each other.

Sec. 25. [204B.25] [TRAINING FOR ELECTION JUDGES.]
Subdivision 1. [DUTIES OF COUNTY AUDITOR.] *Each county auditor shall provide training for all election judges who are appointed to serve at any election to be held in the county. The county auditor shall also provide a procedure for emergency training of election judges elected to fill vacancies. The county auditor may delegate to a municipal election official the duty to provide training of election judges in that municipality.*

Subd. 2. [RULES OF SECRETARY OF STATE.] *The secretary of state shall adopt rules establishing a program for the*

training of election judges by county auditors as required by this section.

Subd. 3. [TRAINED ELECTION JUDGES; NUMBER REQUIRED.] *Each election precinct in which less than 100 individuals voted at the last state general election shall have at least two election judges who are members of different major political parties who have received training as required in this section. In every other election precinct, no individual may serve as an election judge who has not received training as required by subdivision 1.*

Sec. 26. [204B.26] [ELECTION JUDGES; VIOLATIONS; PENALTIES.] *Any individual who serves as an election judge in violation of any of the provisions of Article IV, Sections 19 to 25, is guilty of a misdemeanor.*

Sec. 27. [204B.27] [DUTIES OF SECRETARY OF STATE.]
Subdivision 1. [BLANK FORMS.] *At least 15 days before every state election the secretary of state shall transmit to each county auditor a sufficient number of blank county abstract forms, affidavits of challenged voters, and any other blank forms that the secretary of state deems necessary for the conduct of the election.*

Subd. 2. [ELECTION LAW AND INSTRUCTIONS.] *The secretary of state shall prepare and publish a volume containing all state general laws relating to elections. The attorney general shall provide annotations to the secretary of state for this volume. On or before July 1 of every even numbered year the secretary of state shall furnish to the county auditors and municipal clerks sufficient copies of this volume so that each county auditor, municipal clerk and election precinct will have at least one copy. The secretary of state shall determine the manner in which the volume is distributed. The secretary of state may prepare and transmit to the county auditors and municipal clerks detailed written instructions for complying with election laws relating to the conduct of elections, conduct of voter registration and voting procedures.*

Subd. 3. [INSTRUCTION POSTERS.] *At least 15 days before every state election the secretary of state shall prepare and furnish to the county auditor of each county in which paper ballots are used, voter instruction posters printed in large type upon cards or heavy paper. The instruction posters shall contain the information needed to enable the voters to cast their paper ballots quickly and correctly. Two instruction posters shall be furnished for each precinct in which paper ballots are used.*

Subd. 4. [PAMPHLETS.] *The secretary of state may prepare and distribute to election officials pamphlets for voters containing impartial instructions relating to voter registration and election procedures.*

Subd. 5. [CONFERENCES FOR COUNTY AUDITORS.] *Before each state primary the secretary of state shall conduct conferences with county auditors to instruct them on the administration of election laws and the training of local election officials and election judges.*

Sec. 28. [204B.28] [CLERKS; ELECTION SUPPLIES; DUTIES.] Subdivision 1. [TRAINING PROGRAM FOR ELECTION OFFICIALS.] Before each state primary, each county auditor shall conduct a training program for local election officials. The county auditor may require the municipal clerks and the chairmen of the election boards in the county to meet for this training program at a time and place set by the county auditor. The training program shall include instruction in election procedures and the duties of municipal clerks and election judges. The chairmen of the election boards shall be compensated by the municipalities for the incidental expenses incurred by them to attend a training program.

Subd. 2. [ELECTION SUPPLIES; DUTIES OF COUNTY AUDITORS AND CLERKS.] Except as otherwise provided for absentee ballots in Article IV, Section 35, Subdivision 4, the county auditor shall complete the preparation of the election materials for which he is responsible at least one week before every state primary and state general election. At any time after all election materials are available from the county auditor but not later than one week before the election each municipal clerk shall secure from the county auditor:

- (a) The forms that are required for the conduct of the election;
- (b) Any printed voter instruction materials furnished by the secretary of state;
- (c) Any other instructions for election officers; and
- (d) A sufficient quantity of the official ballots, ballot boxes, registers, registration files, envelopes for ballot returns, and other supplies and materials required for each precinct in order to comply with the provisions of the Minnesota election law. The county auditor may furnish the election supplies to the municipal clerks in the same manner as the supplies are furnished to precincts in unorganized territory pursuant to Article IV, Section 29, Subdivision 1.

Sec. 29. [204B.29] [ELECTION JUDGES; ELECTION SUPPLIES; DUTIES.] Subdivision 1. [SECURING ELECTION MATERIALS.] Before 9:00 p.m. on the day preceding an election, at least one election judge from each precinct in each municipality shall secure election registers or voter registration files, ballots, forms, envelopes and other required supplies from the municipal clerk or other legal custodian. The election judge shall deliver the materials to the polling place before the time when voting is scheduled to begin on election day. The county auditor shall send or deliver the election supplies enumerated in this section to the election judges in the precincts in unorganized territory. The election supplies may be sent by certified mail, parcel post, express mail or any other postal service providing assured delivery by no later than the day before the election. If the election supplies are delivered by any other means, they shall be delivered by no later than the day before the election.

Each precinct shall be furnished with 100 ballots of each kind for every 85 individuals who voted in that precinct at the last election for the same office or on similar questions, or with ballots of each kind in an amount at least ten percent greater than the number of votes which are reasonably expected to be cast in that precinct in that election, whichever supply of ballots is greater. No precinct shall be furnished with any ballots containing the name of any candidate who cannot properly be voted for in that precinct.

The election judges shall be responsible for the preservation of all election materials received by them until returned to the appropriate election officials after the voting has ended.

Subd. 2. [FAILURE OF ELECTION JUDGES TO SECURE MATERIALS.] *If no election judge secures the election materials for a precinct in any municipality as provided in subdivision 1, the municipal clerk shall deliver them to an election judge for that precinct not later than the time when voting is scheduled to begin. The municipal clerk shall require the election judge accepting delivery of the election supplies to sign a receipt for them. The election judges of that precinct shall pay the expenses of delivery of the materials and shall be liable for the penalty provided by law for neglect of duty.*

Sec. 30. [204B.30] [UNOFFICIAL BALLOTS.] *When no official or substitute ballots are ready at the time when voting is scheduled to begin or if the supply is exhausted before the voting ends, the election judges shall contact the municipal clerk and, at his direction, shall prepare unofficial ballots, printed or written as nearly as practicable in the form of the official ballots, which ballots may be used until official or substitute ballots are available. When unofficial ballots are prepared and used in any precinct, the election judges shall note that fact on the summary statement of the returns for that precinct and specify the number of unofficial ballots that were cast.*

Sec. 31. [204B.31] [COMPENSATION FOR ELECTION SERVICES.] *The compensation for services performed under the Minnesota election law shall be as follows:*

(a) To presidential electors from funds appropriated to the secretary of state for this purpose, \$35 for each day of attendance at the capitol and mileage for travel to and from the capitol in the amount allowed for state employees in accordance with rules adopted pursuant to Minnesota Statutes, Section 471.665, Subdivision 1;

(b) To individuals, other than county, city, or town employees during their normal work day, who are appointed by the county auditor to carry ballots to or from the county auditor's office, a sum not less than the prevailing Minnesota minimum wage for each hour spent in carrying ballots and mileage in the amount allowed for state employees in accordance with rules adopted pursuant to Minnesota Statutes, Section 471.665, Subdivision 1;

(c) To members of county canvassing boards, \$5 for each eight

hours of service as members of the canvassing board and mileage in the amount allowed for state employees in accordance with rules adopted pursuant to Minnesota Statutes, Section 471.665, Subdivision 1; except that members of the county canvassing boards in counties with a population of 600,000 or more shall be paid \$12 for each eight hours of service and mileage as otherwise provided in this clause;

(d) To election judges serving in any city, an amount fixed by the governing body of the city, to election judges serving in unorganized territory, an amount fixed by the county board, and to election judges serving in towns, an amount fixed by the town board. An election judge who travels to pick up election supplies or to deliver election returns to the county auditor shall receive, in addition to other compensation authorized by this section, a sum not less than the prevailing Minnesota minimum wage for each hour spent performing these duties, plus mileage in the same amount as allowed for state employees pursuant to section 471.665, subdivision 1; and;

(e) To sergeants at arms, an amount for each hour of service performed at the direction of the election judges, fixed in the same manner as compensation for election judges.

Sec. 32. [204B.32] [ELECTION EXPENSES; PAYMENT.] The secretary of state shall pay the compensation for presidential electors, the cost of printing the white ballots, special federal white ballots, and the pink ballots, and all necessary expenses incurred by the secretary of state in connection with elections. The counties shall pay the compensation prescribed in Article IV, Section 31, Clauses (b) and (c), the cost of printing the canary ballots, the state partisan primary ballots, and the state and county nonpartisan primary ballots, all necessary expenses incurred by county auditors in connection with elections, and the expenses of special county elections. The municipalities shall pay the compensation prescribed for election judges and sergeants at arms, the cost of printing the municipal ballots, providing ballot boxes, providing and equipping polling places and all necessary expenses of the municipal clerks in connection with elections, except special county elections. All disbursements under this section shall be presented, audited, and paid as in the case of other public expenses.

Sec. 33. [204B.33] [NOTICE OF OFFICES TO BE FILLED AT STATE GENERAL ELECTION.] Between June 1 and July 1 in each even numbered year, the secretary of state shall notify each county auditor of the offices to be voted for in that county at the next state general election for which candidates file with the secretary of state. The notice shall include the time and place of filing for those offices. Within ten days after notification by the secretary of state, each county auditor shall notify each municipal clerk in the county of all the offices to be voted for in the county at that election and the time and place for filing for those offices. The county auditors and municipal clerks shall promptly post a copy of that notice in their offices.

Sec. 34. [204B.34] [NOTICE OF ELECTION.] *Subdivision 1. [STATE ELECTIONS.] At least 15 days before any state primary or state general election the municipal clerk shall post in his office a notice stating the officers to be nominated or elected, the location of each polling place in the municipality, and the hours for voting. The county auditor shall post a similar notice in his office including information concerning any polling places in unorganized territory in the county. The governing body of a municipality or county may publish this notice in addition to posting it. Failure to give the notice required in this section shall not invalidate a state primary or state general election.*

Subd. 2. [MUNICIPAL ELECTIONS.] Notice of municipal elections shall be given as provided in Minnesota Statutes, Sections 205.13, Subdivision 2; and 205.16, Subdivision 1.

Subd. 3. [JUDICIAL ELECTIONS.] When one or more justices of the supreme court or judges of a district, county or county municipal court are to be nominated at the same primary or elected at the same general election, the notice of election shall state the name of each justice or judge whose successor is to be nominated or elected.

Sec. 35. [204B.35] [PREPARATION OF BALLOTS.] *Subdivision 1. [APPLICATION.] All ballots for every election, except a school district election, shall be prepared in accordance with Article IV, Sections 35 to 44 and Article VI, except for voting machine ballots or as otherwise provided by law.*

Subd. 2. [MANNER OF PREPARATION.] Ballots shall be prepared in a manner that enables the voters to understand which questions are to be voted upon and the identity and number of candidates to be voted for in each office and to designate their choices easily and accurately. The name of a candidate shall not appear on a ballot in any way that gives the candidate an advantage over his opponent except as otherwise provided by law.

Subd. 3. [NUMBER.] The official in charge of preparing ballots shall prepare a sufficient number of ballots:

(a) To fill applications of absentee voters; and

(b) To provide each precinct with a sufficient number of ballots of each kind as required by Article IV, Section 29, Subdivision 1.

Subd. 4. [ABSENTEE BALLOTS; PREPARATION; DELIVERY.] *Ballots necessary to fill applications of absentee voters shall be prepared and delivered at least 15 days before the election to the officials who administer the provisions of Article III.*

Sec. 36. [204B.36] [BALLOTS; FORM.] *Subdivision 1. [TYPE.] All ballots shall be printed with black ink on paper of sufficient thickness to prevent the printing from being discernible from the back. All ballots of the same color shall be substantially uniform in style of printing, size, thickness and shade of color.*

When the ballots of a particular color vary in shade, those used in any one precinct shall be of the same shade. All ballots shall be printed in easily readable type with suitable lines dividing candidates, offices, instructions and other matter printed on ballots. The name of each candidate shall be printed in capital letters. The same type shall be used for the names of all candidates on the same ballot.

Subd. 2. [CANDIDATES AND OFFICES.] *The name of each candidate shall be printed at a right angle to the length of the ballot. At a general election the name of the political party or the political principle of each candidate for partisan office shall be printed above or below the name of the candidate, and the words "Nominated without party designation" shall be printed above or below the names of each candidate for nonpartisan office. The name of a political party or a political principle shall be printed in capital and lower case letters of the same type, with the capital letters at least one-half the height of the capital letters used for names of the candidates. At a general election, blank lines shall be printed below the name of the last candidate for each office, or below the title of the office if no candidate has filed for that office, so that a voter may write in the names of individuals whose names are not on the ballot. One blank line shall be printed for each officer of that kind to be elected. At a primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the primary ballot.*

On the left side of the ballot at the same level with the name of each candidate and each blank line shall be printed a square in which the voter may designate his vote by a mark (X). Each square shall be the same size. Above the first name on each ballot shall be printed the words, "Put an (X) in the square opposite the name of each candidate you wish to vote for". At the same level with these words and directly above the squares shall be printed a small arrow pointing downward. Directly underneath the official title of each office shall be printed the words "Vote for one (or more, according to the number to be elected)".

Subd. 3. [QUESTION; FORM OF BALLOT.] *When a question is to be submitted to a vote, a concise statement of the nature of the question shall be printed on the ballot. The words, "YES" and "NO" shall be printed to the left of this statement, with a square to the left of each word so that the voter may indicate by a mark (X) either a negative or affirmative vote. The ballot shall include instructions directing the voter to put an (X) in the square before the word "YES" if the voter desires to vote for the question, or to put an (X) before the word "NO" if the voter desires to vote against the question.*

Subd. 4. [JUDICIAL CANDIDATES.] *The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. The title of each judicial office shall be printed on the official primary and general election ballot as follows:*

(a) In the case of the supreme court:

"For the office of associate (or chief) justice of the supreme court to which (name of justice).....was elected for the regular term" or "to which (name of justice).....was appointed";

(b) In the case of the district court:

"For the office of judge of the district court of the (number)judicial district to which (name of judge)..... was elected for the regular term" or "to which (name of judge)was appointed"; or

(c) In the case of the county court:

"For the office of judge of the county court of the county (or counties) of.....to which (name of judge)..... was elected for the regular term" or "to which (name of judge)was appointed".

For voting machine ballots on which the statements required by this subdivision cannot be printed because of length, the title of each judicial office shall be printed as follows:

"Successor to (name)....., elected (or appointed)".

Subd. 5. [DESIGNATION OF INCUMBENT; JUDICIAL OFFICES.] *If a chief justice, associate justice, or judge is a candidate to succeed himself, the word "incumbent" shall be printed after his name as a candidate.*

At least 55 days before the date of the election, the county auditor shall furnish to the appointing authorities a list of the appropriate names for each election precinct in the jurisdiction of the appointing authority. Separate lists shall be submitted by the county auditor for each major political party.

Sec. 37. [204B.37] [BACK OF BALLOT.] *On the back of all ballots shall be printed the words "Official Ballot", the date of the election and lines for the initials of at least two election judges. The words shall be printed so that they will be visible when the ballot is properly folded for deposit in the ballot box. A horizontal dotted line or lines shall be printed on the back of each ballot along with advice to the voter to fold along the dotted lines as indicated.*

Sec. 38. [204B.38] [NAMES ON BALLOTS; IDENTICAL DESCRIPTIVE WORDS.] *When the similarity of surnames of two or more candidates for the same office at the same election may cause confusion to voters, up to three additional words may be printed on the ballot after each surname to indicate the candidate's occupation, office, residence or any combination of them if the candidate furnishes the identifying words to the filing officer by the last day for withdrawal of candidacy.*

Sec. 39. [204B.39] [SUBSTITUTE BALLOTS.] *If a sufficient number of official ballots are not delivered or if the official ballots are stolen or destroyed and a sufficient number of official*

ballots cannot be procured, the official in charge of preparing the official ballots shall prepare substitute ballots in the form prescribed by this section. The substitute ballots shall be prepared in the same form as official ballots as far as practicable. The word "Substitute" shall be printed in brackets immediately above the words "Official Ballot". When the substitute ballots are delivered to the municipal clerks or election judges they shall be accompanied by an initialed affidavit of the officer preparing them. The affidavit shall state that the substitute ballots have been prepared and furnished in the manner prescribed by this section and shall state the reason why sufficient official ballots were not ready for delivery. The election judges shall include this affidavit with the election returns from that precinct.

Sec. 40. [204B.40] [BALLOTS; ELECTION RECORDS AND OTHER MATERIALS; DISPOSITION.] The county auditors and municipal clerks shall retain all election materials returned to them after any election for at least one year from the date of that election. All election materials involved in a contested election shall be retained for one year or until the contest has been finally determined, whichever is later. Abstracts filed by canvassing boards shall be retained permanently by any officer with whom those abstracts are filed. Election materials no longer required to be retained pursuant to this section shall be disposed of in accordance with Minnesota Statutes, Sections 138.163 to 138.21.

Sec. 41. [204B.41] [VACANCY IN NOMINATION; CHANGING BALLOTS.] When a vacancy in nomination is filled pursuant to Article IV, Section 13, after the ballots have been printed, the officer in charge of preparing the ballots shall prepare and distribute a sufficient number of separate paper ballots which shall be headed with the words "OFFICIAL SUPPLEMENTAL BALLOT". This ballot shall contain the title of the office for which the vacancy in nomination has been filed and the names of all the candidates nominated for that office. The ballot shall conform to the provisions governing the printing of other official ballots as far as practicable. The title of the office and the names of the candidates for that office shall be blotted out or stricken from the regular ballots by the election judges. The official supplemental ballot shall be given to each voter when he is given the regular ballot or is directed to the voting machine. Regular ballots shall not be changed nor shall official supplemental ballots be prepared as provided in this section during the three calendar days before an election. Absentee ballots that have been mailed prior to the preparation of official supplemental ballots shall be counted in the same manner as if the vacancy had not occurred. Official supplemental ballots shall not be mailed to absent voters to whom ballots were mailed before the official supplemental ballots were prepared.

Sec. 42. [204B.42] [PAPER COLOR FOR SAMPLE BALLOTS.] No sample ballot shall be printed on paper of the same color as any official ballots except when printed in black ink on white paper and appearing in a newspaper as news matter. A violation of this section is a misdemeanor.

Sec. 43. [204B.43] [UNLAWFUL PRINTING OR DISTRIBUTION OF BALLOTS; PENALTY.] *Every person authorized or employed to print official ballots who knowingly gives or delivers those ballots to, or knowingly permits them to be taken by, any person other than the official under whose direction they are being printed, or who knowingly prints any ballot or causes or permits any ballot to be printed in a form other than that prescribed by law, or with any other names on it, or with the names of candidates or the titles of offices arranged or the names of candidates spelled in any way other than that authorized and directed by that official, is guilty of a felony.*

Sec. 44. [204B.44] [ERRORS AND OMISSIONS; REMEDY.]
Subdivision 1. *Any individual may file a petition in the manner provided in this subdivision for the correction of any of the following errors, omissions or wrongful acts which have occurred or are about to occur:*

(a) An error or omission in the placement or printing of the name or description of any candidate on any official ballot;

(b) Any other error in preparing or printing any official ballot;

(c) Failure of the chairman or secretary of the proper committee of a major political party to execute or file a certificate of nomination;

(d) Any wrongful act, omission, or error of any election judge, municipal clerk, county auditor, canvassing board or any of its members, the secretary of state, or any other individual charged with any duty concerning an election.

The petition shall describe the error, omission or wrongful act and the correction sought by the petitioner. The petition shall be filed with any judge of the supreme court in the case of an election for state or federal office or any judge of the district court in that county in the case of an election for county or municipal office. The petitioner shall serve a copy of the petition on the officer, board or individual charged with the error, omission or wrongful act, and on any other party as required by the court. Upon receipt of the petition the court shall immediately set a time for a hearing on the matter and order the officer, board or individual charged with the error, omission or wrongful act to correct the error or wrongful act or perform the duty or show cause why he should not do so. The court shall issue its findings and a final order for appropriate relief as soon as possible after the hearing. Failure to obey the order is contempt of court.

ARTICLE V

ELECTION DAY ACTIVITIES

Section 1. [204C.01] [DEFINITIONS.] *The definitions in Minnesota Statutes, Chapter 200 apply to this article.*

Sec. 2. [204C.02] [APPLICATION.] *This article applies to all elections held in this state, except school district elections and except as otherwise provided by law.*

Sec. 3. [204C.03] [PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.] *Subdivision 1. [SCHOOL DISTRICTS; COUNTIES; MUNICIPALITIES.] No school board, county board of commissioners, city council, or town board of supervisors shall conduct a meeting between 6:00 p.m. and 8:00 p.m. on the day that an election is held within the boundaries of the school district, county, city or town.*

Subd. 2. [STATE UNIVERSITIES AND COMMUNITY COLLEGES.] Except for regularly scheduled classes, no state university or state community college shall schedule an event between 6:00 p.m. and 8:00 p.m. on the day that an election is held in any political subdivision in which the university or college is located.

Subd. 3. [PUBLIC ELEMENTARY AND SECONDARY SCHOOLS.] Except for regularly scheduled classes, no public elementary or secondary school shall schedule a school sponsored event between 6:00 p.m. and 8:00 p.m. on the day that an election is held in any political subdivision located in that school district.

Sec. 4. [204C.04] [EMPLOYEES; TIME OFF TO VOTE.] *Every employee who is eligible to vote at a state general election or at an election to fill a vacancy in the office of United States senator or United States representative has the right to be absent from work for the purpose of voting during the morning of election day, without penalty or deduction from salary or wages because of the absence. An employer who refuses, abridges or interferes with this right shall be subject to the penalty provisions of Article VII, Section 22.*

Sec. 5. [204C.05] [STATE ELECTIONS; HOURS FOR VOTING.] *Subdivision 1. [OPENING AND CLOSING TIMES.] Except as otherwise provided in this section, at the state primary and the state general election the hours for voting in every precinct in the state shall begin at 7:00 a.m. and shall extend continuously until 8:00 p.m. By resolution adopted 30 days before the state primary or state general election, the governing body of a municipality of less than 1,000 inhabitants, located entirely outside the metropolitan area as defined in Minnesota Statutes, Section 473.121, Subdivision 2, may fix a later time for voting to begin. If a later time is established, it shall not be later than 9:00 a.m. for the state general election, nor later than 5:00 p.m. for a state primary. A resolution adopted pursuant to this subdivision shall be effective for all ensuing state primaries or state general elections until revoked.*

Subd. 2. [VOTERS IN LINE AT CLOSING.] At or before the hour when voting is scheduled to begin, the election judges shall agree upon the standard of time they will use to determine when voting will begin and end. Voting shall not be allowed after the time when it is scheduled to end, unless individuals are waiting in the polling place or waiting in line at the door to register or to vote. The voting shall continue until those individuals have been allowed to vote. No individual who comes to the polling place or to a line outside the polling place after the time when voting is scheduled to end shall be allowed to vote.

Sec. 6. [204C.06] [CONDUCT IN AND NEAR POLLING PLACES.] *Subdivision 1. [LINGERING NEAR POLLING PLACE.] An individual shall be allowed to go to and from the polling place for the purpose of voting without unlawful interference. No voters or other individuals shall congregate in any number within 100 feet of a polling place. No one except an election official or an individual who is waiting to register or to vote shall stand within 50 feet of the entrance to a polling place.*

Subd. 2. [INDIVIDUALS ALLOWED IN POLLING PLACE.] Representatives of the secretary of state's office, the county auditor's office, and the municipal clerk's office may be present at the polling place to observe election procedures. Except for these representatives, election judges, sergeants-at-arms, and challengers, an individual may remain inside the polling place during voting hours only while voting or registering to vote, providing proof of residence for an individual who is registering to vote, or assisting a physically handicapped voter or a voter who is unable to read English. During voting hours no one except individuals receiving, marking, or depositing ballots shall approach within six feet of a voting booth, unless lawfully authorized to do so by an election judge.

Subd. 3. [DAMAGING OR REMOVING ELECTION MATERIALS; GROSS MISDEMEANORS.] No individual shall intentionally:

(a) Tear down, mutilate, deface or otherwise damage during the hours of voting any voter instruction poster placed inside or outside of a polling place by an election judge or other election official; or

(b) Remove from the polling place before the time for voting ends any ballots prepared for use at the election or any supplies or conveniences placed in voting booths for use by the voters, except as authorized by law.

A violation of this subdivision is a gross misdemeanor.

Subd. 4. [DAMAGING OR REMOVING ELECTION MATERIALS; FELONIES.] No individual shall intentionally:

(a) Remove from a polling place any election file or election register, except as authorized by law;

(b) Damage, deface, or mutilate any ballot, election file or election register or any item of information contained on it, except as authorized by law; or

(c) Add anything to a ballot, election file or election register, except as authorized by law.

A violation of this subdivision is a felony.

Subd. 5. [SERGEANT-AT-ARMS.] The election judges may appoint a sergeant-at-arms when necessary to keep the peace or otherwise to assist them. An election judge may request a sergeant-at-arms or a peace officer to arrest or remove from the polling place any individual who, despite a warning to desist, engages in

disorderly conduct. A sergeant-at-arms or a peace officer shall not otherwise interfere in any manner with voters.

Subd. 6. [PEACE OFFICERS.] *Except when summoned by an election judge to restore the peace or when voting or registering to vote, no peace officer shall enter or remain in a polling place or stand within 50 feet of the entrance of a polling place.*

Subd. 7. [USE OF INTOXICATING LIQUOR; PROHIBITION; PENALTY.] *During the time an election is being held it is a misdemeanor to bring intoxicating liquor or non-intoxicating malt liquor into a polling place, to drink intoxicating liquor or non-intoxicating malt liquor in a polling place, or to be intoxicated in a polling place. The election judges shall not permit an obviously intoxicated individual to vote or remain in the polling place for any purpose.*

Sec. 7. [204C.07] [CHALLENGERS.] **Subdivision 1. [PARTISAN ELECTIONS.]** *At an election to fill partisan offices, the chairman of an authorized committee of each major political party may appoint by written certificate voters from that political party to act as challengers of voters at the polling place for each precinct. Only one challenger from each major political party for each precinct shall be allowed to remain in the polling place at one time.*

Subd. 2. [NONPARTISAN ELECTIONS.] *At an election to fill nonpartisan offices, each nonpartisan candidate may appoint by written certificate voters to act as challengers of voters at the polling place for each precinct. Only one challenger for each candidate shall be allowed to remain in the polling place for each precinct at one time.*

Subd. 3. [ELECTIONS ON A QUESTION.] *At an election where a question is to be voted upon, the mayor of a city or the board of supervisors of a town, upon receiving a written petition signed by at least 25 eligible voters, shall appoint by written certificate one voter for each precinct in the municipality to act as a challenger of voters in the polling place for that precinct.*

Subd. 4. [RESTRICTIONS ON CONDUCT.] *The election judges shall permit challengers appointed pursuant to this section to be present in the polling place during the hours of voting and to remain there until the votes are counted and the results declared. No challenger shall handle or inspect registration cards, files, or lists. Challengers shall not prepare in any manner any list of individuals who have or have not voted. They shall not attempt to influence voting in any manner. They shall not converse with a voter except to determine, in the presence of an election judge, whether the voter is eligible to vote in the precinct.*

Sec. 8. [204C.08] [OPENING OF POLLING PLACES.] **Subdivision 1. [DISPLAY OF FLAG.]** *Upon their arrival at the polling place on the day of election, the election judges shall cause the national flag to be displayed on a suitable staff at the entrance to the polling place. The flag shall be displayed continuously during the hours of voting. The election judges shall receive no compen-*

sation for any time during which they wilfully fail to display the flag as required by this subdivision.

Subd. 2. [POSTING OF VOTING INSTRUCTIONS.] Before the hours for voting are scheduled to begin, the election judges shall post any official voter instruction posters furnished to them in a conspicuous location or locations in the polling place.

Subd. 3. [LOCKING OF BALLOT BOXES.] Immediately before the time when voting is scheduled to begin, one of the election judges shall open the ballot boxes in the presence of the individuals assembled at the polling place, turn the boxes upside down to empty them, lock them, and deliver the key to another election judge. The boxes shall not be reopened except to count the ballots after the hours for voting have ended and all voting has been concluded. The boxes shall be kept in public view at all times during voting hours. After locking the ballot boxes, the election judges shall proclaim that voting may begin, and shall post outside the polling place conspicuous written or printed notices of the time when voting is scheduled to end.

Subd. 4. [BALLOT BOXES, BOX-CAR SEALS.] The governing body of a municipality by resolution may direct the municipal clerk to furnish a box-car seal for each ballot box in place of a lock and key. Each seal shall consist of a numbered metal strap with a self-locking device securely attached to one end of the strap so that the other end may be inserted and securely locked in the seal.

Sec. 9. [204C.09] [BALLOT PREPARATION BY ELECTION JUDGES.] Subdivision 1. **[INITIALLING.]** Before the voting begins, or as soon as possible after it begins, at least two election judges shall each initial the backs of all the ballots. The election judges shall not otherwise mark the ballots.

Subd. 2. [DISTRIBUTION PROCEDURE.] Official ballots shall be distributed only in the room containing the voting booths and only to individuals who are about to vote, except as otherwise provided in Article V, Section 15, Subdivision 2. No official ballots shall be distributed to a voter unless it has been initialed by the election judges as provided in subdivision 1.

Sec. 10. [204C.10] [PERMANENT REGISTRATION; COMPLETION OF VOTER CERTIFICATES; VERIFICATION OF REGISTRATION.] In election precincts with a permanent registration system, an individual seeking to vote shall print his name and address on a certificate which states that the individual is registered and will be voting only in that precinct. The individual shall then sign the certificate.

An election judge shall compare the signature on the voter's certificate with the signature as it appears on the duplicate registration card. If the election judge is satisfied that the signatures are the same, the election judge shall initial the certificate and record the fact of voting on the back of the duplicate registration card. The initialed certificate shall be handed to the voter, who

shall deliver it to the election judge in charge of ballots as proof of the right to vote.

Sec. 11. [204C.11] [PRECINCTS WITHOUT PERMANENT REGISTRATION; ELECTION REGISTER.] Subdivision 1. [ELECTION REGISTERS; FORM.] *Two election registers shall be provided for each election precinct without a permanent registration system by the county auditor in unorganized territory or the municipal clerk in a municipality. Two election judges shall have charge of them, each using one election register as provided in this section. Each election register shall be headed by the name of the precinct, and shall contain one column headed "Name of Voter," one headed "Residence," one headed "Address of Most Recent Prior Registration" and one headed "Remarks". Each election register shall contain the names of the voters in alphabetical order according to the first letter of their surnames. Names beginning with the same letter of the alphabet shall be grouped together with not more than one group on each page. The names in each group shall be separately numbered beginning with the numeral "1".*

Subd. 2. [EVIDENCE OF ELIGIBILITY TO VOTE.] *In election precincts without a permanent registration system, an individual seeking to vote shall give his first and last name, middle initial, street or route, city and county of residence and the address of most recent prior registration to the election judges in charge of the election registers. The individual shall also give the election judges sufficient evidence to satisfy them that he maintains residence in the precinct and shall state under oath that he is at least 18 years of age and has been a resident of the state for at least 20 days immediately preceding the election. An individual who refuses to provide the information required by this subdivision shall not be allowed to vote.*

Subd. 3. [ENTRIES IN ELECTION REGISTERS.] *When the election judges in charge of the election registers are satisfied that an individual is eligible to vote in that precinct, they shall enter the individual's name, residence and address of most recent prior registration in the proper place in the election registers.*

Sec. 12. [204C.12] [CHALLENGES TO VOTERS; PENALTY.] Subdivision 1. [MANNER OF CHALLENGING.] *An election judge shall, and an authorized challenger or other voter may, challenge an individual whom he knows or reasonably believes is not an eligible voter.*

Subd. 2. [STATEMENT OF GROUNDS; OATH.] *The challenger shall state the ground for the challenge, and an election judge shall administer to the challenged individual the following oath:*

"Do you solemnly swear that you will fully and truly answer all questions put to you concerning your eligibility to vote at this election?"

The election judge shall then ask the challenged individual

sufficient questions to test that individual's residence and right to vote.

Subd. 3. [DETERMINATION OF RESIDENCE.] In determining the legal residence of a challenged individual, the election judges shall be governed by the principles contained in Article I, Section 4. If the challenged individual's answers to the questions show that he is not eligible to vote in that precinct, he shall not be allowed to vote. If the individual has marked ballots but not yet deposited them in the ballot boxes before the election judges determine that he is not eligible to vote in that precinct, the marked ballots shall be placed unopened with the spoiled ballots. If the answers to the questions fail to show that the individual is not eligible to vote in that precinct and the challenge is not withdrawn, the challenged individual shall sign an affidavit stating that he is a citizen of the United States; is 18 years of age; is an actual resident of that precinct; is an eligible voter in that precinct; and has not already voted at that election.

After signing the affidavit, the challenged individual shall be allowed to vote.

Subd. 4. [REFUSAL TO ANSWER QUESTIONS OR SIGN AFFIDAVIT.] A challenged individual who refuses to answer questions or sign an affidavit as required by this section shall not be allowed to vote. No challenged individual who leaves the polling place and returns later willing to answer questions or sign an affidavit shall be allowed to vote. In precincts without voter registration the name of the individual shall not be entered or allowed to remain on the election register.

Subd. 5. [ELECTION JUDGES; PENALTIES.] An election judge who fails to carry out the duties prescribed by this section is guilty of a gross misdemeanor.

Sec. 13. [204C.13] [RECEIVING AND MARKING BALLOTS.] **Subdivision 1. [HANDING BALLOT TO VOTER.]** When the election judges are satisfied that an individual is eligible to vote in that precinct, the election judge in charge of the ballots shall give the voter only one ballot of each kind that is to be voted upon at that precinct. Each ballot shall be removed separately as needed for each voter from the previously initialled pile of ballots.

Subd. 2. [VOTING BOOTHS.] One of the election judges shall explain to the voter the proper method of marking and folding the ballots. Except as otherwise provided in Article V, Section 15, the voter shall retire alone to an unoccupied voting booth and mark the ballots without undue delay. The voter may take sample ballots into the booth to assist in voting. The election judges may adopt and enforce reasonable rules governing the amount of time a voter may spend in the voting booth marking ballots.

Subd. 3. [MARKING BALLOTS.] The voter shall mark each ballot in the following manner:

(a) A mark (X) shall be placed in the square opposite the printed name of each candidate for whom the individual desires to vote, and in the square before the "YES" or "NO" if the individual desires to vote for or against a question.

(b) The voter may write in other names on the lines provided under the printed names of the candidates, except that no names shall be written in on primary ballots.

(c) At a state primary an individual may vote for candidates of only one major political party on the partisan primary ballot. If a partisan primary ballot contains votes for the candidates of more than one major political party, the ballot is totally defective and no vote on the ballot shall be counted.

(d) An individual who spoils a ballot may return it to the election judges and receive another.

Subd. 4. [FOLDING BALLOTS.] After marking the ballots, the voter shall fold each of them separately to conceal the face and all marks on it, and to expose only the initials of the election judges on the back of the ballot.

Subd. 5. [DEPOSIT OF BALLOTS IN BALLOT BOXES.] The voter shall then withdraw from the voting booth with the ballots and hand them to the election judge in charge of the ballot boxes. That election judge shall immediately deposit each ballot in the proper box. Ballots that have not been initialled by the election judges as provided in Article V, Section 9, shall not be deposited in the ballot box.

Subd. 6. [CHALLENGE OF VOTER; TIME LIMITS; DISPOSITION OF BALLOTS.] At any time before the ballots of any voter are deposited in the ballot boxes, the election judges or any individual who was not present at the time the voter procured the ballots, but not otherwise, may challenge the eligibility of that voter and the deposit of any received absentee ballots in the ballot boxes. The election judges shall determine the eligibility of any voter who is present in the polling place in the manner provided in Article V, Section 12, and if the voter is found to be not eligible to vote, shall place the ballots of that voter unopened among the spoiled ballots. The election judges shall determine whether to receive or reject the ballots of an absent voter and whether to deposit received absentee ballots in the ballot boxes in the manner provided in Article III, Sections 12, 24 and 25, and shall dispose of any absentee ballots not received or deposited in the manner provided in Article III, Section 12. A violation of this subdivision by an election judge is a gross misdemeanor.

Subd. 7. [LEAVING THE POLLING PLACE.] An individual who has voted or whose ballot has been rejected shall leave the polling place and shall not return except as provided by Article V, Section 6 or 7.

Sec. 14. [204C.14] [UNLAWFUL VOTING; PENALTIES]
No individual shall intentionally:

(a) Misrepresent his identity in applying for a ballot, depositing a ballot in a ballot box or attempting to vote by means of a voting machine or electronic voting system;

(b) Vote more than once at the same election;

(c) Put a ballot in a ballot box for any illegal purpose;

(d) Give more than one ballot of the same kind and color to an election judge to be placed in a ballot box;

(e) Aid, abet, counsel or procure another to go into any precinct for the purpose of voting in that precinct, knowing that the other individual is not eligible to vote in that precinct; or

(f) Aid, abet, counsel or procure another to do any act in violation of this section.

A violation of this section is a felony.

Sec. 15. [204C.15] [ASSISTANCE TO VOTERS.] Subdivision 1. [INTERPRETERS; PHYSICAL ASSISTANCE IN MARKING BALLOTS.] A voter who states under oath that he is in need of assistance because he cannot read English or is physically unable to mark a ballot may obtain the aid of two election judges who are members of different major political parties. The election judges shall mark the ballots as directed by the voter and in as secret a manner as circumstances permit. If the voter cannot speak English or understand it when it is spoken, the election judges may select two individuals who are members of different major political parties to act as interpreters. The interpreters shall take an oath similar to that taken by election judges, and shall assist the individual in marking the ballots. A voter in need of assistance may alternatively obtain the assistance of a voter of the same precinct who, unaccompanied by an election judge, shall retire with that voter to a booth and mark the ballot as directed by the voter. No voter who assists another voter as provided in the preceding sentence shall mark the ballots of more than three voters at one election. Before the ballots are deposited, the voter may show them privately to an election judge to ascertain that they are marked as the voter directed. An election judge or other individual assisting a voter shall not in any manner request, persuade, induce, or attempt to persuade or induce the voter to vote for any particular political party or candidate. The election judges or other individuals who assist the voter shall not reveal to anyone the name of any candidate for whom the voter has voted or anything that took place while assisting the voter.

Subd. 2. [OUTSIDE THE POLLING PLACE.] An individual who is unable to enter a polling place where paper ballots or an electronic voting system are used may register and vote without leaving his motor vehicle. Two election judges who are members of different major political parties shall assist the voter to register and to complete a voter's certificate and shall provide the necessary ballots. The voter may request additional assistance in marking ballots as provided in subdivision 1.

Subd. 3. [VOTING LINES.] *In all polling places two election judges shall assist a disabled voter to enter the polling place and go through the registration and voting lines. The voter may also request the assistance of election judges or any other individual in marking ballots, as provided in subdivision 1.*

Sec. 16. [204C.16] [MISMARKING BALLOTS; DISCLOSURE OF MARKINGS BY OTHERS.] *An election judge or other individual who marks the ballot of any voter, except as authorized by law and as directed by the voter, or who informs anyone other than the voter how the ballot was marked, is guilty of a gross misdemeanor.*

Sec. 17. [204C.17] [VOTING; SECRECY.] *Except as authorized by Article V, Section 15, a voter shall not reveal to anyone in the polling place the name of any candidate for whom the voter intends to vote or has voted. A voter shall not ask for or receive assistance in the marking of a ballot from anyone within the polling place except as authorized by Article V, Section 15. If a voter, after marking a ballot, shows it to anyone except as authorized by law, the election judges shall refuse to deposit the ballot in any ballot box and shall place it among the spoiled ballots. Unless the showing of the ballot was clearly intentional, the voter shall receive another ballot as provided in Article V, Section 13, Subdivision 3, Clause (d).*

Sec. 18. [204C.18] [BALLOTS; SECRECY.] Subdivision 1. [PARTY PREFERENCES; PROTECTION OF SECRECY.] *The election judges shall make no entry or notation in the election register or anywhere else showing the political party to which a voter belongs or for which political party he voted. No election judge shall knowingly permit anyone in the polling place to make such an entry or notation.*

Subd. 2. [BALLOTS; IDENTIFYING MARKS.] *No voter, election judge, or other individual shall place at any time a mark as a means of identification upon any ballot handed to or cast by a voter or upon spoiled or discarded ballots, except the initials authorized by Article V, Section 9. A violation of this subdivision is a gross misdemeanor.*

Sec. 19. [204C.19] [COUNTING VOTES.] Subdivision 1. [PROCEDURE.] *When the hours for voting have ended and all voting has concluded, the election judges shall immediately count the votes cast at the election. The count shall be held at the polling place and shall be public. It shall be continued without intermission until it is completed and the results are declared, except that the election judges may recess for meals or other necessary purposes. During the count no one except the election judges shall handle the ballots. Any other individual who touches or interferes with ballots during the counting or any election judge who permits such touching or interference is guilty of a misdemeanor.*

Subd. 2. [BALLOTS; ORDER OF COUNTING.] *Except as otherwise provided in this subdivision, the ballot boxes shall be opened, the votes counted, and the total declared one box at a*

time in the following order: the white box, the pink box, the canary box, the light green box, and then the other kinds of ballots voted at the election. If enough election judges are available to provide counting teams of four or more election judges for each box, more than one box may be opened and counted at the same time. The election judges on each counting team shall be members of at least two different major political parties. The numbers entered on the summary sheet shall not be considered final until the ballots in all the boxes have been counted and corrections have been made if ballots have been deposited in the wrong boxes.

Subd. 3. [PREMATURE DISCLOSURE OF COUNT RESULTS.] No count results from any precinct shall be disclosed by any election judge or other individual until all count results from that precinct are available, nor shall the public media disclose any count results from any precinct before the time when voting is scheduled to end in the state.

Sec. 20. [204C.20] [BALLOTS; NUMBER TO BE COUNTED.]
Subdivision 1. [DETERMINATION OF PROPER NUMBER.] The election judges shall determine the number of ballots to be counted by adding the number of return envelopes from accepted absentee ballots to the number of signed voter's certificates, or to the number of names entered in the election register. The election judges shall then remove all the ballots from the box. Without considering how the ballots are marked, the election judges shall ascertain that each ballot is separate and shall count them to determine whether the number of ballots in the box corresponds with the number of ballots to be counted.

Subd. 2. [EXCESS BALLOTS.] If two or more ballots are found folded together like a single ballot, the election judges shall lay them aside until all the ballots in the box have been counted. If it is evident from the number of ballots to be counted that the ballots folded together were cast by one voter, the election judges shall preserve but not count them. If the number of ballots in one box exceeds the number to be counted, the election judges shall examine all the ballots in the box to ascertain that all are properly marked with the initials of the election judges. If any ballots are not properly marked with the initials of the election judges, the election judges shall preserve but not count them. If there is still an excess of properly marked ballots, the election judges shall replace them in the box, and one election judge, without looking, shall withdraw from the box a number of ballots equal to the excess. The withdrawn ballots shall not be counted but shall be preserved as provided in subdivision 4.

Subd. 3. [BALLOTS IN WRONG BOX.] If the election judges find in a ballot box any ballots that are not the kind properly belonging in it, they shall lay those ballots aside. If the number of ballots found in any box equals or exceeds the number of ballots to be counted, the ballots which should have been placed in that box, but which are found in another box, shall not be counted. If the number of ballots found in a box is less than the number of ballots to be counted, and a number of ballots equal to or less than the

deficiency and properly belonging in that box are found in another box, the latter ballots shall be counted. If the number of ballots found in another box exceeds the deficiency, the excess ballots shall be placed in the proper ballot box and, without looking, an election judge shall withdraw a number of ballots equal to the deficiency and the withdrawn ballots shall then be counted.

Subd. 4. [BALLOTS NOT COUNTED; DISPOSITION.] When the final count of ballots agrees with the number of ballots to be counted, those ballots not counted shall be attached to a certificate made by the election judges which states why the ballots were not counted. The certificate and uncounted ballots shall be sealed in a separate envelope and returned to the county auditor or municipal clerk from whom they were received.

Sec. 21. [204C.21] [COUNTING BALLOTS; PILING SYSTEM.] Subdivision 1. [METHOD.] The election judges shall take all the ballots of the same kind and count the votes cast for each office or question, beginning with the first office or question on the ballot. They shall make one pile of the ballots for each candidate who received votes for that office, or one pile for the "Yes" votes and one pile for the "No" votes on a question. They shall make a pile of totally defective ballots and a pile of totally blank ballots. They shall make a pile of ballots that are not totally defective but are defective with respect to the office or question being counted and a pile of ballots that are not totally blank but are blank with respect to the office or question being counted. After the separation into piles, the election judges shall examine each pile and remove and place in the proper pile any ballots that are found in the wrong pile. The election judges shall count the totally blank and totally defective ballots and set them aside until the counting is over for that ballot. The election judges may pile ballots crosswise in groups of 25 in the same pile to facilitate counting. When their counts agree, the election judges shall announce the number of ballots in each pile, and shall write the number in the proper place on the summary statements.

The election judges shall then return all the counted ballots, and all the partially defective or partially blank ballots, to the original pile to be separated and counted in the same manner for the next office or question.

Subd. 2. [MORE THAN ONE CANDIDATE TO BE ELECTED; PILING.] Where more than one candidate is to be elected to an office, the votes for that office shall be counted and canvassed in the manner provided in subdivision 1 as far as practicable.

Subd. 3. [PRIMARY.] At a primary the election judges shall first separate the partisan ballots by major political party and then count the votes for each office as provided in subdivision 1. The nonpartisan primary ballots shall be counted separately after the partisan primary ballots have been counted.

Sec. 22. [204C.22] [DETERMINING VOTER'S INTENT.] Subdivision 1. A ballot shall not be rejected for a technical error

that does not make it impossible to determine the voter's intent. In determining intent the principles contained in this section apply.

Subd. 2. Intent shall be ascertained only from the face of the ballot.

Subd. 3. If a voter places a mark (X) beside the names of more candidates for an office than are to be elected or nominated, the ballot is defective with respect only to that office. No vote shall be counted for any candidate for that office, but the rest of the ballot shall be counted if possible. At a primary, if a voter places a mark (X) beside the names of candidates of more than one party on the partisan ballot, the ballot is totally defective and no votes on it shall be counted.

Subd. 4. If a voter has written the name of an individual in the proper place on a general or special election ballot a vote shall be counted for that individual whether or not the voter makes a mark (X) in the square opposite the blank.

Subd. 5. If a voter has written the name of an individual on a primary or special primary ballot, a vote shall not be counted for that office.

Subd. 6. If a mark (X) is made out of its proper place, but so near a name or space as to indicate clearly the voter's intent, the vote shall be counted.

Subd. 7. If a number of individuals are to be elected to the same office, the election judges shall count all names written in and all printed names with (X) marks in squares opposite them, not exceeding the whole number to be elected. When fewer names than the number to be elected are marked with an (X) or written in, only the marked or written in names shall be counted. When more names than the number to be elected are marked or written in, the ballot is defective with respect to that office and no vote shall be counted for that office.

Subd. 8. Misspelling or abbreviations of the names of write-in candidates shall be disregarded if the individual for whom the vote was intended can be clearly ascertained from the ballot.

Subd. 9. If the voter's choice for only some of the offices can be determined from a ballot, the ballot shall be counted for those offices only.

Subd. 10. If a voter uniformly uses a mark other than (X) which clearly indicates an intent to mark a name or to mark yes or no on a question, and the voter does not use (X) anywhere else on the ballot, a vote shall be counted for each candidate or position marked. If a voter uses two or more distinct marks, such as (X) and some other mark, a vote shall be counted for each candidate or position marked, unless the ballot is marked by distinguishing characteristics that make the entire ballot defective as provided in subdivision 13.

Subd. 11. If the names of two candidates have been marked, and an attempt has been made to erase or obliterate one of the

marks, a vote shall be counted for the remaining marked candidate. If an attempt has been made to obliterate a write-in name a vote shall be counted for the remaining write-in name or marked candidate.

Subd. 12. A ballot shall not be rejected merely because it is slightly soiled or defaced.

Subd. 13. If a ballot is marked by distinguishing characteristics in a manner making it evident that the voter intended to identify the ballot, the entire ballot is defective.

Subd. 14. If the number of candidates for an office is equal to the number of individuals to be elected to that office, and the voter has not marked any name, no vote shall be counted for any candidate for that office.

Subd. 15. If no name or position is marked and no name is written in, the ballot is blank with respect to that office or question. A ballot that is blank with respect to one or more offices or questions is not defective.

Sec. 23. [204C.23] [DEFECTIVE BALLOTS.] Subdivision 1. [MARKING BY ELECTION JUDGES; MEMORANDUM.] A ballot that is defective to the extent that the election judges are unable to determine the voter's intent shall be marked on the back "Defective" if it is totally defective or "Defective as to", naming the office or question if it is defective only in part.

Sec. 24. [204C.24] [ELECTION RETURNS; SUMMARY STATEMENTS.] Subdivision 1. [INFORMATION REQUIREMENTS.] Notwithstanding the provisions of Minnesota Statutes, Sections 206.185, Subdivision 5; and 206.21, Subdivisions 1 and 2, precinct summary statements shall be submitted by the election judges in every precinct. The election judges shall complete three or more copies of the summary statements, and each copy shall contain the following information for each kind of ballot:

(a) The number of votes each candidate received or the number of yes and no votes on each question, the number of partially blank ballots and the number of partially defective ballots with respect to each office or question;

(b) The number of totally blank ballots, the number of totally defective ballots, the number of spoiled ballots, and the number of unused ballots;

(c) The number of individuals who voted at the election in the precinct;

(d) In counties with permanent registration, the number of voters registered before the polling place opened and the number of voters registering on election day in that precinct; and

(e) The signatures of the election judges who counted the ballots certifying that the national flag was displayed on a suitable staff during voting hours; that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the

election judges on the summary statements correctly show the number of votes cast for each candidate and for and against each question.

Subd. 2. [SEALING IN ENVELOPES.] *The election judges shall place a full set of completed summary statements in each of three separate envelopes and seal them. Each sealed envelope shall be secured with evidence tape furnished by the county auditor. The election judges shall then sign each envelope over the sealed part so that no envelope can be opened without disturbing the continuity of the signatures. Each of the envelopes shall show substantially the following information on its face:*

"Summary statements of the returns of the election precinct, (Town) or (City) of, in the County of, State of Minnesota".

Sec. 25. [204C.25] [DISPOSITION OF BALLOTS.] *Subdivision 1. [SEALING IN ENVELOPES.] After the count and the summary statements have been completed, in the presence of all the election judges, the counted, defective and blank ballots shall be placed in envelopes of the same color as the ballots and sealed. The election judges shall sign each envelope over the sealed part so that the envelope cannot be opened without disturbing the continuity of the signatures. The number and kind of ballots in each envelope, the name of the town or city, and the name of the precinct shall be plainly written upon the envelopes. The spoiled ballots shall be placed in separate envelopes and returned with the unused ballots to the county auditor or municipal clerk from whom they were received.*

Sec. 26. [204C.26] [SUMMARY STATEMENTS AND ENVELOPES FOR BALLOT RETURNS; ELECTION OFFICIALS TO FURNISH.] *Subdivision 1. [SUMMARY STATEMENTS.] Each official responsible for printing ballots shall furnish three or more blank summary statement forms for the returns of those ballots for each precinct. The blank summary statement forms shall be furnished at the same time and in the same manner as the ballots. The county auditor shall furnish blank summary statement forms containing separate space for the summary statement of the returns of the white ballot and the summary statement of the returns for the state pink ballot.*

Subd. 2. [SUMMARY STATEMENTS; CONTENTS.] *The blank summary statement forms furnished to each precinct shall identify the precinct, ward number if any, city or town, date, and kind of election and, under appropriate headings identifying each color ballot, shall contain spaces for the election judges to enter the information required by Article V, Section 24, Subdivision 1.*

Each blank summary statement form shall also contain a certificate to be signed by the election judges stating that the national flag was displayed on a suitable staff during voting hours; that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the election judges on the summary statements correctly show the number of votes cast

for each candidate and for and against each question.

Subd. 3. [SECRETARY OF STATE; RULES.] *On or before July 1 of each even numbered year, the secretary of state shall prescribe the form for summary statements of election returns and the methods by which returns for the state primary and state general election shall be recorded by precinct, county, and state election officials. Each county auditor and municipal clerk required to furnish summary statements shall prepare them in the manner prescribed by the secretary of state. The summary statement of the primary returns shall be in the same form as the summary statement of the general election returns except that a separate part of the summary statement shall be provided for the partisan primary ballot and a separate part for the nonpartisan primary ballot.*

Subd. 4. [ENVELOPES FOR COUNTED BALLOTS.] *Each official responsible for printing ballots shall also furnish envelopes to contain those ballots after they have been counted. The envelopes shall be made of heavy paper of the same color as the ballots to be contained in them. They shall be of convenient size to hold the ballots and shall be furnished at the same time and in the same manner as the ballots.*

Sec. 27. [204C.27] [DELIVERY OF RETURNS TO COUNTY AUDITORS.] *One or more of the election judges in each precinct shall deliver two sets of summary statements; all unused and spoiled white, pink, and canary ballots; one election register in counties with no permanent voter registration system; and the envelopes containing the white, pink, and canary ballots either directly to the municipal clerk for transmittal to the county auditor's office or directly to the county auditor's office within 24 hours after the end of the hours for voting. One or more election judges shall deliver the remaining set of summary statements and returns, all unused and spoiled municipal ballots, the remaining election register in counties without a permanent voter registration system, the envelopes containing municipal ballots, and all other things furnished by the municipal clerk, to the municipal clerk's office within 24 hours after the end of the hours for voting.*

Sec. 28. [204C.28] [ELECTION NIGHT; DUTIES OF COUNTY AUDITORS AND MUNICIPAL CLERKS.] **Subdivision 1. [COUNTY AUDITOR.]** *Every county auditor shall remain at his office to receive delivery of the returns, to permit public inspection of the summary statements, and to tabulate the votes until all have been tabulated and the results made known, or until 24 hours have elapsed since the end of the hours for voting, whichever occurs first. The county auditor shall file all envelopes containing ballots in a safe place with seals unbroken. If the envelopes were previously opened by proper authority for examination or recount, the county auditor shall have the envelopes sealed again and signed by the individuals who made the inspection or recount. The envelopes may be opened by the county canvassing board if necessary to procure election returns that the election judges inadvertently may have sealed in the envelopes with the ballots.*

In that case, the envelopes shall be sealed again and signed in the same manner as otherwise provided in this subdivision.

Subd. 2. [CLERKS.] *The clerk of every first, second, and third class city shall remain at his office to receive delivery of returns, or until 24 hours have elapsed since the end of the hours for voting, whichever occurs first. The clerk of every first class city shall keep a book in which, in the presence of the election judges or other individuals who deliver the returns, the clerk shall make a record of all materials delivered, the time of delivery, and the names of the election judges or other individuals who made delivery. The book shall be retained in the clerk's office for the same period as the ballots as provided in Article IV, Section 40.*

Sec. 29. [204C.29] [IMPROPER DELIVERY OF RETURNS.]
Subdivision 1. [FAILURE OF ELECTION JUDGES TO MAKE DELIVERY.] *If the election judges fail to deliver returns as required by Article V, Section 27, the county auditor or municipal clerk to whom the returns should have been delivered shall dispatch a special messenger to obtain them. The messenger shall receive the same compensation as an election judge would receive for performing the same service and shall be subject to the same penalties as an election judge for violation of any provision of the Minnesota election law.*

Subd. 2. [IRREGULARITIES IN DELIVERY.] *An officer to whom election returns are required to be made shall not refuse to receive them because they are delivered in any manner other than that prescribed by law, except that the returns must be sealed. No canvassing board shall refuse to include any returns in its canvass of votes because of any informality in holding the election or making returns. All returns shall be received and the votes canvassed by the canvassing board and included in its statements when there is substantial compliance with the provisions of the Minnesota election law.*

Subd. 3. [DAMAGING RETURNS OR PREVENTING DELIVERY.] *No individual who is appointed to carry a report, certificate, or certified copy of election returns shall intentionally mutilate, tear, deface or obliterate any portion of it or do any act to prevent its delivery. No individual shall take or accept from a messenger any report, certificate or certified copy of election returns with intent to prevent its delivery, or having taken or accepted it, shall mutilate, tear, deface, obliterate or destroy any portion of it. A violation of this subdivision is a felony.*

Sec. 30. [204C.30] [ELECTION RETURNS; ADDITIONAL DUTIES OF COUNTY AUDITOR.]
Subdivision 1. [DELIVERY OF SUMMARY STATEMENTS TO SECRETARY OF STATE.] *The county auditor shall promptly deliver to the secretary of state one of the sets of summary statements received from each precinct.*

Subd. 2. [NOTIFICATION OF PRIOR REGISTRATION.] *In counties without a permanent voter registration system, the*

county auditor shall examine all election registers from each precinct for names of voters who list a prior registration at another address. The county auditor shall notify the county auditor of the county where the voter was previously registered, using the form required by Article II, Section 9, Subdivision 4.

Sec. 31. [204C.31] [CANVASSING BOARDS; MEMBERSHIP.] Subdivision 1. [COUNTY CANVASSING BOARD.] The county canvassing board shall consist of the county auditor, the clerk of the district court, the mayor or chairman of the town board of the county's most populous municipality, and two members of the county board selected by the board from its members who are not candidates at the election. If one of these individuals fails to appear at the meeting of the canvassing board, the county auditor shall appoint an eligible voter of the county who is not a public official or a candidate for public office to fill the vacancy. Three members constitute a quorum.

Subd. 2. [STATE CANVASSING BOARD.] The state canvassing board shall consist of the secretary of state, two judges of the supreme court, and two judges of the district court selected by the secretary of state. None of the judges shall be a candidate at the election. If a judge fails to appear at the meeting of the canvassing board, the secretary of state shall fill the vacancy in membership by selecting another judge from either court who is not a candidate at the election. Not more than two judges of the supreme court shall serve on the canvassing board at one time.

Sec. 32. [204C.32] [CANVASS OF STATE PRIMARIES.] Subdivision 1. [COUNTY CANVASS.] The county canvassing board shall meet at the county auditor's office at 10:00 a.m. on or before the third day following the state primary. After taking the oath of office, the canvassing board shall publicly canvass the election returns delivered to the county auditor. The board shall complete the canvass by the evening of the sixth day following the election and shall promptly prepare and file with the county auditor a report that states:

(a) The number of individuals voting at the election in the county, and in each precinct;

(b) The number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;

(c) For each major political party, the names of the candidates running for each partisan office and the number of votes received by each candidate in the county and in each precinct;

(d) The names of the candidates of each major political party who are nominated; and

(e) The number of votes received by each of the candidates for nonpartisan office in each precinct in the county and the names of the candidates nominated for nonpartisan office.

Upon completion of the canvass, the county auditor shall mail or deliver a notice of nomination to each nominee voted for only in

that county. The county auditor shall promptly certify to the secretary of state the vote reported by the county canvassing board for candidates voted for in more than one county.

Subd. 2. [STATE CANVASS.] *The state canvassing board shall meet at the secretary of state's office on the second Tuesday after the state primary to canvass the certified copies of the county canvassing board reports received from the county auditors. Upon completion of the canvass, the secretary of state shall promptly certify the names of the nominees to the county auditors and shall mail to each nominee a notice of nomination.*

Sec. 33. [204C.33] [CANVASS OF STATE GENERAL ELECTIONS.] Subdivision 1. [COUNTY CANVASS.] *The county canvassing board shall meet at the county auditor's office on or before the third day following the state general election. After taking the oath of office, the board shall promptly and publicly canvass the general election returns delivered to the county auditor. Upon completion of the canvass, the board shall promptly prepare and file with the county auditor a report which states:*

(a) The number of individuals voting at the election in the county and in each precinct;

(b) The number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;

(c) The names of the candidates for each office and the number of votes received by each candidate in the county and in each precinct;

(d) The number of votes counted for and against a proposed change of county lines or county seat; and

(e) The number of votes counted for and against a constitutional amendment or other question in the county and in each precinct.

Upon completion of the canvass, the county canvassing board shall declare the candidate duly elected who received the highest number of votes for each county and state office voted for only within the county. The county auditor shall promptly certify to the secretary of state the vote reported by the county canvassing board for candidates voted for in more than one county.

Subd. 2. [COUNTY CANVASSING BOARD REPORTS; PUBLIC AVAILABILITY.] *Upon payment of a one dollar fee, the county auditor of each county shall provide a certified copy of the county canvassing board report to anyone who requests it.*

Subd. 3. [STATE CANVASS.] *The state canvassing board shall meet at the secretary of state's office on the second Tuesday following the state general election to canvass the certified copies of the county canvassing board reports received from the county auditors and shall prepare a report that states:*

(a) The number of individuals voting in the state and in each county;

(b) *The number of votes received by each of the candidates, specifying the counties in which they were cast; and*

(c) *The number of votes counted for and against each constitutional amendment, specifying the counties in which they were cast.*

All members of the state canvassing board shall sign the report and certify its correctness. The state canvassing board shall declare the result within three days after completing the canvass.

Sec. 34. [204C.34] [TIE VOTES.] *In case of a tie vote for nomination or election to an office, the canvassing board with the responsibility for declaring the results for that office shall determine the tie by lot.*

Sec. 35. [204C.35] [LEGISLATIVE RACES; AUTOMATIC RECOUNTS.] *In a state primary when the difference between the votes cast for the candidates for nomination to a legislative office is 100 or less, the difference is less than ten percent of the total number of votes counted for that nomination, and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office shall recount the vote. In a state general election when the difference between the votes of a candidate who would otherwise be declared elected to a legislative office and the votes of any other candidate for that office is 100 or less, the canvassing board shall recount the votes. A recount shall not delay any other part of the canvass. The results of the recount shall be certified by the canvassing board as soon as possible. Time for notice of a contest for an office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the canvassing board. A losing candidate may waive a recount required pursuant to this section by filing a written notice of waiver with the canvassing board.*

Sec. 36. [204C.36] [RECOUNTS IN COUNTY AND MUNICIPAL ELECTIONS.] *A losing candidate for nomination or election to a county or municipal office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is:*

(a) *Five votes or less when the total vote cast for nomination or election to that office is 100 votes or less;*

(b) *Ten votes or less when the total vote cast for nomination or election to that office is more than 100 but not more than 500 votes;*

(c) *Twenty votes or less when the total vote cast for nomination or election to that office is more than 500 but not more than 2,000 votes;*

(d) *One percent of the votes or less when the total vote cast for nomination or election to that office is more than 2,000 but less than 10,000 votes; or*

(e) 100 votes or less when the total vote cast for nomination or election to that office is 10,000 votes or more.

Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal offices shall file a written request with the municipal clerk. All requests shall be filed during the time for notice of contest of the primary or election for which a recount is sought.

Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county and the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality.

A losing candidate for nomination or election to a county or municipal office may request a recount in the manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by clauses (a) to (e). The votes shall be recounted as provided in this section if the requesting candidate files with the county auditor or municipal clerk a bond, cash or surety in an amount set by the governing body of the jurisdiction for the payment of the recount expenses.

Time for notice of contest of a nomination or election to a county office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the county canvassing board. Time for notice of contest of a nomination or election to a municipal office which is recounted pursuant to this section shall begin to run upon certification of the results by the governing body of the municipality.

Sec. 37. [204C.36] [COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF STATE.] Two copies of the reports required by Article V, Section 32, Subdivision 1 and Article V, Section 33, Subdivision 1 shall be certified under the official seal of the county auditor. Each copy shall be enclosed in an envelope addressed to the secretary of state, with the county auditor's name and official address and the words "Election Returns" endorsed on the envelope. The copies shall be mailed or delivered to the secretary of state and, if mailed, shall be forwarded by different mails. If neither copy is received by the secretary of state within ten days following the applicable election, the secretary of state shall immediately notify the county auditor, who shall deliver another copy to the secretary of state by special messenger.

Sec. 38. [204C.37] [CORRECTION OF OBVIOUS ERRORS; WHEN CANDIDATES AGREE.] Subdivision 1. [ERRORS OF ELECTION JUDGES.] If the candidates for an office unanimously agree in writing that the election judges in any precinct have made an obvious error in the counting or recording of the votes for that office, they shall deliver the agreement to the county auditor of that county who shall reconvene the county canvassing board, if necessary, and present the agreement to it. The county canvassing board shall correct the error as specified in the agreement.

Subd. 2. [ERRORS OF COUNTY CANVASSING BOARD.]

If the candidates for an office unanimously agree in writing that the county canvassing board has made an obvious error in the counting and recording of the vote for that office they shall notify the county auditor who shall reconvene the canvassing board. The county canvassing board shall promptly correct the error as specified in the agreement and file an amended report. When an error is corrected pursuant to this subdivision, the county canvassing board and the county auditor shall proceed in accordance with Article V, Sections 32 to 36.

Subd. 3. [ERRORS OF STATE CANVASSING BOARD.]

If the candidates for an office unanimously agree in writing that the state canvassing board has made an obvious error in the counting and recording of the vote for that office they shall deliver the agreement to the secretary of state. If a certificate of election has not been issued, the secretary of state shall reconvene the state canvassing board and present the agreement to it. The board shall promptly correct the error as specified in the agreement and file an amended statement. When an error is corrected pursuant to this subdivision by the state canvassing board, the state canvassing board and the secretary of state shall proceed in accordance with Article V, Sections 32 to 36.

Sec. 39. [204C.38] [CORRECTION OF OTHER OBVIOUS ERRORS.] **Subdivision 1. [MANNER OF CORRECTION.]** *A county canvassing board may determine by majority vote that the election judges have made an obvious error in counting or recording the votes for an office. The county canvassing board shall then promptly notify all candidates for that office of the determination, including a description of the error. A candidate who receives notification pursuant to this subdivision or any candidate who believes that the election judges in a precinct have made an obvious error in the counting or recording of the votes for an office may apply without unreasonable delay to the district court of the county containing the precinct in which the alleged error was made for an order determining whether or not an obvious error has been made. The applicant shall describe the alleged error in the application and may submit additional evidence as directed by the court. The applicant shall notify the county canvassing board and all candidates for the affected office in the manner directed by the court. If the court finds that the election judges made an obvious error it shall issue an order specifying the error and directing the county canvassing board to inspect the ballots and returns of the precinct in order to correct the error and to proceed further in accordance with this section or otherwise as the court may direct.*

Subd. 2. [INSPECTION; TIME; PLACE.] *The county auditor shall schedule a meeting of the county canvassing board at his office as soon as practicable after the court issues an order under subdivision 1 and shall give sufficient advance notice of the meeting to the affected candidates. The board, in the presence of all the candidates for the office or their representatives shall inspect the ballots and returns, correct any error and proceed further in accordance with the order of the court.*

Preparation of the county canvassing board report with respect to other offices on the ballot shall not be delayed because of an inspection required by this section.

Subd. 3. [REPORT OF CANVASSING BOARD; ADDENDUM.] *After the canvassing board has inspected the ballots and returns, it shall promptly submit to the county auditor an addendum to its regular report, which addendum shall contain the following information:*

(a) A copy of the order of the court, if any;

(b) The minutes of the meeting showing the time, date, and place of the meeting, the names of the candidates or their representatives who were present, and the action taken by the board;

(c) A copy of the meeting notice given to each candidate and proof of service; and

(d) The names of the candidates for each office for which votes were inspected and the total number of votes received by each candidate for that office in the county and in each precinct.

Subd. 4. [CANVASSING BOARD; DECLARATION OF RESULTS; NOTIFICATION.] *The canvassing board shall declare the results of the election upon completing the inspection for the office in question. The report and declaration shall be filed by the county auditor, who shall mail a certified copy to each candidate for that office. The county auditor shall promptly notify the secretary of state by certified mail of the action of the county canvassing board.*

Sec. 40. [204C.39] [CERTIFICATES OF ELECTION.] **Subdivision 1. [PREPARATION; METHOD OF DELIVERY.]** *The county auditor shall prepare an election certificate for every candidate declared elected by the county canvassing board, and the secretary of state shall prepare a certificate for every candidate declared elected by the state canvassing board. Except as otherwise provided in this section, the secretary of state or county auditor, as appropriate, shall deliver an election certificate on demand to the elected candidate. In an election for state representative or state senator, the county auditor or secretary of state shall deliver the original election certificate to the chief clerk of the house or the secretary of the senate. The chief clerk of the house or the secretary of the senate shall give a copy of the certificate to the representative-elect or senator-elect. Upon taking the oath of office, the representative or senator shall receive the original certificate of election. If a recount is undertaken by a canvassing board pursuant to Article V, Section 35, no certificate of election shall be prepared or delivered until after the recount is completed. In case of a contest, the court may invalidate and revoke the certificate as provided in Minnesota Statutes, Chapter 209.*

Subd. 2. [TIME OF ISSUANCE; CERTAIN OFFICES.] *No certificate of election shall be issued until 12 days after the canvassing board has declared the result of the election. In case of a contest, an election certificate shall not be issued until a court*

of proper jurisdiction has finally determined the contest. This subdivision shall not apply to candidates elected to the office of state senator or representative.

Sec. 41. [204C.40] [NEGLECT OF DUTY; OTHER OFFENSES BY ELECTION OFFICIALS; PENALTY.] *An election officer or other individual required by law to safely keep and produce on election day the ballots entrusted to him or to perform any other act, who intentionally fails or refuses to perform the act required, or who is required by law to abstain from any act, and intentionally does the act, or who in either of these cases is guilty of fraud, corruption, partiality or misbehavior in conducting or aiding in the conduct of an election, or in counting or making returns of votes, or who wrongfully refuses to make or deliver a certificate of election, or who falsely or corruptly performs any required act, for which a punishment has not been otherwise expressly provided for by law, is guilty of a felony.*

ARTICLE VI

PARTICULAR ELECTIONS

Section 1. [204D.01] [DEFINITIONS.] *The definitions in Minnesota Statutes, Chapter 200 apply to this article.*

Sec. 2. [204D.02] [OFFICERS CHOSEN AT STATE GENERAL ELECTION; TERMS OF OFFICE.] **Subdivision 1. [OFFICERS.]** *All elective state and county officers, justices of the supreme court, judges of the district, county and county municipal courts, state senators and state representatives, and senators and representatives in congress shall be elected at the state general election held in the year before their terms of office expire. Presidential electors shall be chosen at the state general election held in the year before the expiration of a term of a president of the United States.*

Subd. 2. [TERM OF OFFICE.] *The term of office of all elective state and county officers shall begin on the first Monday in January of the odd numbered year following their election.*

Sec. 3. [204D.03] [TIME OF STATE ELECTIONS.] **Subdivision 1. [STATE PRIMARY.]** *The state primary shall be held on the first Tuesday after the second Monday in September in each even numbered year to select the nominees of the major political parties for partisan offices and the nominees for non-partisan offices to be filled at the state general election, other than presidential electors.*

Subd. 2. [STATE GENERAL ELECTION.] *The state general election shall be held on the first Tuesday after the first Monday in November in each even numbered year.*

Sec. 4. [204D.04] [BALLOT PREPARATION.] **Subdivision 1. [ROTATION OF OFFICES; PROHIBITION.]** *There shall be no rotation of offices on any ballot required to be prepared pursuant to this article for a state primary or a state general election.*

Subd. 2. [INSTRUCTIONS TO PRINTER; PRINTER'S BOND.] *The official charged with the preparation and distribution*

of the ballots shall prepare instructions to the printer for rotation of the names of candidates, for layout of the ballot and for providing the ballots in groups of 50. The instructions shall be approved by the legal advisor of the official before delivery to the printer. Before a contract is awarded for printing ballots, the printer shall furnish a sufficient bond in an amount not less than \$1000 nor more than \$5000, conditioned on printing the ballots in conformity with the Minnesota election law and the instructions delivered to him. The official responsible for printing the ballots shall set the amount of the bond.

Sec. 5. [204D.05] [STATE PRIMARY BALLOTS; PARTISAN AND NONPARTISAN; OFFICIAL IN CHARGE.] Subdivision 1. [STATE PARTISAN PRIMARY BALLOT.] *The state partisan primary ballot shall contain the names of the candidates seeking the nomination of each major political party for the partisan offices filled at the state general election.*

Subd. 2. [STATE AND COUNTY NONPARTISAN PRIMARY BALLOT.] *The state and county nonpartisan primary ballot shall contain the names of the candidates seeking nomination for the nonpartisan offices filled at the state general election.*

Subd. 3. [COUNTY AUDITOR TO PREPARE.] *The county auditor of each county shall prepare the state partisan primary ballot and the state and county nonpartisan primary ballot.*

Sec. 6. [204D.06] [CERTIFICATION OF NAMES BY SECRETARY OF STATE.] *At least 32 days before a state primary, the secretary of state shall certify to the county auditors the names of all candidates who have properly filed affidavits of candidacy with the secretary of state and who will be voted for in their respective counties at that primary.*

Sec. 7. [204D.07] [PLACING NAMES ON BALLOTS.] Subdivision 1. [DUTIES OF COUNTY AUDITOR.] *Except as provided in subdivisions 2 and 3, the county auditor shall place on the appropriate state primary ballot the name of each candidate who has properly filed an affidavit of candidacy with him and of each candidate certified by the secretary of state pursuant to Article VI, Section 6.*

Subd. 2. [EXCEPTION; PETITION CANDIDATES.] *The name of a candidate nominated by petition shall not be placed on any state primary ballot.*

Subd. 3. [EXCEPTION; CERTAIN NONPARTISAN CANDIDATE.] *If not more than twice the number of individuals to be elected to a nonpartisan office file for the nomination, their names and the name of the office shall be omitted from the state and county nonpartisan primary ballot and the candidates who filed shall be the nominees.*

Sec. 8. [204D.08] [STATE PRIMARY BALLOTS.] Subdivision 1. [FORM.] *Except as provided in this section, state primary ballots shall be printed in the same manner as state general election ballots as far as practicable. A sufficient number shall be printed for each precinct and ward in the state.*

Subd. 2. [BLANK LINES PROHIBITED.] *At a primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the primary ballot.*

Subd. 3. [ROTATION OF NAMES.] *On state primary ballots the name of each candidate for nomination to a partisan or non-partisan office shall be rotated with the names of the other candidates for nomination to that office so that the name of each candidate appears substantially an equal number of times at the top, at the bottom, and at each intermediate place in that group of candidates.*

Subd. 4. [STATE PARTISAN PRIMARY BALLOT; PARTY COLUMNS.] *The state partisan primary ballot shall be headed by the words "State Partisan Primary Ballot". The ballot shall be printed on white paper. Each major political party shall have a separate column on the ballot, which column shall be headed by the words "..... Party", giving the party name. Below the party name the following statement shall be printed.*

"Do not vote for candidates of more than one party. If you do, your entire ballot will be defective and no vote marked on your ballot will be counted."

The names of the candidates seeking the nomination of each major political party shall be listed in that party's column. If only one individual files an affidavit of candidacy seeking the nomination of a major political party for an office, the name of that individual shall be placed on the state partisan primary ballot at the appropriate location in that party's column.

In each column, the candidates for senator in congress shall be listed first, candidates for representative in congress second, candidates for state senator third, candidates for state representative fourth and then candidates for state office in the order specified by the secretary of state.

The party columns shall be substantially the same in width, type and appearance. The columns shall be separated by a 12 point solid line.

Subd. 5. [PARTY COLUMNS; ARRANGEMENT.] *The names of candidates for nomination of the major political party that received the highest average vote at the last state general election in the county shall be placed in the first column on the left side of the ballot. The names of candidates for nomination of the major political party that received the next highest average vote at the last state general election in the county shall be placed in the second column, and so on. For the purpose of this subdivision, the average vote shall be computed by dividing the total number of votes counted in the county for all of the candidates of that major political party appearing on the white ballot at the last state general election by the number of candidates of that party whose names appeared on the white ballot.*

Subd. 6. [STATE AND COUNTY NONPARTISAN PRIMARY BALLOT.] *The state and county nonpartisan primary ballot shall be headed "State and County Nonpartisan Primary Ballot". It shall be printed on canary paper. The names of candidates for nomination to the supreme court, district, county and county municipal courts and all county offices shall be placed on this ballot.*

No candidate whose name is placed on the state and county nonpartisan primary ballot shall be designated or identified as the candidate of any political party or in any other manner except as expressly provided by law.

Sec. 9. [204D.09] [SAMPLE PRIMARY BALLOTS.] *At least two weeks before the state primary the county auditor shall prepare a sample state partisan primary ballot and a sample state and county nonpartisan primary ballot for public inspection. The names of all of the candidates to be voted for in the county shall be placed on the sample ballots, with the names of the candidates for each office arranged alphabetically according to the surname. Only one sample state partisan primary ballot and one sample state and county nonpartisan ballot shall be prepared for any county. The county auditor shall post the sample ballots in a conspicuous place in his office and shall cause them to be published at least one week before the state primary in at least one newspaper of general circulation in the county.*

Sec. 10. [204D.10] [PRIMARY RESULTS; NOMINEES.] Subdivision 1. [PARTISAN OFFICES; NOMINEES.] *The candidate for nomination of a major political party for a partisan office on the state partisan primary ballot who receives the highest number of votes shall be the nominee of that political party for that office, except as otherwise provided in subdivision 2.*

Subd. 2. [PARTY PRIMARY; TEN PERCENT REQUIREMENT.] *If at the state primary any individual seeking a major political party's nomination for an office receives a number of votes equal to ten percent of the average of the votes cast at the last state general election for state officers of that major political party within the district for which the office is voted, then all candidates of that major political party who receive the highest vote for an office are the nominees of that major political party. If none of the candidates of a major political party receive the required ten percent, then no candidates are nominated, and all the candidates of that major political party may be nominated by nominating petition as provided in Article IV, Sections 7 to 9. For the purposes of this subdivision, "state officers" mean the governor, lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general.*

Subd. 3. [NONPARTISAN OFFICES; NOMINEES.] *The candidates for each office on the state and county nonpartisan primary ballot receiving the highest and the next highest number of votes shall be the nominees for that office. When more than one individual is to be elected to the same nonpartisan office, the number of nominees shall be equal to twice the number of indi-*

viduals to be elected, and that number of candidates receiving the highest number of votes shall be the nominees for that office.

Sec. 11. [204D.11] [STATE GENERAL ELECTION BALLOTS; CANDIDATES; OFFICIAL IN CHARGE; RULES; REIMBURSEMENT.] *Subdivision 1. [WHITE BALLOT; RULES; REIMBURSEMENT.] The names of the candidates for all partisan offices voted on at the state general election and candidates for the office of justice and chief justice of the supreme court shall be placed on a single ballot printed on white paper which shall be known as the "white ballot". This ballot shall be prepared by the county auditor subject to the rules of the secretary of state. The state shall reimburse the counties for the cost of preparing the white ballot and the envelopes required for the returns of that ballot. The secretary of state shall adopt rules for preparation and time of delivery of the white ballot and for reimbursement of the counties' costs.*

Subd. 2. [PINK BALLOTS.] Amendments to the state constitution shall be placed on a ballot printed on pink paper which shall be known as the "pink ballot". The pink ballot shall be prepared by the secretary of state.

Subd. 3. [CANARY BALLOT.] All questions and the names of all candidates for offices to be voted on at the state general election which are not placed on the white ballot shall be placed on a single ballot printed on canary paper which shall be known as the "canary ballot". The canary ballot shall be prepared by the county auditor.

Subd. 4. [SPECIAL FEDERAL WHITE BALLOT.] The names of all candidates for the offices of president and vice president of the United States and senator and representative in Congress shall be placed on a ballot printed on white paper which shall be known as the "special federal white ballot". This ballot shall be prepared by the county auditor in the same manner as the white ballot and shall be subject to the rules adopted by the secretary of state pursuant to subdivision 1. The special federal white ballot shall be the only ballot sent to citizens of the United States who are eligible to vote by absentee ballot for federal candidates in Minnesota as provided by Pub. L. 94-203 and Article III.

Subd. 5. [BALLOT HEADINGS.] The white, pink and special federal white ballot shall be headed with the words "State General Election Ballot". The canary ballot shall be headed with the words "County and Judicial District General Election Ballot".

Sec. 12. [204D.12] [NAMES PLACED ON GENERAL ELECTION BALLOTS.] *Without payment of an additional fee, the county auditor shall place on the appropriate state general election ballot the name of every candidate:*

(a) Whose nomination at the state primary has been certified by the appropriate canvassing board;

(b) Who has been nominated by petition, including candidates certified by the secretary of state; and

(c) *Who was nominated and whose name was omitted from the state nonpartisan primary ballot pursuant to Article VI, Section 7, Subdivision 3. Only the names of duly nominated candidates may be placed on a ballot.*

Sec. 13. [204D.13] [WHITE BALLOT; PARTISAN OFFICES.] *Subdivision 1. [ORDER OF OFFICES.] The candidates for partisan offices shall be placed first on the white ballot and shall appear in the following order: senator in congress shall be first; representative in congress, second; state senator, third; and state representative, fourth. The candidates for state offices shall follow in the order specified by the secretary of state. Candidates for governor and lieutenant governor shall appear so that a single vote may be cast for both offices.*

Subd. 2. [ORDER OF POLITICAL PARTIES.] The first name printed for each partisan office on the white ballot shall be that of the candidate of the major political party that received the smallest average number of votes at the last state general election. The succeeding names shall be those of the candidates of the other major political parties that received a succeeding higher average number of votes respectively. For the purposes of this subdivision, the average number of votes of a major political party shall be computed by dividing the total number of votes counted for all of the party's candidates for statewide office at the state general election by the number of those candidates at the election.

On voting machines the first name printed for each office means the position nearest the top or left edge of the machine, whichever applies.

Subd. 3. [NOMINEES BY PETITION; PLACEMENT ON BALLOT.] *The names of candidates nominated by petition for a partisan office voted on at the state general election shall be placed on the white ballot after the names of the candidates for that office who were nominated at the state primary. Candidates nominated by petition shall be placed on the ballot in the order in which the petitions were filed. The words "nominated by petition" and the political party or political principle of the candidate as stated on the petition shall be placed after the name of a candidate nominated by petition. The word "nonpartisan" shall not be used to designate any partisan candidate whose name is placed on the white ballot by nominating petition.*

Sec. 14. [204D.14] [WHITE AND CANARY BALLOTS; NON-PARTISAN OFFICES.] *Subdivision 1. [ROTATION OF NAMES.] The names of candidates for nonpartisan offices on the white and canary ballots shall be rotated in the manner provided for rotation of names on state partisan primary ballots by Article VI, Section 8, Subdivision 2.*

Subd. 2. [UNCONTESTED OFFICES.] Nonpartisan offices for which there is only one candidate shall appear after all contested offices on the appropriate white or canary ballot.

Sec. 15. [204D.15] [PINK BALLOT; FORM; DISTRIBUTION; SAMPLE BALLOT.] *Subdivision 1. [TITLES FOR CONSTI-*

TUTIONAL AMENDMENTS.] *The secretary of state shall provide an appropriate title for each question printed on the pink ballot. The title shall be approved by the attorney general, and shall consist of not more than one printed line above the question to which it refers. At the top of the ballot just below the heading, a conspicuous notice shall be printed stating that a voter's failure to vote on a constitutional amendment has the effect of a negative vote.*

Subd. 2. [DISTRIBUTION.] *The pink ballot shall be provided in groups of 50. At least 15 days before the state general election the secretary of state shall forward to the county auditor of each county sufficient ballots to enable the county auditor to comply with the absentee voting provisions of Article IV, Section 28, Subdivision 2. The county auditor shall give a receipt to the secretary of state stating the number of pink ballots and the date when they were received.*

Subd. 3. [SAMPLE PINK BALLOT.] *Four weeks before the state general election the secretary of state shall file sample copies of the pink ballot in his office for public inspection. Three weeks before the state general election the secretary of state shall mail sample copies of the pink ballot to each county auditor.*

Sec. 16. [204D.16] [SAMPLE GENERAL ELECTION BALLOTS; POSTING; PUBLICATION.] *Two weeks before the state general election the county auditor shall prepare sample copies of the white and canary ballots and shall post copies of these sample ballots and a sample of the pink ballot in his office for public inspection. At least one week before the state general election the county auditor shall cause the sample white, canary and pink ballots to be published in at least one newspaper of general circulation in the county.*

Sec. 17. [204D.17] [REPRESENTATIVE IN CONGRESS; STATE SENATOR; STATE REPRESENTATIVE; VACANCY IN OFFICE; SPECIAL ELECTION.] **Subdivision 1. [SPECIAL ELECTIONS; EXCEPTIONS.]** *A vacancy in the office of representative in congress or state senator or state representative shall be filled for the unexpired term by special election upon the writ of the governor as provided in Article VI, Sections 17 to 27; except that if congress or the legislature will not be in session before the expiration of the vacant term no special election is required.*

Subd. 2. [TWO OR MORE VACANCIES.] *Two or more vacancies may be filled at the same special election and the candidates may be nominated at the same special primary. Any special primary or special election held pursuant to Article VI, Sections 17 to 27, may be held on the same day as any other election.*

Sec. 18. [204D.18] [GENERAL ELECTION LAWS; APPLICATION.] *Except as provided in Article VI, Sections 17 to 27, all of the provisions of the Minnesota election law are applicable to special elections as far as practicable.*

Sec. 19. [204D.19] [SPECIAL ELECTIONS; WHEN HELD.] **Subdivision 1. [VACANCY FILLED AT GENERAL ELEC-**

TION.] When a vacancy occurs more than 150 days before the next state general election, and the congress or the legislature will not be in session before the final canvass of the state general election returns, the vacancy shall be filled at the next state general election.

Subd. 2. [SPECIAL ELECTION WHEN THE CONGRESS OR LEGISLATURE WILL BE IN SESSION.] When a vacancy occurs and the congress or legislature will be in session so that the individual elected as provided by this section could take office and exercise the duties of the office immediately upon election, the governor shall issue within five days after the vacancy occurs a writ calling for a special election. The special election shall be held as soon as possible, consistent with the notice requirements of Article VI, Section 22, Subdivision 3, but in no event more than 28 days after the issuance of the writ.

Subd. 3. [SPECIAL ELECTION AT OTHER TIMES.] When a vacancy occurs at a time other than those described in subdivisions 1 and 2 the governor shall issue a writ, calling for a special election to be held so that the individual elected may take office at the opening of the next session of the congress or of the legislature, or at the reconvening of a session of the congress or of the legislature.

Subd. 4. [WRIT WHEN VACANCY RESULTS FROM ELECTION CONTEST.] If a vacancy results from a successful election contest, the governor shall issue 22 days after the first day of the legislative session a writ calling for a special election unless the house in which the contest may be tried has passed a resolution which states that it will or will not review the court's determination of the contest. If the resolution states that the house will not review the court's determination, the writ shall be issued within five days of the passage of the resolution.

Sec. 20. [204D.20] [NOMINATIONS; VACANCY.] Subdivision 1. **[SPECIAL PRIMARY.]** Except as provided in subdivision 2, the candidates of the major political parties to fill a vacancy shall be nominated at a special primary. The candidate of each party who receives the highest number of votes at the special primary shall be nominated without reference to the ten percent requirement of Article VI, Section 9, Subdivision 2.

Subd. 2. [NO SPECIAL PRIMARY; WHEN.] No special primary shall be held to nominate candidates to fill a vacancy if only one individual from each major political party files as a candidate for that party's nomination. In that case, the individuals who have filed are nominated.

Subd. 3. [NOMINATIONS BY PETITION.] Candidates to fill a vacancy may also be nominated by petition under the conditions and in the manner provided by law for candidates filing by petition for like office at the state general election as far as practicable.

Sec. 21. [204D.21] [TIME OF SPECIAL PRIMARY.] Subdivision 1. **[NOMINATION AT STATE PRIMARY.]** When a

special election is to be held on the same day as the state general election, as provided in Article VI, Section 19, Subdivision 1, candidates for nomination to fill the vacancy shall be nominated at the state primary.

Subd. 2. [NOMINATION AT SPECIAL PRIMARY ON DAY OF REGULAR PRIMARY.] Candidates for nomination to fill a vacancy shall be nominated at a special primary on the day of the regular state primary when the vacancy is to be filled at a special election to be held more than 14 days after the regular state primary.

Subd. 3. [NOMINATION AT SPECIAL PRIMARY ON OTHER DAY.] In all cases other than those provided in subdivisions 1 and 2, a special primary for the nomination of candidates shall be held not later than the fourteenth day before the special election.

Sec. 22. [204D.22] [WRIT OF ELECTION.] Subdivision 1. **[FILING WITH SECRETARY OF STATE.]** A writ calling for a special election shall state the office to be filled, the opening and closing dates of filing for candidacy, and the dates of the special primary and special election. The writ shall be filed with the secretary of state immediately upon issuance.

Subd. 2. [POSTING OF WRIT.] Immediately upon receipt of the writ, the secretary of state shall send a certified copy of the writ by certified mail to the county auditor of each county in which candidates to fill the vacancy are to be voted upon. The county auditor shall post a copy of the writ in his office at least five days before the close of the time for filing affidavits of candidacy for the special election.

Subd. 3. [NOTICE OF SPECIAL ELECTION.] The county 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 seven days before the special primary and at least 14 days before the special election in the manner provided in Article IV, Sections 33 and 34. If the special primary is to be held 14 days before the special election, a single notice of both elections may be posted seven days before the primary.

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 a special primary or special election.

Sec. 23. [204D.23] [AFFIDAVITS OF CANDIDACY; NOMINATING PETITIONS.] Subdivision 1. **[PLACE AND MANNER OF FILING.]** Candidates for nomination to fill a vacancy at a special primary shall file their affidavits of candidacy and nominating petitions with the same officers and in the same man-

ner and shall pay the same fees as provided by law for candidates for like offices at the state primary.

Subd. 2. [TIME OF FILING.] Except as provided in subdivision 3, the affidavits and petitions shall be filed no later than the seventh day before the special primary.

Subd. 3. [FILING AT REGULAR TIME.] If a vacancy occurs before the opening of the time for filing affidavits of candidacy for the state primary and the special primary is held on the same day as the state primary, the affidavits and petitions shall be filed during the time for filing affidavits for the state primary.

Subd. 4. [FILING WITH THE SECRETARY OF STATE; CERTIFICATION.] Within 24 hours after the filings have closed, the secretary of state shall certify to the county auditors the names of the candidates who have filed with the secretary of state and who will be voted for in those counties at the special primary.

Sec. 24. [204D.24] [SPECIAL ELECTIONS; PRECINCTS; ELECTION JUDGES; VOTERS.] Subdivision 1. The election precincts, polling places and officials for any special primary or special election shall be the same as at the last preceding general election in that municipality unless changed according to law. When a special primary or special election is held on the same day as another primary or election, the same precincts, polling places and officials shall be used for both. If separate special election ballots are required pursuant to Article VI, Section 25, separate ballot boxes shall be used.

Subd. 2. [VOTER REGISTRATION.] In any county with a permanent registration system no individual may vote at a special primary or special election without being properly registered.

Sec. 25. [204D.25] [SPECIAL ELECTION BALLOTS.] Subdivision 1. **[FORM.]** Except as provided in subdivision 2, the county auditor shall prepare separate ballots for a special primary and special election as required by Article VI, Sections 17 to 27. The ballots shall be headed "Special Primary Ballot" or "Special Election Ballot" as the case may be, followed by the date of the special primary or special election. Immediately below the title of each office to be filled shall be printed the words "To fill vacancy in term expiring.....", with the date of expiration of the term and any other information that is necessary to distinguish the office from any other office to be voted upon at the same election. Otherwise the form of the ballots shall comply as far as practicable with the laws relating to ballots for state primaries and state general 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 special primary or special election. Publication of the sample ballot for a special primary or special election is not required.

Subd. 2. [USE OF REGULAR BALLOTS.] The county auditor shall place the names of the candidates to fill the vacancy upon the regular ballots used for like offices at the state primary or state general election, designating the office to be filled in

the same manner as provided in subdivision 1 for separate special primary or special election ballots if:

(a) The candidates at the special election are to be voted for on the day of the state general election or are to be nominated on the day of the state primary; and

(b) The ballots for the state general election or state primary have not been printed when the names of the candidates to be elected or nominated to fill a vacancy have been finally determined.

Sec. 26. [204D.26] [CONGRESSIONAL OR LEGISLATIVE DISTRICTS; CHANGE IN BOUNDARIES.] *No change in the boundaries of any congressional or legislative district is effective with respect to any election to fill a vacancy in the representation of that district if the term of the office which is vacant commenced before the change was made.*

Sec. 27. [204D.27] [SPECIAL ELECTION RETURNS.] *Subdivision 1. [COUNTY CANVASS.] The returns of a special primary or special election held pursuant to Article VI, Sections 17 to 27 shall be delivered promptly upon completion to the county auditor of the county in which the special primary or special election is held. Except as provided in subdivisions 2 to 4, the county canvassing board shall canvass and certify the returns to the secretary of state on the next day, excluding Sundays and legal holidays, following the special primary or special election.*

Subd. 2. [COUNTY CANVASS; SPECIAL PRIMARY ON DAY OF REGULAR STATE PRIMARY.] *When a special primary is held on the day of the state primary and the special election will be held on the day of the next state general election, the returns of the special primary shall be canvassed and certified by the county canvassing board at their regular meeting.*

Subd. 3. [STATE CANVASS; SPECIAL PRIMARY.] *When the special primary is held on the day of the state primary and the special election will be held more than 20 days after that day, the returns of the special primary shall be canvassed by the county canvassing board at its regular meeting.*

Subd. 4. [COUNTY AND STATE CANVASS; VACANCY FILLED AT STATE GENERAL ELECTION.] *When the special election is held on the day of the state general election and separate special election ballots were not required, the returns of the special election shall be canvassed and certified by the county and state canvassing boards at their regular meetings.*

Subd. 5. [CANVASS; SPECIAL PRIMARY; STATE CANVASSING BOARD.] *Not later than four days after the returns of the county canvassing boards are certified to the secretary of state, the state canvassing board shall complete its canvass of the special primary. The secretary of state shall then promptly certify to the county auditors the names of the nominated individuals and notify each nominee of his nomination.*

Subd. 6. [CANVASS; SPECIAL ELECTION; SENATOR OR REPRESENTATIVE IN CONGRESS; STATE CANVASSING BOARD.] *Except as provided in subdivision 4, the state canvassing board shall complete its canvass of a special election for senator or representative in congress and declare the results within seven days after the returns of the county canvassing boards are certified to the secretary of the state.*

Subd. 7. [SPECIAL CONGRESSIONAL ELECTION CONTEST; CONDUCT.] *In case of a contest of a special election for senator or representative in congress the notice of contest shall be filed within five days after the canvass is completed, and the contest otherwise shall proceed in the manner provided by law for contesting elections.*

Subd. 8. [CERTIFICATE OF CONGRESSIONAL ELECTION.] *No certificate of election in a special election for senator or representative in congress may be issued by the county auditor of any county or by the secretary of state to any individual declared elected by the county or state canvassing board until seven days after the canvassing board has canvassed the returns and declared the results of the election. In case of a contest the certificate may not be issued until the district court determines the contest.*

Subd. 9. [CANVASS; SPECIAL LEGISLATIVE ELECTION; STATE CANVASSING BOARD.] *Except as provided in subdivision 4, the state canvassing board shall complete its canvass of a special election for state senator or state representative and declare the results within two days, excluding Sundays and legal holidays, after the returns of the county canvassing boards are certified to the secretary of state.*

Subd. 10. [SPECIAL LEGISLATIVE ELECTION CONTEST; CONDUCT.] *In case of a contest of a special election for state senator or state representative, the notice of contest shall be filed within two days, excluding Sundays and legal holidays, after the canvass is completed, and the contest otherwise shall proceed in the manner provided by law for contesting elections.*

Subd. 11. [CERTIFICATE OF LEGISLATIVE ELECTION.] *A certificate of election in a special election for state senator or state representative shall be issued by the county auditor or the secretary of state to the individual declared elected by the county or state canvassing board two days, excluding Sundays and legal holidays, after the county canvassing boards finish canvassing the returns.*

In case of a contest the certificate shall not be issued until the district court determines the contest.

Sec. 28. [204D.28] [UNITED STATES SENATE VACANCY; MANNER OF FILING.] **Subdivision 1. [SCOPE OF SECTION.]** *Every vacancy in the office of United States senator shall be filled in the manner provided in this section.*

Subd. 2. [DEFINITIONS.] *The definitions in subdivisions 3 to 5 apply to this section.*

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

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

- (a) The state general election in even numbered years; or
- (b) The first Tuesday after the first Monday in November of odd numbered years.

Subd. 5. [REGULAR STATE PRIMARY.] "Regular state primary" means:

- (a) The state primary at which candidates are nominated for offices elected at the state general election; or
- (b) A primary held four weeks before the first Tuesday after the first Monday in November of odd numbered years.

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

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

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

Subd. 8. [NOTICE OF SPECIAL ELECTION.] The secretary of the state shall issue an official notice of any special election required to be held pursuant to this section not later than ten weeks before the special primary, except that if the vacancy occurs ten weeks or less before the special primary, the secretary of state shall issue the notice no later than two days after the vacancy occurs. The notice shall state the office to be filled, the opening and closing dates for filing of candidacy and the dates of the special primary and special election. For the purposes of those provisions of Article VI, Sections 17 to 27 that apply generally to special elections, this notice shall be used in place of the writ of the governor.

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

Subd. 10. [UNITED STATES SENATOR; CANDIDATES; DESIGNATION OF TERM.] When the names of candidates

for both offices of United States senator are required to be placed on the same ballot, the expiration date of the term of each office shall be printed on the ballot opposite the name of each candidate for nomination or election to that office.

Subd. 11. [TEMPORARY APPOINTMENT.] The governor may make a temporary appointment to fill any vacancy. An appointee shall hold office until a successor is elected and qualified at a special election or until a successor is elected pursuant to subdivision 12.

Subd. 12. [SUCCESSION BY REGULARLY ELECTED SENATOR.] An individual who is elected to the office of United States senator for a regular six year term when the office is vacant or is filled by an individual appointed pursuant to subdivision 11, shall also succeed to the office for the remainder of the unexpired term.

Subd. 13. [APPLICATION OF OTHER LAWS.] Except as otherwise provided in this section, all of the provisions of Article VI, Sections 22 to 27 that apply generally to other special elections apply to a special election held pursuant to this section.

ARTICLE VII

OTHER ELECTION STATUTES

Section 1. Minnesota Statutes 1978, Section 10A.01, Subdivision 12, is amended to read:

Subd. 12. "Major political party" means a *major* political party as defined in section 200.02, subdivision 7.

Sec. 2. Minnesota Statutes 1978, 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 *state* general election, as defined in ~~section 200.02, subdivision 2 specified in Article VI, Section 3, Subdivision 2~~. No primary election shall be held. Election of The names of candidates for election as supervisors of the soil and water conservation district shall be by inclusion placed on the "canary ballot," as described in ~~section 203A.32 Article VI, Section 11, Subdivision 3~~. 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 *state* general election. At least 45 days before the *state* general 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 for county office 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 1978, Section 123.32, Subdivision 7, is amended to read:

Subd. 7. The board of any independent school district, at any regular meeting, or special meeting called for that purpose, may provide for the use of voting machines at all school elections to be held therein *in that district*. ~~Said~~ The board and any municipal corporation, owning or using voting machines, may enter into an agreement for the rental and use of ~~said the~~ voting machines by ~~said district for school elections in said district that purpose~~. The provisions of sections 204A.17, subdivision 4 Article IV, Section 22, Subdivision 1 and sections 206.02 to 206.23, shall apply to the use of voting machines in school elections insofar as applicable.

Sec. 4. Minnesota Statutes 1978, Section 202A.11, is amended to read:

202A.11 [PARTY NAME.] Subdivision 1. [CHANGE.] Any major political party as defined in the Minnesota election law may change its name by complying with the following conditions:

The state central committee of the party may call a convention, and shall state in its call that a convention is called for a certain time and place, for the purpose of changing the name of the party to some specific name given in the call. The convention shall be held before the termination of the time for filing for nomination for primary elections preceding the state general election not less than 70 days before the state primary, and the change shall be agreed upon by resolution of a majority of the convention. A copy of the resolution determining the change of the name, certified by the chairman and secretary of the convention, shall be filed with the secretary of state within five days after the holding of the convention. Thereafter the political party shall be known by the new name called for by the resolution, and the party under its new name shall have all the rights that it had under its former name.

Subd. 2. [RIGHT TO USE.] A major political party, as defined in the Minnesota election law, which has adopted a party name, is entitled to the exclusive use of the *that* name for the designation of its candidates on all ballots, and no candidate of any other major political party is entitled to have printed on a ballot as a party designation any part of that name.

Sec. 5. Minnesota Statutes 1978, Section 202A.16, Subdivision 1, is amended to read:

202A.16 [CAUCUS, WHO MAY PARTICIPATE AND VOTE.] Subdivision 1. Only those ~~persons~~ individuals who are qualified to

vote for candidates for federal office in the precinct as defined by the Minnesota election law in section 200.02, subdivision 25, or who or will be qualified to so vote *eligible to vote in the precinct* at the time of the next state general election, may vote or be elected a delegate or officer at the precinct caucus.

Sec. 6. Minnesota Statutes 1978, Section 205.01, is amended to read:

205.01 [DEFINITIONS.] *Subdivision 1. The words used in sections 205.01 to 205.17 have the meanings prescribed to them definitions in chapter 200 and in this section apply to this chapter.*

Subd. 2. "Municipal election" means an election held in any municipality at which the voters of the municipality nominate or choose by ballot any public officials for the municipality or decide any public question relating to the municipality that is lawfully submitted to them.

Sec. 7. Minnesota Statutes 1978, Section 205.03, is amended to read:

205.03 [HOURS FOR VOTING.] Subdivision 1. [CITIES.] In all statutory and home rule charter city elections the council governing body of the city, by resolution adopted prior to the giving of notice of the election, may designate the time, in no event less than three hours, during which the polls shall polling places will remain open for voting at the next succeeding and all subsequent city elections, until the resolution is revoked.

Subd. 2. [METROPOLITAN AREA TOWNS.] At any election of town officers, in a town which is located within 60 miles of a city of the first class having a population of at least 250,000, the town board, by resolution adopted prior to the giving of notice of the election, may designate the time during which the polls shall polling places will remain open for voting at the next succeeding and all subsequent town elections, provided that the polls polling places shall open no later than 10:00 a.m. and shall close no earlier than 8:00 p.m. The resolution shall remain in force until revoked by the town board.

Subd. 3. [OTHER TOWNS.] In any election of town officers in a town other than a town described in subdivision 2, the town board, by resolution adopted prior to the giving of notice of the election, may designate the time during which the polls shall polling places will remain open for voting at the next succeeding and all subsequent town elections, provided that the polls polling places shall open no later than 10:00 a.m. and shall close no earlier than 5:00 p.m., except a town board may designate a time for closing later than 5:00 p.m. but not later than 8:00 p.m. The resolution shall remain in force until revoked by the town board.

Subd. 4. [MUNICIPAL ELECTIONS, CANDIDATES, TIME FOR WITHDRAWAL.] In any municipality candidates for municipal elective offices may withdraw from the election by filing an affidavit of withdrawal with the clerk of the municipality until 12 o'clock noon of the day after the last day for filing

affidavits of candidacy; and thereafter no candidate may file an affidavit of withdrawal.

Sec. 8. Minnesota Statutes, 1979 Supplement, Section 205.11, Subdivision 4a, is amended to read:

Subd. 4a. [RECOUNT.] A losing candidate at the municipal primary may request a recount of the votes for that nomination subject to the requirements of *article V*, section 204A.515 36.

Sec. 9. Minnesota Statutes 1978, Chapter 205, is amended by adding a section to read:

[205.121] [NOMINATING PETITIONS; CITIES OF FIRST CLASS; SIGNATURES.] A *nominating petition filed on behalf of a candidate for municipal office in a city of the first class shall be signed by eligible voters who maintain residence in the election district from which the candidate is to be elected. The number of signers shall equal 500, or two percent of the voters in the municipality, ward, or other election district at the last preceding municipal general election, whichever is greater.*

Sec. 10. Minnesota Statutes 1978, Section 205.13, Subdivision 1, is amended to read:

205.13 [MUNICIPAL ELECTIONS, CANDIDATES, FILING.] Subdivision 1. [AFFIDAVIT OF CANDIDACY.] Not more than six nor less than four weeks before the *municipal primary election*, or before the *municipal general election* if there is no *municipal 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 election shall file his affidavit of candidacy with the municipal clerk. 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 eligible 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.

Sec. 10. Minnesota Statutes, 1979 Supplement, Section 205.14, Subdivision 4, is amended to read:

Subd. 4. [RECOUNT.] A losing candidate at a municipal election may request a recount of the votes for that office subject to the requirements of *article V*, section 204A.515 36.

Sec. 11. Minnesota Statutes 1978, Section 205.15, is amended to read:

205.15 [MUNICIPAL ELECTIONS; FILING FEES.] *Subdivision 1. Unless the charter of a city provides the amount of the fee to be paid upon filing an application or affidavit of candidacy for city office, the filing fee for municipal offices shall be as follows:*

- (a) In first class cities, the sum of \$20;
- (b) In second and third class cities, the sum of \$5; and
- (c) In fourth class cities and towns, the sum of \$2.

Subd. 2. [PETITION IN PLACE OF FEE.] A candidate for municipal office may file a petition in place of the filing fees specified in subdivision 1. The petition shall meet the requirements specified in Article IV, Section 11, Subdivision 2.

Sec. 12. Minnesota Statutes 1978, Section 205.17, Subdivision 2, is amended to read:

Subd. 2. In all cities of the first class, for the regular municipal election, the city clerk shall prepare and cause to be printed in blocks of 50 a partisan ballot upon which the names of all candidates for the office of mayor and for the city council are printed, and a nonpartisan ballot upon which the names of all candidates for all other city offices are printed. The partisan ballot shall be printed on light orange paper and shall be headed "Partisan City Election Ballot". The nonpartisan ballot shall be printed on light green paper and shall be headed "Nonpartisan City Election Ballot". Both ballots shall state the name of the city, the date of the elections and otherwise conform to the white ballot used at the state general election. The names of the candidates on the nonpartisan ballot shall be rotated in the manner prescribed for the rotation of names on nonpartisan ballots in state general elections.

On the partisan ballot the name of the candidates for mayor shall be placed first. The order of the names of the candidates shall be in the manner prescribed for state general elections.

Sec. 13. Minnesota Statutes 1978, Section 205.20, Subdivision 2, is amended to read:

Subd. 2. [UNIFORM MUNICIPAL ELECTION DAY ESTABLISHED.] There is hereby established a uniform municipal election day. The uniform municipal election day shall be the first Tuesday after the first Monday in November in odd-numbered years. Municipal officials elected on that date shall take office on the first business day of January next succeeding their election for such term as is provided by law or as is hereinafter provided. The governing body of a municipality may designate a date for the municipal primary election not less than 14 days before the uniform municipal election day.

Sec. 14. Minnesota Statutes 1978, Section 205.20, Subdivision 5, is amended to read:

Subd. 5. [EFFECT OF ORDINANCE; REFERENDUM.] An ordinance adopting the uniform municipal election day shall not become effective until 90 days after passage and publication or at such later date as is fixed in the ordinance. Within 60 days after passage and publication of such an ordinance, a petition requesting a referendum on the ordinance may be filed with the municipal clerk. The petition shall be signed by qualified eligible voters equal in number to five percent of the total number of votes cast

in the municipality at the last state general election. If the municipality has a system of permanent registration of voters, only registered voters are eligible to sign the petition. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by a majority of 55 percent of voters voting on the question at a general or special election held at least 60 days after submission of the petition. If the petition is filed, the governing body may reconsider its action in adopting the ordinance.

Sec. 15. Minnesota Statutes 1978, Section 206.026, Subdivision 5, is amended to read:

Subd. 5. Except as otherwise provided in this chapter, the election judges shall conduct the election in the manner prescribed by *Articles V and VI* for precincts using paper ballots in chapter 204A.

Sec. 16. Minnesota Statutes 1978, Section 206.07, Subdivision 1, is amended to read:

206.07 [CANDIDATES, ARRANGEMENT OF NAMES.] Subdivision 1. [PLACEMENT.] Where voting machines are authorized and employed, the titles of offices shall be arranged either horizontally with the names of the candidates arranged vertically under the title of the office, or vertically with the names of the candidates arranged horizontally opposite the respective titles. The names of all candidates of a *major* political party shall be placed in the same row or column. If for any office there is no candidate of a *major* political party named at the primary such that a blank space would appear on the voting machine ballot, the blank space shall contain a notice in the same type size and style as names of candidates, indicating that names of candidates for the office appear (above and) below, or to the (left and) right, of the space, whichever applies. On the "*Consolidated Primary Election Ballot*" prepared for primary elections, *state partisan primary ballot* and on the white ballot prepared for the *state* general election, the order of the names of nominees, or names of candidates for election, as the case may be, shall be the same as is required for paper ballots. More than one column or row may be used for the same office or party.

Sec. 17. Minnesota Statutes 1978, Section 206.185, Subdivision 1, is amended to read:

206.185 [CANVASS OF ELECTRONIC VOTING SYSTEM RESULTS.] Subdivision 1. In precincts where an electronic voting system is used, as soon as the polls are *polling place* is closed, the *election* judges shall secure the marking devices against further voting. They shall thereafter open the ballot box and count the number of ballots or envelopes containing ballots that have been cast to determine that the number of ballots does not exceed the number of voters shown on the election register or registration file. If there is an excess, the *election* judges shall process the ballots in the same manner as paper ballots are processed in ~~section 204A.41~~ *Article V, Section 20, Subdivision 2*. The

total number of voters shall be entered on the tally sheets. The *election* judges shall thereupon count the write-in votes and prepare a return of ~~such the~~ votes on forms provided for this purpose. If ballot cards are used, all ballot envelopes on which write-in votes have been recorded shall be serially numbered, starting with the number one, and the same number shall be placed on the ballot card of the voter. The *election* judges shall compare the write-in votes with the votes cast on the ballot card and if the total number of votes for any office exceeds the number allowed by law, a notation to that effect shall be entered on the back of the ballot card and it shall be returned to the counting location in an envelope marked "defective ballots" and valid votes on ~~such~~ ballots containing invalid votes shall be counted as provided in subdivision 4. If paper ballots are used, the *election* judges shall, before counting the write-in votes, compare the write-in votes with the votes cast elsewhere on the ballot, and if the total number of votes for any office involving a write-in vote exceeds the number allowed by law, a notation to that effect shall be entered on the back of the ballot. Valid votes on the rest of ~~such a that~~ ballot shall be tallied by the *election* judges at the precinct, on a form provided for the purpose, and shall then be placed in an envelope marked "defective ballots." ~~Such The~~ ballots shall be returned to the counting location, and the totals for all such ballots shall be added to the totals for the respective precincts. So far as applicable, provisions relating to defective paper ballots shall apply. The containers for transporting ballots to the counting center referred to in subdivision 2, shall be of sturdy material sufficient to protect the ballots during all reasonably foreseeable hazards, including auto collisions, during their transportation to the center.

Sec. 18. Minnesota Statutes, 1979 Supplement, Section 206.185, Subdivision 5, is amended to read:

Subd. 5. A final tabulation of ballots shall be obtained from the automatic tabulating equipment after all defective cards have been replaced. The final tabulation, together with the returns of write-in and absentee votes and the precinct summary statements prepared in accordance with ~~section 204A-46 article V, section 24~~, shall constitute the official return of each precinct. Upon completion of the count the returns shall be open to the public. The automatic tabulating equipment shall be programmed to provide a complete recapitulation of all ballots processed and may be programmed to provide other information in addition to that otherwise required in the official return of each precinct as the officials charged with the conduct of elections may determine advisable in the interest of providing election statistics for use in evaluating the performance of the electronic voting system or other aspects of the election.

Sec. 19. Minnesota Statutes 1978, Section 206.20, Subdivision 2, is amended to read:

Subd. 2. For the instruction of the voters there shall be, so far as practicable in each polling place, at least one mechanical model being a mechanical reproduction of a portion of the face of the

voting machine. Such *The* model furnished shall be located during the election in some place which the voter must pass to reach the machine and . Every voter before entering the booth shall be instructed regarding its operation and such . *The* instruction shall be illustrated on the model and the voter given the opportunity to personally operate the model. The voter's attention shall also be called to the diagram on the face of the machine so that the voter becomes familiar with the location of the questions and the names of the offices and candidates. At least one *election* judge shall remain in constant attendance at the instruction model and diagram and occupy himself at all times with the duties of instructing the voters. If any voter after entering the voting machine booth shall ask *asks* for additional instruction in operating the machine such *the* instruction shall be given him by two *election* judges belonging to opposite *who are members of different major political parties*, if such there be. After giving such instruction such *the election* judges shall retire from the voting machine booth and such *the* voter shall thereafter proceed to vote alone and in secrecy. If any voter at a primary election after entering the voting machine booth and setting the primary lever of a *major political party* so as to release the candidates of such *that party* for voting, and turning down levers over the names of candidates, but before recording the votes for any candidates, shall *state states* to the *election* judges that he wishes to enter the primary of a different *major political party*, the entire election board shall go to such *the* machine and shall see that all voting levers have been returned to the unvoted position so that no votes may be cast for any candidates or for or against any questions or other propositions, and such *the* voter shall then be permitted to return the operating lever to its original position and start from the beginning once more. In each such case the entire election board shall sign a certificate stating what was done and such *the* certificate shall be returned with the official returns of the primary.

Sec. 20. Minnesota Statutes 1978, Section 206.21, Subdivision 1, is amended to read:

206.21 [MACHINES; LOCKING, OPENING, CUSTODY AND CARE.] Subdivision 1. [READING AND RECORDING RESULTS.] As soon as the polls of the election are *polling place* is closed, the *election* judges shall immediately lock or lock and seal each voting machine against voting. *The election* judges shall then sign a certificate stating that each machine has been locked against voting or locked and sealed; the number of voters as shown on the public counter; the number on the seal; the number registered on the protective counter. *The election* judges shall then open the counter compartment in the presence of the watchers and any other persons who may lawfully be present in the polling place, giving full view of all the counter numbers, or if the machine is equipped with a device for printing, embossing, or photographing the registering counters, the *election* judges shall operate the machine to produce a printed, embossed, or photographed record of said *the* counters. One of the *election* judges shall , under the scrutiny of the *an election judge who is a member*

of a different *major* political party, if such there be, if more than three judges be *are* serving in *such the* precinct, in the order of the offices as their titles are arranged on the machine, *shall* read and announce in distinct tones the designating number and letter, if any, on each counter for each candidate's name, the result as shown by the counter numbers, and shall then read the votes recorded for each office on the irregular ballots. He shall also in the same manner announce the vote on each constitutional amendment, proposition, or other question. As each vote total is announced from the counter of the machine, or a printed embossed, or photographed record thereof, it shall immediately be entered on the duplicate statements of canvass, in figures only, in ink, by two *election* judges *who are members* of different *major* political parties, if such there be, in the same order on the space which has the same designating number and letter, if any, after which the figures shall be verified by being called off from the counters in the same manner as heretofore by a *an election* judge who recorded the totals on a statement of canvass during the original canvass of the results. If more than three *election* judges are serving in *such the* precinct, the other *election* judge who recorded the totals on a statement of canvass during the original canvass shall act as watcher at the machine counters during the verification of the results. Each *election* judge shall then sign a certificate which shall be a part of the statement of canvass stating that the results as shown on the statement of canvass are the true and correct results of the election, that the canvass has been completed in accordance with the law as herein provided. After the proclamation of the vote, ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine, or the printed, embossed, or photographed record thereof, and any necessary corrections shall then and there be made by the *election* judges. If absent voters' *absentee* ballots have been voted, *such the* ballots shall be canvassed and counted, the vote thereon for each candidate announced and added to the vote as recorded on the statement of canvass of votes cast by machine. ~~Absent voters'~~ *Absentee* ballots and irregular ballots, enclosed in properly sealed packages respectively, and properly endorsed, shall be filed with the original statement of canvass. In precincts using only one voting machine, if *such the* machine is equipped with a device for printing, embossing, or photographing the registered counters, two copies of the printed, embossed, or photographed record made by *such the* machine of the voting counters, signed by the *election* judges, together with a statement of votes cast for persons not nominated and absentee votes, if any, may constitute the statement of canvass of the precinct. The *election* judge filing the returns shall deliver to the board or officer from whom they were received, the keys to each voting machine, enclosed in a sealed envelope having endorsed thereon a certificate, the *election* judges stating the number of each machine, the district where it has been used, the number of the seal, if any, and the number of the protective counter.

Sec. 21. Minnesota Statutes 1978, Section 206.21, Subdivision 2, is amended to read:

Subd. 2. [STATEMENTS OF CANVASS.] In each precinct where voting machines are used, statements of canvass shall be printed to conform with the type of voting machine used. The designating number and letter, if any, on the counter for each candidate shall be printed next to the candidate's name on the statements of canvass. The arrangement of the names on the statement of canvass for each precinct shall conform exactly with the arrangement of the names on the voting machines to be used in ~~such the~~ precinct. ~~Such~~ Statements of canvass shall provide for the entry of the number of votes for each candidate and the "yes" and "no" of each question as shown on each machine used in the precinct; also for the ~~absent voters' number of absentee ballots~~ and total number of votes, by ~~such ballots ballot~~ and by machine, for each candidate and upon each question. Upon completion of the canvass the election judges shall enclose the statements of canvass in sealed envelopes ~~without sewing with twine or sealing with wax sealed with evidence tape supplied by the county auditor~~. ~~Such~~ The official statements of canvass may be opened by the authorities in charge of elections before the official canvass for the purpose of checking additions and compiling the unofficial returns and preparing the official records. ~~Such~~ The official statements of canvass shall be used in lieu of the summary sheets, which shall be dispensed with when voting machines are used.

Sec. 22. Minnesota Statutes, 1979 Supplement, Section 208.04, Subdivision 1, is amended to read:

208.04 [PREPARATION OF BALLOTS.] Subdivision 1. When presidential electors are to be voted for, a vote cast for the party candidates for president and vice-president shall be deemed a vote for that party's electors as filed with the secretary of state. The secretary of state shall certify the names of all duly nominated presidential and vice-presidential candidates to the county auditors of the counties of the state. Each county auditor, subject to the rules of the secretary of state, shall cause the names of the candidates of each *major* political party and the candidates nominated by petition to be printed in capital letters, set in type of the same size and style as for candidates on the state white ballot, before the party designation. To the left of, and on the same line with the surnames, near the margin, shall be placed a square or box, in which the voters may indicate their choice by marking an "X". ~~A mark opposite the candidate's name of any one party shall be counted as a vote for each elector in the party group on file with the secretary of state.~~

The form for the presidential ballot and the relative position of the several candidates shall be determined by the rules applicable to other state officers. The state ballot, with the required heading, shall be printed on the same piece of paper and shall be below the presidential ballot with a blank space between one inch in width.

Sec. 23. Minnesota Statutes 1978, Section 208.04, Subdivision 2, is amended to read:

Subd. 2. The rules for preparation and delivery of presidential ballots shall be the same as the rules for white ballots under

~~section 203A.31, subdivision 3a~~ **Article VI, Section 11, Subdivision 1.** The secretary of state shall reimburse the counties for the cost of the preparation of the presidential ballot.

Sec. 24. Minnesota Statutes 1978, Section 210A.07, is amended to read:

210A.07 [UNDUE INFLUENCE ON VOTERS PROHIBITED.] No election judge, officer, or any other person shall directly or indirectly by himself or any other person in his behalf, make use of or threaten to make use of any force, coercion, violence, restraint, or undue influence, or inflict or threaten to inflict by himself, or any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel or attempt to induce or compel such that person to vote or refrain from voting for any candidate or the ticket of any political party, or any measure before the people, nor shall by abduction, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise of any voter at any primary or election, or compel, induce, or prevail upon any elector to give or to refrain from giving his vote at any primary or election.

Sec. 25. Minnesota Statutes 1978, Chapter 210A, is amended by adding a section to read:

[210A.141] [REFUSING EMPLOYEE ELECTION PRIVILEGES; PENALTY.] No person acting as principal or as an official or agent of another, shall directly or indirectly refuse, abridge or in any manner interfere with the election privileges or immunities of an employee of that person or his principal. A violation of this section is a misdemeanor.

Sec. 26. Minnesota Statutes 1978, Section 210A.26, Subdivision 4, is amended to read:

Subd. 4. [ELECTIONS IN CERTAIN MUNICIPALITIES, STATEMENTS TO BE FILED.] Every candidate and the secretary of every personal campaign committee in every primary municipal election primary, special municipal election, or regular municipal election in all municipalities having more than 20,000 inhabitants shall file a financial statement as follows:

- (a) Seven days before the primary;
- (b) Seven days after the primary;
- (c) Seven days before the regular or special elections; and
- (d) Seven days after the regular or special election.

The statement shall be verified upon the oath of such the candidate or such the personal campaign committee, as the case may be, and shall cover all transactions made up to and including the third day before the filing of the statement and not accounted for and reported upon in statements theretofore filed, except that no transactions shall be made thereafter which are not included in the final statement. The statements required by this subdivision shall disclose the same information required in subdivision 2. Each statement after the first shall contain a summary of all preceding

statements and summarize all items theretofore reported under the provisions of this section. Blanks for all these statements shall be prepared by the secretary of state, and copies thereof, together with a copy of this section, shall be furnished, through the county auditor, or otherwise, as the secretary of state may deem expedient, to the secretary of every committee and to every candidate, upon the filing of nomination papers by such the candidate, and to all other persons required by the charter of such the municipalities or any election law applicable to such the municipality, in which any municipal primary election, special municipal election, or regular municipal election is being held or is to be held under the provisions of any such municipal charter, or applicable law, and to all other persons required by law to file such statements who may apply therefor. The provisions hereof of section 210A.26 relating to the filing of verified statements of expenditures shall be in addition to requirements contained in the charter of any municipalities requiring the filing of verified statements of expenditures in connection with any municipal primary election, special municipal election, or regular municipal election held or to be held under any such municipal charter or applicable law. The verified statements so required shall be filed with the proper filing officer of any such the municipality.

Sec. 27. Minnesota Statutes 1978, Section 210A.28, is amended to read:

210A.26 [NAMES OF CANDIDATES SHALL NOT BE PRINTED ON BALLOT UNLESS STATEMENT IS FILED.] The name of a candidate chosen at a primary election, or otherwise, shall not be printed on the official ballot for the ensuing general election, unless there has been filed by or on behalf of the candidate and by his personal campaign committee, if any, the statements of accounts and expenses relating to nomination required by sections 210A.01 to 210A.44.

Sec. 28. Minnesota Statutes 1978, Section 210A.34, Subdivision 4, is amended to read:

Subd. 4. It shall not be a violation of this section for a major political party, as defined in section 200.02, subdivision 7, to form a nonprofit corporation for the sole purpose of holding real property to be used exclusively as such political the party's headquarters.

Sec. 29. Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 11, is amended to read:

Subd. 11. [CONTRIBUTIONS TO POLITICAL PARTIES AND CANDIDATES.] In lieu of the credit against taxable net income provided by section 290.21, subdivision 3, clause (a), a taxpayer may take a credit against the tax due under this chapter of 50 percent but not more than \$50 of his contributions to a political party and candidate. A married couple, filing jointly, may take a similar credit of not more than \$100. No credit shall be allowed under this subdivision for a contribution to any candidate, other than a candidate for elective judicial office, who has not

signed an agreement to limit his campaign expenditures as provided in section 10A.32, subdivision 3b. The commissioner of revenue shall provide in the tax instruction booklet language understandable to a person of average intelligence which states that the taxpayer may only claim a credit against his tax due for contributions to candidates for (a) judicial office or (b) statewide or legislative office who have agreed to limit their expenditures. For purposes of this subdivision, "candidate" means a candidate as defined in section 10A.01, subdivision 5 other than a county court, probate court or county municipal court judgeship ; and "political party" means a major political party as defined in section 200.02, subdivision 7 . The department of revenue shall provide on the first page of the Minnesota tax form an appropriate provision for the credit provided by this subdivision.

This credit shall be allowed only if the contribution is verified in the manner the commissioner of revenue shall prescribe.

Sec. 30. Minnesota Statutes 1978, Section 290.21, Subdivision 3, is amended to read:

Subd. 3. An amount for contribution or gifts made within the taxable year:

(a) to or for the use of the state of Minnesota, or any of its political subdivisions for exclusively public purposes.

(b) to or for the use of any community chest, corporation, organization, trust, fund, association, or foundation located in and carrying on substantially all of its activities within this state, organized and operating exclusively for religious, charitable, public cemetery, scientific, literary, artistic, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual,

(c) to a fraternal society, order, or association, operating under the lodge system located in and carrying on substantially all of their activities within this state if such contributions or gifts are to be used exclusively for the purposes specified in subdivision 3 (b), or for or to posts or organizations of war veterans or auxiliary units or societies of such posts or organizations, if they are within the state and no part of their net income inures to the benefit of any private shareholder or individual, or to an employee stock ownership trust as defined in section 290.01, subdivision 25. Where the beneficiaries of a stock ownership trust include the transferor, his spouse, children, grandchildren, parents, siblings or their children, the amount of the deduction shall be reduced by the product of multiplying said amount by their percentage interest in the trust,

(d) to or for the use of the United States of America for exclusively public purposes, and to or for the use of any community chest, corporation, trust, fund, association, or foundation, organized and operated exclusively for any of the purposes specified in subdivision 3 (b) and (c) no part of the net earnings of which inures to the benefit of any private shareholder or indi-

vidual, but not carrying on substantially all of their activities within this state, in an amount equal to the ratio of Minnesota taxable net income to total net income, provided, however, that for an individual taxpayer, the credit shall be allowed in an amount equal to the ratio of the taxpayer's gross income from sources within the state to the taxpayer's gross income from all sources,

(e) to a *major* political party, as defined in section 200.02, subdivision 7, or a political candidate, as defined in section 210A.01, or a political cause when sponsored by any party or association, or committee, as defined in section 210A.01, in a maximum amount not to exceed the following:

(1) contributions made by individual natural persons, \$100,

(2) contributions made by a national committeeman, national committeewoman, state chairman, or state chairwoman of a *major* political party, as defined in section 200.02, subdivision 7, \$1,000,

(3) contributions made by a congressional district committeeman or committeewoman of a *major* political party, as defined in section 200.02, subdivision 7, \$350,

(4) contributions made by a county chairman or a county chairwoman of a *major* political party, as defined in section 200.02, subdivision 7, \$150;

(f) in the case of an individual, the total credit against taxable net income allowable hereunder shall not exceed 30 percent of the taxpayer's Minnesota gross income as follows:

(i) the aggregate of contributions made to organizations specified in (a), (b) and (d) shall not exceed ten percent of the taxpayer's Minnesota gross income.

(ii) the total credits under this subparagraph for any taxable year shall not exceed 20 percent of the taxpayer's Minnesota gross income. For purposes of this subparagraph, the credits under this section shall be computed without regard to any deduction allowed under subparagraph (i) but shall take into account any contributions described in subparagraph (i) which are in excess of the amount allowable as a credit under subparagraph (i);

(g) in the case of a corporation, the total credit against net income hereunder shall not exceed 15 percent of the taxpayer's taxable net income less the credits allowable under this section other than those for contributions or gifts.

(h) in the case of a corporation reporting its taxable income on the accrual basis, if: (A) the board of directors authorizes a charitable contribution during any taxable year, and (B) payment of such contribution is made after the close of such taxable year and on or before the fifteenth day of the third month following the close of such taxable year; then the taxpayer may elect to treat such contribution as paid during such taxable year. The election may be made only at the time of the filing of the return for such

taxable year, and shall be signified in such manner as the commissioner shall by regulations prescribe;

(i) in the case of a contribution or property placed in trust as described in section 170 (f) (2) of the Internal Revenue Code of 1954, as amended through December 31, 1976, a credit shall be allowed under this subdivision to the extent that a deduction is allowable for federal income tax purposes.

Sec. 31. Minnesota Statutes 1978, Section 365.51, is amended to read:

365.51 [ANNUAL TOWN MEETING; PRECINCTS; POLLING PLACES.] 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. 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. 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 The precincts and polling places shall be designated by the town board in the manner prescribed by sections 204A.06 and 204A.09 Article IV, Sections 14 and 16.

Sec. 32. Minnesota Statutes 1978, Section 365.52, is amended to read:

365.52 [SPECIAL TOWN MEETINGS; PRECINCT; POLLING PLACES.] A special town meeting may be held for the purpose of election to fill a vacancy when the town board has failed to fill the vacancy by appointment, or for transacting any other lawful business whenever the supervisors, town clerk, and justices of the peace, or any two of them together with at least 12 other freeholders of the town, file in the office of the town clerk a written statement setting forth the reasons and necessity for such meeting and the particular business to be transacted thereat and that the interests of the town require that such meeting be held. A town meeting may also be called upon a petition of 20 percent of the qualified electors eligible voters of the town, based upon the number of the electors as shown by the poll list of voters at the next preceding last general election. The town board may, with respect to an election by ballot at a special 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 The precincts and polling places shall be

designated by the town board in the manner prescribed by sections 204A.06 and 204A.09 Article IV, Sections 14 and 16.

Sec. 33. Minnesota Statutes 1978, Section 375.20, is amended to read:

375.20 [QUESTIONS SUBMITTED TO VOTE; BALLOT.] When the county board is authorized to do any act, incur any debt, appropriate money for any purpose, or exercise any other power or authority, only when authorized to do so by a vote of the people, the question to be voted upon may be submitted at a special or any general election, by a resolution specifying the matter or question to be voted upon; and, if it is to authorize the appropriation of money, creation of a debt, or levy of a tax, shall state the amount thereof. Notice of such the election shall be given as in the case of special elections; and, if the question submitted be is adopted, the board shall pass an appropriate resolution to carry the same it into effect. In all such elections the form of the ballot shall be: "In favor of (here state the substance of the resolution to be submitted), Yes..... No.....," with a square opposite each of the words "yes" and "no," in one of which the voter shall make a cross mark an "X" to indicate his choice ; provided that . The county board may call a special county election upon any such question to be held within 60 days after a resolution to that effect shall be is adopted by the county board. Upon the adoption of such a the resolution the county auditor shall post and publish notices of such the election, as required by section 202A.66 Article VI, Section 22, Subdivisions 2 and 3 . The election shall be conducted and the returns canvassed in the manner prescribed by sections 202A.61 to 202A.71 Article VI, Sections 20 to 27, so far as practicable.

Sec. 34. Minnesota Statutes 1978, Section 382.28, is amended to read:

382.28 [LAW ENFORCEMENT OFFICIALS.] In each election district established as provided by section 204A.06 Article IV, Section 15 there shall be elected at the general election two law enforcement officials whose term of office shall be two years. The law enforcement position may be filled by a (a) peace officer, (b) constable, or (c) deputy constable. Any vacancy that may occur in either of such these offices shall be filled by appointment by the county board.

Sec. 35. Minnesota Statutes 1978, Section 487.03, Subdivision 2, is amended to read:

Subd. 2. [ELECTION.] Each judge shall be elected at the general 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 Article IV, Sec-

tion 6, Subdivision 6, 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 Article IV, Section 36, Subdivision 5, shall retain this right.

Sec. 36. [RULES OF SECRETARY OF STATE; CONTINUATION.] *The rules of the secretary of state in force on the effective date of this section shall remain effective until they are modified or repealed as provided by law. Any rulemaking proceeding initiated by the secretary of state prior to the effective date of this section may be continued and the proposed rule or rules may be promulgated in the manner authorized by this act. With respect to those subjects which were within the rulemaking authority of the secretary of state prior to the effective date of this section, the rulemaking authority given to the secretary of state by this act shall be construed as a continuation of that previously existing authority and not as a new delegation of rulemaking authority.*

Sec. 37. [INSTRUCTION TO THE REVISOR.] *In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall make the following substitutions as indicated in this section in subdivisions not amended by articles I to VII.*

(a) *In chapter 202A substitute:*

- (1) "Major political party" for "political party;"
- (2) "State general election" for "general election;" and
- (3) "State primary" for "primary election."

(b) *In chapter 205 substitute:*

- (1) "Major political party" for "political party;"
- (2) "State general election" for "general election;"
- (3) "Primary" for "primary election;"
- (4) "Governing body" or "governing body of the city," as appropriate, for "council;" and
- (5) "Municipal primary" for "primary municipal election."

(c) *In chapter 206 substitute:*

- (1) "Major political party" for "political party;"
- (2) "State general election" for "general election;"
- (3) "Primary" or "primaries," as appropriate, for "primary election" or "primary elections;"
- (4) "Governing body of the city" for "council;"
- (5) "Election judges" for "judges," meaning election judges and not judges of court; and

(6) "Polling place" or "polling places," as appropriate, for "polls."

(d) *In chapter 208 substitute:*

(1) "Major political party" or "major political parties," as appropriate, for "political party" or "political parties;" and

(2) "State general election" for "general election."

(e) In chapter 209 substitute "primary" for "primary election."

(f) In chapter 210A substitute:

(1) "Major political party" for "political parties;" and

(2) "Polling place" for "polls."

Sec. 38. [REPEALER.] *Minnesota Statutes 1978, Sections 201.231; 201.26; 201.33; 202A.21; 202A.22; 202A.23; 202A.24; 202A.25; 202A.26; 202A.27; 202A.28; 202A.29; 202A.30; 202A.31; 202A.32; 202A.41; 202A.42; 202A.51; 202A.52; 202A.53; 202A.54; 202A.61; 202A.62; 202A.63; 202A.64; 202A.65; 202A.66; 202A.67; 202A.68; 202A.69; 202A.70; 202A.71; 202A.721; 203A.01; 203A.11; 203A.12; 203A.13; 203A.14; 203A.15; 203A.16; 203A.17; 203A.18; 203A.21; 203A.22; 203A.23; 203A.31; 203A.32; 203A.33; 203A.34; 203A.35; 203A.36; 203A.41; 203A.42; 203A.43; 204A.01; 204A.02; 204A.03; 204A.04; 204A.05; 204A.06; 204A.07; 204A.08; 204A.09; 204A.10; 204A.11; 202A.12; 204A.13; 204A.14; 204A.15; 204A.16; 204A.17; 204A.175; 204A.18; 204A.19; 204A.20; 204A.21; 204A.22; 204A.23; 204A.24; 204A.25; 204A.26; 204A.27; 204A.28; 204A.29; 204A.295; 204A.30; 204A.31; 204A.32; 204A.33; 204A.34; 204A.341; 204A.35; 204A.36; 204A.365; 204A.37; 204A.38; 204A.39; 204A.40; 204A.41; 204A.42; 204A.43; 204A.44; 204A.45; 204A.46; 204A.47; 204A.49; 204A.50; 204A.51; 204A.52; 204A.53; 204A.54; 204A.55; 204A.56; 204A.57; 204A.58; 204A.59; 204A.60; 204A.61; 204A.62; 207.01; 207.02; 207.025; 207.03; 207.04; 207.05; 207.06; 207.07; 207.08; 207.085; 207.09; 207.11; 207.14; 207.151; 207.16; 207.17; 207.18; 207.19; 207.20; 207.21; 207.22; 207.221; 207.23; 207.24; 207.25; 207.26; 207.27; 207.28; 207.29; 207.30; 207.31; and 210.22; and Minnesota Statutes, 1979 Supplement, Sections 203A.13; 203A.15; 204A.23; 204A.26; 204A.31; 204A.32, Subdivision 3; 204A.51, Subdivisions 2 and 3; 204A.515; 204A.53, Subdivisions 2 and 3; 207.08; 207.11, Subdivision 6 are repealed.*

ARTICLE VIII

Miscellaneous Provisions"

Page 3, line 15, delete "*This act*" and insert "*Articles I to VII are effective January 1, 1981. Article VIII*"

Amend the title as follows:

Page 1, line 2, after the semicolon insert:

"revising, reorganizing and recodifying major portions of the Minnesota election law; modernizing and improving language, organization and style; clarifying certain ambiguities; removing certain obsolete terms and provisions; restating guidelines for determining voter eligibility; providing for voter registration, absentee voting, the conduct of elections and the counting and canvassing of election returns; defining terms; providing penalties; making necessary technical amendments, corrections and other revisions;"

Page 1, line 5, after "Sections" insert:

"10A.01, Subdivision 12; 40.05, Subdivision 3; 123.32, Subdivision 7; 200.01; 200.02; 201.01; 201.021; 201.061; 201.071; 201.081; 201.091; 201.11; 201.12; 201.121; 201.13; 201.14; 201.161; 201.171; 201.18; 201.211; 201.221; 201.27; 201.275; 202A.11; 202A.16, Subdivision 1; 205.01; 205.03;"

Page 1, line 5, before the semicolon insert:

"; 205.13, Subdivision 1; 205.15"

Page 1, line 5, delete "and" and insert:

"205.17, Subdivision 2; 205.20, Subdivisions 2 and 5; 206.07, Subdivision 1; 206.185, Subdivision 1; 206.20, Subdivision 2; 206.21, Subdivisions 1 and 2; 210A.07; 210A.26, Subdivision 4; 210A.28; 210A.34, Subdivision 4; 290.21, Subdivision 3; 365.51; 365.52; 375.20; 382.28;"

Page 1, line 6, before the period insert

"; 487.03, Subdivision 2; and Chapters 200, 201, 205, and 210A, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 201.15; 205.11, Subdivision 4a; 205.14, Subdivision 4; 206.185, Subdivision 5; 208.04; and 290.06, Subdivision 11; repealing Minnesota Statutes 1978, Sections 201.231; 201.26; 201.33; 202A.21; 202A.22; 202A.23; 202A.24; 202A.25; 202A.26; 202A.27; 202A.28; 202A.29; 202A.30; 202A.31; 202A.32; 202A.41; 202A.42; 202A.51; 202A.52; 202A.53; 202A.54; 202A.61; 202A.62; 202A.63; 202A.64; 202A.65; 202A.66; 202A.67; 202A.68; 202A.69; 202A.70; 202A.71; 202A.721; and 210.22 and Chapters 203A, 204A, and 207; and Minnesota Statutes, 1979 Supplement, Sections 203A.13; 203A.15; 204A.23; 204A.26; 204A.31; 204A.32, Subdivision 3; 204A.51, Subdivisions 2 and 3; 204A.515; 204A.53, Subdivisions 2 and 3; 207.08; and 207.11, Subdivision 6"

The motion prevailed. So the amendment was adopted.

H. F. No. 1790 which the committee recommends to pass with the following amendment offered by Mr. Willet:

Page 1, after line 19, insert:

"Sec. 2. [TRAVEL INFORMATION FRANCHISE PROGRAM.] *Subdivision 1. The commissioner of transportation shall establish a franchise program to lease space within tourist information centers and safety rest areas for the purpose of providing information to travelers through travel-related commercial and public service advertising.*

Subd. 2. The program may, in its initial phase, utilize space within existing publicly owned buildings and shelters in safety rest areas and tourist information centers. This phase shall be operational by May 1, 1981. Franchises for this phase shall be ready to let by January 1, 1981.

Subd. 3. The program may also include franchises for the construction, operation and maintenance of additional information structures by the franchisee at his expense on state owned

lands within safety rest or tourist information center areas. All structures constructed by the franchisee shall meet or exceed specifications prescribed by the commissioner of transportation and shall satisfy the requirements of the state building code for accessibility by the physically handicapped. All structures shall be designed to enhance their site and shall be aesthetically compatible with the natural environment.

Subd. 4. The commissioner shall determine the sites to be included in this program and shall also determine if the advertising display at each site is to be inside or outside of any buildings or shelters.

Sec. 3. [COMMISSIONER OF TRANSPORTATION TO GRANT FRANCHISES.] *Subdivision 1. The commissioner of transportation, by public negotiation or bid, shall grant franchises for the purposes of section 2. Each franchise agreement shall include the safety rest areas and tourist information centers in a geographical area comprising approximately one-quarter of the land area of the state. The franchise agreement shall insure that the franchisee provide services throughout the area in as many tourist information centers and safety rest areas as are reasonably necessary for the convenience of travelers.*

Subd. 2. The commissioner of transportation shall require the franchisee to obtain liability insurance in an amount prescribed by the commissioner jointly insuring the state and the franchisee against any and all liability for claims for damage occurring wholly or partly because of the existence of the franchise.

Subd. 3. The franchise agreement may provide that a percentage of the gross revenues derived from advertising shall be paid to the state for deposit in the trunk highway fund.

Sec. 4. [ADDITIONAL FRANCHISE PROVISIONS.] *Subdivision 1. Each franchise agreement shall contain the following provisions:*

(a) The franchisee shall comply with 23 CFR 252 and subsequent revisions pertaining to privately operated information systems;

(b) At least 40 percent of the commercial advertising space shall be offered initially for a reasonable period of time to local advertisers who provide services for travelers within a 60 mile radius of the safety rest area or tourist information center;

(c) The franchisees shall make appropriate marketing efforts in an attempt to lease at least 40 percent of the commercial advertising space to local advertisers; and

(d) Reasonable performance standards, and maintenance standards for structures constructed by the franchisee.

Subd. 2. The franchise agreement shall impose limitations on advertising space within state owned buildings or on state owned property in safety rest areas and tourist information centers.

Subd. 3. The commissioner of transportation may require additional reasonable terms and conditions to be included in the

franchise agreement, including but not limited to, provisions governing the renewal and termination of the agreement, and in the event of termination, the rights of the state and the franchisee in advertising contracts and in buildings constructed by the franchisee.

Sec. 5. Minnesota Statutes 1978, Section 160.08, Subdivision 7, is amended to read:

Subd. 7. [NO COMMERCIAL ESTABLISHMENT WITHIN RIGHT-OF-WAY.] No commercial establishment, including but not limited to automotive service stations, for serving motor vehicle users shall be constructed or located within the right-of-way of, or on publicly-owned or publicly-leased land acquired or used for or in connection with, a controlled access highway, *except that structures may be built within safety rest and tourist information center areas and space within state owned buildings in those areas may be leased for the purpose of providing information to travelers through commercial and public service advertising pursuant to franchise agreements as provided in sections 2 to 8.*

Sec. 6. Minnesota Statutes 1978, Section 161.23, Subdivision 3, is amended to read:

Subd. 3. [LEASING.] The commissioner may lease for the term between the acquisition and sale thereof and for a fair rental rate and upon such terms and conditions as he deems proper, any excess real estate acquired under the provisions of this section, and any real estate acquired in fee for trunk highway purposes and not presently needed therefor. All rents received from the leases shall be paid into the state treasury. Seventy percent of the rents shall be credited to the trunk highway fund. The remaining thirty percent shall be paid to the county treasurer where the real estate is located, and shall be distributed in the same manner as real estate taxes. *This subdivision does not apply to real estate leased for the purpose of providing commercial and public service advertising pursuant to franchise agreements as provided in sections 2 to 8.*

Sec. 7. Minnesota Statutes 1978, Section 161.433, Subdivision 2, is amended to read:

Subd. 2. [CONSIDERATION FOR USE.] The consideration paid for the use of air space or subsurface areas shall be determined by the commissioner, but in no event shall it be less than a fair rental rate, and shall include costs for the erection and maintenance of any facilities or other costs occasioned by that use. All moneys received shall be paid into the trunk highway fund. *This subdivision does not apply to real estate leased for the purpose of providing commercial and public service advertising pursuant to franchise agreements as provided in sections 2 to 8.*

Sec. 8. Minnesota Statutes 1978, Section 161.434, is amended to read:

161.434 [RIGHT OF WAYS OF INTERSTATE AND TRUNK HIGHWAYS; LIMITED LAND USE.] The commissioner may

also make such arrangements and agreements as he deems necessary in the public interest for the limited use of land owned as interstate or trunk highway right of way, which use shall be for highway purposes, including aesthetic purposes, but not including the erection of permanent buildings, *except buildings or structures erected for the purpose of providing information to travelers through commercial and public service advertising pursuant to franchise agreements as provided in sections 2 to 8.* The commissioner shall secure the approval of the appropriate federal agency where approval is required."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for a travel information franchise program, and prescribing the powers and duties of the commissioner of transportation in relation thereto;

Page 1, line 5, delete "Section" and insert Sections 160.08, Subdivision 7; 161.23, Subdivision 3; 161.433, Subdivision 2; 161.434; and"

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass H. F. No. 1790.

The roll was called, and there were yeas 33 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Jensen	Moe	Rued	Strand
Ashbach	Johnson	Ogdahl	SchAAF	Ueland, A.
Bernhagen	Keefe, S.	Olson	Schmitz	Vega
Dieterich	Kirchner	Penny	Setzepfandt	Wegener
Frederick	Knaak	Peterson	Sillers	Willet
Gearty	Laufenburger	Pillsbury	Solon	
Gunderson	Lessard	Purfeerst	Stern	

Those who voted in the negative were:

Bang	Hughes	Menning	Sikorski	Tennessen
Barrette	Humphrey	Merriam	Spear	
Benedict	Keefe, J.	Nichols	Staples	
Brataas	Knoll	Olhoft	Stokowski	
Coleman	Luther	Omann	Stumpf	

The motion prevailed. So H. F. No. 1790 was recommended to pass. H. F. No. 1790 was then progressed.

S. F. No. 1028, which the committee recommends to pass with the following amendment offered by Mr. Tennessen:

Page 3, line 25, delete "Subdivision 1."

Page 3, line 32, after the semicolon, insert "and"

Page 3, line 33, delete the semicolon and insert a period

Page 4, delete lines 1 to 17

The motion prevailed. So the amendment was adopted.

H. F. No. 1453, which the committee recommends to pass with the following amendments offered by Messrs. Peterson and Willet:

Mr. Peterson moved to amend H. F. No. 1453 as follows:

Page 2, line 32, delete "*this act*" and insert "*sections 1 and 2*"

Page 3, after line 1, insert

"Sec. 4. Minnesota Statutes, 1979 Supplement, Section 43.051, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding the provisions of subdivision 1, any employee of the state of Minnesota in a covered classification as defined in section 352.91, who is a member of the special retirement program for correctional personnel established pursuant to sections 352.90 to 352.95, *shall may elect or be required to retire* from employment in the covered correctional position upon reaching the age of 55 years, *unless the person applies for and receives from the commissioner of corrections, or the commissioner of public welfare if the appointing authority is the Minnesota security hospital an extension beyond the conditional mandatory retirement age.*

A covered correctional employee may be employed beyond the mandatory retirement age, but not beyond the age of 65 years. A correctional employee occupying a position specified as covered by the provisions of section 352.91, desiring employment beyond the conditional mandatory retirement age shall, at least 30 days prior to the date of reaching the conditional mandatory retirement age of 55 years, and annually thereafter, request in writing to the person's appointing authority that he be authorized to continue in employment *in the covered position*. Upon receiving the request, the appointing authority shall have a medical examination made of the employee. *If the results of the medical examination, together with the determination and certification of the appointing authority as to establish the mental and physical ability of the employee to continue to fulfill the duties of his employment, he shall be continued in his employment for the following year; shall be transmitted to the commissioner of corrections or the commissioner of public welfare if the appointing authority is the Minnesota security hospital. If the determination of the appointing authority relating to an employee based upon the results of the physical examination is adverse, the disposition of the matter shall be decided by the commissioner of corrections or of public welfare, whichever is applicable, if the appointing authority is the Minnesota security hospital. Based on the information provided to him, the decision of the applicable commissioner shall be made in writing and shall be final.*

Sec. 5. Minnesota Statutes 1978, Section 352.90, is amended to read:

352.90 [CORRECTIONAL EMPLOYEES.] It is the policy of the legislature to provide special retirement benefits and contributions for certain correctional employees who, because of the

nature of their employment, are may be required to retire at an early age because they are unable to retain the mental or physical capacity required to maintain the safety, security, discipline and custody of inmates at state adult correctional facilities. For the purpose of chapter 356, the actuary shall make separate reports with respect to these employees. Except as otherwise provided, the provisions of this chapter, apply to covered correctional employees.

Sec. 6. Minnesota Statutes 1978, Section 352.91, Subdivision 1, is amended to read:

352.91 [COVERED CORRECTIONAL SERVICE.] Subdivision 1. Covered correctional service means: (a) services performed on, before, or after July 1, 1973, by a state employee, as defined in section 352.01, as an attendant guard, attendant guard supervisor, correctional captain, correctional counselor I, correctional counselor II, correctional counselor III, correctional counselor IV, correctional lieutenant, correctional officer, correctional sergeant, director of attendant guards and guard farmer garden, provided the employee was employed in such position on July 1, 1973 or thereafter; (b) services performed before July 1, 1973 by an employee covered under clause (a) in a position classified as a houseparent, special schools counselor, shop instructor or guard instructor; and (c) services performed before July 1, 1973 in a position listed in clause (a) and positions classified as houseparent, guard instructor and guard farmer dairy, by a person employed on July 1, 1973 in a position classified as a license plant manager, prison industry foreman (general, metal fabricating and foundry), prison industry supervisor, food service manager, prison farmer supervisor, prison farmer assistant supervisor or rehabilitation therapist employed at the Minnesota security hospital. However an employee shall not be covered hereunder if first employed after July 1, 1973 and who because of his age could not acquire ten years of sufficient service to qualify for an annuity as a correctional employee.

Sec. 7. Minnesota Statutes 1978, 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 correctional facility-St. Cloud, the state prison Minnesota correctional facility-Stillwater and the Minnesota correctional institution for women facility-Shakopee on or after July 1, 1974, other than any such employees who are 62 years of age or older as of July 1, 1974, and, effective the first payroll period after June 1, 1980, shall also include those employees of the Minnesota correctional facility-Lino Lakes and the employees of any other adult state correctional facility which may be established, who perform covered correctional service after June 1, 1980. For each special teacher who on July 1, 1974 is employed at one of the foregoing institutions facilities 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 facility educational administrator and supervisor.

Sec. 8. Minnesota Statutes 1978, Section 352.91, is amended by adding a subdivision to read:

Subd. 4. Upon the recommendation of the commissioner of corrections or the commissioner of public welfare, whichever is the appropriate employing authority, with the approval of the legislative advisory committee and with notification to and receipt of comments from the legislative commission on pensions and retirement, the commissioner of personnel may certify additional civil service classifications at state adult correctional or security hospital facilities to the executive director of the Minnesota state retirement system as positions rendering covered correctional service.

Sec. 9. [PENSION COVERAGE FOR MOORHEAD POLICE CHIEF.] Notwithstanding Minnesota Statutes, Section 353.64, Subdivision 1, or any other general or special law to the contrary, the person employed by the city of Moorhead on the effective date of this act as chief of police shall be a member of the public employees police and fire fund established by Minnesota Statutes, Sections 353.63 to 353.68 and not of the local police relief association. Any employee contributions made to the local police relief association shall be transferred to the public employees police and fire fund. In addition an amount which together with the amount transferred is equal to the total employer and employee contributions pursuant to Minnesota Statutes, Section 353.65, which would have been required by the public employees police and fire fund during the period between initial employment as chief of police and the effective date of this act, shall be paid by the city into the public employees police and fire fund, which shall credit the chief of police with service as a member for this period only upon receipt of the required amounts.

Sec. 10. Notwithstanding any provision of Minnesota Statutes, Section 353.64, Subdivision 1, or any other general or special law to the contrary, a person who was employed by the city of St. Louis Park as a police officer during the period from September of 1967 through July of 1977 shall upon (1) reemployment as a St. Louis Park police officer and (2) repayment of employee contributions previously refunded to him plus interest on the refund amount at the rate of six percent per annum compounded annually from the date the refund was taken until the date the refund was repaid and (3) the completion of additional service sufficient to total ten years or more, be entitled to transfer all allowable service credit in the St. Louis Park police relief association to the public employees police and fire fund. Upon fulfillment of the above conditions and application by the individual, but not later than December 31, 1986, the St. Louis

Park police relief association shall pay to the public employees police and fire fund an amount equal to the combined employer and employee contributions made by or on behalf of the individual plus compound interest thereon at the rate of six percent per annum from the date originally received. In calculating the amount of employer contributions made on behalf of the individual, the amounts which represent the annual pro rata share of all amounts received by the St. Louis Park police relief association, excluding interest on the accumulated assets of the relief association and member contributions, determined on basis of the number of active members each year, shall be utilized. If the amount thus paid is greater than the total of contributions which would have been required had the individual been a member of the public employees police and fire fund during the periods when the service was rendered, the amount of the excess shall be refunded to the St. Louis Park police relief association. If the amount paid is less than the required amount, the individual shall pay this amount, unless the governing body of the city of St. Louis Park elects to make the payment. No service credit in the public employees police and fire fund shall be granted until all conditions of this section have been fulfilled and all required payments have been made.

Sec. 11. [INVESTMENT OF FUNDS.] *The funds of either the Rochester fire department relief association or the Rochester police relief association shall be invested in securities which are proper investments for funds of the Minnesota state retirement system, except that up to \$10,000 may be invested in the stock of any one corporation in any account of such small size that the three percent stock limitation applicable to the Minnesota state retirement system would necessitate a lesser investment. The governing board of the applicable association may select and appoint investment agencies to act for and in its behalf or may certify funds for investment by the state board of investment under the provisions of Minnesota Statutes, Section 11.21, provided that there be no limit to the amount which may be invested in the income share account described in section 11.18, subdivision 2, or in the fixed-return account described in section 11.18, subdivision 3a, and that up to 20 percent of that portion of the assets of the association invested in the Minnesota supplemental retirement fund may be invested in the growth share account described in section 11.18, subdivision 3.*

Sec. 12. *Laws 1959, Chapter 131, Section 25, as amended by Laws 1969, Chapter 694, Section 7; and Laws 1969, Chapter 641, Section 5, are repealed.*

Sec. 13. [EFFECTIVE DATE.] *Sections 4 to 8 are effective June 1, 1980. Sections 9, 10, 11, and 12 are separately effective on the day of the respective compliance with Minnesota Statutes, Section 645.021, Subdivision 3."*

Delete the title and insert:

"A bill for an act relating to retirement; changing the terms and coverage of various state and local employee retirement plans;

amending Minnesota Statutes 1978, Sections 352.90; 352.91, Subdivisions 1 and 2, and by adding a subdivision; and 356.24; Minnesota Statutes, 1979 Supplement, Sections 43.051, Subdivision 3; and 465.72; repealing Laws 1959, Chapter 131, Section 25, as amended; and Laws 1969, Chapter 641, Section 5."

The motion prevailed. So the amendment was adopted.

Mr. Peterson then moved to amend H. F. No. 1453, as follows:

Page 3, after line 1, insert:

"Sec. 4. Minnesota Statutes 1978, Section 352B.08, Subdivision 2, is amended to read:

Subd. 2. The annuity shall be paid in monthly installments equal to that portion of the average monthly salary of the member multiplied by two and one-half percent for each year and pro rata for completed months of service not exceeding 20 years and two percent for each year and pro rata for completed months of service in excess of 20 years. Effective June 1, 1973, "average monthly salary" shall mean the average of the monthly salaries for the five high years of service as a member. The monthly salary for the period prior to July 2, 1969 shall be deemed to be \$600. In lieu of the life annuity herein provided, the member or former member with 10 years or more of service may elect a joint and survivor annuity, payable to the surviving spouse a designated beneficiary for life, adjusted to the actuarial equivalent value of such life annuity. The joint and survivor annuity elected by a member may also provide that the elected annuity be reinstated to the life annuity herein provided, if after drawing the elected joint and survivor annuity, the spouse designated beneficiary dies prior to the death of the member. This reinstatement shall not be retroactive but shall be in effect for the first full month subsequent to the death of the surviving spouse designated beneficiary. This additional joint and survivor option with reinstatement clause shall be adjusted to the actuarial equivalent value of a regular life annuity. The member with ten or more years of service or the former member with 20 years or more of allowable service credit is deemed to have elected a 100 percent joint and survivor annuity payable only on or after the member's 55th birthdate.

Sec. 5. Section 4 is effective the day following final enactment and shall apply to a member or former member making application for benefits thereafter."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "selection of joint and survivor annuities by members of the highway patrolmens' retirement fund;"

Page 1, line 5, delete "Section" and insert "Sections 352B.08, Subdivision 2; and"

The motion prevailed. So the amendment was adopted.

Mr. Willet moved to amend H. F. No. 1453 as follows:

Page 3, after line 1, insert:

"Sec. 4. Notwithstanding the provisions of section 354.48, subdivision 2, an employee of the Brainerd Community College who was disabled from a day in December, 1976, to a day in January, 1978, shall be entitled to disability payments pursuant to chapter 354 for the actual period of disability. The disability payments shall not exceed \$2,840.80."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for certain disability payments;"

The motion prevailed. So the amendment was adopted.

S. F. No. 2166, which the committee recommends to pass with the following amendments offered by Messrs. Davies; Keefe, S. and Mrs. Stokowski:

Mr. Davies moved to amend S. F. No. 2166 as follows:

Page 7, line 13, after "entity" insert ", provided, however, that any project undertaken pursuant to authority granted by Minnesota Statutes, Chapter 458, 462, 472, 472A, or 474 is subject to all of the limitations contained within that chapter."

The motion prevailed. So the amendment was adopted.

Mr. Keefe, S., moved to amend S. F. No. 2166 as follows:

Page 3, line 31, before the period insert "or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission"

Page 4, line 10, after the period insert "Notwithstanding any contrary provisions of law or city charter, any employee of the Minneapolis industrial development commission who is not in the classified service of the city of Minneapolis, and any person employed as a director or deputy director of the Minneapolis housing and redevelopment agency shall either be transferred to employment of the agency or department, or the city of Minneapolis, or shall remain an employee of the commission or authority, as determined by the city council, and the city council may transfer the person into the classified service of the city of Minneapolis and into a position for which the person is qualified as determined by the city council."

Page 4, delete lines 11 to 19 and insert:

"Following implementation of this act, all existing employees of the Minneapolis housing and redevelopment authority except the director and deputy directors shall either be transferred to employment of the agency or department or shall continue to be employed by the Minneapolis housing and redevelopment authority or shall be transferred to employment of the city, as determined by the city council. In the event of transfer of employment to the city of Minneapolis, the city council may transfer the person into the classified service into a position for which the employee is qualified. In any event:

(a) the employee's salary shall not be diminished as a result of implementation of this act;

(b) the employee's job responsibilities shall not be substantially diminished as a result of implementation of this act;

(c) the employee shall not be required to change residence as a result of this legislation; and

(d) the employee shall have the right to apply and be considered for positions with the agency or department on an equal basis with the other employees of the agency or department. Length of service with the Minneapolis housing redevelopment authority shall count on the same basis as length of service is counted for existing employees of the city of Minneapolis.

The director and deputy directors shall be considered employees for the purposes of clauses (c) and (d)."

Page 4, line 22, after "department" insert "or as an employee of the Minneapolis housing and redevelopment authority"

Page 4, line 23, before the comma insert "or department employment or Minneapolis housing and redevelopment authority employment"

Page 5, line 31, delete "employees of" and insert "several employee groups in"

Page 5, line 32, after "department" insert "as identified by the city council"

Page 5, line 33, delete "an" and insert "as"

Page 6, line 1, delete "unit" and insert "units"

Page 6, line 8, after "agency" insert "or the Minneapolis industrial development commission"

Page 6, after line 19, insert:

"An employee of the city of Minneapolis who is transferred to employment of the Minneapolis housing and redevelopment authority shall remain a member of the retirement fund to which the employee belonged prior to the transfer, during the employment. An employee of the city of Minneapolis who is a member of the Minneapolis municipal employees retirement fund who is transferred to employment of the agency shall remain a member of the fund during the employment."

Page 7, line 2, delete "defined" and insert "provided"

Page 7, line 4, after "agency" insert "or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission"

Page 7, line 8, after "agency" insert "or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission"

Page 9, after line 25, insert:

"The powers authorized by this subdivision may be exercised only after either (a) the city council adopts the first ordinance exercising the powers granted pursuant to section 2, subdivision 1, or (b) the city council adopts the first ordinance granting to the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission powers authorized pursuant to section 3, subdivision 1."

Page 10, line 1, delete "defined" and insert "provided"

Page 10, after line 10, insert:

"The powers authorized by this subdivision may be exercised only after either (a) the city council adopts the first ordinance exercising the powers granted pursuant to section 2, subdivision 1 or (b) the city council adopts the first ordinance granting to the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission powers authorized pursuant to section 3, subdivision 1."

Page 10, after line 19, insert:

"Subd. 9. Notwithstanding any contrary provisions of law, if the city council grants any additional powers to the Minneapolis housing and redevelopment authority by the ordinance exercising any of the powers authorized by section 3, subdivision 1, at that time or any subsequent time the city council may, by ordinance approved by nine members of the city council, change or modify the terms, number, and the appointing authority of the commissioners of the Minneapolis housing and redevelopment authority and the city council, by ordinance approved by seven members of the city council, may also impose any of the limitations authorized in section 4 upon the Minneapolis housing and redevelopment authority. The vote of the city council adopting the ordinance shall be subject to mayoral veto and city council override.

Whenever the authority granted by this subdivision to modify the terms, numbers or appointing authority of the commissioners is first implemented, it shall be implemented only upon approval of a majority of the commissioners. No subsequent ordinance exercising the powers to modify the terms, number or appointing authority of the commissioners shall be adopted by the city council until twelve months after the approval of the first implementation of the powers granted by this subdivision to modify the terms, numbers or appointing authority of the commissioners by the commissioners.

Subd. 10. Notwithstanding any contrary provision of law or city charter, if the city council by ordinance grants any additional powers to the Minneapolis industrial development commission pursuant to section 3, subdivision 1, at that time or any subsequent time the city council may, by ordinance approved by nine members of the city council, change or modify the number, the terms and the appointing authority of the commissioners of the Minneapolis industrial development commission and the city council may, by ordinance approved by seven members of the city

council, impose any of the limitations authorized in section 4 upon the Minneapolis industrial development commission. The vote of the city council adopting the ordinance shall be subject to mayoral veto and city council override.

Subd. 11. The city council may also by ordinance grant to the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission all of the powers granted to the agency pursuant to subdivisions 3 and 4, and may apply the powers granted pursuant to subdivisions 5 and 8 to the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission."

Page 11, line 1, delete "defined" and insert "provided"

Page 11, after line 26, insert:

"Sec. 6. Minnesota Statutes, 1979 Supplement, Section 462C.07, Subdivision 3, is amended to read:

Subd. 3. Upon approval of the housing plan as provided in section 462C.01, clause (c), any port authority referred to in chapter 458 may, until July 1, ~~1980~~ 1982, issue revenue bonds of the port authority to finance multifamily housing developments undertaken in accordance with the provisions of section 462C.05, and for such purpose the port authority may exercise any and all powers set forth in chapters 458 and 474, provided that nothing herein shall be construed as authorizing a port authority to finance any housing program other than that authorized by section 462C.05. After July 1, ~~1980~~ 1982, the port authority may issue revenue bonds solely in accordance with the provisions of Laws 1979, Chapter 306, Sections 1 to 16.

Sec. 7. Minnesota Statutes 1978, Section 458.192, Subdivision 1, is amended to read:

458.192 [ADDITIONAL POWERS.] Subdivision 1. In addition to all powers conferred on such port authority under sections 458.09 to 458.19, such port authority, or any city authorized by any general or special law to exercise the powers of a port authority, to accomplish the purposes set forth in section 458.191, subdivision 1, shall have such additional powers as provided in subdivisions 2 to ~~13~~ 15.

Sec. 8. Minnesota Statutes 1978, Section 458.192, is amended by adding subdivisions to read:

Subd. 14. Wherever the Winona port authority is authorized to use its powers for industrial development or the establishment of industrial development districts, and wherever the term "industrial" is used with relation to such purposes pursuant to chapter 458, the term or terms shall be understood to include and encompass the terms "economic" and "economic development".

Subd. 15. It may exercise and apply any and all of the powers and duties assigned to redevelopment agencies pursuant to chapter 474, in order to further any of the purposes and objectives of sections 458.09 to 458.1991 and 462.411 to 462.711, and may also exercise

and apply any and all of the powers and duties set forth in sections 458.09 to 458.1991 and 462.411 to 462.711, in order to further the purposes and policies set forth in chapter 474."

Page 12, after line 2, insert:

"Sections 6 to 8 of this act shall be effective the day following final enactment."

Underline all new language in the bill

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "and" and insert a comma

Page 1, line 3, after "Bloomington" insert "and Winona"

Page 1, line 6, after "Bloomington" insert "; providing powers and conditions of debt for the port authority of Winona; amending Minnesota Statutes 1978, Section 458.192, Subdivision 1, and by adding subdivisions; and Minnesota Statutes, 1979 Supplement, Section 462C.07, Subdivision 3"

The motion prevailed. So the amendment was adopted.

Mrs. Stokowski moved to amend S. F. No. 2166, as follows:

Page 11, after line 26, insert:

"Sec. 7. Minnesota Statutes, 1979 Supplement, Section 474.01, Subdivision 7b, is amended to read:

Subd. 7b. Prior to submitting an application to the commissioner of securities requesting approval of a project pursuant to subdivision 7a, the governing body or a committee of the governing body of the municipality or redevelopment agency shall conduct a public hearing on the proposal to undertake and finance the project. Notice of the time and place of hearing, and stating the general nature of the project and an estimate of the principal amount of bonds or other obligations to be issued to finance the project, shall be published at least once not less than 15 days nor more than 30 days prior to the date fixed for the hearing, in the official newspaper and a newspaper of general circulation of the municipality or redevelopment agency. The notice shall state that a draft copy of the proposed application to the commissioner of securities, together with all attachments and exhibits thereto, shall be available for public inspection following the publication of such notice and shall specify the place and times where and when it will be so available. At the time and place fixed for the public hearing, the governing body of the municipality or the redevelopment agency shall give all parties who appear at the hearing an opportunity to express their views with respect to the proposal to undertake and finance the project. Following the completion of the public hearing, the governing body of the municipality or redevelopment agency shall adopt a resolution determining whether or not to proceed with the project and its financing and

may thereafter apply to the commissioner of securities for approval of the project."

Renumber the remaining section

Page 12, after line 2, insert "Section 9 shall be effective the day following final enactment."

Amend the title as follows:

Page 1, line 6, after the second "Winona" insert "; providing for hearings for the issuance of industrial revenue bonds;" and after "subdivision 3" insert "; 474.01, Subdivision 7b"

The motion prevailed. So the amendment was adopted.

H. F. No. 1899, which the committee recommends to pass with the following amendment offered by Mr. Solon:

Page 5, line 6, delete "308.060" and insert "308.06"

Amend the title as follows:

Page 1, line 6, delete "308.060" and insert "308.06"

The motion prevailed. So the amendment was adopted.

S. F. No. 1636 which the committee recommends to pass, subject to the following motions:

Mr. Knoll moved to amend S. F. No. 1636 as follows:

Page 2, line 2, after "shall" insert "(1)"

Page 2, line 4, after "nature" insert "or (2) apply to a state university, the University of Minnesota or a state community college with respect to classes, seminars or training programs which are offered by them"

Page 2, line 9, after the period, insert "For the purposes of this section, "agency" means any state officer, employee, board, commission, authority, department or other agency or the executive branch of state government."

Page 2, line 29, delete "; provided that," and insert " . The provisions of this subdivision shall not apply to any classes, seminars or training programs offered by a state university, the University of Minnesota or a state community college."

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S. F. No. 1636.

The roll was called, and there were yeas 43 and nays 9, as follows:

Those who voted in the affirmative were:

Ashbach	Coleman	Hughes	Keefe, J.	Laufenburger
Barrette	Dieterich	Humphrey	Keefe, S.	Lessard
Benedict	Gearty	Jensen	Knaak	Luther
Chmielewski	Gunderson	Johnson	Knoll	Menning

Moe
Nelson
Olhoft
Olson
Omahn

Penny
Perpich
Peterson
Renneke
Rued

Schaaf
Schmitz
Setzepfandt
Sikorski
Solon

Spear
Staples
Stern
Stokowski
Strand

Stumpf
Vega
Willet

Those who voted in the negative were:

Davies
Dunn

Engler
Merriam

Pillsbury
Sieloff

Ueland, A.
Ulland, J.

Wegener

The motion prevailed. So S. F. No. 1636 was recommended to pass.

S. F. No. 657, which the committee recommends to pass with the following amendment offered by Mr. Humphrey:

Page 1, line 10, delete "7" and insert "5"

Pages 1, 2 and 3, delete sections 3 to 5 and insert:

"Sec. 3. Minnesota Statutes 1978, Section 116H.02, is amended by adding a subdivision to read:

Subd. 15. "Long-term disposal" means the placement of spent fuel at an away from reactor storage facility.

Sec. 4. Minnesota Statutes 1978, Section 116H.02, is amended by adding a subdivision to read:

Subd. 16. "Radioactive waste" when produced as a result of and incident to operation of a nuclear fission thermal power plant includes:

(a) Useless or unwanted capturable radioactive residues produced incidental to the use of radioactive material;

(b) Useless or unwanted radioactive material;

(c) Otherwise nonradioactive material made radioactive by contamination with radioactive material; or

(d) Radioactive waste does not include discharges or radioactive effluents to air or surface water when subject to applicable federal or state regulations.

Sec. 5. Minnesota Statutes 1978, Section 116H.13, is amended by adding a subdivision to read:

Subd. 4a. Before the director may issue a certificate of need for the construction of a new nuclear fission thermal power plant, he shall find that, in addition to all other certificate of need requirements, the following conditions have been met:

(1) That the cost for safe, technologically feasible long-term disposal of radioactive waste from the proposed plant can be calculated to reasonable accuracy; and

(2) That the utility agrees to meet all applicable standards of the appropriate agency of the federal government for the long-term disposal of radioactive waste by the time the plant begins licensed operation."

Page 3, line 31, delete "guilty of a gross misdemeanor and"

Page 3, line 32, delete "either or both of a fine" and insert "a civil penalty"

Page 4, delete section 7

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after "nuclear"

Page 1, delete lines 3 to 6 and insert "fission thermal power plant certificates of need; adding additional conditions; providing changes in rate base computations; amending Minnesota Statutes"

Page 1, line 7, delete "Section" and insert "Sections 116H.02, by adding subdivisions; 116H.13, by adding a subdivision; and"

The motion prevailed. So the amendment was adopted.

S. F. No. 2099, which the committee recommends to pass with the following amendments offered by Mr. Knoll:

Mr. Knoll moved to amend S. F. No. 2099 as follows:

Page 3, after line 11, insert:

"Sec. 3. Minnesota Statutes 1978, Section 462A.05, is amended by adding a subdivision to read:

Subd. 19. It may make no interest loans of up to \$4,000 to persons and families of low and moderate income who are veterans or veterans' dependents to assist in making down payments to enable them to purchase new or existing housing to be used as their principal place of residence. To be eligible, the veterans or veteran's dependent must be a first time home owner, and must enter into an agreement with the agency, with appropriate security as determined by the agency, to repay the loan amount in full when the property is sold, transferred, or otherwise conveyed, or ceases to be the recipient's principal place of residence. For the purpose of this subdivision, "veteran" means a person residing in Minnesota who has been separated under honorable conditions from any branch of the armed forces of the United States after having served on active duty for 181 consecutive days or by reason of disability incurred while serving on active duty, and who is a citizen of the United States, and who served at any time during the period from August 5, 1964 to May 7, 1975; and "veteran's dependent" means a person residing in Minnesota who is the unmarried surviving spouse of a veteran.

Sec. 4. Minnesota Statutes 1978, Section 462A.06, Subdivision 11, is amended to read:

Subd. 11. It may make and publish rules pursuant to chapter 15 and regulations respecting its mortgage lending, construction lending, rehabilitation lending, grants, and temporary lending, and any such other rules and regulations as are necessary to ef-

fectuate its corporate purpose, and may adopt temporary rules to implement demonstration programs for the financing of residential housing.”

Page 3, after line 31, insert:

“Sec. 6. Minnesota Statutes 1978, Section 462A.21, is amended by adding a subdivision to read:

Subd. 4g. It may create a revolving fund to be used to make loans for the purpose of section 3 and pay the costs and expenses necessary and incidental to the development and operation of the loan program authorized therein.”

Page 4, after line 5, insert:

“Sec. 8. [APPROPRIATION.] \$3,000,000 is reappropriated from the home-ownership assistance fund created in section 462A.-21, subdivision 8, to the housing development fund created by section 462A.20 for the veteran’s housing assistance program provided by section 3, and to pay related costs and expenses.

The approved complement of the Minnesota housing finance agency is increased by one position.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after “agency;” insert “creating a veteran’s housing assistance program;”

Page 1, line 7, after “properties;” insert “appropriating money;”

Page 1, line 8, delete “Section” and insert “Sections”

Page 1, line 9, after “17” insert “, and by adding a subdivision” and after the semicolon, insert “462A.06, Subdivision 11; 462A.21, by adding a subdivision”

The motion prevailed. So the amendment was adopted.

Mr. Knoll then moved to amend S. F. No. 2099 as follows:

Page 4, after line 5, insert:

“Sec. 5. Minnesota Statutes, 1979 Supplement, Section 462C.05, Subdivision 1, is amended to read:

462C.05 [MULTIFAMILY HOUSING DEVELOPMENTS.]
Subdivision 1. A city may also plan, administer, and make or purchase a loan or loans to finance one or more multifamily housing developments within its boundaries, of the kind described in subdivisions 2, 3 or 4, and upon the conditions set forth in this section. A loan may be made or purchased for the acquisition and preparation of a site and the construction of a new development, or for the acquisition of an existing building and site and the rehabilitation thereof, provided that:

(a) The cost of rehabilitation of an existing building is estimated to equal at least \$5,000 per dwelling unit or 50 percent of the appraised value of the original building and site, whichever is less

or if the rehabilitation is financed in part by proceeds from a program provided by the federal government pursuant to 24 C.F.R. Sections 882.401 to 882.519 or pursuant to section 312 of the Housing Act of 1964 (42 U.S.C. Section 1452b), the cost of rehabilitation of an existing building is estimated to equal at least \$2,000 per dwelling unit or 20 percent of the appraised value of the original building and site whichever is less ;

(b) At least a substantial portion of such rehabilitation cost is estimated to be incurred for compliance with building codes or conservation of energy;

(c) Each development upon completion shall comply with all applicable code requirements;

(d) A loan or loans may be made or purchased for either the construction or the long term financing of a development, or both, including the financing of the acquisition of dwelling units and interests in common facilities provided therein, by persons to whom such units and facilities may be sold as contemplated in chapter 515 or any supplemental or amendatory law thereof; and

(e) Substantially all of the proceeds of each loan shall be used to pay the cost of a multifamily housing development, including property functionally related and subordinate to it; but nothing herein prevents the construction of the development over, under, or adjacent to, and in conjunction with facilities to be used for purposes other than housing."

Amend the title as follows:

Page 1, line 7, after "properties;" insert "changing municipal housing rehabilitation programs"

Page 1, line 11, delete "and"

Page 1, line 12, before the period insert "; and 462C.05, subdivision 1"

The motion prevailed. So the amendment was adopted.

H. F. No. 1534, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Mr. Merriam moved to amend H. F. No. 1534, as amended pursuant to Rule 49, adopted by the Senate March 20, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 1549.)

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1978, Section 357.021, Subdivision 2, is amended to read:

Subd. 2. The fees to be charged and collected by the clerk of district court shall be as follows:

(1) In every civil action or proceeding in said court, the plain-

tiff, petitioner, or other moving party shall pay, when the first paper on his part is filed in said action, a fee of \$20.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper on his or their part is filed in said action, a fee of \$15.

The party requesting a trial by jury shall pay \$15.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 106, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding \$5 and ~~\$3.50~~ 50 cents for an uncertified copy.

(3) Issuing a subpoena \$1 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$5.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$5.

(6) Filing and entering a satisfaction of judgment, partial satisfaction or assignment of judgment, \$5.

(7) Certificate as to existence or non-existence of judgments docketed, \$1 for each name certified to and \$1 for each judgment certified to.

(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) All other services required by law for which no fee is provided such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "real estate" and insert "fees"

Page 1, line 2, after the semicolon, insert "decreasing fees for copies of certain court documents;"

The motion prevailed. So the amendment was adopted.

H. F. No. 2185, which the committee recommends to pass with the following amendment offered by Mr. Chmielewski:

Page 1, line 20, delete "this act" and insert "sections 1 and 2"

Page 2, line 1, delete "This act is" and insert "*Sections 1 and 2 are*"

Page 2, after line 5, insert:

"Sec. 4. Laws 1974, Chapter 400, Section 3, Subdivision 5, is amended to read:

Subd. 5. "Local government unit" or "government unit" means the town of Moose Lake and the town of Windemere and any municipalities subsequently annexed to the district.

Sec. 5. Laws 1974, Chapter 400, Section 3, Subdivision 12, is amended to read:

Subd. 12. "District disposal system" means any and all of the interceptors or treatment works owned, constructed or operated by the board unless designated by the board as local sanitary sewer facilities ; and includes any water system or refuse disposal system facilities owned, constructed or operated by the board.

Sec. 6. Laws 1974, Chapter 400, Section 4, Subdivision 2, is amended to read:

Subd. 2. [MEMBERS AND SELECTION.] The board shall be composed of five members selected as follows: The town boards of the government units shall meet jointly to appoint the members of the board and each town board member shall have one vote. The town boards at the joint meeting shall also designate the term of the first board members according to subdivision 5 two members appointed by the Moose Lake town board, two members appointed by the Windemere town board, two members appointed by the governing body of each municipality subsequently annexed to the district, and one member who shall reside in the district, appointed by majority vote of the foregoing members. Each member shall have one vote on matters coming before the board .

Sec. 7. Laws 1974, Chapter 400, Section 4, Subdivision 9, is amended to read:

Subd. 9. [BOARD MEMBERS' COMPENSATION.] Each board member, except the chairman, shall be paid a per diem compensation of \$35 for meetings and for other services as are specifically authorized by the board , not to exceed \$1,000 in any one year. The chairman shall be paid a per diem compensation of \$45 for meetings and for such other services as are specifically authorized by the board , not to exceed \$1,500 in any one year. In addition, the chairman and other board members shall be compensated at the rate of \$35 per day for other services as are specifically authorized by the board, without regard to the above annual limitations. All members of the board shall be reimbursed for all reasonable expenses incurred in the performance of their duties as determined by the board.

Sec. 8. Laws 1974, Chapter 400, Section 8, is amended by adding a subdivision to read:

Subd. 5. In addition to all other powers conferred upon the

board in this section, it shall have all the powers of a sanitary district as provided in Minnesota Statutes, Section 115.26. The provisions of Laws 1974, Chapter 400, Section 12, shall apply and be followed with respect to any projects initiated pursuant to the authority granted in this subdivision.

Sec. 9. Sections 4 to 8 are effective the day following final enactment."

Underline all new language in the bill

Amend the title as follows:

Page 1, line 2, delete everything after "to"

Page 1, line 3, delete "Kanabec County" and insert "public improvements"

Page 1, line 5, delete "district" and insert "Knife Lake Improvement District in Kanabec County; changing definitions, board membership, compensation, and powers of the Moose Lake-Windemere Sewer District; amending Laws 1974, Chapter 400, Sections 3, Subdivisions 5 and 12; 4, Subdivisions 2 and 9; and 8, by adding a subdivision"

The motion prevailed. So the amendment was adopted.

H. F. No. 2191, which the committee recommends to pass, subject to the following motion:

Mr. Laufenburger moved that the amendment made to H. F. No. 2191 by the Committee on Rules and Administration in the report adopted March 20, 1980, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 2369, which the committee recommends to pass, subject to the following motion:

Mr. Dieterich moved that the amendment made to H. F. No. 2369 by the Committee on Rules and Administration in the report adopted March 20, 1980, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 1095 which the committee reports progress, subject to the following motion:

Mr. Davies moved to amend H. F. No. 1095 as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 518.156, Subdivision 1, is amended to read:

518.156 [COMMENCEMENT OF CUSTODY PROCEEDING.] Subdivision 1. In a court of this state which has jurisdiction to decide child custody matters, a child custody proceeding is commenced:

(a) By a parent

(1) By filing a petition for dissolution or legal separation; or

(2) Where a decree of dissolution or legal separation has been entered or where none is sought, by filing a petition or *motion* seeking custody of the child in the county where the child is permanently resident or where he is found or *where an earlier order for custody of the child has been entered*; or

(b) By a person other than a parent, by filing a petition or *motion* seeking custody of the child in the county where the child is permanently resident or where he is found or *where an earlier order for custody of the child has been entered.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "courts" and insert "venue; providing for venue for child custody proceedings"

Page 1, line 7, after "542.18" insert "; and Minnesota Statutes, 1979 Supplement, Section 518.156, Subdivision 1"

The motion prevailed. So the amendment was adopted.

H. F. No. 1095 was then progressed.

H. F. No. 1727, which the committee recommends to pass with the following amendments offered by Messrs. Sieloff and Davies:

Mr. Sieloff moved to amend H. F. No. 1727, as amended pursuant to Rule 49, adopted by the Senate March 20, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2348.)

Page 2, after line 22, insert:

"Sec. 3. Minnesota Statutes 1978, Chapter 257, is amended by adding a section to read:

[257.34] [DECLARATION OF PARENTAGE.] *Subdivision 1. The mother and father of an illegitimate child may, in a writing signed by both of them before a notary public, declare and acknowledge under oath that they are the biological parents of the child. The declaration may provide that any illegitimate child born to the mother on or before ten months after the date of execution of the declaration is the biological child of the signatories. Execution of the declaration shall:*

(a) *Have the same consequences as an acknowledgement by the signatories of parentage of the child for the purposes of sections 62A.041 and 62C.14, subdivision 5a;*

(b) *Be conclusive evidence that the signatories are parents of the child for the purposes of sections 176.111 and 197.09 to 197.11;*

(c) *Have the same consequences as an acknowledgement by the father of paternity of the child for the purposes of sections 257.251 and 257.252;*

(d) *When timely filed with the division of vital statistics of the Minnesota department of health as provided in section 259.261,*

qualify as an affidavit stating the intention of the signatories to retain parental rights as provided in section 259.261 if it contains the information required by section 259.261 or rules promulgated thereunder;

(e) Have the same consequences as a writing declaring paternity of the child for the purposes of section 525.172; and

(f) Be conclusive evidence that the signatories are parents of the child for the purposes of chapter 573.

Subd. 2. The declaration authorized by subdivision 1 shall be conclusive evidence of all the matters stated therein and shall have the same effect as an adjudication of paternity for the purposes of the statutory provisions described in subdivision 1.

Subd. 3. The declaration authorized by subdivision 1 shall not affect the rights or duties arising out of a parent-child relationship of any person not a signatory to the declaration claiming to be the parent of the child nor shall the declaration impair any rights of the child arising out of a parent-child relationship against any person not a signatory to the declaration."

Page 2, line 33, delete "4" and insert "5"

Page 4, line 12, delete "6" and insert "7"

Page 5, line 10, delete "and 2" and insert "to 3"

Page 5, line 11, delete "3 to 8" and insert "4 to 9"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "authorizing a multi-purpose declaration of parentage;"

Page 1, line 11, delete "and"

Page 1, line 11, after the second semicolon, insert "and Chapter 257, by adding a section;"

The motion prevailed. So the amendment was adopted.

Mr. Davies moved to amend H. F. No. 1727, as amended pursuant to Rule 49, adopted by the Senate March 20, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2348.)

Page 5, after line 6, insert:

"Sec. 8. Minnesota Statutes 1978, Section 260.221, is amended to read:

260.221 [GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.] The juvenile court may, upon petition, terminate all rights of ~~parents a parent~~ to a child in the following cases:

(a) With the written consent of ~~parents a parent~~ who for good cause ~~desire desires~~ to terminate ~~their his~~ parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the ~~parents have~~ *parent has* abandoned the child; or

(2) That the ~~parents have~~ *parent has* substantially and , continuously, or repeatedly refused or neglected to give the child necessary parental care and protection *comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental or emotional health and development, if the parent is physically and financially able; or*

(3) That, ~~although the parents are financially able, they have substantially and continuously neglected to provide the child with necessary subsistence, education, or other care necessary for his physical or mental health or morals or have neglected to pay for such subsistence, education or other care when legal custody is lodged with others a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; or~~

(4) That the parents are unfit by reason of debauchery, intoxication or habitual use of narcotic drugs, or repeated lewd and lascivious behavior, or other conduct found by the court to be likely to be detrimental to the physical or mental health or morals of the child ~~a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be permanently detrimental to the physical or mental health of the child; or~~

(5) That following upon a determination of neglect or dependency, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination; or

(6) That in the case of an illegitimate child the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of his intention to retain parental rights under section 259.261 or that such notice has been successfully challenged; or

(7) That the child is neglected and in foster care.

Sec. 9. Minnesota Statutes 1978, Section 260.241, Subdivision 1, is amended to read:

260.241 [TERMINATION OF PARENTAL RIGHTS; EFFECT.] Subdivision 1. If, after a hearing, the court finds by clear and convincing evidence that one or more of the conditions set out in section 260.221 exist, it may terminate parental rights. If the court terminates parental rights of both parents, or of the

mother if the child is illegitimate, or of the only living parent, the court shall order guardianship and legal custody of the child transferred to:

(a) The commissioner of public welfare; or

(b) A licensed child placing agency; or

(c) A reputable individual of good moral character. Upon the termination of parental rights all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceeding concerning the child. Provided, however, that a parent whose parental rights are terminated shall remain liable for the unpaid balance of any support obligation owed under a court order upon the effective date of the order terminating parental rights.

Sec. 10. Minnesota Statutes 1978, Section 260.241, Subdivision 2, is amended to read:

Subd. 2. (a) A guardian appointed under the provisions of subdivision 1 has legal custody of his ward unless the court which appoints him gives legal custody to some other person. If the court awards such custody to a person other than such guardian, the guardian nonetheless has the right and responsibility of reasonable visitation, except as limited by court order.

(b) Such guardian may make major decisions affecting the person of his ward, including but not limited to giving consent (when such consent is legally required) to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment, or adoption of the ward. When, pursuant to clause (a) of subdivision 1, the commissioner of public welfare is appointed such guardian, he may delegate to the welfare board of the county in which, after such appointment, the ward resides, the authority to act for him in decisions affecting the person of his ward, including but not limited to giving consent to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment of the ward.

(c) A guardianship created under the provisions of subdivision 1 shall not in itself include the guardianship of any estate of the ward. An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this section be deemed to affect any rights and benefits that a child derives from the child's descent from a member of a federally recognized Indian tribe.

Sec. 11. Minnesota Statutes 1978, Chapter 260, is amended by adding a section to read:

[260.242] [GUARDIAN.] Subdivision 1. If the court terminates parental rights of both parents or of the only known living parent, the court shall order the guardianship and the legal custody of the child transferred to:

(a) *The commissioner of public welfare; or*

(b) *A licensed child placing agency; or*

(c) *An individual who is willing and capable of assuming the appropriate duties and responsibilities to the child.*

Subd. 2. (a) A guardian appointed under the provisions of subdivision 1 has legal custody of his ward unless the court which appoints him gives legal custody to some other person. If the court awards custody to a person other than the guardian, the guardian nonetheless has the right and responsibility of reasonable visitation, except as limited by court order.

(b) The guardian may make major decisions affecting the person of his ward, including but not limited to giving consent (when consent is legally required) to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment, or adoption of the ward. When, pursuant to subdivision 1, clause (a), the commissioner of public welfare is appointed guardian, he may delegate to the welfare board of the county in which, after the appointment, the ward resides, the authority to act for him in decisions affecting the person of his ward, including but not limited to giving consent to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment of the ward.

(c) A guardianship created under the provisions of subdivision 1 shall not of itself include the guardianship of the estate of the ward."

Page 5, line 11, delete "8" and insert "7 and 12"

Page 5, line 14, after the period, insert "Sections 8 to 11 are effective August 1, 1980."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "changing certain procedures and criteria for termination of parental rights;"

Page 1, line 11, delete "and"

Page 1, line 11, after the second semicolon, insert "260.221; 260.241, Subdivisions 1 and 2; and Chapter 260, by adding a section;"

The motion prevailed. So the amendment was adopted.

H. F. No. 1837, which the committee recommends to pass with the following amendment offered by Mr. Ulland, J.:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1978, Section 60A.17, is amended by adding a subdivision to read:

Subd. 2b. [TEMPORARY LICENSE FOR QUALIFIED PERSON.] The commissioner shall grant a temporary license to act as

an insurance agent to a person satisfying the requirements of subdivision 2, clauses (2) and (3).

Such person shall receive a temporary license to act as insurance agent no later than the date upon which he receives notification from the commissioner that he has passed the examination required by subdivision 2, clause (2).

The temporary license authorized by this subdivision shall be issued for the insurance company which has endorsed the person's application for license. It shall be limited to the line or lines of insurance for which the applicant has satisfactorily completed the written examination and it shall be valid until the license required by subdivision 1 is obtained from the commissioner. In no event shall the temporary license be valid for a period in excess of 90 days."

Page 2, line 7, delete "Sections 1 and 2 are" and insert "This act is"

Renumber the remaining sections

Further amend the title as follows:

Page 1, line 2, after the semicolon insert: "requiring the issuance of temporary licenses to certain qualified persons;"

Page 1, line 6, after "Sections" insert "60A.17, by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

S. F. No. 2351, which the committee recommends to pass with the following amendment offered by Mr. Dunn:

Page 2, delete section 2

The motion prevailed. So the amendment was adopted.

H. F. No. 1435 which the committee reports progress, subject to the following motions:

Mr. Merriam moved to amend H. F. No. 1435 as follows:

Page 2, after line 7, insert:

"Sec. 2. Subdivision 1. There is established a joint legislative study commission to examine the educational programs for primary patient care of the University of Minnesota Medical School and the cost and funding sources for residency programs at teaching hospitals. Five members shall be members of the house of representatives appointed pursuant to the rules of the house and five shall be members of the senate appointed pursuant to the rules of the senate.

Subd. 2. The commission shall elect a chairman and other officers as may be required from among its membership. Staff assistance shall be provided upon request of the commission by existing departments and agencies in the legislative and executive branches. Meetings shall be held at times and locations deter-

mined by the chairman. Members shall receive compensation in the same manner and amounts as provided for legislative committee service.

Subd. 3. The commission shall determine the effectiveness of the educational programs in teaching the concepts and skills which are necessary to provide optimal and cost-effective patient care.

Subd. 4. The commission shall, prior to January 7, 1982, submit to the legislature a report containing the commission's findings and recommendations including the following:

(a) Overall educational planning for the teaching of primary care physicians in the departments of medicine (general internists), family practice (family practitioners), and pediatrics (general pediatricians);

(b) The balance in each of the primary care departments between the requirements of the education of teachers and researchers and the requirements of the education of practitioners for the community;

(c) The balance between the role of the academic center (tertiary care, University centered hospitals) and the role of the community hospitals as providers of educational resources for the education of teachers and researchers and the education of practitioners;

(d) The body of knowledge being taught primary physicians by each of the above departments to enable them to fulfill their responsibilities effectively;

(e) The body of knowledge being taught the academically oriented or subspecialty oriented physician by each of the primary care departments to enable them to fulfill their responsibilities effectively;

(f) The educational and experiential backgrounds required for faculty appointment and promotion of teachers in each of the above departments;

(g) Appropriateness of the balance between primary care educational facilities and other educational facilities in the overall teaching programs of each of the primary care departments;

(h) The sources of money (legislative appropriations, grants, private practice income), and the allocation of such moneys within the department;

(i) The cost and funding sources of residency programs at teaching hospitals, including an analysis of the need for increased state funding of residency programs;

(j) The use of the resident's time in the various programs (the balance between education, research, and service); and

(k) The per capita cost of educating the residents in the various programs.

Sec. 3. *The sum of \$20,000 is appropriated from the general fund to the commission established by section 2 for the payment of expenses incurred in the operation of the commission, and shall be available until March 1, 1982.*"

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

Page 2, line 9, after the period, insert *"The provisions of sections 2 and 3 shall expire on March 1, 1982."*

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for a study commission on medical education; appropriating money;"

The motion prevailed. So the amendment was adopted.

Mr. Gunderson moved to amend H. F. No. 1435 as follows:

Page 2, after line 7, insert:

"Sec. 2. [REPEALER.] Minnesota Statutes 1978, Sections 144.59; 144.60; 144.61; 144.62; 144.63; 144.64; and 144.65 are repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "abolishing the hospital administrator registration program;"

Page 1, line 5, before the period, insert "; repealing Minnesota Statutes 1978, Sections 144.59 to 144.65"

The motion prevailed. So the amendment was adopted.

H. F. No. 1435 was then progressed.

H. F. No. 874 which the committee reports progress, subject to the following motions:

Mr. Schaaf moved to amend the amendment placed on H. F. No. 874 by the Committee on Governmental Operations, adopted by the Senate on March 6, 1980, as follows:

Section 6, subdivision 4e, line 4, after the period, insert: *"If the agency makes changes in the rule other than those recommended by the hearing examiner, it shall submit the rule with the complete hearing record to the chief hearing examiner for a review of the changes prior to adopting it and submitting it to the attorney general for a review as to form and legality."*

The motion prevailed. So the amendment was adopted.

Mr. Schaaf then moved to amend the amendment placed on H. F. No. 874 by the Committee on Governmental Operations, adopted by the Senate on March 6, 1980, as follows:

Page 29, after line 17, insert:

"Sec. 37. Minnesota Statutes 1978, Section 15.0412, Subdivision 1, is amended to read:

15.0412 [RULES, PROCEDURES.] Subdivision 1. Each agency shall adopt, amend, suspend or repeal its rules in accordance with the procedures specified in sections 15.0411 to 15.052, and only pursuant to authority delegated by law and in full compliance with its duties and obligations. Except as provided in subdivision 3, sections 15.0411 to 15.052 shall not be authority for an agency to adopt, amend, suspend or repeal rules. No agency shall adopt a rule which duplicates language contained in Minnesota Statutes unless the hearing examiner determines that duplication of the language is crucial to the ability of a person affected by a rule to comprehend its meaning and effect. *When presented with a rule for endorsement pursuant to section 38, the revisor of statutes should indicate in the endorsement that the rule duplicates statutory language.*

Sec. 38. Minnesota Statutes 1978, Section 15.0412, Subdivision 2a, as added by section 5, is further amended to read:

Subd. 2a. *The revisor of statutes may upon request, provide technical and legal assistance to state agencies in drafting rules. No procedure to adopt a rule, temporary rule, or emergency rule, shall be initiated by any agency until the agency presents it to the revisor of statutes and the revisor endorses on the rule that its form is approved. The revisor may assist in drafting rules as provided by section 54.*

Sec. 39. Minnesota Statutes 1978, Section 15.0412, Subdivision 3, is amended to read:

Subd. 3. Each agency shall adopt rules, *in the form prescribed by the revisor of statutes*, setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public.

Sec. 40. Minnesota Statutes 1978, Section 15.0412, Subdivision 4, as amended by section 6, is further amended to read:

Subd. 4. No rule shall be adopted by any agency unless the agency first holds a public hearing thereon, affording all affected interests an opportunity to participate. Each agency shall maintain a list of all persons who have registered with the agency for the purpose of receiving notice of rule hearings. The agency may inquire as to whether those persons on the list wish to maintain their names thereon and may remove names for which there is a negative reply or no reply within 60 days. The agency shall, at least 30 days prior to the date set for the hearing, give notice of its intention to hold a hearing by United States mail to all persons on its list, and by publication in the state register. Each agency may, at its own discretion, also contact persons not on its list and may give notice of its intention to hold a hearing in newsletters, newspapers or other publications or through other means of communication. The notice in the state register shall include the full text of the rule proposed for adoption and, *when amending existing rules*, whatever portion of the existing rules is necessary to provide ade-

quate notice of the nature of the proposed action. When an entire rule is proposed to be repealed or renumbered, the agency need only publish that fact, giving the exact citation to the rule to be repealed or renumbered in the notice.

Sec. 41. Minnesota Statutes 1978, Section 15.0412, Subdivision 4a, as amended by section 6, is further amended to read:

Subd. 4a. With the approval of the chief hearing examiner, the agency may incorporate by reference provisions of federal law or rule or other materials from sources which the chief hearing examiner determines are conveniently available for viewing, copying and acquisition by interested persons. The chief hearing examiner shall not approve incorporation by reference of federal law or rule or other materials which are less than 3000 words in length or which would require less than five pages of publication in the state register. An agency may incorporate by reference into its rules text from the Minnesota Statutes, the United States Statutes at Large, the United States Code, the Laws of Minnesota, the Code of Federal Regulations, the Federal Register, and other publications which are determined by the revisor of statutes to be conveniently available to the public.

Sec. 42. Minnesota Statutes 1978, Section 15.0412, Subdivision 4e, as amended by section 6, is further amended to read:

Subd. 4e. If the agency adopts the rule as recommended by the hearing examiner, it shall be submitted with the complete hearing record to the attorney general, who shall review the rule as to form and its legality and its form to the extent the form relates to legality. If the chief hearing examiner determines that the proposed final rule of the agency is substantially different from that which was proposed at the public hearing, he shall advise the agency of actions which will correct the defects, and the agency shall not adopt the rule until the chief hearing examiner determines that the defects have been corrected. If the agency, the chief hearing examiner or the attorney general requests, the hearing examiner shall cause a transcript to be prepared of the hearing. The agency shall give notice to all persons who requested to be informed that the hearing record has been submitted to the attorney general. This notice shall be given on the same day that the record is submitted. The attorney general shall, within 20 days, either approve or disapprove the rule. If he approves the rule, he shall promptly file two copies of it in the office of the secretary of state. If he disapproves the rule, he shall state in writing his reasons therefor, and the rule shall not be filed in the office of the secretary, nor published. The secretary of state shall forward one copy of each rule filed to the revisor of statutes.

Sec. 43. Minnesota Statutes 1978, Section 15.0412, Subdivision 4f, as amended by section 6, is further amended to read:

Subd. 4f. A rule shall become effective after it has been subjected to all requirements described in subdivisions 4 through 4g and five working days after publication in the state register, as

hereinafter provided, unless a later date is required by statutes or specified in the rule. If the rule as adopted does not differ from the proposed rule as published in the state register, publication may be made by publishing notice in the state register that the rule has been adopted as proposed and by publishing a citation to the prior publication. If the rule as adopted differs from the proposed rule, the adopted rule or subdivisions thereof which differ from the proposed rule shall be published together with a citation to the prior state register publication of the remainder of the proposed rule.

Sec. 44. Minnesota Statutes 1978, Section 15.0412, is amended by adding a subdivision to read:

Subd. 4g. No rule shall be filed with the secretary of state or published in the state register unless the revisor of statutes has endorsed on the rule that it is approved as to form.

Sec. 45. Minnesota Statutes 1978, Section 15.0412, Subdivision 4g, as added by section 7, is further amended to read:

Subd. 4g 4h. When an agency determines that its proposed adoption, amendment, suspension or repeal of a rule will be non-controversial in nature, it may utilize the provisions herein in lieu of the provisions of subdivisions 4 through 4f 4g. The agency shall publish a notice of its intent to adopt the rule without public hearing, together with the proposed rule, in the state register, and shall give the same notice by United States mail to persons who have registered their names with the agency pursuant to subdivision 4. When an entire rule is proposed to be repealed or renumbered, the agency need only publish that fact, giving the exact citation to the rule to be repealed or renumbered in the notice. The notice shall include a statement advising the public:

(1) that they have 30 days in which to submit comment on the proposed rule;

(2) that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30 day comment period;

(3) of the manner in which persons shall request a hearing on rules proposed pursuant to this subdivision; and

(4) that the rule may be modified if modifications are supported by the data and views submitted.

Before the date of the notice, the agency shall prepare a statement of need and reasonableness which shall be available to the public. For at least 30 days following the notice, the agency shall afford all interested persons an opportunity to object to the lack of a hearing and to submit data and views on the proposed rule in writing. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change. If, during the 30 day period allowed for comment, seven or more persons submit to the agency a written request for a hearing of the proposed rule, the

agency shall proceed under the provisions of subdivisions 4 through 4f 4g. In the event that a hearing is required, a citation in the state register to the prior publication of the proposed rule may be substituted for republication unless the agency has modified the proposed rule. If no hearing is required, the agency shall submit to the attorney general the proposed rule and notice as published, the rule as proposed for adoption, any written comments received by the agency, and a statement of need and reasonableness for the rule. The agency shall give notice to all persons who requested to be informed that these materials have been submitted to the attorney general. This notice shall be given on the same day that the record is submitted. The attorney general shall approve or disapprove the rule as to form and its legality and its form to the extent the form relates to legality, including the issue of substantial change, within 14 days. If he approves the rule, he shall promptly file two copies of it in the office of the secretary of state. If he disapproves the rule, he shall state in writing his reasons therefor, and the rule shall not be filed in the office of the secretary of state, nor published. The rule shall become effective upon publication in the state register in the same manner as provided for adopted rules in subdivision 4f. The secretary of state shall forward one copy of each rule to the revisor of statutes.

No rule shall be filed with the secretary of state or published in the state register unless the revisor of statutes has endorsed on the rule that it is approved as to form.

Sec. 46. Minnesota Statutes 1978, Section 15.0412, Subdivision 5, as amended by section 5, is further amended to read:

Subd. 5. When an agency is directed by statute, federal law or court order to adopt, amend, suspend or repeal a rule in a manner that does not allow for compliance with subdivisions 4 through 4g 4h, or if an agency is expressly required or authorized by statute to adopt temporary rules, the agency shall adopt temporary rules in accordance with this subdivision. The proposed temporary rule shall be published in the state register and . For at least 20 days thereafter after publication the agency shall afford all interested persons an opportunity to submit data and views on the proposed temporary rule in writing. The proposed temporary rule may be modified if the modifications are supported by the data and views submitted to the agency. The agency shall submit to the attorney general the proposed temporary rule as published, with any proposed modifications. The attorney general shall review the proposed temporary rule as to form and its legality and its form to the extent the form relates to legality and shall approve or disapprove the proposed temporary rule and any proposed modifications within five working days. The temporary rule shall take effect upon approval of the attorney general. The attorney general shall file two copies of the approved rule with the secretary of state. Failure of the attorney general to approve or disapprove within five working days shall be deemed approval. As soon as practicable notice of the attorney general's decision shall be published in the state register and the adopted rule shall be published in the

manner as provided for adopted rules in subdivision 4. Temporary rules adopted under this subdivision shall be effective for not longer than 90 days and may be reissued or continued in effect for an additional 90 days, but may not immediately be reissued thereafter without following the procedure of *either* subdivisions 4 through 4g or 4h. *The secretary of state shall forward one copy of each approved and filed temporary rule to the revisor of statutes.*

No approved temporary rule shall be filed with the secretary of state or published in the state register unless the revisor of statutes has endorsed on the rule that it is approved as to form.

Sec. 47. Minnesota Statutes 1978, Section 15.0412, Subdivision 9, as added by section 11, is further amended to read:

Subd. 9. The agency shall, within six months after issuance of the hearing examiner's report, either withdraw the proposed rules or publish its adopted final action in the state register. If the agency has not *both filed the rules with the secretary of state and published its adopted final action in the state register* within six months, it shall not proceed to adopt the subject rules without rehearing the rules pursuant to all the procedures of this section, and it shall report to the appropriate committees of the legislature and to the governor its failure to adopt rules and the reasons for that failure.

Sec. 48. Minnesota Statutes 1978, Section 15.0412, is amended by adding a subdivision to read:

Subd. 10. *For the purpose of obtaining the revisor's approval of the form of a rule prior to filing the rule with the secretary of state, a copy of the rule shall be submitted to the revisor at the same time it is submitted to the attorney general as required by subdivisions 4d, 4e, and 5. Within five days the revisor shall notify the attorney general and the agency of whether he or she will approve the form of the rule when it is presented for his or her endorsement.*

Sec. 49. Minnesota Statutes 1978, Section 15.0413, Subdivision 1, as amended by section 12, is further amended to read:

15.0413 [EFFECT OF ADOPTION OF RULES; PUBLICATION; APPROPRIATION.] Subdivision 1. Every rule approved by the attorney general and filed in the office of the secretary of state as provided in section 15.0412 shall have the force and effect of law five working days after its publication in the state register unless a later date is required by statute or specified in the rule. The secretary of state shall keep a permanent record of rules filed with that office open to public inspection. ~~Should a discrepancy exist between the rules published in the state register and the rules on file with the secretary of state, the rules on file with the secretary of state shall have effect.~~

Sec. 50. Minnesota Statutes 1978, Section 15.05, is amended to read:

15.05 [PUBLICATION ACCOUNT.] An administrative rules

and A state register publication account is created in the state treasury. All receipts from the sale of rules and the state register shall be deposited in the account. All funds in the administrative rules and state register publication account in the state treasury are appropriated annually to the commissioner of administration to carry out the provisions of sections 15.047 and section 15.051.

Sec. 51. Minnesota Statutes 1978, Section 15.051, Subdivision 1, is amended to read:

15.051 [STATE REGISTER.] Subdivision 1. [PURPOSE.] The commissioner of administration shall publish a state register containing all notices for hearings concerning rules, giving time, place and purpose of the hearing and the full text of the action being proposed. Further, the register shall contain all rules, amendments, suspensions, or repeals thereof, pursuant to the provisions of this chapter. The commissioner shall further publish any executive order issued by the governor which shall become effective 15 days after publication except as provided in section 4.035, subdivision 2. The commissioner shall further publish any official notices in the register which a state agency requests him to publish. Such notices shall include, but shall not be limited to, the date on which a new agency becomes operational, the assumption of a new function by an existing state agency, or the appointment of commissioners. The commissioner may prescribe the form, *excluding the form of the rules*, and manner in which agencies submit any material for publication in the state register, and he may withhold publication of any material not submitted according to the form or procedures he has prescribed.

The commissioner of administration may organize and distribute the contents of the register according to such categories as will provide economic publication and distribution and will offer easy access to information by any interested party.

Sec. 52. Minnesota Statutes 1978, Section 648.31, is amended by adding a subdivision to read:

Subd. 6. [AGENCY RULES.] The revisor may integrate agency rules adopted pursuant to Minnesota Statutes, Section 15.0412, Subdivisions 4, 4a to 4h, and 5, into the Minnesota Statutes, or publish the rules as an adjunct to the Minnesota Statutes, or coordinate publication of the rules with the Minnesota Statutes.

Sec. 53. Minnesota Statutes 1978, Section 648.43, is amended to read:

648.43 [PAMPHLETS AUTHORIZED.] *The commissioner of administration is required to revisor of statutes shall compose, print and deliver in pamphlet form such editions or pamphlets containing parts of the Minnesota Statutes, parts of Minnesota Rules, or combinations of parts of the Statutes and Rules as may be necessary for the use of public officers and departments, the cost thereof to be borne by the office or department requesting the same pamphlets. Such The printing shall be discretionary, limited to actual needs as shown by experience or other competent proof. The revisor shall use a standard form for the pamphlets.*

Sec. 54. [648.50] [COMPILATION AND DRAFTING OF ADMINISTRATIVE RULES.] *Subdivision 1. The revisor of statutes shall:*

(a) *formulate a plan for the compilation of all permanent agency rules and, to the extent practicable, temporary agency rules, including their order, classification, arrangement, form, and indexing, and any appropriate tables, annotations, cross references, citations to applicable statutes, explanatory notes, and other appropriate material to facilitate use of the rules by the public, and for the compilation's composition, printing, binding and distribution;*

(b) *publish the compilation of agency rules which shall be called "Minnesota Rules" for the year of the compilation's publication;*

(c) *periodically either publish a supplement or a new compilation, which includes all rules adopted since the last supplement or compilation was published and removes rules incorporated in prior compilations or supplements which are no longer effective;*

(d) *periodically prepare and submit to the appropriate agency those revisions of the rules, which will, if adopted by the agency, in accordance with section 15.0412, subdivisions 4a to 4g, clarify, modernize or simplify the text of the rule without substantive alteration;*

(e) *maintain an agency rules drafting department to draft or aid in the drafting of rules or amendments to rules for any agency in accordance with the objective or other instructions which the agency shall give the revisor;*

(f) *prepare and publish an agency rules drafting guide which shall set out the form and method for drafting rules and amendments to rules, and to which all rules shall comply; and*

(g) *copyright any compilations and or supplements in the name of the state of Minnesota.*

Subd. 2. *The revisor of statutes shall file with the secretary of state one copy of each compilation or supplement which is published. The copy shall contain the revisor's certificate that the rules contained in the compilation or supplement have been compared to the original rules filed with the secretary of state and are correctly incorporated into the compilation.*

Subd. 3. *Any compilation or supplement published by the revisor and containing his certificate is prima facie evidence of the administrative rules in all courts and proceedings. A compilation or supplement shall not be construed as repealing an unpublished rule. If there is any inconsistency through omission or otherwise between a compilation or supplement, the state register, and a rule filed with the secretary of state, the rule filed with the secretary shall prevail.*

Subd. 4. *In preparing a compilation or supplement, the revisor shall not alter the sense, meaning or effect of any rule, but may renumber rules, paragraphs, clauses or other parts of a rule; com-*

bine or divide rules, paragraphs, clauses or other parts of a rule; rearrange the order of rules, paragraphs, clauses, or other parts of a rule; move paragraphs, clauses, or other parts of a rule to another rule; change reference numbers to agree with renumbered rules, paragraphs, clauses or other parts of a rule; substitute the proper rule, paragraph, clause, or other part of a rule for the term "this rule", "the preceding rule" and the like; substitute numbers for written words and written words for numbers; substitute the date on which the rule becomes effective for the words "the effective date of this rule", and the like; change capitalization for the purpose of uniformity; correct manifest clerical or typographical errors; correct all misspelled words; and correct manifest grammatical and punctuation errors.

The revisor shall provide headnotes as catch words to rules and, if appropriate, to paragraphs, clauses, or other parts of a rule. The headnotes are not part of the rule even if included with the rule when it is adopted. The revisor shall change headnotes to clearly indicate the subject matter of the rules.

Subd. 5. Insofar as economically feasible, the revisor shall utilize the same equipment, computer assistance and procedures for drafting agency rules and publishing compilations and supplements as for preparing bill drafts and statutory publications.

Subd. 6. In determining the form of rules the revisor shall:

- (a) minimize duplication of statutory language;
- (b) not permit incorporations into the rules by reference of publications which are not conveniently available to the public;
- (c) to the extent practicable, use plain language in rules and avoid technical language; and
- (d) amend rules by showing the text of the rule, paragraph, clause, or other part of a rule being amended, as it is shown in the latest compilation or supplement, or, if not yet published in a compilation or supplement, then as the text is shown in the state register, with changes shown by striking and underlining words.

Subd. 7. Any compilation, reissue, or supplement published by the revisor shall be sold by the revisor for a reasonable fee and its proceeds deposited in the general fund. An agency shall purchase from the revisor the number of copies of the compilation or supplement needed by the agency. The revisor shall provide one copy of any compilation or supplement to all Minnesota county libraries and to any public library upon its request.

Sec. 55. Minnesota Statutes 1978, Section 15.047, is repealed."

Page 29, after line 28, insert:

"Sections 37 to 49 and 51 to 54 are effective July 1, 1981, except that section 54, subdivision 1, clause (a) is effective July 1, 1980. Sections 50 and 55 are effective July 1, 1982."

Renumber the sections

Amend the title amendment as follows:

Page 29, line 33, after "procedures;" insert "providing for the compilation of agency rules and their publication by the revisor of statutes;"

Page 30, line 1, after "Subdivisions" insert "1,"

Page 30, line 1, after "2," insert "3,"

Page 30, line 4, after "15.0426;" insert "15.05; 15.051, Subdivision 1;"

Page 30, line 8, after the semicolon insert "648.31, by adding a subdivision; 648.43;"

Page 30, line 11, delete "and"

Page 30, line 11, after "15.0423" insert "; and 15.047"

The motion prevailed. So the amendment was adopted.

H. F. No. 874 was then progressed.

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

RECESS

Mr. Coleman moved that the Senate do now recess until 8:00 o'clock p.m. The motion prevailed.

The hour of 8:00 o'clock p.m. having arrived, the President called the Senate to order.

MEMBERS EXCUSED

Messrs. Lessard, Penny and Wegener were excused from this evening's Session.

CALL OF THE SENATE

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

Anderson	Dunn	Kleinbaum	Omann	Sikorski
Ashbach	Engler	Knaak	Penny	Spear
Barrette	Frederick	Knutson	Perpich	Staples
Benedict	Gearly	Luther	Peterson	Stern
Bernhagen	Gunderson	Menning	Pillsbury	Stumpf
Brataas	Hughes	Nelson	Purfeerst	Tennessen
Chmielewski	Humphrey	Nichols	Rued	Ueland, A.
Coleman	Keefe, S.	Ogdahl	Setzepfandt	Vega
Davies	Kirchner	Olhoff	Sieloff	

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

Without objection, the Senate reverted to the Order of Business of Messages From the House, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1169:

H. F. No. 1169: A bill for an act relating to census taking; providing for the taking of special censuses by the United States bureau of the census rather than the secretary of state; providing for the approval of school district population estimates by the state demographer; providing for annual population estimates of governmental subdivisions by the state demographer and their use in the computation of tax levy limits and local government aid; abolishing the authority of the municipal board to determine the population of municipalities and towns; amending Minnesota Statutes 1978, Sections 4.12, Subdivision 7; 275.14; 275.45; 275.53; 414.01, Subdivision 14; 477A.01, Subdivision 4; and Chapter 477A, by adding a section; repealing Minnesota Statutes 1978, Sections 365.61; and 414.033, Subdivision 8.

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

Weaver, Schreiber and Begich have been appointed as such committee on the part of the House.

House File No. 1169 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 26, 1980

Mr. Anderson moved that H. F. No. 1169 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 1996, 1054, 1293, 1630 and 1900.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 25, 1980

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. 1843: A bill for an act relating to transportation; establishing a state rail bank for abandoned rail lines; amending Minnesota Statutes 1978, Chapter 222, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 174.03, Subdivision 4; 222.50, Subdivision 7; and 222.65.

Senate File No. 1843 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 25, 1980

Mr. Stern moved that the Senate do not concur in the amendments by the House to S. F. No. 1843 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a Conference Committee to be appointed on the part of the House. The motion prevailed.

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. 1734: A bill for an act relating to agriculture; renaming the livestock sanitary board; repealing obsolete language; regulating treatment of diseased animals; eliminating certain local boards; providing a penalty; amending Minnesota Statutes 1978, Sections 17A.04, Subdivision 6; 29.051; 29.061; 29.081; 35.01, Subdivisions 1 and 2; 35.02, Subdivision 1; 35.03; 35.05; 35.06; 35.063; 35.065; 35.08; 35.09; 35.10; 35.11; 35.12; 35.13; 35.15; 35.16; 35.245; 35.67; 35.68; 35.695; 35.70, Subdivision 1, 3 and 4; 35.71, Subdivisions 3 and 7; 35.81; 35.82; 35.822; 35.830; 35.831; 346.26; 347.32; 347.33; 347.34; 347.35; 347.37; 347.38; and 347.39; repealing Minnesota Statutes 1978, Sections 35.01, Subdivisions 3, 4, 5, 6 and 7; 35.07; 35.131; 35.132; 35.133; 35.134; 35.135; 35.136; 35.137; 35.17; 35.18; 35.19; 35.20; 35.21; 35.22; 35.23; 35.24; 35.25; 35.26; 35.27; 35.28; 35.29; 35.30; 35.31; 35.32; 35.33; 35.34; 35.35; 35.40; 35.41; 35.42; 35.43; 35.44; 35.45; 35.46; 35.47; 35.48; 35.49; 35.50; 35.51; 35.55; 35.56; 35.57; 35.58; 35.60; 35.605; 35.70, Subdivisions 2, 5, 6 and 8; 35.73, Subdivision 2; and 35.821, Subdivision 2.

Senate File No. 1734 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 25, 1980

CONCURRENCE AND REPASSAGE

Mr. Setzepfandt moved that the Senate concur in the amendments by the House to S. F. No. 1734 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1734: A bill for an act relating to agriculture; renaming the livestock sanitary board; repealing obsolete language; regulating treatment of diseased animals; eliminating certain local boards; requiring anaplasmosis testing of livestock; providing a penalty; amending Minnesota Statutes 1978, Sections 17A.04, Subdivision 6; 29.051; 29.061; 29.081; 35.01, Subdivisions 1 and 2; 35.02, Subdivision 1; 35.03; 35.05; 35.06; 35.063; 35.065; 35.08; 35.09; 35.10; 35.11; 35.12; 35.13; 35.15; 35.16; 35.245; 35.67; 35.68; 35.695; 35.70, Subdivision 1, 3 and 4; 35.71, Subdivisions 3 and 7; 35.81; 35.82; 35.822; 35.830; 35.831; 346.26; 347.32; 347.33; 347.34; 347.35; 347.37; 347.38; 347.39 and Chapter 35, by adding a section; repealing Minnesota Statutes 1978, Sections 35.01, Subdivisions 3, 4, 5, 6 and 7; 35.07; 35.131; 35.132; 35.133; 35.134; 35.135; 35.136; 35.137; 35.17; 35.18; 35.19; 35.20; 35.21; 35.22; 35.23; 35.24; 35.25; 35.26; 35.27; 35.28; 35.29; 35.30; 35.31; 35.32; 35.33; 35.34; 35.35; 35.40; 35.41; 35.42; 35.43; 35.44; 35.45; 35.46; 35.47; 35.48; 35.49; 35.50; 35.51; 35.55; 35.56; 35.57; 35.58; 35.60; 35.605; 35.70, Subdivisions 2, 5, 6 and 8; 35.73, Subdivision 2; and 35.821, Subdivision 2.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Perpich	Spear
Aschbach	Frederick	Knutson	Peterson	Staples
Bang	Gearty	Luther	Pillsbury	Stern
Barrette	Gunderson	McCutcheon	Purfeerst	Stokowski
Benedict	Hanson	Menning	Renneke	Strand
Bernhagen	Hughes	Moe	Rued	Stumpf
Brataas	Jensen	Nelson	Schaaf	Tennessen
Chmielewski	Johnson	Nichols	Schmitz	Ueland, A.
Davis	Keefe, S.	Olhoft	Setzepfandt	Ulland, J.
Dieterich	Kirchner	Omann	Sieloff	Vega
Dunn	Kleinbaum	Penny	Sikorski	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 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. 1611: A bill for an act relating to local government; establishing the Moorhead-Clay County area redevelopment authority; terminating the existence of the Moorhead local redevelopment agency and the Clay County local redevelopment

agency; granting certain powers to the city of Moorhead and the county of Clay.

Senate File No. 1611 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 25, 1980

CONCURRENCE AND REPASSAGE

Mr. Sillers moved that the Senate concur in the amendments by the House to S. F. No. 1611 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1611 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knutson	Perpich	Spear
Ashbach	Frederick	Luther	Peterson	Staples
Bang	Gearty	McCutcheon	Pillsbury	Stern
Barrette	Gunderson	Menning	Purfeerst	Stokowski
Benedict	Hanson	Merriam	Renneke	Strand
Bernhagen	Hughes	Moe	Rued	Stumpf
Brataas	Jensen	Nelson	Schaaf	Tennessen
Chmielewski	Johnson	Nichols	Schmitz	Ueland, A.
Coleman	Keefe, S.	Ogdahl	Setzepfandt	Ulland, J.
Davies	Kirchner	Olhoft	Sieloff	Vega
Dieterich	Kleinbaum	Omann	Sikoraki	Willet
Dunn	Knaak	Penny	Sillers	

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 the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 2090, 733 and 1841.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 25, 1980

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 1655, 1763, 2045 and 2353.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 26, 1980

FIRST READING OF HOUSE BILLS

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

H. F. No. 2090: A bill for an act relating to Lake County; validating the issuance of a Sunday on-sale intoxicating liquor license.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 2083 now on General Orders.

H. F. No. 733: A bill for an act relating to veterans; increasing the maximum amount of certain educational grants to certain persons; appropriating money; amending Minnesota Statutes 1978, Sections 197.11; and 197.75, Subdivision 1.

Referred to the Committee on Finance.

H. F. No. 1841: A bill for an act relating to state government; providing for certain historical memorials; providing an appropriation.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1683 now on General Orders.

H. F. No. 1655: A bill for an act relating to pollution; recognizing the extent and severity of the problem of acid precipitation; appropriating funds and designating state agencies and departments to conduct activities designed to identify, control and abate acid precipitation.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1685 now on General Orders.

H. F. No. 1763: A bill for an act relating to education; increasing the bonding authority of the higher education coordinating board; amending Minnesota Statutes, 1979 Supplement, Section 136A.-171.

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

H. F. No. 2045: A bill for an act relating to economic development; creating a small business finance agency with authority to sell tax exempt revenue bonds to provide loans for small business projects; appropriating money.

Referred to the Committee on Finance.

H. F. No. 2353: A bill for an act relating to water resources; continuing the water planning board; changing its membership and duties; appropriating money; amending Minnesota Statutes 1978, Section 105.401; and Laws 1979, Chapter 333, Section 31, Subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 2025 now on General Orders.

REPORTS OF COMMITTEES

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

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

S. F. No. 2331: A bill for an act relating to children; establishing a photographic state adoption exchange; requiring certain children to be listed on the exchange; appropriating money.

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

Page 1, line 22, delete "all"

Page 2, line 1, delete "or otherwise"

Page 2, line 4, delete "required" and insert "prescribed"

Page 2, line 4, after "subdivision" insert "and subdivision 8"

Page 2, line 8, delete "five" and insert "ten"

Page 2, line 12, after "updated" insert "by the authorized child placing agency"

Page 2, line 12, delete "15 working" and insert "ten business"

Page 2, line 15, after "writing" insert "by the authorized child placing agency"

Page 2, line 27, delete "a" and insert "any"

Page 2, line 27, after "child" insert "legally freed for adoption"

Page 2, line 32, delete "working" and insert "business"

Page 3, line 21, after the dollar sign insert "15,000"

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

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

S. F. No. 1890: A bill for an act relating to energy conservation; creating the Minnesota district heating account; authorizing the Minnesota energy agency to administer and supervise a program of loans to municipalities for establishing and improving district heating systems; authorizing the issuance of state bonds pursuant to Article XI of the Minnesota Constitution; authorizing cities to operate district heating systems; appropriating money; amending Minnesota Statutes 1978, Sections 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; Chapter 116H, by adding sections; and Chapter 465, by adding a section.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 116H, is amended by adding a section to read:

[116H.31] [DISTRICT HEATING LOANS.] Subdivision 1. [POLICIES.] *Developing and improving efficient and economical district heating systems is a public purpose for state financing and a proper function of state government. Climate and geography make a reliable, economic supply of energy essential for industrial, commercial and residential heating. Imported supplies are increasingly costly, unreliable, and environmentally disadvantageous. District heating systems employing cogeneration techniques and innovative technology offer an important means of increasing the efficiency of Minnesota's energy systems and reducing the state's reliance on imported energy supplies. The combination of the large initial capital cost and investors' lack of familiarity with district heating has made the private market reluctant to provide the necessary capital for district heating projects. As a result, public leadership, cooperation, and aid are needed to demonstrate the feasibility of district heating systems by establishing economically viable municipal district heating systems as demonstration projects. Municipal district heating systems may be financed by loans from the state.*

Subd. 2. [DEFINITIONS.] *In this section:*

- (a) "Commissioner" means the commissioner of finance.
- (b) "Director" means the director of the Minnesota energy agency.
- (c) "District heating" means the use of a central energy conversion facility to produce hot water or steam for distribution to homes or businesses. District heating facilities may also produce electricity in addition to hot water or steam.
- (d) "Municipality" means any county, city, town, municipal power agency, or public utility, as defined in section 452.01, subdivision 3, owned and operated by a city, however organized.

Subd. 3. [ELIGIBILITY.] *The commissioner of finance, upon request of the director of the energy agency, shall make loans to municipalities for the acquisition and betterment of district heating systems. A loan shall be made only to a municipality that has demonstrated that:*

- (a) *The municipality has the financial capability to sponsor the project;*
- (b) *The project is technologically feasible; and*
- (c) *The municipality has made adequate provision to assure proper and efficient operation and maintenance of the project after construction is completed.*

Subd. 4. [PRIORITIES.] *The director shall give higher priority to a project that does more to achieve the following goals:*

- (a) *The district heating conversion facility employs cogeneration techniques;*

(b) *The facility uses renewable or non-petroleum sources of energy;*

(c) *The district heating facility will save petroleum or natural gas;*

(d) *The operation of the district heating facility will not have an adverse impact on the environment;*

(e) *The district heating facility may readily be expanded to serve additional customers or to supply additional amounts of energy, and market demand for the energy exists;*

(f) *The project has obtained additional financing from the federal government, private sources, or other sources of capital; and*

(g) *Other goals the director finds desirable for district heating systems.*

Subd. 5. [ELIGIBLE COST.] *The eligible cost of any municipal district heating project includes (a) preliminary planning to determine the economic, engineering, and environmental feasibility of the project; (b) engineering, architectural, legal, fiscal, economic, and project administrative costs of the agency and the municipality, and other investigations and studies; (c) surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the planning, design, and construction of the project; (d) erection, building, acquisition, alteration, remodeling, improvement, and extension of district heating systems; (e) inspection and supervision of construction; and (f) loans to potential users of the district heating system to finance conversion of, additions to, or other necessary alterations of their energy systems to facilitate use of energy supplied by the district heating system.*

Subd. 6. [AMOUNT.] *The amount of a loan is limited to:*

(a) *50 percent of the costs included under subdivision 5, clauses (a), (b), (c) and (e);*

(b) *90 percent of the costs included under subdivision 5, clauses (d) and (f).*

Subd. 7. [TERMS.] *A loan is repayable over a period not to exceed 20 years, with interest at a rate sufficient to cover the cost to the state of borrowing the money.*

Subd. 8. [APPLICATION.] *Application for a loan shall be made by a municipality to the director on a form prescribed by the director by rule. The director shall review each application and determine:*

(a) *Whether or not the project is eligible for a loan;*

(b) *The priority of the project when ranked with all other eligible projects for which a loan application has been submitted;*

(c) *The total estimated cost of the project;*

(d) *The amount of the loan for which the project is eligible;*

(e) *The terms upon which the loan would be made; and*

(f) *The means by which the municipality proposes to finance the project, including:*

(1) *A loan authorized by state law; or*

(2) *A grant of money appropriated by state law; or*

(3) *A grant to the municipality by an agency of the federal government within the amount of money then appropriated to that agency and allocated by it to projects within the state; or*

(4) *The appropriation of proceeds of bonds or other money of the municipality to an account for the construction of the project; or*

(5) *Any or all of the means referred to in clauses (1) to (4).*

Subd. 9. [PROJECT APPROVAL.] *The director shall prepare and submit to the legislature a list of district heating projects, if any, for which loan applications have been submitted and reviewed. The list shall contain supporting information, including descriptions of the projects, plans, and the determinations made by the director pursuant to subdivision 8. The director shall request the commissioner of finance to make loans for projects within the limits of appropriations provided by the legislature.*

Subd. 10. [PAYMENT; OBLIGATION.] *The commissioner shall not pay money to a municipality pursuant to an approved loan until he has determined that:*

(a) *Financing of the project as proposed by the municipality is assured by an irrevocable undertaking, by resolution of the governing body of the municipality, to use all money made available by the financing plan exclusively for the construction of the project, and to pay any additional amount by which the cost of the project exceeds the estimate by the appropriation to the construction account of additional municipal money or the proceeds of additional bonds to be issued by the municipality; and that*

(b) *The governing body of the municipality has adopted a resolution obligating the municipality to repay the loan according to its terms. The obligation may be payable solely from user charges, special assessments or other money available to the municipality. The resolution shall obligate the municipality to annually impose and collect user charges or special assessments or to use any other money available to it from any other specified source, in amounts and at times that if collected in full will annually produce at least five percent in excess of the amount needed for all annual costs of the system, including annual repayment on state loans. A municipality may also pledge to levy an ad valorem tax to guarantee the payments under the loan agreement. For the purpose of repaying the loan the municipality by resolution of its governing body may fix the rates and charges for district heating system service and products, may enter into contracts for the payment by others of costs of construction, maintenance, and use of the project in accordance with section 444.075, and may pledge the revenues*

derived therefrom. The commissioner may condition a loan upon the establishment of rates and charges or the execution of contracts sufficient to produce the revenues pledged.

Subd. 11. [RECEIPTS.] *All principal and interest payments received by the commissioner in repayment of the loans authorized by this section shall be deposited in the state treasury and credited to the Minnesota state building bond account and are appropriated to the commissioner for the purposes of that account.*

Subd. 12. [RULES.] *The director shall adopt rules necessary to carry out this section. The director may adopt temporary rules pursuant to section 15.0412, subdivision 5, meeting the requirements of this section. The rules shall contain as a minimum:*

(a) Procedures for application by municipalities; and

(b) Criteria for reviewing loan applications, including those specified in subdivisions 3 and 4.

Sec. 2. Minnesota Statutes 1978, Section 412.321, Subdivision 1, is amended to read:

412.321 [MUNICIPAL UTILITIES.] Subdivision 1. [AUTHORITY TO OWN AND OPERATE.] Any statutory city may own and operate any waterworks, *district heating system*, or gas, light, power, or heat plant for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct and install all facilities reasonably needed for that purpose and may lease or purchase any existing utility properties so needed. It may, in lieu of providing for the local production of gas, electricity, water, *hot water, steam* or heat, purchase the same wholesale and resell it to local consumers. After any such utility has been acquired, the council, except as its powers have been limited through establishment of a public utilities commission in the city, shall make all necessary rules and regulations for the protection, maintenance, operation, extension, and improvement thereof and for the sale of its utility products.

Sec. 3. Minnesota Statutes 1978, Section 412.351, is amended to read:

412.351 [COMMISSION, JURISDICTION.] The council shall, in the ordinance establishing the commission, decide which of the following public utilities shall be within the commission's jurisdiction: (1) the city water system; (2) light and power system, including any system then in use or later acquired for the production and distribution of steam heat; (3) gas system; (4) sanitary or storm sewer system or both, including the city sewage disposal plant; (5) public buildings owned or leased by the city; (6) *district heating system*. As used subsequently in sections 412.351 to 412.391, the term "public utility" means any water, light and power, gas or sewer system, or public buildings thus placed by ordinance under the jurisdiction of the public utilities commission. Any public utility not placed under the jurisdiction of the public utilities commission by the ordinance establishing the commission may be placed under the jurisdiction of the commission by an amendment to the original ordinance.

Sec. 4. Minnesota Statutes 1978, Section 412.361, Subdivision 3, is amended to read:

Subd. 3. The commission shall have power to buy all fuel and supplies, and it may purchase wholesale electric energy, steam heat, *hot water energy*, gas or water, as the case may be, for municipal distribution.

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 429.021, Subdivision 1, is amended to read:

429.021 [LOCAL IMPROVEMENTS, COUNCIL POWERS.] Subdivision 1. [IMPROVEMENTS AUTHORIZED.] The council of a municipality shall have power to make the following improvements:

(1) To acquire, open, and widen any street, and to improve the same by constructing, reconstructing, and maintaining sidewalks, pavement, gutters, curbs, and vehicle parking strips of any material, or by grading, graveling, oiling, or otherwise improving the same, including the beautification thereof and including storm sewers or other street drainage and connections from sewer, water or similar mains to curb lines.

(2) To acquire, develop, construct, reconstruct, extend and maintain storm and sanitary sewers and systems, including outlets, holding areas and ponds, treatment plants, pumps, lift stations, service connections, and other appurtenances of a sewer system, within and without the corporate limits.

(3) To construct, reconstruct, extend and maintain steam heating mains.

(4) To install, replace, extend and maintain street lights and street lighting systems and special lighting systems.

(5) To acquire, improve, construct, reconstruct, extend and maintain water works systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a water works system, within and without the corporate limits.

(6) To acquire, improve and equip parks, open space areas, playgrounds and recreational facilities within or without the corporate limits.

(7) To plant trees on streets and provide for their trimming, care and removal.

(8) To abate nuisances and to drain swamps, marshes and ponds on public or private property and to fill the same.

(9) To construct, reconstruct, extend, and maintain dikes and other flood control works.

(10) To construct, reconstruct, extend and maintain retaining walls and area walls.

(11) To acquire, construct, reconstruct, improve, alter, extend, operate, maintain and promote a pedestrian skyway system.

(12) To acquire, construct, reconstruct, extend, operate, maintain and promote underground pedestrian concourses.

(13) To acquire, construct, improve, alter, extend, operate, maintain and promote public malls, plazas or courtyards.

(14) To construct, extend, and maintain district heating systems.

Sec. 6. Minnesota Statutes 1978, Chapter 465, is amended by adding a section to read:

[465.74] [AUTHORIZATION TO OPERATE DISTRICT HEATING SYSTEMS.] *Subdivision 1. [CITIES OF THE FIRST CLASS.] A city operating a public utility pursuant to chapter 452 or its charter may acquire, construct, own, and operate a municipal district heating system pursuant to the provisions of that chapter or its charter.*

Subd. 2. [CITIES OF THE SECOND AND THIRD CLASS.] A city authorized to operate an electric light plant or an electric light and power plant pursuant to chapter 455 or its charter may acquire, construct, own, and operate a municipal district heating system under that chapter or its charter.

Subd. 3. [EXTENSION OF SERVICE OUTSIDE CITY.] A municipal district heating system, operating pursuant to this section, may sell energy to customers located outside of the municipality and within the state but not more than a distance of 30 miles from the corporate limits of the municipality.

Subd. 4. [NET DEBT LIMITS.] The loan obligations incurred by a political subdivision pursuant to section 1 shall not be considered as a part of its indebtedness under the provisions of its governing charter or of any law of this state fixing a limit of indebtedness.

Sec. 7. [APPROPRIATIONS.] *Subdivision 1. The sum of \$49,600,000 is appropriated from the state building fund to the commissioner of finance for the purpose of making loans to municipalities for district heating systems pursuant to section 1. This appropriation is available for the following projects:*

(a) St. Paul	\$30,600,000
(b) Moorhead	\$10,000,000
(c) Red Wing and Minneapolis	\$ 8,000,000
(d) Preliminary planning, as defined in section 1, subdivision 5, clauses (a), (b) and (c), for Bagley, Aitkin, and Virginia	\$ 1,000,000

Subd. 2. The sum of \$100,000 is appropriated from the general fund to the director of the energy agency for the period ending June 30, 1981, for the purpose of administering loans to municipalities pursuant to section 1. The approved complement of the energy agency is increased by one position.

Sec. 8. [BOND SALE; DEBT SERVICE.] *To provide the money appropriated from the state building fund by section 7, subdivision 1, the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to \$49,600,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67, and by the Constitution, Article XI, Sections 4 to 7.*

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

Amend the title as follows:

Page 1, line 2, delete "creating the"

Page 1, line 3, delete "Minnesota district heating account;"

Page 1, delete line 8

Page 1, line 9, delete "Constitution"

Page 1, line 13, after "adding" insert "a"

Page 1, line 13, delete "sections" and insert "section"

Page 1, line 14, after "section" insert "; and Minnesota Statutes, 1979 Supplement, Section 429.021, Subdivision 1"

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

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

S. F. No. 1941: A bill for an act relating to corrections; appropriating money for local correctional facility construction.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 241.022, Subdivision 3, is amended to read:

Subd. 3. [APPLICATION FOR GRANTS.] Any county or group of counties operating any of the facilities described in subdivision 1 or desiring to construct and operate or to rehabilitate existing facilities may apply for assistance under this section by submitting to the commissioner of corrections for his approval its plans, specifications, budget, program for training and treatment, and staffing pattern, including personnel qualifications. *The commissioner shall prescribe the format and procedures for handling grant applications.* The commissioner may recommend such changes or modifications as *that* he deems necessary to effect substantial compliance with the standards provided in subdivision 2. When the commissioner has determined that any county or group of counties has substantially complied with the minimum standards, or is making satisfactory progress toward such compliance he may ~~pay award a grant to such the counties . Grants~~

shall be awarded to eligible counties in the order in which their applications are accepted and approved by the commissioner. ~~an~~ The amount of a grant shall not ~~to~~ exceed 50 25 percent of the cost of construction or rehabilitation of the facilities described in this section; and, . Fifty percent of the grant shall be paid to the county or group of counties upon approval of the application by the commissioner, and the remaining 50 percent shall be paid after inspection of the newly constructed or renovated facility and a determination by the commissioner that it substantially conforms to minimum standards. In the case of improvement of program and continued operation of any program in a regional facility as described in subdivision 1, he may pay to the governing board of such facility a sum not to exceed \$1,800 per year for each adult bed and \$3,200 per year for each juvenile bed as approved in the submitted plans and specifications.

Sec. 2. [ADVISORY TASK FORCE.] Subdivision 1. [APPOINTMENT; PURPOSE.] By July 1, 1980, the commissioner of corrections shall appoint a 15 member advisory task force to:

(a) Study and make recommendations to the commissioner concerning the scope, content, reasonableness and necessity for the existing rules for operation, construction and remodeling of jails;

(b) Make recommendations to the commissioner of corrections concerning the statutory duties and obligations of the commissioner to implement and enforce the minimum jail standards and the policies and procedures of the commissioner in the discharge of his duties; and

(c) Study and make recommendations on other aspects as requested by the commissioner.

Subd. 2. [MEMBERSHIP; CHAIRMAN.] The advisory task force shall consist of the following:

(a) Three county commissioners;

(b) Three sheriffs;

(c) One judge of the district court designated by the chief justice of the state supreme court;

(d) A member of the house of representatives appointed by the speaker;

(e) A member of the senate appointed by the subcommittee on committees;

(f) A county attorney; and

(g) Three public members, at least one of whom has had lengthy experience in general commercial construction.

The task force shall elect one of the public members to serve as chairman.

In making his appointments the commissioner shall, insofar as possible, ensure that the appointees are representative of the

geography of the state; that the economic diversity of the counties is represented; that counties having old, new, large and small jail facilities are represented; and that densely populated and sparsely populated counties are represented.

Subd. 3. [TERMS, COMPENSATION, REMOVAL.] *The provisions of section 15.059 shall govern the terms, compensation and removal of the members of the advisory task force.*

Sec. 3. [APPROPRIATION.] *Subdivision 1. The sum of \$7,500,000 is appropriated from the state building fund to the commissioner of corrections for grants to counties for detention facilities pursuant to Minnesota Statutes, Section 241.022, as amended by this act, to be available until expended.*

This appropriation shall be used only to fund phase one local correctional facility construction as described in the department of corrections statewide jail plan of 1980, and to fund grants to groups of counties that contain at least one county whose jail, lockup, or other adult correctional facility has been inspected by the commissioner and determined to be subject to condemnation or in immediate need of major repair and renovation as of January 1, 1980, and that desire to jointly operate a newly constructed or renovated existing facility.

For local correctional facility construction commenced before March 1, 1980, under construction and unoccupied on the effective date of this act, the total grant for a particular facility shall not exceed \$6,250 per approved bed, or 12.5 percent of the total cost of construction or renovation, whichever is less.

For local correctional facility construction commencing on or after March 1, 1980, the total grant for a particular facility shall not exceed \$12,500 per approved bed, as established in the statewide jail plan, or 25 percent of the total cost of construction or renovation, whichever is less.

Subd. 2. *The sum of \$15,000 is appropriated from the general fund to the commissioner of corrections for the advisory task force created in section 2, to be available until June 30, 1981.*

Sec. 4. [BOND SALE; DEBT SERVICE.] *Subdivision 1. To provide the money appropriated in this act from the state building fund the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to \$7,500,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67 and by the Constitution, Article XI, Sections 4 to 7.*

Sec. 5. [EFFECTIVE DATE.] *This act is effective the day following final enactment."*

Amend the title as follows:

Page 1, line 2, after the semicolon insert "creating an advisory task force;"

Page 1, line 3, before the period insert "; authorizing issuance of

state bonds; amending Minnesota Statutes 1978, Section 241.022, Subdivision 3"

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

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

S. F. No. 1581: A bill for an act relating to welfare; clarifying certain provisions of the general assistance medical care program; authorizing higher general assistance payments for persons determined to be unemployable; making various other changes in the general assistance program; amending Minnesota Statutes 1978, Sections 256D.01; 256D.02, Subdivisions 4, 9, 10, 11, 12, and by adding a subdivision; 256D.03, Subdivisions 1 and 3; 256D.04; 256D.05, Subdivision 1; 256D.06, Subdivisions 1 and 2, and by adding a subdivision; 256D.08, Subdivision 2; 256D.09, Subdivision 1; 256D.10; 256D.11, Subdivisions 2, 3, 4, 5, 6, 7, 8 and 9; 256D.13, Subdivision 1; 256D.16; and 256D.18, Subdivisions 2 and 4; and Minnesota Statutes, 1979 Supplement, Sections 256D.03, Subdivision 2; 256D.07; and 256D.08, Subdivision 1.

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

Page 1, line 25, delete "256D.18" and insert "256D.21"

Page 2, lines 3 to 8, delete the new language

Page 2, line 13, delete "256D.18" and insert "256D.21"

Page 2, lines 20 to 33, reinstate the stricken language

Page 2, line 33, after the reinstated period insert "*The minimum standards of assistance shall authorize the payment of rates negotiated by local agencies for recipients living in a room and board arrangement.*"

Page 3, lines 1 to 9, reinstate the stricken language

Page 3, lines 3 and 4, strike "Laws 1973, Chapter 650, Article 21" and insert "*sections 256D.01 to 256D.21*"

Page 3, line 10, reinstate "a principal consideration in the administration of" and after the reinstated "of" insert "*sections 256D.01 to 256D.21*"

Page 3, line 11, reinstate "and all general assistance"

Page 3, lines 12 and 13, reinstate the stricken language

Page 3, line 15, delete "256D.18" and insert "256D.21"

Page 3, lines 23 to 25, reinstate the stricken language

Page 5, line 18, delete "256D.18" and insert "256D.21"

Page 5, line 30, reinstate "256D.01" and delete "256D.05"

Page 6, lines 1 and 2, reinstate the stricken language

Page 6, line 12, strike "256D.19" and insert "256D.21"

Page 7, lines 14 and 18, delete "256D.18" and insert "256D.21"

Page 8, line 3, delete "256D.18" and insert "256D.21"

Pages 8 and 9, delete section 12

Pages 10 and 11, delete section 15

Page 11, line 4, delete "Subdivision 1."

Page 11, line 10, delete "256D.05 and 256D.06" and insert "256D.01 to 256D.21"

Page 11, delete lines 32 and 33

Page 12, delete lines 1 and 2

Page 13, line 5, delete "256D.18" and insert "256D.21"

Page 17, line 1, after "paid" insert "during that period"

Page 18, line 11, delete "256D.18" and insert "256D.21"

Page 19, after line 24, insert:

"Sec. 31. [APPROPRIATION.] *The sum of \$226,450 is appropriated from the general fund to the commissioner of public welfare to pay increased costs authorized by this act, to be available for the fiscal year ending June 30, 1981.*

Sec. 32. [EFFECTIVE DATE.] *Sections 12 and 15 are effective January 1, 1981. The remaining sections 1 to 30 are effective July 1, 1980.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 4

Page 1, line 5, delete "persons determined to be unemployable" and insert "establishing an earned income disregard work incentive in the general assistance program"

Page 1, line 7, after the semicolon insert "appropriating money;"

Page 1, line 10, delete "256D.05,"

Page 1, line 11, delete "Subdivision 1;" and delete ", and"

Page 1, line 12, delete "by adding a subdivision"

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

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

S. F. No. 1828: A bill for an act relating to veterans; establishing at the Fergus Falls State Hospital a domiciliary home for veterans and authorizing remodeling of buildings for a unit for the treatment of drug dependent persons; making an appropriation; amending Minnesota Statutes 1978, Section 253.015.

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

Delete everything after the enacting clause and insert:

"Section 1. [FERGUS FALLS STATE HOSPITAL; PLANNING.] Subdivision 1. The commissioner of administration shall prepare preliminary plans for establishing a 150 bed veterans home on the grounds of the Fergus Falls state hospital. He shall, in cooperation with the commissioner of veterans' affairs, determine the availability of federal money for the facility and shall attempt to secure the maximum federal share possible.

Subd. 2. The commissioner of administration shall prepare preliminary plans for modifying or replacing the boiler unit at the Fergus Falls state hospital to burn solid waste supplied to the hospital by local units of government. The commissioner shall determine the availability of federal money for the project and shall attempt to secure the maximum federal share possible. The commissioner shall enter into preliminary agreements with local units of government to supply sufficient solid waste to generate heat and electricity during the economic life of the boiler unit.

Sec. 2. [APPROPRIATION.] The sum of \$128,000 is appropriated from the general fund to the commissioner of administration for the purposes of this act, to be available until June 30, 1981."

Delete the title and insert:

"A bill for an act relating to state hospitals; preliminary plans for modifications to Fergus Falls state hospital; appropriating money."

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 1724: A bill for an act relating to taxation; exempting admissions to events or premises of nonprofit arts organizations from the sales tax; amending Minnesota Statutes, 1979 Supplement, Section 297A.25, Subdivision 1.

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

Page 9, after line 6, insert:

"Sec. 2. [LOCAL ADMISSIONS AND AMUSEMENT TAXES; EXEMPTION FOR ARTS ORGANIZATIONS.] No tax imposed by a local unit of government on sales of admissions or amusements under a law enacted prior or subsequent to the enactment of this provision, other than a general sales tax law, shall apply to amounts charged for admission to the premises of or events sponsored by a nonprofit arts organization."

Page 9, line 7, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "tax" insert "and local admissions or amusement taxes"

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 1597: A bill for an act relating to metropolitan government; providing for metropolitan area agricultural preserves; providing property tax relief; appropriating money; amending Minnesota Statutes 1978, Section 273.111, Subdivision 6.

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

Page 9, line 27, delete "*original ad*"

Page 9, line 28, delete "*valorem property taxes*" and insert "*tax*"

Page 10, line 3, delete "*township*" and after "*rate*" insert "*levied on property located within townships*"

Page 10, line 9, after the period insert "*Residential buildings shall continue to be valued and classified according to the provisions of Minnesota Statutes, Sections 273.11 and 273.13, as they would be in the absence of this section, and the tax on those buildings shall not be subject to the limitation contained in this clause.*"

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 2281: A bill for an act relating to taxation; imposing penalties for failure to file returns for Kittson and Marshall counties' gravel tax; amending Laws 1977, Chapter 112, Section 3.

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

Page 2, after line 13, insert:

"Sec. 2. Laws 1961, Chapter 605, Section 3, is amended to read:

Sec. 3. *Subdivision 1.* If any person subject to this act fails to make the report required by section 2, subdivision 1, of this act or files an erroneous report, the county auditor shall determine the amount of the tax due for the quarter in question and shall notify such person by registered mail of the amount of the tax as so determined. Such person may within 30 days from the date of mailing of such notice file written statement of the objections to the amount of the taxes so determined in the office of the county auditor. Thereafter the statement of objections shall be deemed to

be a petition under Minnesota Statutes 1957, Chapter 278, and sections 278.02 to 278.13 shall be applicable thereto.

Subd. 2. Failure to file the report shall result in a penalty of \$5 for each of the first 30 days during which the report is overdue and no statement of objection has been filed. For each subsequent day during which the report is overdue and no statement of objection has been filed, a penalty of \$10 shall be assessed against the person who is required to file the report. The penalties imposed by this subdivision shall be collected as part of the tax. If neither the report nor a statement of objection has been filed after more than 60 days have elapsed from the date the report is required to be filed, the person who is required to file the report is guilty of a misdemeanor.

Sec. 3. Laws 1963, Chapter 475, Section 3, is amended to read:

Sec. 3. *Subdivision 1.* If any person subject to this act fails to make the report required by section 2, subdivision 1, of this act or files an erroneous report, the county auditor shall determine the amount of the tax due for the quarter in question and shall notify such person by registered mail of the amount of the tax as so determined. Such person may within 30 days from the date of mailing of such notice file written statement of the objections to the amount of the taxes so determined in the office of the county auditor. Thereafter the statement of objections shall be deemed to be a petition under Minnesota Statutes, Chapter 278, and sections 278.02 to 278.13 shall be applicable thereto.

Subd. 2. Failure to file the report shall result in a penalty of \$5 for each of the first 30 days during which the report is overdue and no statement of objection has been filed. For each subsequent day during which the report is overdue and no statement of objection has been filed, a penalty of \$10 shall be assessed against the person who is required to file the report. The penalties imposed by this subdivision shall be collected as part of the tax. If neither the report nor a statement of objection has been filed after more than 60 days have elapsed from the date the report is required to be filed, the person who is required to file the report is guilty of a misdemeanor.

Sec. 4. Laws 1977, Chapter 117, section 3, is amended to read:

Sec. 3. *Subdivision 1.* If any person subject to this act fails to make the report required by section 2, subdivision 1, or files an erroneous report, the county auditor shall determine the amount of the tax due for the quarter in question and shall notify such person by registered mail of the amount of the tax so determined. Such person may within 30 days from the date of mailing of such notice file written statement of objections to the amount of the taxes so determined in the office of the county auditor. Thereafter the statement of objections shall be deemed to be a petition under Minnesota Statutes, Chapter 278 and Sections 278.02 to 278.13 shall be applicable thereto.

Subd. 2. Failure to file the report shall result in a penalty of \$5 for each of the first 30 days during which the report is overdue and

no statement of objection has been filed. For each subsequent day during which the report is overdue and no statement of objection has been filed, a penalty of \$10 shall be assessed against the person who is required to file the report. The penalties imposed by this subdivision shall be collected as part of the tax. If neither the report nor a statement of objection has been filed after more than 60 days have elapsed from the date the report is required to be filed, the person who is required to file the report is guilty of a misdemeanor."

Page 2, line 14, delete "Section 1 applies" and insert "Sections 1, 2, 3 and 4 apply"

Page 2, delete lines 16 to 19 and insert:

"Sec. 6. As they relate to Kittson County, the provisions of this act shall become effective upon approval by a majority of the members of the board of county commissioners of Kittson County and upon compliance with the provisions of Minnesota Statutes, Section 645.021. As they relate to Marshall County, the provisions of this act shall become effective upon approval by a majority of the members of the board of county commissioners of Marshall County and upon compliance with the provisions of Minnesota Statutes, Section 645.021. As they relate to Becker County, the provisions of this act shall become effective upon approval by a majority of the members of the board of county commissioners of Becker County and upon compliance with the provisions of Minnesota Statutes, Section 645.021. As they relate to Wilkin County, the provisions of this act shall become effective upon approval by a majority of the members of the board of county commissioners of Wilkin County and upon compliance with the provisions of Minnesota Statutes, Section 645.021. As they relate to Clay County, the provisions of this act shall become effective upon approval by a majority of the members of the board of county commissioners of Clay County and upon compliance with the provisions of Minnesota Statutes, Section 645.021."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "and" and insert a comma and after "Marshall" insert ", Clay, Becker and Wilkin"

Page 1, line 4, after "amending" insert " Laws 1961, Chapter 605, Section 3; Laws 1963, Chapter 475, Section 3;" and delete "Chapter" and insert "Chapters"

Page 1, line 5, after "3" insert "; and 117, Section 3"

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

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

S. F. No. 1195: A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to Article VIII; providing for the recall of elective officers.

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

Delete everything after the enacting clause and insert:

"Section 1. An amendment to the Minnesota Constitution, adding a section to Article VIII, is proposed to the people. If the amendment is adopted the section will read as follows:

Sec. 6. The elected executive and judicial officers of the state and state senators are subject to recall by the voters of the state or district. A recall election may be held only once during the term of office of any official. A petition for a recall election shall be filed with the officer with whom the official filed for nomination. The petition shall be signed by that number of voters residing in the state or district which equals or exceeds 25 percent of the number of votes cast for all candidates nominated for the office in question in the state or district at the last general election. The petition may be signed beginning on January 1 of a general election year and shall be filed not later than the first day for filing for nomination for the general election. The recall election shall be held at the primary held to nominate candidates for the general election. The recall question shall be placed on the ballot on which the office in question would otherwise appear and shall read:

"Shall (name of official) be recalled from the office of (name of office and district)

Yes

No"

If a majority of those voting on the question vote to recall the official, a vacancy in the office shall be declared and shall be filled for the remainder of the term at a special election held at the general election. Nomination for the special election shall be as provided by law for vacancies in nomination at the general election. An official who is recalled may be a candidate at the special election. No recall election may be held in the year preceding expiration of the term of an official.

This section is self executing but laws may be enacted to facilitate its implementation.

Sec. 2. The proposed amendment shall be submitted to the people at the 1980 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to permit the voters to recall elected state executive and judicial officers and state senators?

Yes

No"

Delete the title and insert:

"A bill for an act proposing an amendment to the Minnesota Constitution, Article VIII, by adding a section; providing for recall of elected state executive and judicial officers and state senators by the voters."

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

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

S. F. No. 599: A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to Article VII; providing for a popular initiative.

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

Delete everything after the enacting clause and insert:

"Section 1. Subdivision 1. An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, two new sections shall be added to Article IV, which shall read:

Sec. 27. [INITIATIVE.] Any law except a constitutional amendment may be initiated by eligible voters upon petition and shall be adopted by the eligible voters upon the affirmative vote of a majority of those voting on the question at a general election.

The governor shall have no power to approve or veto a law initiated by the eligible voters.

Laws may be enacted by the legislature to implement this section only before January 1, 1981 and laws so enacted may not thereafter be amended by the legislature.

This section expires December 31, 1984.

Sec. 28. [REFERENDUM.] Eligible voters may petition to require the referral to them for their approval or rejection of a law, or part of a law, adopted by the legislature. The eligible voters shall not require the referral of a law or part of a law which is an appropriation, a special law which names the single local government unit or county to which it applies, or a law which provides that it is an emergency matter and is adopted by a two-thirds vote of each house.

A law, or part of a law, referred by petition to the eligible voters shall be adopted by them upon the affirmative vote of a majority of those voting on the question at a general election.

Laws may be enacted by the legislature to implement this section only before January 1, 1981 and laws so enacted may not thereafter be amended by the legislature.

This section expires December 31, 1984.

Sec. 2. The amendment proposed in section 1 shall be submitted to the people at the 1980 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to provide for initiative and referendum?

Yes.....

No....."

Sec. 3. [3B.01] [CITATION.] Sections 3 to 32 may be cited as *"The Initiative and Referendum Implementation Act"*.

Sec. 4. [3B.02] [DEFINITIONS.] Subdivision 1. *The words defined by this section shall, when used in sections 3 to 32, have the meanings given them.*

Subd. 2. *"General election" is as defined in section 200.02, subdivision 2.*

Subd. 3. *"Measure" means the proposed law in an initiative petition or the law in either the Laws of Minnesota or Minnesota Statutes cited in a referendum petition.*

Subd. 4. *"Petition drive" means the organized process by the sponsors and their authorized agents of soliciting the general public to sign initiative or referendum petitions.*

Subd. 5. *"Eligible voter" means those persons who may register to vote under the provisions of chapter 201.*

Subd. 6. *"Sponsors" means the persons specified by section 5, subdivision 2, clause (a).*

Sec. 5. [3B.03] [PREPARATION FOR PETITIONING ON AN INITIATIVE MEASURE.] Subdivision 1. *Before circulation of any petitions to have an initiative measure placed on the ballot, the sponsors shall file a declaration with the secretary of state not later than October 31 of an odd numbered year or not later than August 1 in calendar year 1980.*

Subd. 2. *The declaration shall:*

(a) *State the names, mailing addresses and any business or residential phone numbers of not less than 25 eligible voters with an indication of who is the chairman and who is the treasurer; and,*

(b) *State the name and mailing address of all committees, groups or organizations known to the sponsors who intend to support the petition drive on the measure or otherwise aid the sponsors; and,*

(c) *Give a description of the intent or purpose of the measure, or, if the proposed measure is already drafted, include a copy of the draft; and,*

(d) *State a short title by which the sponsors want the initiative measure to be identified and which is not misleading; and,*

(e) *State the name, address or phone number of a person who is generally available to work on the final form and wording of the measure and is authorized to approve its final form and wording.*

Subd. 3. *The secretary of state shall, by rule, provide a sample declaration form.*

Subd. 4. *The sponsors shall pay to the secretary of state a filing fee of \$200 which shall be deposited in the general fund.*

Sec. 6. [3B.04] [FORM OF INITIATIVE MEASURES.] *The form of initiative measures shall conform to the form of bills considered by the legislature. The enacting clause shall be "BE IT ENACTED BY THE PEOPLE OF THE STATE OF MINNESOTA". No initiative shall embrace more than one subject. The measure may not provide for the form of the ballot question by which it would be submitted to the voters.*

Sec. 7. [3B.05] [PETITIONS FOR INITIATIVE.] *Subdivision 1. Each initiative petition shall consist of as many copies as the sponsors print, each of which shall be not more than one sheet of paper and contain the following on the front:*

(a) In not less than 25 point bold type on a 30 point body at the top of the front page, the printed words "OFFICIAL INITIATIVE PETITION"; and,

(b) The short title by which the initiative measure is to be identified and the chairman of the sponsoring committee; and,

(c) A summary of the purpose and effect of the measure; and,

(d) A statement that a verbatim copy of the initiative measure is available for public examination at the office of the secretary of state or any county auditor; and,

(e) Space for the signature, printed name, telephone number, mailing address, congressional district of residence and an indication of status as eligible voter.

Subd. 2. On the front or back of each petition shall be an affidavit for the person circulating the petition which shall include his name, mailing address, and phone number; indicate that he circulated the petition; indicate that to the best of his knowledge each of the signers is an eligible voter and resident in the congressional district indicated; identify the sponsors on whose behalf the petition was circulated; and state the period during which it was circulated.

Subd. 3. The sponsors shall file a copy of the initiative measure and the petition with the secretary of state. If the secretary finds that the form of the initiative measure or petition is not in compliance with law, he shall disapprove it and order it redrafted. The secretary shall, within seven days after the initiative measure and petition are filed, notify the sponsors that the initiative measure and the petition are not in compliance with the law and specify what changes are necessary to bring them into compliance, or the form of the initiative measure and the petition shall be deemed to be approved by the secretary. Failure to refile a new form of initiative measure or petition drafted in accordance with the secretary's instructions not later than seven calendar days after the secretary's notice constitutes abandonment of the drive. Upon refile, the secretary shall again examine the initiative measure or petition for compliance with law and approve it or again reject it. The initiative measure or petition may subsequently be refiled until found to comply with the law.

Subd. 4. The secretary of state shall, within seven calendar days after approving the initiative measure or petition form, send to the county auditor in each county a verbatim copy of the initiative measure as on file in his office.

Sec. 8. [3B.06] [TIME OF CIRCULATION OF INITIATIVE PETITIONS; VOLUNTARY ABANDONMENT.] *Subdivision 1. Initiative petitions may only be circulated on those days of odd numbered years or calendar year 1980 which are more than eight calendar days after the date of the secretary of state's approval of the petition. This limitation shall not prevent the sponsors from undertaking organizational activity or completing the procedures of section 5 or 7 prior to the time petitions are circulated.*

Subd. 2. The sponsors may voluntarily abandon the drive any time before the certification by the secretary of state provided for in section 14. To abandon the drive, a declaration to that effect shall be filed with the secretary of state. The filing of the declaration shall not prevent other sponsors from beginning a similar or identical petition drive. All petitions signed prior to the declaration are invalid upon the filing of the declaration and may not subsequently be utilized by the new sponsors.

Subd. 3. Petitions which are signed but never filed, or which are filed but the number of signatures is later determined to be insufficient, are invalid on January 8 of the year after they are signed, except those petitions signed in 1980 which shall not become invalid unless they are not filed before January 8, 1982. The petitions may not be used for similar or identical petition circulation efforts in subsequent years.

Sec. 9. [3B.07] [AMOUNT OF SIGNATURES FOR INITIATIVE.] *An initiative measure shall be placed on the ballot if petitions for the measure are signed by eligible voters in each congressional district of the state in a number not less than five percent of the number of votes cast for all candidates for governor in that congressional district at the last gubernatorial election.*

Sec. 10. [3B.08] [FILING OF PETITIONS.] *Subdivision 1. The sponsors may file the signed petitions with the secretary of state not later than January 7 of the year succeeding the one in which the petitions were circulated, except as to initiative petitions circulated in 1980 which may not be filed later than January 7, 1982. When filed, the signed petitions shall be securely bound together by the sponsors.*

Subd. 2. Only the sponsors, or those authorized in writing by the sponsors, may file petitions.

Sec. 11. [3B.09] [PETITIONS RECEIVED BY SECRETARY OF STATE AND SIGNATURES COUNTED.] *The secretary of state shall determine the total number of signatures on the petitions filed and shall, not later than January 16, give written notification to the sponsors of the number of signatures. If the number of signatures filed is less than the minimum number of signatures required in a congressional district, the secretary of state*

shall notify the sponsors and petitions for additional signatures may be circulated for an additional period of 21 days commencing from the date of notification.

Sec. 12. [3B.10] [VERIFICATION OF PETITIONS.] *Subdivision 1. The secretary of state may challenge the validity of any signature on or before March 31. Any eligible voter may challenge the number or validity of signatures on the petitions. The secretary of state shall determine the contest of the number or validity of signatures by an eligible voter.*

Subd. 2. A signature is valid when:

(a) The signatory was an eligible voter in the congressional district indicated on the date he signed the petition; and,

(b) The signature is identifiable.

Subd. 3. Upon the challenging of the validity of any signature on a petition, a signature otherwise valid under subdivision 2, is invalid upon a finding by a preponderance of the evidence that a signature:

(a) is forged or fictional;

(b) was not voluntarily signed; or,

(c) was procured by fraud.

Subd. 4. The secretary of state may use the random sampling method provided for in section 13 for the verification of signatures. County auditors shall assist the secretary in verifying signatures to the extent requested by the secretary.

Subd. 5. An eligible voter contesting the sufficiency or validity of signatures shall file the protest on or before March 31 and shall include a brief statement of the evidence of insufficiency or invalidity. If an eligible voter contests the sufficiency or validity of signatures on a petition in bad faith, he may be assessed costs of the contest up to a maximum of \$2000. The secretary of state shall hear evidence and determine contests not later than April 30.

Subd. 6. If the secretary of state determines that the number of valid signatures is less than the number required, he shall so notify the sponsors and petitions for additional signatures may be circulated for an additional period of 21 days, in the case of a determination of an actual number deficiency, or 35 days, in the case of an estimated number deficiency, commencing from the date of notification.

Sec. 13. [3B.11] [RANDOM SAMPLING METHOD OF SIGNATURE VERIFICATION.] *Subdivision 1. If the random sampling method is used, a sample of signatures to be verified shall be drawn in such a manner that every signature filed with the secretary of state shall be given an equal opportunity to be included in the sample. The sample shall include five percent of the signatures.*

Subd. 2. If the verification from the statistical sample shows

that the total number of valid signatures on the petitions is within 90 to 110 percent of the minimum number of signatures needed to declare the number of petition signatures to be sufficient for the congressional district, the secretary of state may verify any remaining unverified signatures.

Subd. 3. If the verification from the statistical sample shows that the total number of valid signatures on all the petitions is 110 percent or more of the minimum number of signatures needed to declare the number of petition signatures to be sufficient for the congressional district, the secretary of state shall declare the number of valid signatures to be sufficient. The number of valid signatures shall be determined by taking the total number of signatures filed and multiplying it by the percentage of signatures in the statistical sample which were found to be valid.

Subd. 4. If the verification from the statistical sample shows that the number of valid signatures is less than 90 percent of the minimum number of signatures needed to declare the number of petition signatures to be sufficient for a congressional district, the secretary of state shall declare that the number of petition signatures is insufficient.

Sec. 14. [3B.12] [CERTIFICATION BY SECRETARY OF STATE.] *If the number of petition signatures from each congressional district meets the minimum, the secretary of state shall certify the sufficiency of the initiative petitions to the sponsors and all county auditors. The question of adoption of the initiative measure filed with the secretary of state shall be placed on the ballot for the general election. The secretary of state's certificate shall state the wording of the question to be placed on the ballot. The executive council shall recommend to the secretary of state a wording for the question. The ballot question shall be a true and impartial statement of the intent and purpose of the initiative measure. It shall be in similar form as for any ballot issues which may be on the ballot as a result of a legislative proposal of a constitutional amendment.*

Sec. 15. [3B.13] [PROCEDURES FOR REFERENDUM PETITIONING.] *Subdivision 1. The sponsors shall file a declaration with the secretary of state not later than October 31 of an odd numbered year or not later than August 1 in calendar year 1980 before circulating any petitions to require the referral to the people for their approval or rejection of any chapter, section or subdivision of the Laws of Minnesota enacted on or after three years before the declaration is filed. A referendum shall not propose to amend an act or part of an act. No referendum shall embrace more than one subject.*

Subd. 2. The declaration shall:

(a) State the names, mailing addresses and any business or residential phone numbers of not less than 25 eligible voters, with an indication of who is the chairman and who is the treasurer; and,

(b) State the name and mailing address of all committees,

groups or organizations known to the sponsors who intend to support the petition drive on the measure or otherwise aid the sponsors; and,

(c) Give a precise citation of the act, or portion of an act, which the sponsors seek to have referred. The citation shall be to the Laws of Minnesota, chapter number of the act and, if appropriate, the sections of the chapter; and,

(d) Give a concise statement of the nature of the act, or portion of an act, that the sponsors propose to have referred to the people; and,

(e) State a short title by which the sponsors want the referendum measure to be identified and which is not misleading.

Subd. 3. The sponsors shall pay to the secretary of state a filing fee of \$200 which shall be deposited in the general fund.

Sec. 16. [3B.14] [PETITIONS FOR REFERENDUM.] Subdivision 1. Each referendum petition shall consist of as many copies as the sponsors print, each of which shall be not more than one sheet and contain the following on the front:

(a) In not less than 25 point bold type on a 30 point body at the top of the front page have the printed words "OFFICIAL REFERENDUM PETITION"; and,

(b) A precise citation of the act, or portion of an act, which the sponsors seek to have referred. The citation shall be exactly as stated in the declaration or any amendment to the declaration; and,

(c) The short title by which the initiative measure is to be identified and the chairman of the sponsoring committee; and,

(d) A brief impartial summary of the purpose and effect of the act, or portion of an act, which the sponsors propose to have referred to the people; and,

(e) Space for the signature, printed name, telephone number, mailing address, congressional district of residence, and an indication of status as eligible voter.

Subd. 2. On the front or back of each petition shall be an affidavit for the person circulating the petition which shall include his name, mailing address, phone number; indicate that he circulated the petition; indicate that to the best of his knowledge each of the signers is an eligible voter and resident in the congressional district indicated; identify the sponsors on whose behalf the petition was circulated; and state the period during which it was circulated.

Subd. 3. The sponsors shall file with the secretary of state a copy of the referendum measure and the form of the petition. If the secretary of state finds that the form of the referendum measure or petition is not in compliance with law, he shall, within seven days after the referendum measure and petition are filed,

disapprove it and order it redrafted in accordance with his directions, or the form of the referendum measure and petition shall be deemed to be approved by the secretary. Failure to refile a new referendum measure or petition drafted in accordance with the secretary's instructions within seven calendar days of notification of noncompliance constitutes abandonment of the drive. Upon refile, the secretary shall again examine the referendum measure or petition for compliance with the law and approve it or again reject it. The referendum measure or petition may again be refilled until it is found to comply with the law.

Subd. 4. The secretary of state shall, within seven calendar days after approving the referendum measure and petition form, send to the auditor in each county a statement of the nature of the proposed referendum matter.

Subd. 5. Failure to file a copy of the referendum measure or petition within the time limits of subdivision 3 constitutes an abandonment of the petition drive.

Sec. 17. [3B.15] [TIME OF CIRCULATION OF REFERENDUM PETITIONS.] Subdivision 1. If referendum petitions concern a bill enacted at the most recent legislative session, the petitions may not be circulated before the act is passed by the legislature and either approved by the governor or again passed by the legislature notwithstanding the governor's objections, and is filed with the secretary of state and assigned a chapter number. This subdivision shall not restrict referendum petitions to bills passed at the most recent session of the legislature.

Subd. 2. Referendum petitions may only be circulated on those days of odd numbered years which are more than eight calendar days after the date of the secretary of state's approval of the petition. This limitation shall not prevent the sponsors from undertaking organizational activity or completing the procedures of section 15 or 16 prior to the time the petitions are circulated.

Subd. 3. The sponsors may voluntarily abandon the circulation of petitions in accordance with the provisions of section 8, subdivision 2.

Subd. 4. Referendum petitions which are signed but never filed, or which are filed but the number of signatures is later determined to be insufficient, are invalid on January 8 of the year after they are signed. The petitions may not be used for similar or identical petition circulation efforts in subsequent years.

Sec. 18. [3B.16] [AMOUNT OF SIGNATURES FOR REFERENDUM.] A referendum measure shall be placed on the ballot if petitions for the measure are signed by eligible voters in each congressional district of the state in a number not less than five percent of the number of votes cast for all candidates for governor in that congressional district at the last gubernatorial election.

Sec. 19. [3B.17] [REFERENDUM PETITION PROCEDURES.] Referendum petitions shall be filed, received, verified and notice of results given as provided by sections 10 to 14.

Sec. 20. [3B.18] [NUMBERING OF BALLOT MEASURES.] *The secretary of state shall letter in consecutive order each initiative and referendum ballot measure with the wording "BALLOT QUESTION. . .". Ballot questions shall be lettered sequentially starting from the letter A for the first ballot question certified to be on the ballot after the effective date provided in section 38. Ballot questions which are certified to appear on the ballot in general elections in subsequent years shall be lettered sequentially beginning with the first letter after the letter of the last ballot question at the last general election. The order shall be assigned by the secretary of state in the order that it is finally determined that each question will be placed on the statewide ballot at the next general election.*

Sec. 21. [3B.19] [BALLOTS, VOTING AND CANVASSING OF INITIATIVE AND REFERENDUM QUESTIONS.] *On all initiative and referendum measures, the ballots shall be prepared, voting conducted, results canvassed, contests conducted and results certified as provided by chapters 200 to 211.*

Sec. 22. [3B.20] [TIME OF ELECTION ON INITIATIVE AND REFERENDUM QUESTIONS.] *Voting upon initiative and referendum questions shall be held only at a general election.*

Sec. 23. [3B.21] [SIMULTANEOUS PETITIONS FOR INITIATIVE AND REFERENDUM MEASURES.] *Nothing shall prevent multiple simultaneous petition drives involving identical initiative and referendum petitions whether by the same or different sponsors. However, the first determination by the secretary of state of the sufficiency of the signatures for one measure shall automatically constitute abandonment of the other petition drives as of the date of the secretary's determination.*

Sec. 24. [3B.22] [COSTS OF COUNTY AUDITORS TO VERIFY SIGNATURES.] *Subdivision 1. The state of Minnesota shall reimburse all county auditors for all reasonable costs of assisting in the verification of signatures on initiative and referendum petitions.*

Subd. 2. Each year prior to May 1, each auditor shall submit to the secretary of state a verified statement of expenditures incurred in the calendar year prior to the previous April 1. The statement shall specify how all costs were incurred.

Subd. 3. The secretary of state shall, within 30 days after receipt of each auditor's statement, pay to each county auditor the costs which the secretary determines are reasonable.

Subd. 4. The secretary of state shall, by rule, provide for the standards of what costs will be reimbursed by the state.

Sec. 25. [3B.23] [RESOLUTION OF CONFLICTS BETWEEN INITIATIVE AND REFERENDUM MEASURES.] *Subdivision 1. Nothing shall prevent petitioning for measures which are apparently in substantial conflict.*

Subd. 2. If two or more measures which substantially conflict

are adopted by a vote of the people, the one receiving the highest percentage affirmative vote shall be effective. In the event that it is finally determined that the measures received an equal percentage of votes, neither measure shall become effective, but they shall again be placed on the ballot at the next general election.

Subd. 3. A petition may be filed with the district court by any eligible voter alleging that two or more adopted measures substantially conflict. A copy of the petition shall be served upon the sponsors and upon the attorney general. The district court shall issue its findings and conclusions within 60 days of the filing of the petition.

Subd. 4. The district court shall find that two or more measures substantially conflict when any material provision in one measure is irreconcilable with a material provision in another measure. Upon a finding that any provisions of measures substantially conflict, the supreme court shall find that the entire measures conflict and state which measure prevails under the provisions of subdivision 2.

Sec. 26. [3B.24] [PUBLICATION OF ADOPTED INITIATIVE AND REFERENDUM MATTERS.] Subdivision 1. Initiative measures which are adopted by the people shall be published by the revisor of statutes in the laws of Minnesota for the legislative session for the year subsequent to the year of the election at which the law is adopted. Initiative measures shall be placed in a separate section of the Laws of Minnesota and given chapter numbers by the revisor of statutes distinctive from the chapter numbers given legislative enactments by the secretary of state.

Subd. 2. Any bill enacted by law which will be subject to referendum shall be published in the session laws as for other legislative enactments. However, if it is known prior to the publication of the Laws of Minnesota that an act will be subject to referendum the revisor of statutes shall indicate the measure, or the portion of it, that will be subject to referendum. If a statute in the Minnesota Statutes will be subject to referendum, and it is known prior to the publication of the statutes, the revisor of statutes shall indicate by annotations to the appropriate portions, that the provision is subject to a vote of the people.

Subd. 3. If an initiative measure is adopted by the people, the revisor of statutes may incorporate it into the next edition of the Minnesota Statutes or the supplement to the Minnesota Statutes in the same manner as for legislative enactments.

Sec. 27. [3B.25] [LITERATURE MUST INCLUDE NAMES.] Any person or committee who shall publish, issue, post, circulate, or cause to be published, issued, posted, circulated, other than in a newspaper as provided in section 28, any literature, campaign material, or any publication, including cards, pamphlets, flyers, signs, banners, leaflets, announcements, or other material tending to influence desire to sign or refusal to sign an initiative or referendum petition or the voting at an election on a ballot issue, which fails to prominently display the name and mailing address

of the author, the name of the person or committee in whose behalf the same is published, issued, posted, or circulated, and the name and mailing address of any other person or committee causing the same to be published, issued, posted, circulated, or broadcasted shall be guilty of a misdemeanor.

Sec. 28. [3B.26] [PAID ADVERTISEMENTS IN NEWS.] Subdivision 1. *No publisher of a newspaper, periodical, or magazine shall insert in that newspaper, magazine, or periodical, and no radio or television station shall broadcast any matter paid or to be paid for which tends or is intended to influence directly or indirectly the desire to sign or refusal to sign an initiative or referendum petition or any voting at an election on a ballot issue unless it is prominently indicated that it is a paid advertisement. There shall also be a statement of the amount paid or to be paid, or a statement that the same is to be paid at regular advertising rates, the name of the person or committee in whose behalf the matter is inserted or broadcast and of any other person or the names of the officer and the committee authorizing the publication.*

Subd. 2. *To the extent that any person sells either advertising space or broadcast time used on behalf of any measure, the charges made shall not exceed the charges made for any other comparable purpose or use according to the seller's rate schedule.*

Sec. 29. [3B.27] [PROHIBITIONS.] Subdivision 1. *No person shall:*

(a) *Be paid compensation for signing an initiative or referendum petition; or,*

(b) *Willfully refuse to file a statement of expenses regarding an initiative or referendum matter when required by law; or,*

(c) *Publish any literature, campaign material or any publication including cards, pamphlets, flyers, signs, banners, leaflets, or other material or any radio or television broadcast regarding an initiative or referendum measure which does not bear the identification required by law; or,*

(d) *Publish in any newspaper, periodical or magazine any paid advertising matter relating to an initiative or referendum matter which does not contain the identification required by law; or,*

(e) *File a petition for an initiative or referendum matter with the secretary of state without the written authorization of the sponsors; or*

(f) *Induce a person to sign a petition by fraud, force or the threat of force; or,*

(g) *Pay compensation for signing an initiative or referendum petition; or,*

(h) *Publish any information regarding an initiative or referendum matter with knowledge that it is false and which tends to substantially affect adoption or rejection of the measure.*

Subd. 2. *Any person violating any provision of subdivision 1,*

clauses (a), (b), (c), (d) or (e) is guilty of a misdemeanor. Any person violating any provision of subdivision 1, clauses (f), (g) or (h) is guilty of a gross misdemeanor.

Sec. 30. [3B.28] [ACTION BY AND NOTIFICATIONS TO SPONSORS.] *Subdivision 1. Only sponsors, or those authorized by them in writing, may file any required filing or statement regarding initiative and referendum petitions, measures or campaigns including election contests or petition signature count or validity contests.*

Subd. 2. The signature of any of the chairmen, of the sponsors, or a person authorized in writing by a chairman, is sufficient to authorize the filing of any statement required by law. If the chairman authorizes another person to make filings of a copy of the authorization it shall be attached to the filed document.

Subd. 3. If notice is required to be given to the sponsors, it shall be given to those persons provided in subdivision 2 who may authorize any filing.

Sec. 31. [3B.29] [DATES OF ACTIONS.] *Subdivision 1. In sections 3 to 32, whenever an action is required to be taken on a specified date or by the end of an elapsed number of days, and that day is a Saturday, Sunday or a legal holiday, the action shall be accomplished on the next day which is not a Saturday, Sunday or a legal holiday.*

Subd. 2. In sections 3 to 32, whenever a "filing" or "receiving" is required, only physical deposit of the document with the indicated person constitutes filing or receiving. A mailing date within the time period is not sufficient.

Sec. 32. [3B.30] [JUDICIAL REVIEW OF INITIATIVE AND REFERENDUM MATTERS.] *Subdivision 1. The district court shall have original jurisdiction of any suit involving:*

(a) the sufficiency of the number or validity of signatures on petitions after the administrative determinations by the secretary of state have been exhausted; or,

(b) resolution of conflicts between initiative or referendum measures as provided by section 25; or,

(c) any suit alleging the unconstitutionality of an adopted initiative or a referendum which rejects a law but only to the extent of determining that issue.

Subd. 2. Venue for all suits and criminal prosecutions involving initiative or referendum matters shall be in the district court in Ramsey County.

Subd. 3. Suits contesting a final administrative determination of the number or validity of signatures on petitions shall be filed not later than 15 calendar days after the final determination.

Suits involving conflicts between initiative or referendum measures shall be filed prior to the effective date of the initiated measures or the effective date of repeal of referendum measures.

Subd. 4. A court may defer the effective date of an initiative measure enactment or a referendum measure repeal when a deferral, in the discretion of the court, is found to be in the interest of justice.

Sec. 33. Minnesota Statutes 1978, Section 10A.01, Subdivision 15, is amended to read:

Subd. 15. "Political committee" means any association as defined in subdivision 3 whose major purpose is to influence the nomination or election of a candidate.

"Political committee" includes a major political party as defined in subdivision 12, a minor political party as defined in subdivision 13, and any principal campaign committee formed pursuant to section 10A.19.

"Political committee" also includes any association which is organized to influence a petition drive, as defined by section 4, subdivision 4, or a ballot issue campaign. An association is organized to influence a petition drive or ballot issue if:

(1) They are the sponsors as defined by section 4, subdivision 6; or,

(2) They receive contributions or make expenditures in excess of \$100 to favor or oppose a petition drive or ballot issue campaign; or,

(3) They give implicit or explicit consent for any other person to receive contributions or make expenditures to favor or oppose a petition drive or ballot issue campaign.

Sec. 34. Minnesota Statutes 1978, Section 10A.20, is amended by adding a subdivision to read:

Subd. 2a. In addition to the reports required by subdivision 2, a political committee which favors or opposes a petition drive or ballot issue campaign shall also file reports before five days after issuing of the notice provided for in section 11.

Sec. 35. Minnesota Statutes 1978, Section 203A.31, Subdivision 2, is amended to read:

Subd. 2. [STATE PINK BALLOT.] There shall be one ballot on pink paper, hereinafter called the "pink ballot," upon which all propositions and questions constitutional amendments to be voted upon throughout the state shall be printed so that the voters may indicate by a mark (X) either a negative or affirmative vote. All initiative and referendum ballot questions shall be on one blue ballot. The order of the questions shall be in the order of their sequential numbers assigned pursuant to section 20. In preparing the pink ballot and blue ballots the secretary of state shall apply an appropriate title to each proposition and question, which title shall be approved by the attorney general, and shall consist of not more than one printed line above the proposition or question to which it refers. At the head of the ballot or in some other prominent place on the ballot there shall be printed conspicuously After

each question on a constitutional amendment shall be printed a notice stating in substance that a voter's failure to vote on a constitutional amendment has the effect of a negative vote. The pink ballots shall be deposited in a separate pink ballot box. The blue ballots shall be deposited in a separate blue ballot box. They shall be counted, canvassed and returned as in the case of white ballots, and the tally books and return blanks shall provide suitable columns and spaces therefor. The total of the "yes" votes, the total of the "no" votes, and the total number of votes cast shall be reported in the returns.

Sec. 36. Minnesota Statutes 1978, Section 645.02, is amended to read:

645.02 [EFFECTIVE DATE AND TIME OF LAWS.] *Subdivision 1. Each act, except one making appropriations, enacted finally at any session of the legislature takes effect on August 1 next following its final enactment, unless a different date is specified in the act.*

Subd. 2. A special law required to be approved by the local government unit affected before it goes into effect becomes effective as to the approving unit the day following the day on which the certificate of approval prescribed by section 645.021, subdivision 1, is filed with the secretary of state, unless a later date is specified in the act. When approval of such a special law is required by two or more local government units before it may become effective, the day after the day when the last of the required certificates is filed is the effective date, unless a later date is specified in the act.

Subd. 3. An appropriation act or an act having appropriation items enacted finally at any session of the legislature takes effect at the beginning of the first day of July next following its final enactment, unless a different date is specified in the act.

Subd. 4. Any measure initiated by the voters shall be effective on December 1 following the general election day at which it is finally determined to have been approved.

Subd. 5. A measure which is adopted by the legislature and referred by petition to the people shall be repealed effective on December 1 following the election day at which it is finally determined to have been rejected.

Subd. 6. Each act law takes effect at 12:01 a.m. on the day it becomes effective, unless a different time is specified in the act.

If a constitutional amendment is approved at an election, the governor shall announce by proclamation that the amendment became effective 12:01 a.m. on the day after the election at which it was approved.

Sec. 37. *Sections 3 to 36 shall be effective the day following final enactment but shall expire on the earlier of the following dates: (1) December 31, 1980 if the constitutional amendment provided in section 1 is not ratified as provided by the constitution; or (2) December 31, 1984."*

Delete the title and insert:

"A bill for an act relating to initiative and referendum; proposing amendments to the Minnesota Constitution, Article IV, by adding sections; authorizing initiative and referendum on laws; providing a statute implementing the amendment; providing for the manner of petitioning and voting on initiative and referendum measures; providing for judicial review; providing certain restrictions on the consideration of measures; providing penalties; amending Minnesota Statutes 1978, Sections 10A.01, Subdivision 15; 10A.20, by adding a subdivision; 203A.31, Subdivision 2; and 645.02."

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

SECOND READING OF SENATE BILLS

S. F. Nos. 2331, 1890, 1941, 1581, 1828, 1724, 1597 and 2281 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

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

GENERAL ORDERS

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

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

S. F. No. 1717 and H. F. Nos. 1653, 2262, 1800, 1996, and 1949 which the committee recommends to pass.

H. F. No. 2187 which the committee recommends to pass with the following amendment offered by Mr. Luther:

Page 3, delete section 2 and insert:

"Sec. 2. [DEFINITIONS.] For the purposes of this act the terms defined in this section have the meanings given them.

Subd. 2. Local Government Information Systems (LOGIS) is that organization of government units organized pursuant to an agreement effective on May 25, 1972, entered into under the provisions of Minnesota Statutes, Section 471.59, for the purpose of providing data processing services to its members.

Subd. 3. "Member" means a government unit which is a party to the agreement specified in subdivision 2. The term does not include "associate members" as that term is defined in article XI of the agreement.

Subd. 4. LOGIS is a municipality within the meaning of Minnesota Statutes, Section 475.51, Subdivision 2. The governing body of LOGIS is its board of directors.

Subd. 5. "Data processing equipment" means computer equipment, related hardware and software, and other items of capital equipment necessary for the efficient and economical provision of data processing services by LOGIS to its members.

Sec. 3. [BONDS; PURPOSES.] LOGIS may issue and sell its bonds or other obligations in the manner prescribed by Minnesota Statutes, Chapter 475 and this act for the acquisition and betterment of data processing equipment.

Sec. 4. [BONDS; TYPES.] Subdivision 1. [GENERAL OBLIGATIONS; REFERENDUM.] LOGIS may by resolution adopted by a unanimous vote of its board of directors and approved by the governing body of each member issue and sell its general obligation bonds for the acquisition and betterment of data processing equipment pursuant to this subdivision. If the principal amount of bonds to be issued exceeds one percent of the assessed valuation of all taxable property in the member having the smallest population, the bonds may not be issued until ten days have elapsed after the publication in a newspaper of general circulation in all members of the resolution authorizing their issuance; and if before that time, a petition asking for an election on the proposition signed by voters of any member equal to ten percent of the number of voters at the last regular municipal election in the member is filed with the clerk of the member, the bonds may not be issued unless the proposition for their issuance has been approved by a majority of the voters of the member at a regular or special election. Before issuing bonds under this subdivision the board of directors shall certify to each member and to the county auditor or auditors the taxes required to be levied for the payment of the bonds by Minnesota Statutes, Section 475.61. The county auditor shall apportion the proportionate share of each member in the taxes to each member based upon the ratio of the assessed valuation of property in the member to the assessed valuation of all members.

Subd. 2. [GENERAL OBLIGATION REVENUE BONDS.] LOGIS may also by resolution adopted by unanimous vote of its board of directors and approved by the governing body of each member issue and sell its general obligation bonds for the acquisition and betterment of data processing equipment pursuant to this subdivision. The resolution authorizing the issuance of the bonds shall contain a covenant or agreement that the board of directors will establish, maintain, revise when necessary and collect rates and charges from members and others to whom services are provided in the amounts and at the times required to produce net revenues sufficient to pay when due the principal of and interest on the bonds and the board of directors shall covenant and pledge the net revenues to the payment of principal and interest. The required covenants shall be enforceable by appropriate actions by any bondholder or taxpayer of any member in a court of competent jurisdiction. Bonds issued pursuant to this

subdivision are deemed payable wholly from the income of a revenue producing convenience within the meaning of Minnesota Statutes, Sections 475.51 and 475.58. In the event a tax levy is made for the payment of principal and interest on bonds issued pursuant to this subdivision the tax shall be levied and apportioned in the manner prescribed by subdivision 1.

Subd. 3. [BONDS; OTHER.] LOGIS may also issue and sell any other obligation authorized by Minnesota Statutes, Chapter 475 for the acquisition and betterment of data processing equipment in the manner prescribed by Minnesota Statutes, Chapter 475.

Sec. 5. [MEMBERS; LEASES; FINANCING.] A member of LOGIS may acquire data processing equipment and may lease the equipment to LOGIS, and LOGIS is authorized to enter into the equipment lease. The rental payments under the lease may be pledged by the member to the payment of principal and interest on obligations issued by the member for the acquisition of the equipment. The governing body of the member issuing obligations under this section may make the pledges and covenants specified in section 3, subdivision 2, and when the covenants and pledges are made the obligations are deemed payable wholly from the income of a revenue producing convenience within the meaning of Minnesota Statutes, Sections 475.51 and 475.58.

Sec. 6. [REVENUE PRODUCING CONVENIENCE.] Data processing equipment acquired by LOGIS or a member is a revenue producing convenience within the meaning of Minnesota Statutes, Chapter 475.

Sec. 7. [OBLIGATIONS; DEBT LIMITS.] Obligations issued pursuant to this act shall not be included in the computation of net debt of LOGIS or of any member.

Sec. 8. [INSTALLMENT PURCHASES.] LOGIS may acquire data processing equipment in the same manner and subject to the same limitations as a city under Minnesota Statutes, Section 465.71.

Sec. 9. [REFINANCING.] LOGIS or a member may issue and sell obligations authorized by this act to refund the outstanding obligations of the city of Brooklyn Center dated September 1, 1979. Obligations issued pursuant to this section shall be issued in accordance with the provisions of Minnesota Statutes, Section 475.67.

Sec. 10. The city of Brooklyn Center may fix sewer charges on any equitable basis including the age or income of the recipient of the service.

Sec. 11. [EFFECTIVE DATE.] Section 1 is effective the day following its final enactment. Sections 2 to 10 are effective upon compliance with Minnesota Statutes, Section 645.021, Subdivision 3 by the board of directors of LOGIS and the city council of the city of Brooklyn Center."

Amend the title as follows:

Page 1, line 2, delete "state lands" and insert "local government"

Page 1, line 4, before the period, insert "; permitting the acquisition and financing of data processing equipment by Local Government Information Systems and its members; providing for sewer charges by the city of Brooklyn Center on an equitable basis"

The motion prevailed. So the amendment was adopted.

H. F. No. 2075, which the committee recommends to pass with the following amendment offered by Mr. Solon:

Page 2, line 23, before the period, insert "*or has commenced a schedule of the immunizations, in which case the dates of the immunizations shall be stated*"

The motion prevailed. So the amendment was adopted.

H. F. No. 2374, which the committee recommends to pass the following amendment offered by Mr. Stumpf:

Page 2, line 4, delete "13" and insert "15"

Page 2, line 17, delete "two" and insert "four"

The motion prevailed. So the amendment was adopted.

H. F. No. 1095, which the committee recommends to pass with the following amendments offered by Mr. Merriam:

Mr. Merriam moved to amend H. F. No. 1095, as amended pursuant to Rule 49, adopted by the Senate March 24, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 1085.)

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1978, Section 487.30, Subdivision 1, is amended to read:

487.30 [CONCILIATION COURT.] Subdivision 1. The conciliation court shall hear and determine civil claims if the amount of money or property which is the subject matter of the claim does not exceed \$1,000 \$1,500 for the determination thereof without jury trial and by a simple and informal procedure. The rules of the supreme court shall provide for a right of appeal from the decision of the conciliation court to the county court for a trial on the merits. The territorial jurisdiction of a conciliation court shall be coextensive with the county in which the court is established.

Sec. 2. Minnesota Statutes 1978, Section 487.30, is amended by adding a subdivision to read:

Subd. 5. If a conciliation court judgment has been docketed in county court for a period of at least 30 days, the judgment is not satisfied and the parties have not otherwise agreed, the county court shall, upon the request of the judgment creditor, order the judgment debtor to mail to the judgment creditor information as to the nature, amount, identity and location of all his assets, liabilities, and personal earnings. The information shall be pro-

vided on a form prescribed by the court and shall be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on nonexempt assets and earnings of the judgment debtor. The order shall contain a notice that failure to complete the form and mail it to the judgment creditor within seven days after service of the order may result in a citation for contempt of court unless the judgment is satisfied prior to the expiration of that period. A judgment debtor who willfully fails to comply with the order of the court may be cited for contempt of court.

Sec. 3. Minnesota Statutes 1978, Section 488A.12, Subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1000 \$1,500 . The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of clause (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

Sec. 4. Minnesota Statutes 1978, Section 488A.13, Subdivision 2, is amended to read:

Subd. 2. [CLERK OF MUNICIPAL COURT; DUTIES; RECORDS.] (a) The clerk of the municipal court shall serve as the clerk of the conciliation court. He shall delegate deputy clerks of the municipal court to assist him in performing his duties under ~~this act sections 488A.12 to 488A.17~~. The clerk shall keep ~~such~~ the records and accounts and perform ~~such the~~ duties as may be prescribed by the judges. He shall account for and pay over to the county of Hennepin all fees received by him in the same fashion as required in his capacity as clerk of municipal court.

Under the supervision of the conciliation court judges, the clerk shall explain to litigants the procedures and functions of the conciliation court and shall assist them in filling out all forms and pleadings necessary for the presentation of their claims or counterclaims to the court. The clerk shall assist a judgment creditor in the preparation of the forms necessary to obtain satisfaction of a final judgment. The performance of duties described in this subdivision shall not constitute the practice of law.

(b) The clerk may, upon the consent of all the judges of municipal court of the county of Hennepin, destroy or dispose of all the following files and records of said court, which have been on file for more than 20 years:

- (1) Complaint files;
- (2) Transcript receipts;

(3) Cash receipt books;

(4) Cancelled checks.

Sec. 5. Minnesota Statutes 1978, Section 488A.14, Subdivision 4, is amended to read:

Subd. 4. [HEARING, DATE; SUMMONS.] When an action has been properly commenced, the clerk shall set a date for court hearing and advise the plaintiff of the date set. The clerk shall promptly summon the defendant by mail or by personal service in the manner then provided for personal service of a summons of said the municipal court. The summons shall state the amount and nature of the claim; shall require the defendant to appear at the hearing; shall specify that if he does not appear judgment by default will be entered against him for the relief demanded and shall summarize the requirements for filing a counterclaim. Unless otherwise ordered by a judge, the hearing date shall be not less than ten 15 days from the date of mailing or service of the summons.

Sec. 6. Minnesota Statutes 1978, Section 488A.14, Subdivision 5, is amended to read:

Subd. 5. [COUNTERCLAIM.] (a) The defendant may interpose as counterclaim any claim within the jurisdiction of the court which he has against the plaintiff whether or not arising out of the transaction or occurrence which is the subject matter of the plaintiff's claim.

(b) The counterclaim shall be interposed by filing with the clerk a brief statement of the amount, date of accrual and nature of the counterclaim, verified by the defendant or his attorney, and paying a filing fee of \$2 to the clerk. If the defendant is not represented by an attorney the clerk shall draw up the counterclaim on request.

(c) The clerk shall note the filing of the counterclaim on the original claim, promptly notify the plaintiff or his attorney by mail of the filing and set the counterclaim for hearing on the same date as the original claim.

(d) The counterclaim shall be filed not less than five ten days before the date set for court hearing. The judge, in his discretion, may thereafter allow the filing of a written or oral counterclaim before or after hearing the merits of the claim and counterclaim. The judge, in his discretion, may require the payment of absolute or conditional costs up to \$25 by the defendant as a condition of allowing late filing in the event that a continuance is requested by the plaintiff and is granted because of such the late filing.

(e) If the defendant has a counterclaim arising out of the same transaction or occurrence which exceeds the jurisdiction of the court and the defendant files an affidavit by himself or his attorney with the clerk not less than five ten days before the date set for court hearing showing that he has filed with the clerk of a specified other court of competent jurisdiction a summons and

complaint seeking recovery from the plaintiff on the counterclaim and stating the nature and amount thereof, the clerk shall strike the action from the calendar and so advise the plaintiff or his attorney by mail. If the plaintiff not less than 30 days nor more than three years after the filing of such an affidavit shall file an affidavit showing that he has not been served with a summons in the other action or that the other action has been finally determined, the clerk shall again set the cause for court hearing and summon the defendant in the same manner as for the initial hearing and the court shall proceed to hear and determine plaintiff's claim. If no such counter affidavit is filed by plaintiff within three years, his original claim is dismissed without prejudice without any further action by the clerk or any judge. Prior to the expiration of this three year period the plaintiff's original claim may be dismissed by plaintiff or by court order at a hearing upon motion of the defendant.

Sec. 7. Minnesota Statutes 1978, Section 488A.16, Subdivision 2, is amended to read:

Subd. 2. [ENTRY OF JUDGMENT.] The clerk shall enter judgment forthwith as ordered by the court, dating the judgment entry the same date as notice is mailed to the parties. Unless: (1) otherwise ordered by a judge, (2) payment has been made in full, (3) removal to municipal court has been perfected or (4) an order vacating the prior order has been filed, the judgment so entered by the clerk becomes finally effective ten 15 days after the mailing of notice.

Sec. 8. Minnesota Statutes 1978, Section 488A.16, Subdivision 5, is amended to read:

Subd. 5. [VACATION OF ORDER FOR JUDGMENT WITHIN FIFTEEN DAYS.] When a default judgment or a judgment of dismissal on the merits has been ordered for failure to appear, the judge, within ten 15 days after notice thereof was mailed, may vacate the order for judgment ex parte and grant a new hearing, if the defaulting party shows lack of notice, mistake, inadvertence, or excusable neglect as the cause of his failure to appear. Absolute or conditional costs not exceeding \$25 to the other party may be ordered as a prerequisite to that relief. The clerk shall notify the other party by mail of the new hearing date.

Sec. 9. Minnesota Statutes 1978, Section 488A.16, Subdivision 6, is amended to read:

Subd. 6. [VACATION OF JUDGMENT AFTER FIFTEEN DAYS.] When a defendant shows that he did not receive a summons before the hearing within sufficient time to permit a defense and that he did not receive notice of the order for default judgment within sufficient time to permit him to make application for relief within ten 15 days or shows other good cause within six months from the date of entry of judgment, a judge may vacate a default judgment with or without payment of absolute or conditional costs. The clerk shall notify the parties by mail of the new hearing date.

Sec. 10. Minnesota Statutes 1978, Section 488A.16, Subdivision 8, is amended to read:

Subd. 8. [DOCKETING AND ENFORCEMENT IN MUNICIPAL COURT.] When a judgment has become finally effective under subdivision 2, the judgment creditor may obtain a transcript of the judgment from the clerk of conciliation court on payment of a fee of fifty cents therefor and file it with the clerk of the municipal court of the county of Hennepin. After filing of the transcript, the judgment becomes, and is enforceable as, a judgment of the municipal court. No writ of execution or garnishment summons may be issued out of conciliation court. *If a conciliation court judgment has been docketed as a municipal court judgment for a period of at least 30 days, the judgment is not satisfied and the parties have not otherwise agreed, the municipal court shall, upon the request of the judgment creditor, order the judgment debtor to mail to the judgment creditor information as to the nature, amount, identity and location of all his assets, liabilities, and personal earnings. The information shall be provided on a form prescribed by the court and shall be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on nonexempt assets and earnings of the judgment debtor. The order shall contain a notice that failure to complete the form and mail it to the judgment creditor within seven days after service of the order may result in a citation for contempt of court unless the judgment is satisfied prior to the expiration of that period. A judgment debtor who willfully fails to comply with the order of the court may be cited for contempt of court.*

Sec. 11. Minnesota Statutes 1978, Section 488A.17, Subdivision 2, is amended to read:

Subd. 2. [PROCEDURE FOR REMOVAL OF CAUSE.] No cause shall be so removed unless all of the following acts are performed by the aggrieved party within ~~ten~~ 15 days after the date the clerk mailed to him notice of the order for judgment:

(a) Serve on the opposing party or his attorney a demand for removal of the cause to the municipal court for trial de novo stating whether trial by a jury of six persons or by the court without a jury is demanded. Service shall be made upon a party *by mail or by personal service* in accordance with the provisions for personal service of a summons in the municipal court or shall be made upon the party's attorney in accordance with the provisions for service of a notice of motion upon an attorney in the municipal court. The demand shall show the office address of the attorney for each party and the residence address of each party who does not have an attorney.

(b) File with the clerk of conciliation court the original demand for removal and proof of service thereof. If the opposing party or his attorney cannot be found and service of the demand *be* is made within the ~~ten~~ 15 day period, the aggrieved party may file with the clerk within the ~~ten~~ 15 day period the original and a copy of the demand, together with an affidavit by himself or his attorney

showing that due and diligent search has been made and that the opposing party or his attorney cannot be found and the filing of this affidavit shall serve in lieu of making service and filing proof of service. When such an affidavit is filed, the clerk shall mail the copy of the demand to the opposing party at his last known residence address.

(c) File with the clerk of conciliation court an affidavit by the aggrieved party or his attorney stating that the removal is made in good faith and not for the purpose of delay.

(d) Pay to the clerk of conciliation court \$2 when the demand is for trial by court, plus \$5 additional when the demand is for trial by a jury of six persons.

Sec. 12. Minnesota Statutes 1978, Section 488A.17, Subdivision 3, is amended to read:

Subd. 3. [LIMITED REMOVAL OF CAUSE, PROCEDURE.]

(a) When a motion for vacation of a judgment or an order for judgment under subdivision 5 or 6 of section 488A.16 has been denied, the aggrieved party may demand limited removal to the municipal court of the county of Hennepin for hearing de novo of his motion. The demand for limited removal and notice of the hearing de novo must be served by the aggrieved party on the other party in accordance with the provisions of subdivision 2(a) of this section and the original demand and notice, with proof of service, must be filed with the clerk of conciliation court within ~~ten~~ 15 days after the motion has been denied, or the original and one copy of the demand and notice, together with an affidavit similar to that required by subdivision 2(b) of this section must be filed with the clerk of conciliation court within ~~said ten day~~ *the 15 day* period. When such an affidavit is filed, the clerk shall then mail the copy of the demand and notice to the other party at his last known residence address. The aggrieved party shall pay a fee of \$2 to the clerk of conciliation court for filing the demand and notice and this fee shall not be recoverable as a disbursement. The notice shall set a date for hearing de novo at a special term of the municipal court not less than ten days nor more than thirty days subsequent to the date of filing the original demand and notice.

(b) The clerk of conciliation court thereupon shall pay over to the municipal court the \$2 fee and shall file in municipal court the removal demand and notice together with all orders, affidavits, and other papers filed in conciliation court. The clerk of municipal court shall then place the cause on the special term calendar of the municipal court for hearing on the date specified in the notice.

(c) A municipal judge, other than the conciliation judge who denied the motion, shall hear the motion de novo at special term and may deny the motion, without allowance of costs, or grant the motion, with or without the allowance of absolute or conditional costs. At the hearing de novo the municipal judge shall consider the entire file of the conciliation court together with any subsequent affidavits of showing made by either party.

(d) The clerk of municipal court shall send a copy of the order made after the de novo hearing to both parties and return the file to the clerk of conciliation court.

Sec. 13. Minnesota Statutes 1978, Section 488A.29, Subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1000 \$1,500 . The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

Sec. 14. Minnesota Statutes 1978, Section 488A.30, Subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATOR, DUTIES.] The administrator of the municipal court shall serve as the administrator of the conciliation court. He shall delegate necessary employees of the municipal court to assist him in performing his duties under this act sections 488A.29 to 488A.34. The administrator shall keep such the records and accounts and perform such the duties as may be prescribed by the judges. He shall account for and pay over to the county of Ramsey all fees received by him in the same fashion as required in his capacity as administrator of municipal court.

Under the supervision of the conciliation court judges, the administrator of the conciliation court shall explain to litigants the procedures and functions of the conciliation court and shall assist them in filling out all forms and pleadings necessary for the presentation of their claims or counterclaims to the court. The administrator shall assist judgment creditors in the preparation of the forms necessary to obtain satisfaction of a final judgment. The performance of duties described in this subdivision shall not constitute the practice of law.

Sec. 15. Minnesota Statutes 1978, Section 488A.31, Subdivision 4, is amended to read:

Subd. 4. [HEARING, DATE; SUMMONS.] When an action has been commenced, the administrator shall set a date for court hearing and advise the plaintiff of the date set. The administrator shall promptly summon the defendant by mail. The summons shall state the amount and nature of the claim; shall require the defendant to appear at the hearing; shall specify that if he does not appear judgment by default will be entered against him for the relief demanded and shall summarize the requirements for filing a counterclaim. Unless otherwise ordered by a judge, the hearing

date shall not be less than ten 15 days from the date of mailing or service of the summons.

Sec. 16. Minnesota Statutes 1978, Section 488A.31, Subdivision 5, is amended to read:

Subd. 5. [COUNTERCLAIM.] (a) The defendant may interpose as a counterclaim any claim within the jurisdiction of the court which he has against the plaintiff whether or not arising out of the transaction or occurrence which is the subject matter of the plaintiff's claim.

(b) The counterclaim shall be interposed by filing with the administrator a brief statement of the amount, date of accrual and nature of the counterclaim, verified by the defendant, his attorney or agent, and paying a filing fee of \$3 to the administrator. The administrator shall draw up the counterclaim on request.

(c) The administrator shall note the filing of the counterclaim on the original claim, promptly notify the plaintiff by mail of the filing and set the counterclaim for hearing on the same date as the original claim.

(d) The counterclaim shall be filed not less than five ten days before the date set for court hearing. The judge, in his discretion, may thereafter allow the filing of written or oral counterclaim before or after hearing the merits of the claim and counterclaim. The judge, in his discretion, may require the payment of absolute or conditional costs up to \$25 by the defendant to the plaintiff as a condition of allowing late filing in the event that a continuance is requested by the plaintiff and is granted because of such the late filing.

(e) If the defendant has a counterclaim which exceeds the jurisdiction of the court and the defendant files an affidavit by himself, his attorney or agent with the administrator not less than five ten days before the date set for court hearing showing that he has filed with the administrator of a specified other court of competent jurisdiction a complaint seeking recovery from the plaintiff on the counterclaim and stating the nature and amount thereof, the administrator shall strike the action from the calendar and so advise the plaintiff by mail. If the plaintiff not less than 30 days nor more than three years after the filing of such an affidavit shall file an affidavit showing that he has not been served with a summons in the other action or that the other action has been finally determined, the administrator shall again set the cause for court hearing and summon the defendant in the same manner as for the initial hearing and the court shall proceed to hear and determine plaintiff's claim. If no such counter-affidavit is filed by plaintiff within three years, his original claim is dismissed without prejudice without any further action by the administrator or any judge. Prior to the expiration of this three year period the plaintiff's original claim may be dismissed by plaintiff or by court order at a hearing upon motion of the defendant.

Sec. 17. Minnesota Statutes 1978, Section 488A.33, Subdivision 2, is amended to read:

Subd. 2. [ENTRY OF JUDGMENT.] The administrator shall enter judgment forthwith as ordered by the court, dating the judgment entry the same date as notice is mailed to the parties. Unless: (1) otherwise ordered by a judge, (2) payment has been made in full, (3) removal to municipal court has been perfected or (4) an order vacating the prior order has been filed, the judgment so entered by the administrator becomes final ~~ten~~ 15 days after the mailing of notice.

Sec. 18. Minnesota Statutes 1978, Section 488A.33, Subdivision 5, is amended to read:

Subd. 5. [VACATION OF ORDER FOR JUDGMENT WITHIN FIFTEEN DAYS.] When a default judgment or a judgment of dismissal on the merits has been ordered for failure to appear, the judge, within ~~ten~~ 15 days after notice thereof was mailed, may vacate the order for judgment ex parte and grant a new hearing, if the defaulting party shows lack of notice, mistake, inadvertence, or excusable neglect as the cause of his failure to appear. Absolute or conditional costs not exceeding \$25 to the other party may be ordered as a prerequisite to that relief. The administrator shall notify the other party by mail of the new hearing date.

Sec. 19. Minnesota Statutes 1978, Section 488A.33, Subdivision 7, is amended to read:

Subd. 7. [DOCKETING AND ENFORCEMENT IN MUNICIPAL COURT.] When a judgment has become final under subdivision 2, the judgment creditor may obtain a transcript of the judgment from the administrator of conciliation court and file it with the administrator of the municipal court upon payment of the filing fees as prescribed for the municipal court. After filing of the transcript, the judgment becomes, and is enforceable as, a judgment of the municipal court. A transcript of a judgment payable in installments may not be so obtained and filed until 20 days after default in the payment of an installment. No writ of execution nor garnishment summons may be issued out of conciliation court. *If a transcript of a judgment has been filed for a period of at least 30 days, the judgment is not satisfied or an installment thereof remains overdue and the parties have not otherwise agreed, the municipal court shall, upon the request of the judgment creditor, order the judgment debtor to mail to the judgment creditor information as to the nature, amount, identity and location of all his assets, liabilities, and personal earnings. The information shall be provided on a form prescribed by the court and shall be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on nonexempt assets and earnings of the judgment debtor. The order shall contain a notice that failure to complete the form and mail it to the judgment creditor within seven days after service of the order may result in a citation for contempt of court unless the judgment is satisfied prior to the expiration of that period. A judgment debtor who willfully fails to comply with the order of the court may be cited for contempt of court.*

Sec. 20. Minnesota Statutes 1978, Section 488A.33, Subdivision 8, is amended to read:

Subd. 8. [VACATION OF JUDGMENT AFTER FIFTEEN DAYS.] When a defendant shows that he did not receive a summons before the hearing within sufficient time to permit a defense and that he did not receive notice of the order for default judgment within sufficient time to permit him to make application for relief within ~~ten~~ 15 days or shows other good cause, a judge may vacate a default judgment after notice to the plaintiff and grant a new hearing on the merits with or without payment of absolute or conditional costs. The administrator shall notify the parties by mail of the new hearing date.

Sec. 21. Minnesota Statutes 1978, Section 488A.34, Subdivision 2, is amended to read:

Subd. 2. [PROCEDURE FOR REMOVAL OF CAUSE.] No cause shall be so removed unless all the following acts are performed by the aggrieved party within ~~ten~~ 15 days after the date the administrator mailed to him notice of the order for judgment:

(a) Serve on the opposing party or his attorney a demand for removal of the cause to the municipal court for trial *de novo* stating whether trial by a jury of six persons or by the court without a jury is demanded. Service shall be made upon a party *by mail or by personal service* in accordance with the provisions for personal service of a summons in the municipal court or shall be made upon the party's attorney in accordance with the provisions for service of a notice of motion upon an attorney in the municipal court. The demand shall show the office address of the attorney for each party and the residence address of each party who does not have an attorney.

(b) File with the administrator of conciliation court the original demand for removal and proof of service thereof. If the opposing party or his attorney cannot be found and service of the demand ~~be is made within the ten day~~ 15 day period, the aggrieved party may file with the administrator within the ~~ten day~~ 15 day period the original and a copy of the demand, together with an affidavit by himself or his attorney showing that due and diligent search has been made and that the opposing party or his attorney cannot be found and the filing of this affidavit shall serve in lieu of making service and filing proof of service. When such an affidavit is filed, the administrator shall mail the copy of the demand to the opposing party at his last known address.

(c) File with the administrator of conciliation court an affidavit by the aggrieved party or his attorney stating that the removal is made in good faith and not for the purpose of delay.

(d) Pay to the administrator of conciliation court \$6 when the demand is for trial by court, plus \$6 additional when the demand is for trial by a jury of six.

Sec. 22. Minnesota Statutes 1978, Section 488A.34, Subdivision 12, is amended to read:

Subd. 12. [LIMITED REMOVAL OF CAUSE, PROCEDURE.]

(a) When a motion for vacation of a judgment or an order for judgment under section 488A.33, subdivisions 5 or 8, has been denied, the aggrieved party may demand limited removal to the municipal court for hearing de novo of his motion. The demand for limited removal and notice of the hearing de novo must be served by the aggrieved party on the other party in accordance with the provisions of subdivision 2, clause (a), and the original demand and notice, with proof of service, must be filed with the administrator of conciliation court within ~~ten~~ 15 days after the motion has been denied, or the original and one copy of the demand and notice, together with an affidavit similar to that required by subdivision 2, clause (b), must be filed with the administrator of conciliation court within ~~said ten~~ the 15 day period. When such an affidavit is filed, the administrator shall then mail the copy of the demand and notice to the other party at his last known residence address. The aggrieved party shall pay a fee of \$3 to the clerk of conciliation court for filing the demand and notice and this fee shall not be recoverable as a disbursement. The notice shall set a date for hearing de novo at a special term of the municipal court not less than ten days nor more than 30 days subsequent to the date of filing the original demand and notice.

(b) The administrator of conciliation court thereupon shall pay over to the municipal court the \$3 fee and shall file in municipal court the removal demand and notice together with all orders, affidavits, and other papers filed in conciliation court. The administrator of municipal court shall then place the cause on the special term calendar of the municipal court for hearing on the date specified in the notice.

(c) A municipal judge, other than the conciliation judge who denied the motion, shall hear the motion de novo at special term and may deny the motion, without allowance of costs, or grant the motion, with or without the allowance of absolute or conditional costs. At the hearing de novo the municipal judge shall consider the entire file of the conciliation court together with any subsequent affidavits of showing made by either party.

(d) The administrator of municipal court shall send a copy of the order made after the de novo hearing to both parties and return the file to the administrator of conciliation court."

Page 2, line 29, delete "*This act is*" and insert "*Sections 1 to 22 are effective August 1, 1980. Sections 23 and 24 are*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "raising the jurisdictional limit for conciliation court; providing for additional clerk and administrator duties in conciliation court; providing for a procedure to assist in collection of conciliation court judgments; changing certain deadlines; providing penalties;"

Page 1, line 6, after "Sections" insert "487.30, Subdivision 1, and by adding a subdivision; 488A.12, Subdivision 3; 488A.13, Subdivision 2; 488A.14, Subdivisions 4 and 5; 488A.16, Subdivisions 2, 5, 6 and 8; 488A.17, Subdivisions 2 and 3; 488A.29, Subdivision 3; 488A.30, Subdivision 2; 488A.31, Subdivisions 4 and 5; 488A.33, Subdivisions 2, 5, 7 and 8; 488A.34, Subdivisions 2 and 12;"

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H. F. No. 1095, as amended pursuant to Rule 49, adopted by the Senate March 24, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 1085.)

Page 1, after line 9 insert:

Section 1. Minnesota Statutes 1978, Section 484.545, Subdivision 1, is amended to read:

484.545 [LAW CLERKS.] Subdivision 1. The district judges regularly assigned to hold court in each judicial district except for the second and , fourth, and tenth judicial districts may by orders filed with the clerk of court and county auditor of each county in the district appoint a competent law clerk for every two district court judges of the judicial district. *The district judges regularly assigned to hold court in the tenth judicial district may by orders filed with the clerk of court and county auditor of each county in the district appoint a competent law clerk for each district court judge of the district.* In addition, the Dakota county board of commissioners may authorize the district judges regularly assigned to hold court in the first judicial district to appoint three competent law clerks, whose salaries shall be paid by the county.

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "authorizing the appointment of a law clerk for each district court judge in the tenth judicial district;"

Page 1, line 6, after "Sections" insert "484.545, Subdivision 1;"

The motion prevailed. So the amendment was adopted.

H. F. No. 874, which the committee recommends to pass with the following amendments offered by Messrs. Dieterich; Coleman; Ueland, A. and Stern.

Mr. Dieterich moved to amend the amendment placed on H. F. No. 874 by the Committee on Governmental Operations, adopted by the Senate March 6, 1980, as follows:

After Section 1 insert:

"Sec. 2. Minnesota Statutes 1978, Section 8.025, is amended to read:

8.025 [PART TIME SPECIAL ATTORNEYS, PAYMENT ON HOURLY BASIS.] No part time special attorney, *other than a bond counsel*, assigned to any professional or occupational licensing board of state government or to the metropolitan council or a metropolitan commission, including the metropolitan airports commission, after having received \$10,000 for his official duties in any fiscal year, regardless of the fund from which he is paid, shall be paid an hourly amount exceeding the equivalent amount paid full time special assistant attorneys general, plus reasonable office expenses, as approved by the attorney general.

Sec. 3. Minnesota Statutes 1978, Section 8.06, is amended to read:

8.06 [ATTORNEY FOR STATE OFFICERS, BOARDS, OR COMMISSIONS; EMPLOY COUNSEL.] The attorney general shall act as the attorney for all state officers and, all boards or commissions created by law and metropolitan commissions, including the metropolitan airports commission, in all matters pertaining to their official duties and, upon request, may act as attorney for the metropolitan council. When requested by the attorney general, it shall be the duty of any county attorney of the state to appear within his county and act as attorney for any such the board, commission, council or officer in any court of such the county, and. When, in his judgment, the public welfare will be promoted thereby the attorney general may, upon request in writing, employ a special attorney for any such board, council, commission, or officer and fix his compensation, and. When such the special attorney is so employed his fees or salary shall be paid from the appropriation made for such the board, council, commission, or officer. Except as herein provided, no board, commission, council or officer shall hereafter employ any attorney at the expense of the state.

Whenever the attorney general, the governor, and the chief justice of the supreme court shall certify, in writing, filed in the office of the secretary of state, that it is necessary, in the proper conduct of the legal business of the state, either civil or criminal, that the state employ additional counsel, the attorney general shall thereupon be authorized to employ such the counsel and, with the governor and the chief justice, fix his compensation. Except as herein stated, no additional counsel shall be employed and the legal business of the state shall be performed exclusively by the attorney general and his assistants."

After Section 35, insert:

"Sec. 38. Minnesota Statutes 1978, Section 473.129, Subdivision 2, is amended to read:

Subd. 2. [OFFICERS AND EMPLOYEES.] The metropolitan council may prescribe all terms and conditions for the employment of its officers, employees, and agents *other than legal staff provided by the attorney general* including but not limited to the fixing of compensation, their classification, benefits, and the filing of performance and fidelity bonds and such policies of insurance as

it may deem advisable, the premium for which, however, shall be paid for by the district. *The attorney general shall provide legal services to the metropolitan council in the manner provided for in section 8.06. The costs of providing the legal services shall be paid by the council.* Officers and employees of the metropolitan council, however, are public employees. The compensation and other conditions of employment of such the officers and employees shall not be governed by any rule applicable to state employees in the classified service nor to any of the provisions of chapter 15A, unless the council so provides. Those employed by the metropolitan council are members of the Minnesota state retirement system. Those employed by a predecessor of the metropolitan council and transferred to it may at their option become members of the Minnesota state retirement system or may continue as members of the public retirement association to which they belonged as employees of the predecessor of the metropolitan council. The metropolitan council shall make the employer's contributions to pension funds of its employees.

Sec. 39. Minnesota Statutes 1978, Section 473.129, Subdivision 3, is amended to read:

Subd. 3. [CONSULTING CONTRACTS.] The metropolitan council may contract for the services of consultants who perform engineering, legal, or other services of a professional nature *other than legal services. The council may contract with the attorney general to act as attorney for the council. Such* The contracts shall not be subject to the requirements of any law relating to public bidding.

Sec. 40. Minnesota Statutes 1978, Section 473.141, Subdivision 13, is amended to read:

Subd. 13. [COMMISSION OPERATING PROCEDURES.] (a) The commission shall adopt resolutions and bylaws, an administrative code establishing procedures for commission action, keeping records, approving claims, authorizing and making disbursements, authorizing contracts, safekeeping funds and audit of all financial operations of the commission.

(b) The commission and the council may enter into contracts with each other and with other commissions and governmental units for the joint exercise of powers in the manner provided by section 471.59; provided that no commission shall enter into any contract with the council which would assign any operations authority, responsibility or function, other than planning or making studies, from the commission to the council.

(c) *The commission shall use the office of the attorney general to provide legal services in the manner provided in section 8.06 and shall pay the cost of providing the services.*

Section 38, line 1, delete "2 and 31" and insert "4 and 33"

Line 2, delete "3" and insert "5"

Line 3, delete "7" and insert "9"

Line 4, delete "8" and insert "10"

Line 5, delete "3" and insert "5"

Renumber the sections in sequence

Amend the title amendment as follows:

Line 3, after "3.965;" insert "8.06; 8.025;"

Line 8, after "8;" insert "473.129, Subdivisions 2 and 3; 473.143, Subdivision 13;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Luther	Olson	Stokowski
Ashbach	Gearty	McCutcheon	Perpich	Strand
Benedict	Gunderson	Menning	Setzepfandt	Stumpf
Chmielewski	Hanson	Moe	Sillers	Tennessen
Coleman	Hughes	Nelson	Spear	Vega
Davies	Johnson	Olhoft	Stern	Willet

Those who voted in the negative were:

Bang	Frederick	Merriam	Rued	Staples
Barrette	Humphrey	Ogdahl	Schaaf	Ueland, A.
Bernhagen	Jensen	Omann	Schmitz	
Brataas	Kirchner	Penny	Sieloff	
Dunn	Knoll	Pillsbury	Sikoraki	
Engler	Knutson	Renneke	Solon	

The motion prevailed. So the amendment was adopted.

Mr. Coleman moved to amend the amendment placed on H. F. No. 874 by the Committee on Governmental Operations, adopted by the Senate March 6, 1980, as follows:

Section 2, subdivision 2, line 5, before the period, insert "*the metropolitan council and metropolitan commissions, including the metropolitan airports commission*"

After Section 35, insert:

"Sec. 36. Minnesota Statutes 1978, Section 473.123, Subdivision 5, is amended to read:

Subd. 5. [METROPOLITAN COUNCIL; DUTIES AND COMPENSATION.] The metropolitan council shall elect such officers as it deems necessary for the conduct of its affairs other than the chairman. A secretary and treasurer need not be members of the metropolitan council. Meeting times and places shall be fixed by the metropolitan council and special meetings may be called by a majority of the members of the metropolitan council or by the chairman thereof. Each metropolitan council member other than the chairman shall be paid a per diem compensation of \$50 for each meeting and for such other services as authorized by the

metropolitan council, and shall be reimbursed for his reasonable expenses.

In the performance of its duties the metropolitan council may promulgate rules governing its operation, establish committees, divisions, departments and bureaus and staff the same as necessary to carry out its duties and when specifically authorized by law make appointments to other governmental agencies and districts. All officers and employees of the metropolitan council shall serve at the pleasure of the appointing authority in the unclassified service of the state civil service. Rules promulgated by the metropolitan council shall be in accordance with the administrative procedure provisions contained in chapter 15. *Judicial review of contested case decisions of the council shall be on a de novo basis.*"

Renumber the sections in sequence

Amend the title amendment as follows:

Line 8, after "8;" insert "473.123, Subdivision 5;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	McCutcheon	Perpich	Sillers
Brataas	Hughes	Moe	Purfeerst	Strand
Chmielewski	Johnson	Nelson	Renneke	Tennessen
Coleman	Keefe, J.	Nichols	Schmitz	Vega
Davies	Kleinbaum	Olson	Setzepfandt	Wegener
Engler	Knutson	Penny	Sikorski	Willet

Those who voted in the negative were:

Bang	Frederick	Knaak	Omann	Staples
Barrette	Gearty	Knoll	Pillsbury	Stern
Benedict	Humphrey	Luther	Rued	Stokowski
Bernhagen	Jensen	Menning	Schaaf	Stumpf
Dieterich	Keefe, S.	Ogdahl	Sieloff	Ulland, J.
Dunn	Kirchner	Olhoff	Spear	

The motion prevailed. So the amendment was adopted.

Mr. Ueland, A. moved to amend the amendment placed on H. F. No. 874 by the Committee on Governmental Operations, adopted by the Senate March 6, 1980, as follows:

After section 35, insert:

"Sec. 36. Minnesota Statutes 1978, Section 16.073, is amended to read:

16.073 [PREFERENCE FOR MATERIALS FROM CERTAIN COUNTRIES.] Subdivision 1. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given them:

(a) "State" means the state of Minnesota or any agency thereof, a contractor acting pursuant to a contract with the state, and any person acting on behalf of the state or any agency thereof;

(b) "Materials" means any goods, supplies, equipment or any other tangible products or materials;

(c) "Manufactured" means mined, produced, manufactured, fabricated or assembled;

(d) "Manufactured in the United States a preferred country" means manufactured in whole or in substantial part within the United States, *Mexico or Canada* or that the majority of the component parts thereof were manufactured in whole or in substantial part in the United States, *Mexico or Canada*;

(e) "Purchase" means acquire by purchase or lease.

(f) "Preferred country" means the United States, *Mexico or Canada*.

Subd. 2. [PURCHASE PREFERENCE.] Notwithstanding the provisions of any other law to the contrary, no materials shall be purchased by the state for use for governmental purposes which are not manufactured in the United States a preferred country, except as may be provided in this section. When all other factors are substantially equal, preference shall be given to those products which are manufactured to the greatest extent in the United States a preferred country. To the extent possible, specifications shall be written so as to permit the state to purchase materials manufactured in the United States a preferred country .

Subd. 3. [EXEMPTIONS.] Subdivision 2 shall not apply if the person having contracting authority in respect to the purchase determines that (1) the materials are not manufactured in the United States a preferred country in sufficient or reasonably available quantities, (2) the price or bid of the materials unreasonably exceeds the price or bid of available and comparable materials manufactured outside of the United States preferred countries, (3) the quality of the materials is substantially less than the quality of comparably priced available materials manufactured outside of the United States preferred countries, or (4) the purchase of the materials manufactured in the United States preferred countries is otherwise not in the public interest. Subdivision 2 also shall not apply if the materials are purchased with a view to commercial resale or with a view to use in the production of goods for commercial sale."

Renumber the sections in sequence

Amend the title amendment as follows:

Line 3, after the semicolon insert "extending the contract preference for United States materials to include Mexican and Canadian made materials;"

Line 7, after "3;" insert "16.073;"

The motion prevailed. So the amendment was adopted.

Mr. Stern moved to amend the amendment placed on H. F. No. 874 by the Committee on Governmental Operations, adopted by the Senate March 6, 1980, as follows:

After section 33, insert:

"Sec. 34. Minnesota Statutes 1978, Section 238.08, is amended by adding a subdivision to read:

Subd. 5. Municipalities may by ordinance or resolution create a joint cable communications commission under section 471.59 to which each member municipality may delegate authority vested in said municipality by statute or charter to prepare, adopt, grant, administer and enforce a cable communications franchise, and establish rates thereunder. The adoption, granting, administration and enforcement of a cable communications franchise, and the establishment of rates thereunder by a joint cable communications commission, pursuant to this subdivision is deemed to comply with procedural requirements of statute or charter for the adoption, granting, administration and enforcement of a franchise, and establishment of rates. The members and governing body of the joint commission shall consist of two representatives appointed by each municipality at least one of whom shall be a member of the council of that municipality, and the other a qualified voter residing within that municipality."

Renumber the sections in sequence

Amend the title amendment as follows:

Line 8 of the title amendment, after "3;" insert "238.08, by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

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

CALL OF THE SENATE

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

Anderson	Gearty	Knutson	Pillsbury	Staples
Ashbach	Gunderson	Luther	Purfeerst	Stern
Bang	Hanson	Menning	Renneke	Stokowski
Barrette	Hughes	Merriam	Rued	Strand
Benedict	Humphrey	Moe	Schaaf	Stumpf
Bernhagen	Jensen	Nelson	Schmitz	Tennessen
Brataas	Johnson	Nichols	Setzepfandt	Ueland, A.
Chmielewski	Keefe, S.	Ogdahl	Sieloff	Vega
Coleman	Kirchner	Olhoft	Sikorski	Willet
Davies	Kleinbaum	Omann	Sillers	
Dunn	Knaak	Penny	Solon	
Engler	Knoll	Perpich	Spear	

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

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 129 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 129

A bill for an act relating to reapportionment of the legislature and congressional districts; proposing an amendment to the Minnesota Constitution, Article IV, Sections 2, 3 and 4 to provide for establishment of the boundaries of congressional and legislative districts by a commission, removing the requirement that all senators be elected at the first general election following an apportionment and limiting the power of the legislature to change the number of senators and representatives; implementing the proposed amendment by providing by law for the duties, powers and operation of the commission; and repealing Minnesota Statutes 1978, Sections 2.041 to 2.712 and 2.731 to 2.811.

March 26, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 129, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and the bill be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Subdivision 1. An amendment to the Minnesota Constitution is proposed to the people as provided by subdivisions 2 and 3.

Subd. 2. If the amendment is adopted, article IV, sections 2, 3 and 4 will read as follows:

Sec. 2. [APPORTIONMENT OF MEMBERS.] The number of members who compose the senate and house of representatives shall be prescribed by law. *The representation in both houses shall be apportioned equally throughout the different sections of the state in proportion to the population thereof. A law changing the number of senators or representatives shall be effective on January 1 of the next year ending in the number one following enactment of the law and shall govern beginning with the first election of all senators and representatives under an apportionment plan that becomes effective after that date.*

Sec. 3. *At its first session after each enumeration of the inhabitants of this state made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional and legislative districts. Senators shall be chosen by single districts of convenient contiguous territory. No representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in a regular series. The legislature shall not prescribe the boundaries for the districts of senators and representatives or for the districts of representatives in the congress of the United States.*

Sec. 4. [TERMS OF OFFICE OF SENATORS AND REPRESENTATIVES; VACANCIES.] Representatives shall be chosen for a term of two years, except to fill a vacancy. Senators shall be chosen for a term of four years, except to fill a vacancy and except there shall be an entire new election of all the senators at the first election of representatives after each new legislative apportionment provided for in this article, when an apportionment plan becomes effective under Article XV during the first half of a four year term, senators shall be elected for a term of two years at the first general election after the effective date of the plan. The governor shall call elections to fill vacancies in either house of the legislature.

Subd. 3. If the amendment is adopted, a new article will be added to the constitution which will read as follows:

ARTICLE XV

REAPPORTIONMENT COMMISSION

Section 1. [REAPPORTIONMENT COMMISSION.] In each year ending in the number one, or when required by court order, a reapportionment commission shall be established to draw the boundaries of legislative and congressional districts.

The commission shall consist of nine members who are eligible voters of the state. One member shall be appointed by the speaker of the house and one by the members of the house representing political parties other than the party represented by the speaker. One member shall be appointed by the president of the senate and one by the members of the senate representing political parties other than the party represented by the president. Article IV, section 5 shall not apply to the appointment of members of the reapportionment commission. The term "political party" as used in this section shall have the meaning provided by law.

The remaining five members shall be appointed by unanimous agreement of the legislative appointees. The qualifications of these members shall be provided by law.

Members of the commission shall be appointed within the time provided by law but not later than March 15 when the commission is established in a year ending in the number one. The supreme court shall fill any vacancy caused by failure to appoint a member within the time required by law.

Sec. 2. [APPORTIONMENT STANDARDS.] The commission shall draw the boundaries of legislative and congressional districts in accordance with the requirements of this section. There shall be one district for each representative, senator and representative in congress. No state representative district shall be divided in the formation of a senate district.

All districts of the same kind shall be as equal in population as practicable. Population shall be the controlling factor in drawing the district boundaries.

The districts shall be composed of compact and contiguous territory. To the extent consistent with other standards, the boundaries of the districts shall follow the boundaries of local governmental units and, wherever practicable, follow natural and man-made physical boundaries. No apportionment plan shall be drawn for the purpose of favoring any person or political party. Legislative and congressional districts shall be drawn according to the number of legislators and representatives in congress to be elected at the first election of all senators and representatives following the effective date of the apportionment plan.

Sec. 3. [APPORTIONMENT PLAN.] *The commission shall adopt an apportionment plan within the time provided by law but not later than December 1 when the commission is established in a year ending in the number one. The plan shall set forth all of the new legislative and congressional districts. An apportionment plan is adopted by the commission when it is approved by a vote of at least six of its members.*

Sec. 4. [EFFECTIVE DATE; ELECTIONS GOVERNED BY NEW DISTRICTS.] *An apportionment plan is effective when it is adopted and all judicial review under section 5 or by any other court is completed. The districts set forth in an apportionment plan shall govern legislative and congressional elections beginning on the date of the first general election after the plan is effective. Except as provided in article 4, section 4, those representatives, senators and representatives in congress in office on the effective date of an apportionment plan shall continue to represent the districts from which they were elected for the remainder of the terms for which they were elected.*

Sec. 5. [JUDICIAL REVIEW; COURT DRAWN PLAN.] *The supreme court shall exercise original jurisdiction in any matter relating to apportionment in the manner provided by law. If the commission fails to adopt an apportionment plan within the time provided by law the supreme court shall adopt its own plan in accordance with the requirements of section 2 of this article. If an apportionment plan for legislative districts is adopted by the supreme court later than April 1 of a general election year, the time for establishing residency for legislative candidates as set forth in article IV, section 6, is extended to either 45 days after the effective date of the plan or to the last day provided by law for filing for office at the general election, whichever is earlier.*

Sec. 6. [IMPLEMENTATION.] *The legislature may enact the laws necessary to implement this article provided that reapportionment shall be governed by the law in effect on January 1 of the year in which a reapportionment commission is established.*

Sec. 2. *The amendment shall be submitted to the people at the 1980 general election. The question proposed shall be:*

"Shall the Minnesota Constitution be amended to transfer from the legislature to a bipartisan commission the power to establish the boundaries of legislative and congressional districts, and to

require an election of senators for a two year term when new districts are established in the middle of their regular terms?

Yes.....

No....."

Sec. 3. [2A.01] [CITATION.] Sections 3 to 14 may be cited as the "Reapportionment Implementation Act".

Sec. 4. [2A.02] [APPOINTMENT.] Subdivision 1. For the purpose of Article XV, Section 1 of the Minnesota Constitution "political party" means the political party or political principle by which a legislator was designated on the general election ballot when the legislator was last elected.

Subd. 2. Not more than five members of the commission shall be residents of either the metropolitan area as defined in section 473.121, subdivision 2 or the area consisting of the remainder of the state.

Subd. 3. Except for the members appointed pursuant to subdivision 5, no individual shall be appointed or shall serve as a member of the commission who:

(a) Holds or has held within two years prior to appointment an elected or appointed office in the executive, judicial or legislative branch or in an independent agency of the federal or state government;

(b) Is or has been within two years prior to appointment an officer of a political party, except a precinct officer, or an officer of a campaign committee of a candidate for state or federal office;

(c) Is an employee of the legislature or congress;

(d) Is a member of the immediate family of a legislator or representative in congress. "Member of the immediate family" means father, mother, son, daughter, brother, sister, spouse, ex-spouse or member of the same household; or,

(e) Is or has been within two years prior to appointment a lobbyist as that term is defined by section 10A.01, subdivision 11.

Subd. 4. Except for members appointed pursuant to subdivision 5, no individual appointed as a member of the commission shall remain a member if he becomes a candidate for any elective state or federal office.

Subd. 5. Not later than January 15 of each year ending in the number one the secretary of state shall request the legislators who are authorized by the constitution to appoint members to serve on the commission to certify the names of their appointees. The representatives representing political parties other than the party represented by the speaker of the house and the senators representing political parties other than the party represented by the president of the senate shall convene during the ten days following the request of the secretary of state, at a time and place directed by the secretary, to appoint members of the commission. The secretary of state shall preside at these conventions. The

names of all legislative appointees shall be certified to the secretary of state not later than the following February 1. If a certification is not received within the required time, the secretary of state shall notify the chief justice of the supreme court that there is a vacancy on the commission. Within ten days after notification the supreme court shall fill the vacancy and certify the name of the appointee to the secretary of state.

Subd. 6. Not later than March 15 the commission members whose appointments have been certified pursuant to subdivision 5 shall appoint the five remaining members by unanimous agreement and certify the names to the secretary of state. When a certificate is not received within the required time, the secretary of state shall notify the chief justice that there is a vacancy. Within ten days after the notification the supreme court shall appoint the necessary number of members and certify their names to the secretary of state.

Subd. 7. Vacancies other than those resulting from a failure to appoint a member within the time provided by law shall be filled by the appointing authority that made the original appointment within five days after the vacancy occurs. If the vacancy is not filled within five days the supreme court shall fill the vacancy.

Sec. 5. [2A.03] [COMMENCEMENT OF DUTIES; MEETINGS.] *Subdivision 1. The secretary of state shall select a time and place of the first meeting of the commission, which shall not be later than April 1 of the year ending in one, and shall notify the commission members of the time and place selected. Before beginning to exercise their official duties the members of the commission shall take an oath in the form required for other state officers. The secretary of state shall preside at the meeting until the election of a permanent presiding officer. The commission shall elect a presiding officer and other officers as it shall find necessary.*

Subd. 2. The commission, after notice and opportunity for public comment, may adopt and publish procedures necessary to carry out its duties. Chapter 15 does not apply to these procedures.

Subd. 3. The commission shall meet upon the call of either the presiding officer or a majority of the members of the commission. The proceedings of the commission are open to the public. The commission shall give public notice of its proceedings and shall keep minutes and audio recordings of those proceedings. All materials submitted to or developed by the commission, together with the minutes and audio record of its proceedings shall be preserved and made available for public inspection and copying. The commission may administer oaths to individuals appearing before it.

Subd. 4. A majority of the members of the commission constitutes a quorum to conduct business. At any meeting of the commission at which a quorum is present, a majority of those

present may compel the attendance of absent members. The attendance of absent members may be compelled in the manner that either the senate or house of representatives provide for the members.

Sec. 6. [2A.04] [REMOVAL OF COMMISSION MEMBER.] *Any member of the commission may be removed from the commission by the supreme court upon petition filed by any eligible voter. The member may be removed, after a hearing, upon a finding by the supreme court, by a preponderance of the evidence, that a member of the commission during his membership has been convicted of a gross misdemeanor or felony, or that a member is unqualified to serve under the provisions of section 4, subdivision 3 or 4, or that a member is physically or mentally incapable of serving, or is unwilling to serve. It is prima facie evidence that a member is unwilling to serve if he fails to attend three successive meetings of the commission or fails to attend a total of six meetings of the commission. Upon removal, the position shall be filled in the manner provided for filling vacancies. An individual who is removed from the commission pursuant to this section may not be reappointed to the commission.*

Sec. 7. [2A.05] [ADMINISTRATIVE SUPPORT.] *The presiding officer of the commission shall supervise the staff of the commission. The secretary of state, commissioner of administration, attorney general and revisor of statutes shall make available the personnel, facilities, technical services and other assistance requested by the commission. The commission may employ or contract for the services of other staff personnel.*

Sec. 8. [2A.06] [APPORTIONMENT PLAN.] *Subdivision 1. An apportionment plan adopted by the commission shall include:*

(a) A written description of each district drawn by the commission;

(b) A map of each district showing the name and location of each public road and each local governmental unit boundary in the district in a scale that allows precise location of the district boundaries;

(c) A map of the state showing all of the districts drawn by the commission;

(d) A statement of the deviation in population of each district from the average population of all districts of that kind;

(e) A justification of any population deviation described in clause (d) which exceeds one-half of one percent for a congressional district or five percent for legislative districts;

(f) An explanation of the standards used by the commission to draw the districts; and

(g) Any other information which the commission deems relevant to the plan.

Subd. 2. An apportionment plan shall be adopted not later than

September 1 of the year in which the commission is established. When an apportionment plan adopted by the commission is remanded by the supreme court or by a federal court, the commission shall adopt an amended plan consistent with the finding of the court not later than 30 days after the original plan is remanded.

Subd. 3. The commission shall file the original or any amended plan with the secretary of state within five days of its adoption.

Subd. 4. Any commission members in the minority may prepare a minority report which shall be published with the plan adopted by the commission.

Sec. 9. [2A.07] [COURT ORDER OR CHANGE IN CONGRESSIONAL REPRESENTATION.] *Subdivision 1. When a commission is not otherwise constituted and either the number of the state's representatives in congress is changed by federal law or a federal court order requires either adoption or amendment of a plan, a commission shall be established and shall draw the congressional district boundaries or amend the plan.*

Subd. 2. The supreme court shall set a timetable for establishing a reapportionment commission and drawing the boundaries or amending the plan. The timetable shall be consistent with the time provided for adoption of an apportionment plan pursuant to section 8, subdivision 2, as far as practicable.

Sec. 10. [2A.08] [COMPENSATION.] *Members of the commission who are not paid a salary by the state shall be compensated at the rate provided by section 15.059, subdivision 3, for members of advisory councils and committees. Members shall be compensated for their actual and necessary expenses incurred in carrying out their duties on the commission in the same manner and amount as other state employees.*

Sec. 11. [2A.09] [DISSOLUTION.] *The commission shall conclude its business and dissolve when:*

(a) 30 days have passed from the adoption of an original, unamended apportionment plan without the filing of any petition for review by the supreme court and all legal actions concerning the plan which are known at that time have been decided; or

(b) The commission has adopted an amended apportionment plan after remand by a court and has completed its duties under section 12; or

(c) The commission has failed to adopt a plan or amended plan within the time required by law.

The conclusion of business shall include preparation of the official record of the commission and a financial statement disclosing all expenditures made by the commission. The official record shall contain all information developed by the commission pursuant to carrying out its duties including records of public hearings, data collected, minutes and audio recordings of hearings

and meetings, and other information of a similar nature. The official record shall be submitted to the secretary of state who shall provide for its preservation.

Sec. 12. [2A.10] [PUBLICATION OF REPORT.] Subdivision 1. Promptly after the filing of an apportionment plan the commission shall:

(a) Prepare and transmit a copy of the plan to each county auditor;

(b) Prepare and transmit a summary of the plan to each newspaper of general circulation and each radio and television station in the state; and

(c) Prepare sufficient copies of the plan and the summary for inspection, copying and purchase by the public.

Subd. 2. The summary shall contain:

(a) A map showing all the new districts in the state;

(b) Separate maps showing the districts in the principal area served by the newspaper, radio or television station;

(c) A statement of the population of each district;

(d) A statement of the percentage variation of each district from the average population of other districts of the same kind; and

(e) An indication of where a copy of the final report of the commission may be examined or purchased and its purchase price.

Sec. 13. [2A.11] [JUDICIAL REVIEW.] Subdivision 1. An action to review an original or amended apportionment plan adopted by the reapportionment commission shall be commenced by petition to the supreme court within 30 days of the date the plan is filed with the secretary of state. The petition shall set forth the facts and the law on the basis of which petitioner believes the plan does not comply with the provisions of the United States Constitution, the Minnesota Constitution or other provisions of law. A copy of the petition shall be served upon the commission and upon the attorney general. The court shall hold hearings upon the petition and shall render its opinion on an original unamended plan of the commission within 60 days of the date that the petition is filed. The court shall render its opinion on an amended plan of the commission within 30 days of the date a petition is filed claiming the amended plan does not comply with constitutional or legal requirements.

Subd. 2. If the court determines that an original, unamended plan of the reapportionment commission does not comply with constitutional or legal requirements, the court shall specify the reasons for its finding and immediately remand the plan to the commission for amendment. If the court retains jurisdiction of an action to review an apportionment plan when the plan is remanded to the commission, the court shall render its opinion on

any amended plan within 30 days after the date the amended plan is filed with the secretary of state.

Subd. 3. If a federal court determines that an original unamended plan of the reapportionment commission does not comply with constitutional or legal requirements, and the court permits the commission to redraw the boundaries with consideration to the court's findings and conclusions, the plan shall be remanded to the commission for amendment.

Subd. 4. If the commission fails to adopt an apportionment plan or an amended plan within the time provided by law, or an amended plan adopted by the commission is found invalid upon review by the supreme court or by any federal court, the supreme court shall adopt its own reapportionment plan in accordance with the requirements of Article XV, Section 2, of the Minnesota Constitution. The court shall hold at least one public hearing before adopting or amending a plan. An apportionment plan adopted or amended by the supreme court shall be in the form prescribed for a plan adopted by the commission. The court shall adopt the plan or amended plan and file it with the secretary of state not later than 60 days from the date on which the commission was required to adopt its plan or the date on which the plan was declared invalid. The secretary of state shall perform the duties provided in section 12 with respect to an apportionment plan adopted by the court.

Sec. 14. [2A.12] [DUTIES OF ATTORNEY GENERAL.] *The attorney general shall represent the commission and shall defend the apportionment plan adopted by the commission in any action to review the plan in the supreme court. He shall represent the state and shall defend the apportionment plan adopted pursuant to Article XV of the Minnesota Constitution and sections 3 to 14 in any action to review the plan in a federal court. In any action in federal court, the attorney general shall request the court to expedite the proceedings.*

Sec. 15. [APPROPRIATION.] *Subdivision 1. The sum of \$100,000 is appropriated from the general fund to the reapportionment commission for the purpose of implementing sections 3 to 14. The sum is available March 1, 1981, and until expended.*

Subd. 2. The sum of \$150,000 is appropriated from the general fund to the legislative coordinating commission for the development by March 1, 1981, of data processing support for reapportionment. The coordinating commission may obtain bids and proposals from and may enter contracts and agreements with private contractors and state agencies or departments for all or portions of the data processing support in a level that the coordinating commission finds appropriate. For the purpose of this paragraph, "data processing support" includes the purchase or use of computer hardware, software, professional services, including system design consultation, and data entry services. This appropriation is available the day after final enactment and until March 1, 1981. Any amount that remains unobligated on March 1, 1981,

is appropriated to the reapportionment ~~commission~~ for implementation of sections 3 to 14, and is available until expended.

Sec. 16. [REPEALER.] Minnesota Statutes 1978, Sections 2.041 to 2.712 are repealed on the effective date of this section. Minnesota Statutes 1978, Sections 2.731 to 2.811 are repealed on the date of the general election for representatives in congress following the effective date of an apportionment plan pursuant to article XV of the constitution.

Sec. 17. [EFFECTIVE DATE.] Sections 3 to 14 and 16 are effective on the date the constitutional amendment in section 1 is ratified as provided by the constitution.

Sec. 18. [BALLOT QUESTIONS.] Notwithstanding any law or rule to the contrary, the ballot question in section 2 shall immediately precede any other ballot questions placed on the ballot and submitted to the people at the 1980 general election. This section is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to reapportionment of the legislature and congressional districts; proposing an amendment to the Minnesota Constitution, changing Article IV, Sections 2, 3 and 4, and adding a new article; to provide for establishment of the boundaries of congressional and legislative districts by a commission, limiting the power of the legislature to change the number of senators and representatives and to require an election of senators for a two year term when new districts are established in the middle of a four year term; implementing the proposed reapportionment commission amendment by providing by law for the duties, powers and operation of the commission; providing for judicial review of an apportionment plan; imposing duties on certain state officials; appropriating money; and repealing Minnesota Statutes 1978, Sections 2.041 to 2.712 and 2.731 to 2.811."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) William P. Luther, David D. Schaaf, Gerry Sikorski

House Conferees: (Signed) Michael R. Sieben, Todd H. Otis, Bill Peterson, Douglas R. Ewald

Mr. Luther moved that the foregoing recommendations and Conference Committee Report on S. F. No. 129 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Mr. Ashbach moved that the recommendations and Conference Committee Report on S. F. No. 129 be rejected, the Conference Committee discharged, and that a new Conference Committee be appointed by the Subcommittee on Committees to act with a like Conference Committee appointed on the part of the House.

The question was taken on the adoption of the motion of Mr. Ashbach.

The roll was called, and there were yeas 43 and nays 23, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Knutson	Peterson	Stumpf
Barrette	Hughes	McCutcheon	Pillsbury	Tennessen
Bernhagen	Jensen	Menning	Purfeerst	Ueland, A.
Brataas	Johnson	Merriam	Renneke	Ulland, J.
Chmielewski	Keefe, J.	Moe	Rued	Vega
Coleman	Keefe, S.	Ogdahl	Schaaf	Wegener
Davies	Kirchner	Olson	Sieloff	Willet
Dunn	Kleinbaum	Omann	Sillers	
Engler	Knaak	Perpich	Solon	

Those who voted in the negative were:

Anderson	Gunderson	Luther	Schmitz	Stern
Bang	Hanson	Nelson	Setzepfandt	Stokowski
Benedict	Humphrey	Nichols	Sikorski	Strand
Dieterich	Knoll	Olhoff	Spear	
Gearty	Laufenburger	Penny	Staples	

The motion prevailed. So the recommendations and Conference Committee Report on S. F. No. 129 were rejected.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Moe moved that H. F. No. 2476 be taken from the table. The motion prevailed.

H. F. No. 2476: A bill for an act relating to the organization and operation of state government; clarifying, providing for deficiencies in, and supplementing appropriations for the expenses of state government with certain conditions; appropriating money; amending Minnesota Statutes 1978, Sections 3A.03, Subdivision 2; 3A.04, Subdivisions 3 and 4; 15.0597, Subdivisions 3, 4, 5, 6 and 7; 15.50, Subdivision 1; 16.854, Subdivision 1; 16A.131, by adding a subdivision; 16A.67, Subdivision 1; 16A.721; 43.005, by adding a subdivision; 43.05, Subdivision 2; 43.062, Subdivisions 1, 2 and 3; 43.065; 43.067, Subdivision 2; 43.068; 43.323, Subdivisions 1 and 2; 43.35; 62D, by adding a subdivision; 82.34; 90.195; 94.10, Subdivision 1; 94.16; 121.90; 121.902, Subdivision 1; 121.906, Subdivision 2; 121.908; 121.912, Subdivision 2; 121.914, Subdivision 1; 136.81, Subdivision 1; 145.913, Subdivision 3; 214.06, Subdivision 1; 216.16; 216A.01; 216A.03, Subdivision 3, and by adding a subdivision; 216A.04, Subdivisions 1 and 3, and by adding a subdivision; 216A.05, Subdivisions 4 and 5; 216A.07; 216B.17, Subdivision 1; 216B.19; 216B.54; 216B.62, Subdivisions 2 and 3; 216B.64; 237.02; 237.12; 237.295, Subdivisions 1 and 2; 246.014; 352.01, Subdivision 2B; 352.04, Subdivision 5; 352.73, Subdivision 3; 352B.25; 352C.04, Subdivision 3; 352C.09, Subdivision 2; 353.83; 354.55, Subdivision 5; 355.46, Subdivision 3; 355.50; 403.11, Subdivision 3; 473.408, Subdivision 3; 490.123, Subdivision 1; and Chapters 16, by adding sections; 16A, by adding sections; 97, by adding a section; 121, by adding sections; 216A, by adding a section; 246, by adding a section; 253A, by adding a section; 256, by adding a section; 259, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 3.3005,

Subdivision 4; 15A.083, Subdivision 4; 16A.126; 174.28, subdivision 2; 43.09, Subdivision 2a; 43.24; 82.81, Subdivision 1; 121.917, Subdivision 4; 354A.12, Subdivision 2; 422A.101, Subdivision 3; and Laws 1979, Chapter 300, Section 4, Subdivisions 1 and 5; 301, Section 3 by adding a subdivision; repealing Minnesota Statutes 1978, Sections 3A.11, Subdivision 3; 43.03; 43.06; 121.92, Subdivision 1; 216B.62, Subdivision 1; 352.73, Subdivision 4; 354.43, Subdivision 2; 490.025, Subdivision 8; Minnesota Statutes, 1979 Supplement, Sections 16.93; 16.965; 121.92, Subdivision 2; and Laws 1979, Chapter 217, Section 11.

Mr. Perpich moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 9, before line 24, insert:

“(c) Special Grants for Home Based Services for Elderly and Adult Physically Impaired Persons	2,000,000
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This appropriation shall be spent in accordance with section 145.912, subdivision 7, and chapter 145, as amended by this act. No more than \$100,000 of this appropriation may be used by the commissioner of health for administration of these special grants.”

Amend the summary by fund accordingly

Page 28, after line 13, insert:

“Sec. . . . Minnesota Statutes 1978, Section 145.912, Subdivision 7, is amended to read:

Subd. 7. “Home health services” means home nursing, physical therapy, nutrition, occupational therapy, homemakers, and home health aide services, which are provided under medical supervision. *In addition, it includes a range of pre-institutional or post-institutional home and community based health and health-related supportive social service programs designed to assist elderly and adult physically impaired persons to maintain an optimal level of functioning and to remain capable of residing in a family or home community.*

Sec. 2. Minnesota Statutes 1978, Chapter 145, is amended by adding a section to read:

[145.923] [SPECIAL GRANTS FOR HOME BASED SERVICES FOR ELDERLY AND ADULT PHYSICALLY IMPAIRED PERSONS.] *Subdivision 1. The commissioner of health may make special grants to local boards of health and to the county board of any county that has not organized a local board of health to provide pre-institutional or post-institutional community based health and health-related supportive social service*

programs designed to assist elderly and adult physically impaired persons in maintaining an optimal level of functioning and in remaining capable of residing in a family setting or home community. Applicants shall submit for approval an application and budget for the use of the funds in the form specified by the commissioner of health.

As used in this section, "elderly" means persons aged 60 or over.

Subd. 2. The range of services and programs established by these special grants shall be designed to:

(a) Support families and individuals to avoid premature or inappropriate admission to an institutional care setting;

(b) Provide respite for families and responsible caretakers from continuous care and supervision of elderly and adult physically impaired persons, and to assist caretakers in providing appropriate services;

(c) Maintain or restore elderly and adult physically impaired persons to optimal functional potential and to retard physical and emotional deterioration;

(d) Provide for support and follow up services to persons residing in their own or a family member's home; and

(e) Facilitate appropriate release of elderly and adult physically impaired persons from acute and long term care facilities to family care or to other community based programs.

Subd. 3. Local boards of health and county boards shall not use special grants to replace or substitute for services or programs otherwise funded from other local, state, or federal sources, but shall use special grants only to expand health and health-related supportive social service programs existing on the effective date of this section, or to add programs. This subdivision shall expire on July 1, 1981.

Subd. 4. The commissioner of health shall report and make recommendations to the legislature biennially on January 15 of odd numbered years concerning the implementation of these special grants."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after "97.432;" insert "145.912, Subdivision 7;"

Page 1, line 15, delete "and"

Page 1, line 15, after the second semicolon insert "and 145, by adding a section;"

The motion prevailed. So the amendment was adopted.

Mr. Stern moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 29, after line 26, insert:

"Sec. . . . Minnesota Statutes 1978, Section 174.51, Subdivision 1, is amended to read:

174.51 [MINNESOTA STATE TRANSPORTATION BONDS.] Subdivision 1. For the purpose of providing money appropriated to agencies or subdivisions of the state from the Minnesota state transportation fund for the acquisition and betterment of public land, buildings, and capital improvements needed for the development of the state transportation system, *including the construction of railroad bypass trackage and temporary trestles as needed to enable replacement of bridges carrying railroad traffic within the city of St. Louis Park*, when such appropriations or loans are authorized by Laws 1976, Chapter 339, Section 3 or another law and funds therefor are requested by the governor, the commissioner of finance shall sell and issue bonds of the state of Minnesota for the prompt and full payment of which, with interest thereon, the full faith and credit and taxing powers of the state are irrevocably pledged. Bonds shall be issued pursuant to this section only as authorized by a law specifying the purpose thereof and the maximum amount of the proceeds authorized to be expended for that purpose. Any such law, together with this section, constitutes complete authority for the issue, and such bonds shall not be subject to restrictions or limitations contained in any other law."

Page 34, line 3, delete "47 of this act" and insert "174.03"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, before "214.06" insert "174.51, Subdivision 1;"

The motion prevailed. So the amendment was adopted.

Mr. Keefe, S. moved to amend H. F. No. 2476 as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 9, after line 42, insert:

"(c) THC Therapeutic Research Act \$100,000

Not more than \$10,000 of this appropriation may be used by the commissioner for administrative expenses. This appropriation is available from the day after final enactment of this act until June 30, 1981."

Reletter the clauses in sequence

Page 41, after line 18, insert:

"Sec. [THC THERAPEUTIC RESEARCH ACT.] Subdivision 1. [FINDINGS AND PURPOSE.] *The legislature finds that scientific literature indicates promise for delta-9-tetrahydrocannabinol (THC), the active component of marijuana, in alleviating certain side effects of cancer chemotherapy under strictly controlled medical circumstances.*

The legislature also finds that further research and strictly controlled experimentation regarding the therapeutic use of THC is necessary and desirable. The intent of this section is to establish an extensive research program to investigate and report on the therapeutic effects of THC under strictly controlled circumstances in compliance with all federal laws and regulations promulgated by the federal food and drug administration, the national institute on drug abuse and the drug enforcement administration. The intent of the legislature is to allow this research program the greatest possible access to qualified cancer patients residing in Minnesota who meet protocol requirements. The establishment of this research program is not intended in any manner whatsoever to condone or promote the illicit recreational use of marijuana.

Subd. 2. [DEFINITIONS.] *For purposes of this section, the following terms shall have the meanings given.*

(a) "Commissioner" means the commissioner of health.

(b) "Marijuana" means marijuana as defined in Minnesota Statutes, Section 152.01, Subdivision 9, and delta-9-tetrahydrocannabinol (THC), tetrahydrocannabinols or a chemical derivative of tetrahydrocannabinols, and all species of the genus *Cannabis*.

(c) "Principal investigator" means the individual responsible for the medical and scientific aspects of the research, development of protocol, and contacting and qualifying the clinical investigators in the state.

(d) "Clinical investigators" means those individuals who conduct the clinical trials.

(e) "Sponsor" means that individual or organization who, acting on behalf of the state, has the total responsibility for the state program.

Subd. 3. [RESEARCH GRANT.] *The commissioner of health shall grant funds to the principal investigator selected by the commissioner pursuant to subdivision 4 for the purpose of conducting a research program under a protocol approved by the FDA regarding the therapeutic use of oral THC and other dosage forms, if available, according to the guidelines and requirements of the federal food and drug administration, the drug enforcement administration and the national institute on drug abuse. The commissioner shall ensure that the research principal investigator complies with the requirements of subdivision 5. The commissioner may designate the principal investigator as the sponsor.*

The commissioner shall report to the legislature on January 1 of each odd-numbered year on the number of oncologists and patients involved in the program and the results available at that date regarding the effects of therapeutic use of THC on patients involved in the program. The commissioner shall also report on the current status of THC under the federal Food, Drug and Cosmetic Act and the federal Controlled Substances Act.

Subd. 4. [PRINCIPAL INVESTIGATOR.] Within three months of the effective date of this section, the commissioner shall, in consultation with a representative chosen by the state board of pharmacy and a representative chosen by the state board of medical examiners, select a person or research organization to be the principal investigator of the research program.

Subd. 5. [DUTIES.] The principal investigator shall:

(1) Apply to the Food and Drug Administration for a notice of "Claimed Investigational Exemption for a New Drug (IND)" pursuant to the Federal Food, Drug and Cosmetic Act, 21 U.S.C., Section 301, et seq., and shall comply with all applicable laws and regulations of the federal food and drug administration, the drug enforcement administration, and the national institute on drug abuse in establishing the program;

(2) Notify every oncologist in the state of the program, explain the purposes and requirements of the program to them, provide on request each of them with a copy of the approved protocol which shall include summaries of current papers in medical journals reporting on research concerning the safety, efficacy and appropriate use of THC in alleviating the nausea and emetic effects of cancer chemotherapy, and provide on request each of them with a bibliography of other articles published in medical journals;

(3) Allow each oncologist (clinical investigator) in the state who meets or agrees to meet all applicable federal requirements for investigational new drug research and who so requests to be included in the research program as a clinical investigator to conduct the clinical trials;

(4) Provide explanatory information and assistance to each clinical investigator in understanding the nature of therapeutic use of THC within program requirements, including the Informed Consent Document contained in the protocol, informing and counseling patients involved in the program regarding the appropriate use and the effects of therapeutic use of THC;

(5) Apply to contract with the national institute on drug abuse for receipt of dosage forms of THC, fully characterized as to contents and delivery to the human system, pursuant to regulations promulgated by the national institute on drug abuse, and the federal food and drug administration. The principal investigator shall ensure delivery of the THC dosages to clinical investigators as needed for participation in the program;

(6) Conduct the research program in compliance with federal laws and regulations promulgated by the federal food and drug

administration, the drug enforcement administration, the national institute on drug abuse, and the purposes and provisions of this section;

(7) Submit periodic reports as determined by the commissioner on the numbers of oncologists and patients involved in the program and the results of the program;

(8) Submit reports on intermediate or final research results, as appropriate, to the major scientific journals in the United States; and

(9) Otherwise comply with the provisions of this section.

Subd. 6. [EXEMPTION FROM CRIMINAL SANCTIONS.]
For the purposes of this section, the following are not violations listed in sections 152.09 or 152.15:

(1) Use or possession of THC, or both, by a patient in the research program;

(2) Possession, prescribing use of, administering, or dispensing THC, or any combination of these actions, by the principal investigator or by any clinical investigator;

(3) Possession or distribution of THC, or both, by a pharmacy registered to handle Schedule I substances which stores THC on behalf of the principal investigator or a clinical investigator.

THC obtained and distributed pursuant to this section is not subject to forfeiture under Minnesota Statutes, Section 152.19.

For the purposes of this section, THC is removed from Schedule I contained in Minnesota Statutes, Section 152.02, Subdivision 2, and inserted in Schedule II contained in Minnesota Statutes, Section 152.02, Subdivision 3.

Subd. 7. [CITATION.] *This section may be cited as the "THC Therapeutic Research Act."*

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Gunderson moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 29, after line 26, insert:

"Sec. 48. Minnesota Statutes 1978, Section 197.75, Subdivision 1, is amended to read:

197.75 [EXPENDITURES, LIMITATION.] Subdivision 1. The commissioner of veterans affairs shall spend a biennial appropriation for tuition of soldiers, and for tuition, fees, board, room, books and supplies of the children of soldiers who have died as a result of their service in the military or naval forces of the United States as determined by the United States Veterans

Administration or other instrumentality of the United States, in the University of Minnesota, a state university, a community college, or any other university of higher learning within the state accredited by the North Central Association of Colleges and Secondary Schools, a law college approved by the supreme court, a nursing school approved by the state nurses examining board, or in a trade school in the state which may be approved by the state department of education, or in a theological seminary, for any course which such soldier or child may elect. Not more than \$250 \$350 shall be expended for the benefit of any individual soldier, and not more than \$250 \$350 in any calendar year shall be expended for the benefit of any child under this section, and that need therefor shall be established and determined by the commissioner of veterans affairs. No child of any soldier shall make application for the benefits provided herein unless such child shall have resided in Minnesota for at least two years immediately prior to the date of said application. Children of soldiers eligible for benefits hereunder shall be admitted to state institutions of university grade free of tuition. Payments of tuition as provided for herein shall be made by the commissioner of veterans affairs directly to the institution in which the course of instruction is given upon such conditions as shall be imposed by the commissioner of veterans affairs.

Sec. 49. [APPROPRIATION.] *The sum of \$15,000 is appropriated from the general fund to the commissioner of veterans affairs for the purpose of section 48."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "conditions;" insert "increasing the maximum amount of certain educational grants to certain persons;"

Page 1, line 11, after the second semicolon, insert "197.75, Subdivision 1;"

The motion prevailed. So the amendment was adopted.

Mr. Olson moved to amend H. F. No. 2476, as amended pursuant to Rule 49, adopted by the Senate March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 5, after line 27, insert:

"(c) The unexpended balance of money appropriated by Laws 1975, Chapter 204, Section 55, and reappropriated by Laws 1977, Chapter 455, Section 28, for construction and repair of dams and channel excavation to manage water levels on Heron Lake in Jackson County is hereby reappropriated and shall remain avail-

able until expended for a watershed management study of Heron Lake in Jackson County, to be conducted by the Middle Des Moines Watershed District and the DNR. Of this money, \$32,500 may be expended for salaries, supplies, and expenses for one additional unclassified position in the department of natural resources.

The money reappropriated above may not be expended until local funds in the amount of \$25,000 are made available for the watershed management study.

The remainder of the appropriation is cancelled."

The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 20, after line 5, insert:

"Sec. Minnesota Statutes 1978, Section 15.50, Subdivision 1, is amended to read:

15.50 [CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD.] Subdivision 1. (a) The legislature finds that the purposes of the board are to (1) preserve *and enhance* the dignity, beauty and architectural integrity of the capitol, the buildings immediately adjacent to it and , the capitol grounds , *and the capitol area*; (2) protect, enhance, and increase the open spaces within the capitol area when deemed necessary and desirable for the improvement of the public enjoyment thereof; (3) develop proper approaches to the capitol area for pedestrian movement, the highway system, and mass transit system so that the area achieves its ~~maximum~~ importance and accessibility; and (4) establish a flexible framework for growth of the capitol buildings which will be in keeping with the spirit of the original design.

(b) A capitol area architectural and planning board, herein referred to as the board, consisting of seven members is hereby created. The lieutenant governor shall be a member of the board. Three members shall be appointed by the governor by and with the advice and consent of the senate; three members shall be appointed by the mayor of the city of Saint Paul, with the advice and consent of the city council. Each person appointed to the board shall qualify by taking the oath of office. Effective following the end of terms of members expiring June 30, 1975, the number of members to be appointed by the governor shall increase to four and the number of members to be appointed by the mayor of the city of Saint Paul shall decrease to ~~two~~ *three, one of whom*

shall be a resident of the district seven planning council area containing the capitol area. The board shall consist of 12 members. In addition to the members already specified in this subdivision, the speaker of the house shall appoint two members of the house of representatives and the president of the senate shall appoint two senators to be members of the board.

(c) The lieutenant governor is the chairman of the board. The attorney general is the legal advisor to the board. The board may elect a vice-chairman who may preside at meetings in the absence of the lieutenant governor and such other officers as it may deem necessary to carry out its duties.

(d) The board shall select an executive secretary to serve the board. It may employ such other officers and employees as it may deem necessary all of whom shall be in the classified service of the state civil service. The board may contract for professional and other similar service on such terms as it may deem desirable.

Sec. Minnesota Statutes 1978, Section 15.50, Subdivision 2, is amended to read:

Subd. 2. (a) The board shall prepare, prescribe, and from time to time amend a comprehensive use plan for the capitol area, herein called the area which shall initially consist of that portion of the city of Saint Paul comprehended within the following boundaries: Beginning at the point of intersection of the centerline of the Arch-Pennsylvania freeway and the centerline of Marion Street, thence southerly along the centerline of Marion Street to the north line of the right-of-way of Interstate Highway 94, thence easterly along the said north line to the centerline of Cedar Avenue, thence southeasterly along the centerline of Cedar Avenue to the centerline of Tenth Street, thence northeasterly along the centerline of Tenth Street to the centerline of Minnesota Street, thence northwesterly along the centerline of Minnesota Street to the centerline of Eleventh Street, thence northeasterly along the centerline of Eleventh Street to the centerline of Jackson Street, thence northwesterly along the centerline of Jackson Street to the centerline of the Arch-Pennsylvania freeway extended, thence westerly along the centerline of the Arch-Pennsylvania freeway extended and Marion Street to the point of origin. Pursuant to the comprehensive plan, or any portion thereof, the board may regulate, by means of zoning regulations adopted pursuant to the administrative procedures procedure act, the kind, character, height, and location, of buildings and other structures constructed or used, the size of yards and open spaces, the percentage of lots that may be occupied, and the uses of land, buildings and other structures, within the area. *To protect and enhance the dignity, beauty and architectural integrity of the capitol area, the board is further empowered to include in its zoning rules design review procedures and standards with respect to any proposed construction activities in the capitol area significantly affecting the dignity, beauty and architectural integrity of the area. No person shall undertake these construction activities as defined in the board's rules in the capitol area unless he has*

first submitted construction plans to the board, obtained a zoning permit from the board and received a written certification from the board specifying that he has complied with all design review procedures and standards. The Violation of such the zoning regulations shall be is a misdemeanor. The board may, at its option, proceed to abate any such violation by injunction. The board and the city of St. Paul shall cooperate in assuring that the area adjacent to the capitol area is developed in a manner that is in keeping with the purpose of the board and the provisions of the comprehensive plan.

(b) The commissioner of administration shall act as a consultant to the board with regard to the physical structural needs of the state. He shall make studies and report the results to the board when they request him to do so for their planning purpose.

(c) No public building, street, parking lot, or monument, or other construction shall be built or altered on any public lands within the area unless the plans for the same conforms to the comprehensive use plan as specified in clause (d) and to the requirement for competitive plans as specified in clause (e). No alteration substantially changing the external appearance of any existing public building approved in the comprehensive plan or the exterior or interior design of any proposed new public building the plans for which were secured by competition under clause (e), may be made without the prior consent of the board. The commissioner of administration shall consult with the board regarding internal changes having the effect of substantially altering the architecture of the interior of any proposed building.

(d) The comprehensive plan shall show the existing land uses and recommend future uses including: areas for public taking and use; zoning for private land and criteria for development of public land, including building areas and open spaces; vehicular and pedestrian circulation; utilities systems; vehicular storage; elements of landscape architecture. No substantial alteration or improvement shall be made to public lands or buildings in the area save with the written approval of the board.

(e) The board shall secure by competitions, plans for any new public building. Plans for any comprehensive plan, landscaping scheme, street plan, or property acquisition, which may be proposed, or for any proposed alteration of any existing public building, landscaping scheme or street plan may be secured by a similar competition. Such competition shall be conducted under rules prescribed by the board and may be of any type which meets the competition standards of the American Institute of Architects. Designs selected shall become the property of the state of Minnesota and the board may award one or more premiums in each such competition and may pay such costs and fees as may be required for the conduct thereof. At the option of the board, plans for projects estimated to cost less than \$500,000 \$1,000,000 may be approved without competition provided such plans have been considered by the ~~architectural~~ advisory committee described in clause (f). Plans for projects estimated to cost less than \$200,000

\$400,000 and for construction of streets need not be considered by the architectural advisory committee if in conformity with the comprehensive plan.

(f) The board shall not adopt any plan under clause (e) hereof unless it shall first receive receives the comments and criticism of ~~a~~ an advisory committee of three architects persons, each of whom is either an architect or a planner, who have been selected and appointed as follows: one by the board of the arts, one by the board, and one by the Minnesota Society of the American Institute of Architects. Members of ~~such~~ the committee shall not be contestants under clause (e) hereof. ~~Such~~ The comments and criticism shall be a matter of public information. ~~Such~~ The committee shall advise the board on all architectural and planning matters. For that purpose:

(1) ~~Such~~ The committee shall be kept currently informed concerning, and have access to, all data, including all plans, studies, reports and proposals, relating to the area as the same are developed or in the process of preparation whether by the commissioner of administration, the state planning director, the metropolitan council, the city of Saint Paul, or by any architect, planner, agency or organization, public or private, retained by the board or not retained and engaged in any work or planning relating to the area. A copy of any such data prepared by any public employee or agency shall be filed with the board promptly upon completion;

(2) The board may employ such stenographic or technical help as may be reasonable to assist ~~such~~ the committee to perform its duties;

(3) When so directed by the board; ~~such~~, the committee may serve as, and any member or members thereof may serve on, the jury or as professional advisor for any architectural competition. The board shall select the architectural advisor and jurors for any competition with the advice of the committee and

(4) The city of St. Paul shall advise the board.

(g) The comprehensive plan for the area shall be developed and maintained in close cooperation with the state planning agency and the planning department and the council for the city of Saint Paul and the board of the arts, and no such plan or amendment thereof shall be effective without 90 days' notice to the planning department of the city of Saint Paul and the board of the arts.

(h) The board and the commissioner of administration jointly, shall prepare, prescribe, and from time to time revise standards and policies governing the repair, alteration, furnishing, appearance and cleanliness of the public and ceremonial areas of the state capitol building. Pursuant to this power, the board shall consult with the director of the Minnesota state historical society and receive his advice regarding the historic fidelity of plans for the capitol building. The standards and policies developed as herein provided shall be binding upon the commissioner of administration. The provisions of sections 15.0411 to 15.0426 shall not apply to this clause.

(i) The board in consultation with the commissioner of administration shall prepare and submit to the legislature and the governor no later than October 1 of each even-numbered year a report on the status of implementation of the comprehensive plan together with a program for capital improvements and site development, and the commissioner of administration shall provide the necessary cost estimates for such a the program.

(j) The state shall, by the attorney general upon the recommendation of the board and within appropriations available for that purpose, acquire by gift, purchase or eminent domain proceedings any real property situated in the area described in this section and it shall also have the power to acquire an interest less than a fee simple interest in the property, if it finds that it is needed for future expansion or beautification of the area.

(k) The board is the successor of the state veterans' service building commission, and as such may adopt regulations and may reenact the regulations adopted by its predecessor under Laws 1945, Chapter 315, and acts amendatory thereof.

(l) The board shall meet at the call of the chairman and at such other times as it may prescribe.

(m) The commissioner of administration is authorized to and shall assign quarters in the state veterans service building to (1) the department of veterans affairs of which such part as the commissioner of administration and commissioner of veterans affairs may mutually determine shall be on the first floor above the ground and (2) the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Military Order of the Purple Heart, United Spanish War Veterans, and Veterans of World War I, and their auxiliaries, incorporated, or when incorporated, under the laws of the state, and (3) as space becomes available to such other state departments and agencies as he may deem desirable.

Sec. . . . Minnesota Statutes 1978, Section 16.02, Subdivision 10, is amended to read:

Subd. 10. To rent land and other premises when necessary for state purposes. ~~No such land or premises shall be rented for a term exceeding two years at a time; except that, with the approval of the legislative advisory commission,~~ The commissioner may lease land or premises for a term not exceeding five years, subject to cancellation upon 30 days written notice by the state for any reason except rental of other land or premises for the same use; provided further that the rental of non-state owned land and buildings, or substantial portions thereof, by the commissioner within the capitol area as defined in section 15.50 shall not take place unless the commissioner first consults with the capitol area architectural and planning board. Lands needed by the department of transportation for storage of vehicles or road materials may be rented for a term not exceeding five years ~~without the approval of the legislative advisory commission,~~ such leases for terms over two years being subject to cancellation upon 30 days

written notice by the state for any reason except rental of other land or premises for the same use."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after "7;" insert "15.50, Subdivisions 1 and 2; 16.02, Subdivision 10;"

The motion prevailed. So the amendment was adopted.

Mr. Bang moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 32, after line 29, insert:

"Sec. 52. Minnesota Statutes 1978, Chapter 326, is amended by adding a section to read:

[326.601] [ALTERNATIVE STATE BONDING AND INSURANCE REGULATION.] *Subdivision 1. [BONDS.] An applicant for a water conditioning contractor or installer license or renewal thereof who is required by any political subdivision to give a bond to obtain or maintain the license, may comply with any political subdivision bonding requirement by giving a bond to the state in the total penal sum of \$3,000 conditioned upon the faithful and lawful performance of all water conditioning contracting or installing work done by him within the state. The bond shall be for the benefit of persons suffering injuries or damages due to the work. The bond shall be filed with the commissioner of health and shall be written by a corporate surety licensed to do business in this state. No applicant for a water conditioning contractor or installer license who maintains the bond under this subdivision shall be otherwise required to meet the bond requirements of any political subdivision.*

Subd. 2. [INSURANCE.] Each applicant for a water conditioning contractor or installer license or renewal thereof may, in lieu of all other insurance requirements of any political subdivision for said licensing purposes, maintain the insurance specified by this subdivision. The insurance shall provide coverage, including products liability coverage, for all damages in connection with licensed work for which the licensee is liable, with personal damage limits of at least \$50,000 per person and \$100,000 per occurrence and property damage insurance with limits of at least \$10,000. The insurance shall be written by an insurer licensed to do business in this state and each licensed water conditioning contractor or installer shall maintain on file with the commissioner of health a certificate evidencing the insurance. The insurance shall not be cancelled without the insurer first giving 15 days written notice to the commissioner.

Subd. 3. [BOND AND INSURANCE EXEMPTION.] A water conditioning contractor or installer who is an employee of a water

conditioning contractor or installer, including an employee engaged in the maintenance and repair of water conditioning equipment, apparatus, or facilities owned, leased and operated, or maintained by the employer, is not required to meet the bond and insurance requirements of subdivisions 1 and 2 or of any political subdivision.

Subd. 4. [FEE.] The commissioner of health may establish by rule an additional fee commensurate with the cost of administering the bond and insurance requirements of subdivisions 1 and 2, which may be charged each applicant for issuance or renewal of a water conditioning contractor or installer license who elects to proceed under subdivisions 1 and 2."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, delete "and"

Page 1, line 15, after the second semicolon insert "and 326, by adding a section,"

The motion prevailed. So the amendment was adopted.

Mr. Olhoft moved to amend H. F. No. 2476 as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 3, after line 23, insert:

"(c) Fergus Falls Veterans Home 128,000

The commissioner of administration shall study the need for and, if found necessary, shall prepare preliminary plans for establishing a 150 bed veterans home on the grounds of the Fergus Falls state hospital. He shall, in cooperation with the commissioner of veterans affairs, determine the availability of federal money for the facility and shall attempt to secure the maximum federal share possible. This appropriation is available until June 30, 1981."

Amend the summary by fund accordingly

The motion prevailed. So the amendment was adopted.

Mr. Olhoft then moved to amend H. F. No. 2476 as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 3, after line 23, insert:

“() Fergus Falls Solid Waste

100,000

The commissioner of administration shall prepare plans and working drawings at a cost within this appropriation for modifying or replacing the boiler unit at the Fergus Falls state hospital to burn solid waste supplied to the hospital by local units of government. The commissioner shall determine the availability of federal money for the project and shall attempt to secure the maximum federal share possible. The commissioner shall enter into preliminary agreements with local units of government to supply sufficient solid waste to generate heat and electricity during the economic life of the boiler unit. This appropriation is available until June 30, 1981.”

Reletter the clauses in sequence

Amend the summary by fund accordingly

The motion prevailed. So the amendment was adopted.

Mr. Hanson moved to amend H. F. No. 2476, as amended pursuant to Rule 49, adopted by the Senate March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 4, after line 14, insert:

“(a) Ditch Assessments

85,000

This appropriation is added to the appropriation for Administrative Management Services in Laws 1979, Chapter 333, Section 26, to be available until June 30, 1981.”

Reletter the remaining clauses

Amend the summary by fund accordingly

The motion prevailed. So the amendment was adopted.

Mr. Willet moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 34, line 15, after the period, insert *“This sum may also be used to evaluate the hydroelectric generating capacity of publicly owned dams, pursuant to section 105.482. From the appropriation made by this section, the commissioner of natural resources may grant to the University of Minnesota an amount not to exceed*

\$150,000 for the purposes of conducting feasibility studies of hydroelectric power generation and engineering evaluations of dam safety."

The motion prevailed. So the amendment was adopted.

Mr. Willet then moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 12, after line 29, insert:

"Sec. 29. BOARD OF THE ARTS. 175,000

This appropriation is for a grant to Northern Minnesota Public Television, Incorporated, for the purchase of studio and production equipment, and is available until June 30, 1981."

Page 34, line 3, delete "47 of this act" and insert "174.03"

Renumber the sections in sequence

Amend the summary by fund accordingly

The motion prevailed. So the amendment was adopted.

Mr. Willet then moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 26, line 18, after "Reservation" insert "an amount equal to"

Page 27, line 6, after "that" insert "an amount equal to"

Page 27, line 25, after the comma, insert "an amount equal to"

Page 27, after line 31, insert:

"Subd. 3. [SOURCE OF PAYMENTS.] *Payments to the Leech Lake Band and White Earth Band special license account made pursuant to sections 43 and 44 shall be from the general fund, and those amounts are annually appropriated for that purpose.*"

The motion prevailed. So the amendment was adopted.

Mr. Nelson moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 3, delete section 9

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Coleman moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 41, after line 18, insert:

"Sec. 62. [CONSOLIDATION OF STATE AND UNIVERSITY OF MINNESOTA EMPLOYEE BARGAINING UNITS.] *The director of the bureau of mediation services shall commence hearings within 30 days of the effective date of this section for the purpose of consolidation of state bargaining units and university of Minnesota employee bargaining units. The director shall conduct appropriate hearings on the composition of the units and shall certify sixteen, or fewer, statewide occupationally-based, bargaining units for state employees and eleven, or fewer, statewide, occupationally-based, bargaining units for university of Minnesota employees for the contract periods commencing July 1, 1983. The director shall issue rules necessary for the implementation of this section, but where not inconsistent with this section or rules issued hereunder sections 179.61 to 179.76 and rules issued thereunder shall govern. The amount of \$500,000 is appropriated for the period commencing July 1, 1980 to the director of the bureau of mediation services for the purpose of implementing this section. These monies shall remain available until expended, provided that any monies not expended by June 30, 1983 revert to the general fund.*

Sec. 63. [AGREEMENTS APPROVED.] *Notwithstanding the provisions of Minnesota Statutes Section 299D.03, Subdivision 2, commencing July 2, 1980, the monthly base salary for highway patrol corporal, 10 through 20 years of service, shall be \$1,749.*

Notwithstanding the provisions of Laws 1979, Chapter 332, Section 109, employees of the department of economic security who are represented by the Minnesota administrative hearing officers association shall be entitled to receive the benefits provided by Laws 1979, Chapter 332, Section 109, provided they meet the applicable eligibility requirements.

Notwithstanding the provisions of Minnesota Statutes, Section 179.74, Subdivision 5, the commissioner of personnel is authorized to implement those provisions of the agreements negotiated with the Minnesota nurses association covering employees of the department of health which establish wages and economic fringe benefits. In lieu of the salaries provided by Minnesota Statutes Section 43.12, Subdivisions 2 and 3, covered employees shall receive the salary increases provided by Laws 1979, Chapter 332, Section 103.

The provisions of section 179.63, Subdivision 11, shall not apply to the employees of the university of Minnesota hospitals."

Amend the title as follows:

Page 1, line 6, after "conditions;" insert "authorizing the con-

solidation of state and university of Minnesota employee bargaining units;"

Mr. Spear moved to amend the Coleman amendment to H. F. No. 2476, as follows:

Page 1, lines 4 and 5, delete "AND UNIVERSITY OF MINNESOTA"

Page 1, line 8, delete "and"

Page 1, line 9, delete everything before the period

Page 1, line 13, delete "and ten, or fewer, statewide,"

Page 1, delete line 14

Page 1, line 15, delete "Minnesota employees"

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

The question recurred on the Coleman amendment. The motion prevailed. So the amendment was adopted.

Mr. Coleman then moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 36, after line 25, insert:

"Sec. 59. [MERIT-BASED SELECTION AND PROMOTION.] *Notwithstanding sections 43.18, 43.19, or any other law to the contrary the filling of vacancies and granting of promotions in state civil service shall be based solely on considerations of merit and fitness for the position.*

Notwithstanding section 43.15, subdivision 5, or any other law to the contrary, no collective bargaining agreement to which the state is a party shall operate to preclude expansion of eligible lists to meet affirmative action goals, nor shall any agreement operate to preclude appointment of any member of a protected group otherwise qualified for the position.

Notwithstanding any provision of chapter 179, or any other law to the contrary, the state shall not meet and negotiate with the exclusive representatives of public employees on any matter limiting management's right to fill vacancies, grant promotions, or implement affirmative action plans. The provisions of any collective bargaining agreement or arbitration award limiting the right of state management to fill vacancies and grant promotions solely on the basis of merit and fitness, or to implement affirmative action plans, shall be null and void."

Renumber the sections in sequence

Page 41, line 23, before the period insert ", except section 59, which is effective July 1, 1981"

The motion prevailed. So the amendment was adopted.

Mr. Coleman then moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 41, line 21, after the period, insert "*Minnesota Statutes, 1979 Supplement, Section 179.67, Subdivision 4a, is repealed.*"

Amend the title as follows:

Page 1, line 21, delete "Section 16.965" and insert "Sections 16.965; and 179.67, Subdivision 4a"

The motion prevailed. So the amendment was adopted.

Mr. Ashbach moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 3, line 26, before "Payroll" insert "(a)"

Page 3, after line 27, insert:

"(b) Advance Inflation Adjustment" 1,369,000 1,369,000

Page 12, after line 29, insert:

"Sec. . . . [ADVANCE INFLATION ADJUSTMENT.] Subdivision 1. (a) *Employees represented by the international union of operating engineers, local 34 and those members of local 49 who are employed by St. Cloud state university or Moose Lake, Cambridge, or Willmar state hospitals, or the independent Minnesota association of government employees; (b) any employee not represented by an exclusive bargaining representative and compensated pursuant to Minnesota Statutes, Section 43.12, or under a salary schedule established pursuant to section 43.121, subdivision 3, except an emergency, project, or temporary employee or an employee compensated pursuant to section 43.12 and excluded from a bargaining unit by section 179.74, subdivision 4; and (c) any employee compensated pursuant to Minnesota Statutes, Section 138.01, Subdivision 2; shall receive:*

(1) *A lump sum bonus of \$225 payable no later than May 1, 1980, provided he was employed prior to January 1, 1979, and was still employed on July 1, 1979; and*

(2) *A lump sum bonus of \$225 payable no later than July 31, 1980, provided he was employed prior to January 1, 1980, and was still employed on July 1, 1980. However, intermittent employees and nontenured laborers who otherwise meet the employment requirements of this section shall only be eligible to receive the bonus after completion of 100 working days in any 12-month period. Part-time employees who meet the employment requirements of this section shall receive a bonus of \$137.50 on each of the dates specified in this section.*

Subd. 2. *An employee shall be considered to be employed on*

July 1, 1979, and July 1, 1980, if he is in payroll status, on approved leave of absence, or on seasonal layoff on that date.

Subd. 3. The bonus provided by this section shall not be considered as salary for the purpose of section 352.01, subdivision 13.

Subd. 4. Anyone receiving a bonus payment pursuant to Laws 1979, Chapter 332, Sections 108 and 109, is not eligible for a bonus payment under this section."

Renumber the sections in sequence

Page 34, line 3, delete "47 of this act" and insert "174.03"

The motion prevailed. So the amendment was adopted.

Mr. Ashbach then moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 41, after line 8, insert:

"Sec. . . . [PAY INCREASE.] The salary range of the state chief pilot is increased from range 15 to range 16."

The motion prevailed. So the amendment was adopted.

Mr. Ulland, J. moved to amend H. F. No. 2476 as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 29, after line 26, insert:

"Sec. 48. Minnesota Statutes, 1979 Supplement, Section 179.65, Subdivision 6, is amended to read:

Subd. 6. Supervisory and confidential employees, principals and assistant principals may form their own organizations. An employer shall extend exclusive recognition to a representative of or an organization of supervisory or confidential employees, or principals and assistant principals, for the purpose of negotiating terms or conditions of employment, in accordance with all other provisions of sections 179.61 to 179.76, as though they were essential employees. Units of supervisory or confidential employees shall not participate in any joint negotiations which involve the participation of units of employees other than supervisory or confidential employees. Affiliation of a supervisory or confidential employee organization with another employee organization which has as its members non-supervisory employees or non-confidential employees is permitted; provided that a state supervisory employee organization which is affiliated, either directly or indirectly, with another employee organization which is the exclusive representative of non-supervisory state employees or with a federation or other joint body of employee organizations, any one of whose affiliates is the exclusive representative of non-supervisory state employees, shall not be certified as,

or act as, an exclusive representative pursuant to sections 179.61 to 179.76."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 17, before "180.03" insert "179.65, Subdivision 6;"

The motion prevailed. So the amendment was adopted.

Mr. Laufenburger moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 41, after line 18, insert:

"Sec. 62. Minnesota Statutes 1978, Section 299F.56, is amended by adding a subdivision to read:

Subd. 2a. "Department" means the department of public service.

Sec. 63. Minnesota Statutes 1978, Section 299F.56, Subdivision 5, is amended to read:

Subd. 5. "Transportation of gas" means the gathering, transmission, or distribution of gas by pipeline or its storage; except that it shall not include any such transportation of gas which is subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act of the United States, or the gathering of gas in those rural locations which lie outside the limits of any incorporated or unincorporated city, town, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development or any similar populated area which the state fire marshal department may define as a nonrural area.

Sec. 64. Minnesota Statutes 1978, Section 299F.56, Subdivision 6, is amended to read:

Subd. 6. "Pipeline facilities" includes, without limitation, new and existing pipe rights of way and any equipment facility or building used in the transportation of gas or the treatment of gas during the course of transportation, but "rights of way" as used in sections 299F.56 to 299F.64 does not authorize the state fire marshal department to prescribe the location or routing of any pipeline facility. "Pipeline facilities" shall not include any facilities subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act of the United States.

Sec. 65. Minnesota Statutes 1978, Section 299F.57, is amended to read:

299F.57 [MINIMUM SAFETY STANDARDS.] Subdivision 1. The state fire marshal department shall, by order, establish minimum safety standards for the transportation of gas and pipeline facilities. Such Standards may apply to the design, installation,

inspection, testing, construction, extension, operation, replacement and maintenance of pipeline facilities. Standards affecting the design, installation, construction, initial inspection and initial testing shall not be applicable to pipeline facilities in existence on the date such standards are adopted. Such Safety standards shall be practicable and designed to meet the need for pipeline safety. In prescribing such standards, the state fire marshal department shall consider:

- (a) relevant available pipeline safety data;
- (b) whether such standards are appropriate for the particular type of pipeline transportation;
- (c) the reasonableness of any proposed standards;
- (d) the extent to which any such standards will contribute to public safety; and
- (e) the existing standards established by the Secretary of Transportation of the United States pursuant to the Natural Gas Pipeline Safety Act of 1968 of the United States.

Provided, however, that the state fire marshal department shall not be empowered to adopt any such standards as to the transportation of gas or to pipeline facilities which are subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act of the United States.

Subd. 2. Any standards prescribed under this section, and amendments thereto, shall become effective 30 days after the date of issuance of such standards unless the state fire marshal department, for good cause recited, determines an earlier or later effective date is required as the result of the period reasonably necessary for compliance.

Subd. 3. The rulemaking, contested case and judicial review provisions of chapter 15, shall apply to all orders establishing, amending, revoking, or waiving compliance with, any standard established under sections 299F.56 to 299F.64 or any penalty imposed under sections 299F.56 to 299F.64. The state fire marshal department shall afford interested persons an opportunity to participate fully in the establishment of such safety standards through submission of written data, views or arguments, with opportunity to present oral testimony and argument.

Subd. 4. Whenever the state fire marshal department shall find a particular facility to be hazardous to life or property, he shall be empowered to require the person operating such facility to take such steps necessary to remove such hazards.

Subd. 5. Upon application by any person engaged in the transportation of gas or the operation of pipeline facilities, the state fire marshal department may, after notice and opportunity for hearing and under such terms and conditions and to such extent as he deems appropriate, waive in whole or in part compliance with any standards established under sections 299F.56 to 299F.64, if he

determines that a waiver of compliance with such standard is not inconsistent with gas pipeline safety. The *state fire marshal department* shall state his reasons for any such waiver.

Sec. 66. Minnesota Statutes 1978, Section 299F.58, is amended to read:

299F.58 [CERTIFICATIONS AND REPORTS.] The *state fire marshal department* is authorized to make such certifications and reports to the United States Secretary of Transportation as may be required from time to time under the Natural Gas Pipeline Safety Act of 1968 of the United States.

Sec. 67. Minnesota Statutes 1978, Section 299F.60, Subdivision 1, is amended to read:

299F.60 [CIVIL PENALTIES.] Subdivision 1. Any person who violates any provision of sections 299F.56 to 299F.64, or any regulation issued thereunder, shall be subject to a civil penalty to be imposed by the *state fire marshal department* not to exceed \$1,000 for each such violation for each day that such violation persists, except that the maximum civil penalty shall not exceed \$200,000 for any related series of violations.

Sec. 68. Minnesota Statutes 1978, Section 299F.60, Subdivision 2, is amended to read:

Subd. 2. The *state fire marshal department* may negotiate a compromise settlement of a civil penalty. In determining the amount of such penalty, or the amount of the compromise settlement, the *state fire marshal department* shall consider the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation. The contested case and judicial review provisions of chapter 15 shall apply to all orders of the *state fire marshal department* imposing any penalty under sections 299F.56 to 299F.64 or under any regulation promulgated thereunder. The amount of such penalty, when finally determined, may be deducted from any sums owing by the state of Minnesota to the person charged.

Sec. 69. Minnesota Statutes 1978, Section 299F.61, Subdivision 1, is amended to read:

299F.61 [INJUNCTIVE RELIEF.] Subdivision 1. The district courts of the state of Minnesota shall have jurisdiction, subject to the provisions of the statutes and the rules of practice and procedure of the state of Minnesota relative to civil actions in the district courts, to restrain violations of sections 299F.56 to 299F.64, including the restraint of transportation of gas or the operation of a pipeline facility, or to enforce standards established hereunder upon petition by the attorney general on behalf of the state of Minnesota. Whenever practicable, the *state fire marshal department* shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an

opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. However, the failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

Sec. 70. Minnesota Statutes 1978, Section 299F.62, is amended to read:

299F.62 [PLAN FOR INSPECTION AND MAINTENANCE.]

Each person who engages in the transportation of gas or who owns or operates pipeline facilities subject to sections 299F.56 to 299F.64 shall file with the state fire marshal department a plan for inspection and maintenance of each such pipeline facility owned or operated by such person, and any changes in such plan, in accordance with the regulations prescribed by the state fire marshal department. If the state fire marshal department finds that such plan is inadequate to achieve safe operation, he it shall, after notice and opportunity for a hearing, require such plan to be revised. The plan required by the state fire marshal department shall be practicable and designed to meet the need for pipeline safety. In determining the adequacy of any such plan, the state fire marshal department shall consider the following:

- (a) relevant available pipeline safety data;
- (b) whether the plan is appropriate for the particular type of pipeline transportation;
- (c) the reasonableness of the plan; and
- (d) the extent to which such plan will contribute to public safety.

Sec. 71. Minnesota Statutes 1978, Section 299F.63, is amended to read:

299F.63 [RECORDS AND REPORTS; INSPECTIONS; COSTS; TRADE SECRETS.] Subdivision 1. Each person who engages in the transportation of gas or who owns or operates pipeline facilities shall establish and maintain such records, make such reports, and provide such information as the state fire marshal department may reasonably require to enable him it to determine whether such person has acted or is acting in compliance with sections 299F.56 to 299F.64 and the standards established under sections 299F.56 to 299F.64. Each such person shall, upon request of an officer, employee, or agent authorized by the state fire marshal department, permit such officer, employee, or agent to inspect books, papers, records and documents relevant to determining whether such person has acted or is acting in compliance with sections 299F.56 to 299F.64 and the standards established pursuant to sections 299F.56 to 299F.64. For purposes of enforcement of sections 299F.56 to 299F.64, officers, employees, or agents authorized by the state fire marshal department, upon presenting appropriate credentials to the individual in charge, are authorized to enter upon, at reasonable times, pipeline facilities, and to inspect, at reasonable times and within reasonable limits

and in a reasonable manner, ~~such~~ *the* facilities. Each ~~such~~ inspection shall be commenced and completed with reasonable promptness.

Subd. 1a. The department shall assess and bill the salary and expense costs of the gas pipeline safety inspection program less any offsetting federal grant reimbursements for that program to all the gas systems whether private or municipal subject to inspection in proportion to the number of gas meters in each system. Billing shall be done within 90 days of the close of the state fiscal year. The assessment shall be paid to the state treasury within 30 days after the bill has been mailed to the gas systems which mailed bill shall constitute notice of assessment and demand for payment thereof.

Subd. 2. In the course of the exercise of his duties and responsibilities under sections 299F.56 to 299F.64, the state fire marshal department shall wherever practicable employ a practice of spot checking and issuance of certificates of compliance, with respect to persons subject to sections 299F.56 to 299F.64, to limit costs of enforcement of the safety standards established pursuant to sections 299F.56 to 299F.64.

Subd. 3. All information reported to or otherwise obtained by the state fire marshal or his department or its representative, which contains or relates to a trade secret, as referred to in section 1905 of title 18 of the United States Code, or otherwise constitutes a trade secret under law, shall be considered confidential for the purpose of such laws, except that such information may be disclosed to other officers or employees concerned with carrying out sections 299F.56 to 299F.64 or when relevant in any proceeding under sections 299F.56 to 299F.64.

Sec. 72. Minnesota Statutes 1978, Section 299F.64, is amended to read:

299F.64 [FEDERAL MONEYS.] *The state fire marshal department may accept any and all moneys provided for or made available to this state by the United States of America or any department or agency thereof with respect to prescribing, setting, and enforcing rules, regulations, and safety standards for the transportation of natural and other gas by pipelines in accordance with the provisions of federal law and any rules or regulations promulgated thereunder and the state fire marshal department is further authorized to do any and all things, not contrary to the laws of this state, required of this state by such federal law and the rules and regulations promulgated thereunder in order to obtain such federal moneys.*

Sec. 73. [TRANSFER OF FUNCTIONS; RULES; PENDING ACTIONS.] *Subdivision 1. All powers, duties and functions previously vested in the division of fire marshal of the department of public safety by Minnesota Statutes 1978, Sections 299F.56 to 299F.64 are transferred to, vested in and imposed upon the department of public service, effective July 1, 1980.*

Subd. 2. Regulations and standards for gas and pipeline safety

as incorporated in Title 49, Code of Federal Regulations 192, and amendments thereto published in the Federal Register through September 5, 1978, as modified by Fire Mar Rules 4, 14 and 23, are incorporated by reference and made a part of the Minnesota rules and standards for gas and pipeline safety, along with existing Fire Mar Rules 1 to 29. Administration of these rules, regulations and standards is transferred from the division of fire marshal of the department of public safety to the department of public service, effective July 1, 1980. Rules, regulations and standards adopted or transferred to the department of public service by this subdivision shall continue in effect until repealed, modified or suspended by subsequent rule of the department of public service. Discrepancies or inconsistencies between any provision of Fire Mar Rules 1 to 29 and the Code of Federal Regulations shall be resolved in favor of the Code of Federal Regulations.

Subd. 3. Any proceeding, legal action, prosecution or other business or matter undertaken or commenced prior to July 1, 1980 by the fire marshal division of the department of public safety in the exercise of a power, duty or function transferred by this section may be continued to completion by the department of public service in the same manner, under the same terms and conditions and with the same effect as though undertaken or commenced by the department of public service in the first instance.

Sec. 74. [TRANSFER OF FUNDS, POSITIONS, EQUIPMENT.] Subdivision 1. All unexpended funds appropriated to the department of public safety for the gas pipeline safety program by the Laws 1979, Chapter 333, Section 41, are cancelled and shall revert to the general fund.

Subd. 2. One full-time position in the classified service in the department of public safety used to support any of the functions, powers and duties transferred to the department of public service is transferred to the department of public service. The commissioner of finance and commissioner of personnel shall determine the position to be transferred along with any accrued benefits pertaining thereto to the department of public service.

Subd. 3. All equipment, furnishings, supplies and any appropriate contractual agreements related to the gas pipeline safety program are transferred to the department of public service.

Subd. 4. The authorized complement of the department of public service is increased by six positions and the authorized complement of the department of public safety is reduced by one position.

Sec. 75. There is appropriated to the department of public service from the general fund \$259,280 for the biennium ending June 30, 1981. The department of public service is authorized to make application for, receive and deposit into the general fund any and all gas pipeline safety program funds available from the federal government in support of this program.

Sec. 15. Sections 62 to 75 are effective July 1, 1980."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, after the first semicolon, insert "299F.56, Subdivisions 5 and 6, and by adding a subdivision; 299F.57; 299F.58; 299F.60, Subdivisions 1 and 2; 299F.61, Subdivision 1; 299F.62; 299F.63; 299F.64; "

The motion prevailed. So the amendment was adopted.

Mr. Ueland, A. moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 2, line 38, before "Open" insert "(a)"

Page 2, after line 41, insert:

"(b) Biomedical Research

300,000

This appropriation is for merit fellowship grants for biomedical research, to be awarded pursuant to the directions of the statewide health coordinating council. "Biomedical research" means research into the basic processes and distribution of health and disease, including clinical interventions that affect these processes. Two percent of the money may be used by the state planning agency for administration and evaluation of the health research program.

A merit fellowship shall be awarded primarily on the basis of an applicant's research potential and secondarily on the basis of which areas of health will be addressed by the research. The areas of research shall reflect state health priorities as determined by the council.

This appropriation is available until June 30, 1981.

The state planning agency shall evaluate the programs funded by this appropriation and shall report to the legislature by January 15, 1982, on its findings and recommendations."

Amend the summary by fund accordingly

The motion prevailed. So the amendment was adopted.

Having voted on the prevailing side, Mr. Pillsbury moved that the vote whereby the Schaaf amendment to H. F. No. 2476 was not adopted on March 25, 1980, be now reconsidered.

CALL OF THE SENATE

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

Barrette	Humphrey	Luther	Pillsbury	Stern
Brataas	Johnson	Menning	Purfeerst	Stokowski
Chmielewski	Keefe, J.	Merriam	Renneke	Strand
Coleman	Keefe, S.	Moe	Rued	Stumpf
Engler	Kleinbaum	Nelson	Schaaf	Tennesen
Frederick	Knaak	Nichols	Sieloff	Ueland, A.
Gearty	Knoll	Olhoft	Sikorski	Willet
Gunderson	Knutson	Perpich	Spear	
Hughes	Laufenburger	Peterson	Staples	

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

The question recurred on the motion of Mr. Pillsbury.

The roll was called, and there were yeas 30 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Keefe, S.	Nelson	Solon
Ashbach	Gearty	Kleinbaum	Ogdahl	Stern
Brataas	Hanson	Knoll	Olson	Stokowski
Chmielewski	Hughes	Laufenburger	Perpich	Vega
Coleman	Jensen	McCutcheon	Schaaf	Wegener
Engler	Johnson	Moe	Setzepfandt	Willet

Those who voted in the negative were:

Bang	Humphrey	Nichols	Rued	Strand
Barrette	Keefe, J.	Olhoft	Schmitz	Stumpf
Benedict	Knaak	Omann	Sieloff	Tennesen
Bernhagen	Knutson	Peterson	Sikorski	Ulland, J.
Davies	Luther	Pillsbury	Sillers	
Dieterich	Menning	Purfeerst	Spear	
Gunderson	Merriam	Renneke	Staples	

The motion did not prevail.

Mr. Moe moved to amend H. F. No. 2476, as amended by the Senate, adopted March 25, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2400.)

Page 41, after line 18, insert:

"Sec. 62. [STUDY OF AREA VOCATIONAL-TECHNICAL INSTITUTES.] *Subdivision 1. In view of future enrollment trends, the higher education coordinating board shall conduct a study of the area vocational-technical institutes and make recommendations in regard to:*

(a) The mission of the area vocational-technical institutes and their relationship to other systems and institutions;

(b) The instructional programs and community services to be offered by the area vocational-technical institutes;

(c) The governance and structure of the area vocational-technical institutes;

(d) *The financing policies and procedures of the area vocational-technical institutes;*

(e) *Other appropriate issues as necessary.*

The board shall submit its report and recommendations to the legislature by February 1, 1981.

Subd. 2. The sum of \$28,000 is appropriated from the general fund to the higher education coordinating board for the purposes of conducting this study, and shall be available until February 2, 1981. Any funds not expended or encumbered on that date shall revert to the general fund."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "conditions;" insert "providing for a study of area vocational-technical institutes; requiring a report of the study;"

The motion prevailed. So the amendment was adopted.

H. F. No. 2476 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

Without objection, the Senate reverted to the Order of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

REPORTS OF COMMITTEES

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 2292: A bill for an act relating to regional railroad

authorities; providing for their organization and governmental purpose, powers and duties.

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

Page 9, line 16, after "authority" insert "until the time of its repeal pursuant to Laws 1979, Chapter 303, Article VII, Section 16"

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was re-referred

H. F. No. 1904: A bill for an act relating to the Nine Mile Creek and Riley-Purgatory Creek Watershed Districts; providing for the establishment of district water maintenance and repair funds; authorizing tax levies for water maintenance and repair purposes.

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

H. F. No. 1262: A bill for an act relating to the city of Breezy Point; relating to its tax levy for general purposes; repealing Laws 1971, Chapter 110.

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

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

S. F. No. 121: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 12; removing references to legislative days.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Rules and Administration. Report adopted.

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

S. F. No. 1639: A bill for an act relating to state government; providing for a cafeteria operation revolving fund for certain cafeterias; appropriating money; amending Minnesota Statutes 1978, Chapter 16, by adding a section.

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

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

S. F. No. 2014: A bill for an act relating to housing; appropriating money to the Minnesota housing finance agency for the purpose of subsidizing certain loan origination fees; requiring a report.

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

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

S. F. No. 403: A bill for an act relating to local government; permitting self insurance for local governments; authorizing insurance pooling; appropriating money; amending Minnesota Statutes 1978, Sections 60A.02, Subdivisions 3 and 4; 79.01, Subdivisions 2 and 3; and Chapter 471, by adding sections.

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

Page 7, line 29, after the dollar sign insert "43,000"

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

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

S. F. No. 1083: A bill for an act relating to game and fish; providing that a portion of deer license fees shall be used for deer habitat improvement; appropriating money; amending Minnesota Statutes 1978, Section 97.49, by adding a subdivision.

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

Page 1, line 15, delete everything after "(b)" and insert "*It is the policy of this state that*"

Page 1, line 18, delete everything after "*improvement*" and insert a period

Page 1, delete line 19

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 1906: A bill for an act relating to the Nine Mile Creek Watershed District and the Riley-Purgatory Creek Watershed District; authorizing an ad valorem tax for certain purposes.

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

Page 1, line 7, delete "AND" and insert a comma and after the second "CREEK" insert "AND RED LAKE"

Page 1, line 10, delete "and" and insert a comma

Page 1, line 12, after "counties" insert "and the Red Lake Watershed District in Polk, Beltrami, Marshall, Clearwater, Pennington, Red Lake, Koochiching, Mahnomen and Roseau counties"

Amend the title as follows:

Page 1, line 3, delete "and" and insert a comma and after "District" insert "and the Red Lake Watershed District"

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

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

S. F. No. 376: A bill for an act relating to jails; providing for financing, joint operation, aid criteria, and state standards; amending Minnesota Statutes 1978, Sections 475.58, Subdivision 1; 641.21; 641.23; 641.262, Subdivision 1; 641.263, Subdivision 2; 641.265; and 642.04.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 375.18, Subdivision 3, is amended to read:

Subd. 3. [COURTHOUSE, JAIL.] Each county board may erect, furnish, and maintain a suitable court house and jail, but no indebtedness shall be created for such purpose in excess of one and two-thirds mills on each dollar of assessed valuation without the approval of a majority of the voters of the county voting on the question of issuing the obligation at an election.

Sec. 2. Minnesota Statutes 1978, Section 474.01, Subdivision 7a, is amended to read:

Subd. 7a. No municipality shall undertake any project authorized by this chapter, *except a project referred to in section 474.02, subdivision 1d*, until the commissioner of securities has approved the project, on the basis of preliminary information which the commissioner may require, as tending to further the purposes and policies of this chapter. Approval shall not be deemed to be an approval by the commissioner of securities or the state of the feasibility of the project or the terms of the revenue agreement to be executed or the bonds to be issued therefor, and the commissioner shall state this in communicating approval.

Sec. 3. Minnesota Statutes 1978, Section 474.01, Subdivision 8, is amended to read:

Subd. 8. Each municipality and redevelopment agency upon entering into a revenue agreement, *except one pertaining to a project referred to in section 474.02, subdivision 1d*, shall furnish the department of economic development on ~~such~~ *the* forms as the department may prescribe the following information concerning the project: The name of the contracting party, the nature of the enterprise, the location, approximate number of employees, the general terms and nature of the revenue agreement, the amount of bonds or notes issued, and ~~such~~ other information as the department may deem advisable. The department shall keep a record of the information which shall be available to the public at ~~such~~ times as the department shall prescribe.

Sec. 4. Minnesota Statutes 1978, Section 474.01, is amended by adding a subdivision to read:

Subd. 10. The welfare of the state further requires the provision of county jail facilities for the purpose of providing adequately for the care, control, and safeguarding of civil rights of prisoners.

Sec. 5. Minnesota Statutes 1978, Section 474.02, is amended by adding a subdivision to read:

Subd. 1d. The term "project" shall also include any properties, real or personal, used or useful in connection with a county jail or county regional jail, the plans for which are approved by the commissioner of corrections; provided that the provisions of section 474.03, clauses (6) and (12) shall not apply to such projects.

Sec. 6. Minnesota Statutes 1978, Section 641.23, is amended to read:

641.23 [FUNDS, HOW PROVIDED.] Before ~~making~~ any contract is made for the erection of a county jail, sheriff's residence, or both, the county board shall either levy a sufficient tax to provide the necessary funds, or issue county bonds therefor, ~~but it shall create no bonded indebtedness for that purpose in excess of the limit now or thereafter established by law in accordance with the provisions of chapter 475, provided that:~~

(a) *The amount of all bonds issued for this purpose and interest on them which are due and payable in any year shall not exceed an amount equal to four mills times the assessed value of taxable property within the county, as last determined before the bonds are issued; and*

(b) *No election shall be required, if the issuance of the bonds is authorized by resolution of the county board after a public hearing on the acquisition or betterment of the jail, held upon notice published in the official county newspaper on a date at least 30 days before the hearing, stating the time and place of the hearing, the place where the plans approved by the commissioner of corrections may be examined, and the estimated cost including all incidental costs.*

Sec. 7. Minnesota Statutes 1978, Section 641.24, is amended to read:

641.24 [LEASING.] Such bonds shall be issued in sums of not less than \$100, nor more than \$1,000, each and bear interest at not more than six percent per annum, payable semiannually, and the principal payable at a time fixed by the county board, not more than 20 years from their date. The board shall, from time to time, levy a tax sufficient to meet the interest and principal as it becomes due, until their payment has been fully provided for. The county may, by resolution of the county board, enter into a lease agreement with any statutory or home rule charter city situated within the county, whereby the city will construct a county jail in accordance with plans approved by the commissioner of corrections and will finance it by the issuance of revenue bonds, and the county will lease the jail site and improvements for a term and upon rentals sufficient to produce revenue for the prompt payment of the bonds and all interest accruing thereon and, upon completion of payment, will acquire title thereto. The real and personal property acquired for the jail shall constitute a project and the lease agreement shall constitute a revenue agreement as contemplated in chapter 474, and all proceedings shall be taken by the city and the county in the manner and with the force and effect provided in chapter 474; provided that:

(1) No tax shall be imposed upon or in lieu of a tax upon the property;

(2) The approval of the project by the commissioner of securities shall not be required;

(3) The department of corrections shall be furnished and shall record such information concerning each project as it may prescribe, in lieu of reports required on other projects to the department of economic development;

(4) The rentals required to be paid under the lease agreement shall not exceed in any year four-tenths of one percent of the assessed value of property within the county, as last finally equalized before the execution of the agreement;

(5) The county board shall provide for the payment of all rentals due during the term of the lease, in the manner required in section 641.264, subdivision 2; and

(6) No mortgage on the jail property shall be granted for the security of the bonds, but compliance with clause (5) hereof may be enforced as a nondiscretionary duty of the county board.

Sec. 8. Minnesota Statutes 1978, Section 641.262, Subdivision 1, is amended to read:

641.262 [ESTABLISHMENT OF REGIONAL JAILS BY CONTIGUOUS COUNTIES.] Subdivision 1. [ACTION BY COUNTY BOARD.] Two or more contiguous counties, each contiguous at one or more points with one or more of the other counties, may cooperate to establish, operate, and maintain a regional jail in the manner provided in sections 641.261 to 641.266. A county may join with other counties in the establishment, operation, and maintenance of a regional jail by majority vote

of its county board. A county board so voting shall also appropriate its approximate proportionate share of the initial expenses of the proposed county regional jail, which proportion is estimated in the manner provided in section 641.264, subdivision 2, and which is paid over upon receiving notice from the regional jail board as provided in section 641.263, subdivision 1.

Sec. 9. Minnesota Statutes 1978, Section 641.263, Subdivision 2, is amended to read:

Subd. 2. [ACQUISITION OF SITE, BUILDINGS.] The regional jail board may lease suitable premises or acquire by gift, purchase, or condemnation proceedings instituted in the name of the counties, a suitable site, and erect on the site buildings suitable for a regional jail. Condemnation proceedings shall be conducted in the manner provided in ~~Minnesota Statutes 1961,~~ chapter 117. No premises shall be leased, site acquired, or building erected without the approval of the county board of each cooperating county ~~and the commissioner of corrections. The regional jail board may by resolution enter into a lease agreement with any statutory or home rule charter city situated within any of the counties, in the same manner and with the same force and effect as a county acting under the provisions of section 641.24; provided that any such lease agreement, and any amendment thereto, shall be approved by the county board of each cooperating county before it is executed.~~

Sec. 10. Minnesota Statutes 1978, Section 641.264, Subdivision 1, is amended to read:

641.264 [FINANCING.] Subdivision 1. [CAPITAL IMPROVEMENTS; BOND ISSUES AND LEASES.] The construction or acquisition, the equipping, and subsequent improvement of a county regional jail may be financed in whole or in part by the issuance of general obligation bonds ~~of the cooperating counties in the manner provided in Minnesota Statutes 1961,~~ ~~chapter 475~~ section 641.23 or by the issuance of revenue bonds ~~of a city situated in one of the counties, secured by a lease agreement in the manner provided in chapter 474 and in sections 641.24 and 641.263, subdivision 2.~~ Proceedings for the issuance of the general obligation bonds shall be instituted by the board of county commissioners of each cooperating county. The regional jail board, with the approval of the county board of each cooperating county, shall fix the total amount necessary to be raised for the construction or acquisition, the equipping, and subsequent improvement of a regional jail, and shall apportion to each county in the manner provided in subdivision 2 the share of this amount, or of annual debt service or lease rentals required to pay this amount with interest, which is to be raised by the county.

Sec. 11. Minnesota Statutes 1978, Section 641.265, is amended to read:

641.265 [ADMISSION, WITHDRAWAL OF COUNTIES.] Subdivision 1. [ADMISSION.] A county which is ~~not a participant~~ could cooperate in a regional jail system under the provisions of

section 641.262, subdivision 1, but has not cooperated in its formation, may purchase acquire an interest in a the regional jail if the county boards board of each of the cooperating counties owning the jail decide decides , by majority vote, to admit the county. With the approval of the county board of each cooperating county, the regional jail board shall fix the sum to be paid for admission to ownership terms and conditions upon which an additional county may acquire an interest in the regional jail ; which sum shall be deposited in the regional jail fund . A county admitted to ownership acquiring such an interest has all of the rights, privileges, duties, and obligations provided by sections 641.261 to 641.266 , provided that as a condition for admission the county may be required to pay initially or annually a sum sufficient to reimburse to the other cooperating counties part or all of the additional county's proportionate share of amounts theretofore paid by the other counties with respect to capital cost, debt service, or lease rentals, based on the relative populations of the respective counties according to the last federal or state census preceding admission .

Subd. 2. [WITHDRAWAL.] A county board may withdraw its interest from cooperation in a regional jail system if the county boards of each all of the other cooperating counties decide, by majority vote, to allow the withdrawal. With the approval of the county board of each cooperating county, the regional jail board shall fix the sum , if any, to be paid to the county withdrawing, which sum to reimburse it for capital cost, debt service, or lease rental payments made by the county prior to withdrawal, in excess of its proportionate share of benefits from the regional jail prior to withdrawal, and the time and manner of making payments. The payments shall be deemed additional payments of capital cost, debt service, or lease rentals to be made proportionately by the remaining counties and, when received, shall be deposited in and paid from the regional jail fund ; provided that:

(a) Payments shall not be made from any amounts in the regional jail fund which are needed for maintenance and operation expenses or lease rentals currently due and payable; and

(b) The withdrawing county shall remain obligated for the payment of its proportionate share of any lease rentals due and payable after its withdrawal, in the event and up to the amount of any lease payment not made when due by one or more of the other cooperating counties .

Sec. 12. Minnesota Statutes 1978, Section 642.04, is amended to read:

642.04 [CITIES MAY SEND PRISONERS TO JAILS OUTSIDE.] When, in any statutory or home rule charter city of the fourth class , no jail exists, which in the judgment of the city council, or other governing body, is sufficient or suitable for the detention of persons lawfully under arrest in the city, the council, or other governing body, may cause persons lawfully arrested to be detained in any city or county or county regional jail or lockup in

the same or in an adjoining county; provided, that such that detention shall be with the consent of the city or county or regional jail board operating the jail where such the persons are detained, and that there shall be paid to such the city or county or regional jail board the necessary cost and expense which may be incident to taking care of such persons while they are lawfully detained or imprisoned."

Delete the title and insert:

"A bill for an act relating to county and county regional jails; providing for establishment and use of county jails and county regional jails and the financing thereof by county contributions and bonds and municipal revenue bonds and leases; amending Minnesota Statutes 1978, Sections 375.18, Subdivision 3; 474.01, Subdivisions 7a and 8, and by adding a subdivision; 474.02, by adding a subdivision; 641.23; 641.24; 641.262, Subdivision 1; 641.263, Subdivision 2; 641.264, Subdivision 1; 641.265; and 642.04."

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 2224: A bill for an act relating to taxation; individual and corporate income tax, withholding, and property tax refunds; clarifying definitions; making social security numbers mandatory on certain drivers license applications; providing for administrative changes; amending Minnesota Statutes 1978, Sections 171.06, Subdivision 3; 171.07, Subdivision 1; 268.12, Subdivision 12; 290.01, Subdivision 21; 290.06, Subdivision 3e; 290.067, Subdivision 2; 290.09, Subdivisions 10 and 29; 290.10; 290.13, Subdivision 5; 290.136, Subdivision 9; 290.16, Subdivisions 3, 7, 9 and 12; 290.31, Subdivisions 2 and 27; 290.39, Subdivision 1; 290.41, Subdivision 2, and by adding a subdivision; 290.49, Subdivision 1; 290.92, Subdivisions 1, 2a, 5 and 6; 290.934, Subdivisions 4 and 5; 290A.08; 290A.17; Minnesota Statutes, 1979 Supplement, Sections 290.01, Subdivision 20; 290.06, Subdivisions 3c, 3f, 3g and 14; 290.09, Subdivision 15; 290.095, Subdivision 1; 290.17, Subdivisions 1 and 2; 290.21, Subdivision 3; 290.37, Subdivision 1; 290A.03, Subdivision 3; repealing Minnesota Statutes, 1979 Supplement, Section 290.23, Subdivision 16.

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

Pages 1 to 4, delete sections 1 to 3

Page 13, line 6, delete "*which qualifies for the modification contained*" and insert "*defined*"

Page 13, line 11, delete "*which qualifies*"

Page 13, line 12, delete "*for the modification contained*" and insert "*defined*"

Page 28, line 5, after the period insert *"The provisions of section 290.61 shall apply to employees of the energy agency who receive information furnished by the taxpayer for purposes of claiming this credit."*

Page 56, after line 26, insert:

"Sec. 21. Minnesota Statutes 1978, Section 290.17, is amended by adding a subdivision to read:

Subd. 1a. [SUBSEQUENT ADJUSTMENT.] When a loss has been reduced by the amount of tax preference items pursuant to subdivision 1, and the taxpayer subsequently sells or otherwise disposes of an asset in relation to which arose an item of tax preference which caused the reduction of the loss, the taxpayer may increase the basis of the asset by the amount of the tax preference item that was used to reduce the loss. If the asset is a depletable asset, the taxpayer may elect to so increase its basis upon disposition or to reduce the amount of otherwise taxable income subsequently produced by that asset by the amount of the tax preference item."

Page 67, delete section 31

Pages 67 to 74, delete sections 33 and 34

Page 86, line 20, delete *"Sections 1 and 2 are"*

Page 86, line 21, delete *"effective August 1, 1980."* and delete *"3, 18, 29, 32, and 41"* and insert *"15, 27, 29 and 36"*

Page 86, line 22, delete *"4, 6,"* and insert *"1, 3,"*

Page 86, delete line 23 and insert *"4, 8, 9, 11, 12, 13, 20, 21, 22, 23, 26, 30, and 37 are"*

Page 86, line 25, delete *"10"* and insert *"7"*

Page 86, line 27, delete *"9 and 13"* and insert *"6 and 10"*

Page 86, line 28, delete *"Sections 33, 34 and 36 are"* and insert *"Section 31 is"*

Page 86, line 29, delete *"39 and 40"* and insert *"34 and 35"*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete *"making social security"*

Page 1, delete line 5

Page 1, line 6, delete *"applications;"*

Page 1, delete line 8 and insert *"Sections"*

Page 1, line 9, delete *"Subdivision 1; 268.12, Subdivision 12;"*

Page 1, line 14, after *"12;"* insert *"290.17, by adding a subdivision;"*

Page 1, line 15, delete *", and by"*

Page 1, line 16, delete *"adding a subdivision"*

Page 1, line 17, delete "1, 2a,"

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 1154: A bill for an act relating to taxation; income; increasing the maximum dependent care credit and removing income limitations; amending Minnesota Statutes 1978, Section 290.067.

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

Page 1, delete lines 8 to 17

Page 1, after line 17, insert:

"Section 1. Minnesota Statutes 1978, Section 290.067, Subdivision 2, is amended to read:"

Page 1, line 22, after the stricken period, reinstate the stricken language

Page 2, reinstate the stricken language on lines 1 and 2

Page 2, line 3, after the stricken "\$12,000" insert "\$25,000" and reinstate the stricken period

Page 2, delete lines 10 to 30

Page 2, line 32, delete "1978" and insert "1979"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "290.067" insert ", Subdivision 2"

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

SECOND READING OF SENATE BILLS

S. F. Nos. 2292, 1639, 2014, 403, 1083, 1906, 376, 2224 and 1154 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. No. 1262 was read the second time.

H. F. No. 1904 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

Mr. Ashbach moved that the message to the Governor on the rejection of the appointment of James R. Otto to the Workers' Compensation Court of Appeals be recalled.

The President ruled the motion was not in order.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 11:00 o'clock a.m., Thursday, March 27, 1980. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate