

FORTY-NINTH DAY

St. Paul, Minnesota, Thursday, May 7, 1981

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

Prayer was offered by the Chaplain, Rev. Charles Jacobson.

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

Ashbach	Dieterich	Langseth	Peterson, D.L.	Stern
Bang	Engler	Lantry	Peterson, R.W.	Stokowski
Belanger	Frank	Lessard	Petty	Stumpf
Benson	Frederick	Lindgren	Pillsbury	Taylor
Berg	Frederickson	Luther	Purfeerst	Tennessen
Berglin	Hanson	Menning	Ramstad	Ulland
Bernhagen	Hughes	Merriam	Renneke	Vega
Bertram	Humphrey	Moe, D.M.	Rued	Waldorf
Brataas	Johnson	Moe, R.D.	Schmitz	Wegener
Chmielewski	Keefe	Nelson	Setzepfandt	Willet
Dahl	Knoll	Olhoft	Steloff	
Davies	Knutson	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	
Dicklich	Kronebusch	Peterson, C.C.	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. Humphrey was excused from this evening's Session. Mr. Knutson was excused from the Session of today from 1:00 to 1:30 p.m.

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. 126:

H. F. No. 126: A bill for an act relating to waters; requiring posting and publication of notice of aeration operations by a permittee of the commissioner of natural resources; establishing a presumption of due care; changing and clarifying administrative provisions regarding watershed districts; permitting use of a map to show notification of an assessment area; amending Minnesota Statutes 1980, Sections 112.36; 112.53, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 378.

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

Anderson, B.; Stumpf and Rees have been appointed as such committee on the part of the House.

House File No. 126 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 May 6, 1981

Mr. Menning moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 126, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 182:

H. F. No. 182: A bill for an act relating to commerce; revising the small loan act; increasing the loan amount which determines the necessity of obtaining a license; increasing the amount of liquid assets which must be maintained by a licensee; allowing certain purchasers of accounts to obtain a license; providing for the regulation of closings of licensees on holidays and weekends; providing for examinations at the commissioner's discretion; allowing the use of certain mechanical or electronic data processing methods to be used as books of account; allowing alternative compliance on certain rates of charge statements; allowing certain loans to be secured by real estate; restating maximum rates and charges; regulating licensee provisions concerning certain insurance in connection with loans made; allowing industrial loan and thrifts to make secured or unsecured loans on the terms, rates, and conditions permitted licensees; providing remedies; defining terms; providing for miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 53.04, by adding a subdivision; 56.01; 56.02; 56.04; 56.07; 56.09; 56.10; 56.11; 56.12; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.26; 334.02; 334.03; and proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 53.04, Subdivisions 3, 4, 6, and 7; 53.051; 56.06; 56.13; 56.15, Subdivision 2; and 56.20.

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

Berkelman, Metzen and Ewald have been appointed as such committee on the part of the House.

House File No. 182 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 May 6, 1981

Mr. Peterson, C. C. moved that the Senate accede to the request of the House

for a Conference Committee on H. F. No. 182, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 829:

H. F. No. 829: A bill for an act relating to counties; concerning Anoka county; providing for a seven member board of commissioners; amending Minnesota Statutes 1980, Section 375.01.

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

Sarna, McCarron and Anderson, R. have been appointed as such committee on the part of the House.

House File No. 829 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 May 6, 1981

Mr. Frank moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 829, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 242 and 1143.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 6, 1981

FIRST READING OF HOUSE BILLS

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

H. F. No. 242: A bill for an act relating to taxation; increasing the deduction for tuition, textbooks, and transportation of dependents attending certain schools; amending Minnesota Statutes 1980, Section 290.09, Subdivision 22.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 1143: A bill for an act relating to taxation; income; property tax refund; adopting federal income tax limitations on the deduction of interest; authorizing the commissioner to provide a short form income tax return; clarifying the computation of the low income alternative tax; providing for the computation of net operating loss; allowing for disclosures of information between the department of economic security and the commissioner of revenue regarding unemployment compensation; allowing for disclosures of information between the commissioner of revenue and the commissioner of public

welfare; allowing the commissioner to obtain information required on returns by court action; allowing the commissioner to designate the places returns may be filed; conforming information return requirements to the federal requirements; requiring certain statements to be furnished to subjects of information returns; providing that payment of taxes of a decedent shall be made by successors in the absence of a personal representative; adopting the federal requirements for withholding and reporting on tips; clarifying the liability of employers in regard to withholding tax returns; conforming information requirements of withholding statements to federal law; allowing notification of an employer by the department that a withholding certificate is invalid; providing for verification of withholding exemptions and appeal by the claimant; allowing certain spouses to file a joint property tax return claim; conforming estimated tax requirements with federal law; altering the computation of the corporate estimated tax; conforming tax exempt provisions with federal law; altering filing requirements for corporations; allowing the commissioner to adjust the computation of federal adjusted gross income in certain circumstances; specifying or increasing interest rates on certain delinquent taxes and penalties; abolishing an election relating to the lump sum distribution tax; providing penalties; providing the computation of basis; providing for the liability of taxes due on a combined return; amending Minnesota Statutes 1980, Sections 10A.31, Subdivision 1; 15.1691, Subdivision 2; 268.12, Subdivision 12; 290.05; 290.06, Subdivision 3d; 290.067, Subdivision 2; 290.09, Subdivision 3; 290.095, Subdivisions 1, 9, and by adding a subdivision; 290.14; 290.37, Subdivision 1; 290.39, Subdivisions 1, 2, and by adding a subdivision; 290.41, Subdivision 2, and by adding subdivisions; 290.42; 290.43; 290.44; 290.46; 290.53, Subdivisions 3 and 3a; 290.61; 290.92, Subdivisions 1, 2a, 7, 15, and by adding subdivisions; 290.93, Subdivisions 1, 3 and 10; 290.931, Subdivision 1; 290.934, Subdivisions 4 and 5; 290A.03, Subdivision 8; 290A.07; 290A.08; 290A.11, Subdivisions 2 and 4; repealing Minnesota Statutes 1980, Section 290.032, Subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1139, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R. D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 571: A bill for an act relating to Goodhue county; authorizing an increase in the levy limit to allow a levy for county fairs.

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

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

S. F. No. 698: A bill for an act relating to taxation; property; exempting property held longer than three years by a political subdivision for economic development purposes; amending Minnesota Statutes 1980, Section 272.02, Subdivision 5.

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

Page 1, line 14, reinstate the stricken language

Page 1, line 15, reinstate the stricken "exceed" and after the stricken "three" insert "six" and reinstate the stricken "years"

Page 1, line 20, strike "This section is"

Page 1, strike lines 21 and 22

Amend the title as follows:

Page 1, line 2, delete "property;"

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H. F. No. 616 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.
616	1017				

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. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H. F. No. 586 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.
				586	941

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 586 be amended as follows:

Page 1, line 12 to page 4, line 6, delete sections 1 to 3 and insert:

"Section 1. Minnesota Statutes 1980, Section 15.1695, Subdivision 1, is amended to read:

Subdivision 1. When collected, created, or maintained by law enforcement agencies including municipal police departments, county sheriff departments, the bureau of criminal apprehension, the Minnesota state patrol, the peace officers standards and training board, or public prosecutors or defenders:

(a) Data on participants in crime prevention programs including lists of property with identification numbers or evaluations or recommendations related to structural security against unauthorized entry is private; and

(b) Data contained on incident complaint reports, variously called logs or dockets, comprising a chronological record of events, shall be public; provided that data on individuals which could reasonably be used to determine the identity of an undercover agent, informant, or victim of criminal sexual conduct or *intrafamilial sexual abuse* shall be private data on individuals; provided further that any other data classified by law as private or confidential contained in incident complaint reports shall remain private or confidential data.

Sec. 2. Minnesota Statutes 1980, Section 595.02, is amended to read:

595.02 [COMPETENCY OF WITNESSES.]

Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as follows:

(1) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for non-support, neglect, dependency, or termination of parental rights;

(2) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him or his advice given thereon in the course of professional duty; nor can any employee of ~~such the~~ attorney be examined as to ~~such the~~ communication or advice, without the client's consent;

(3) A clergyman or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to him in his professional character, in the course of discipline enjoined by the rules or practice of the religious body to which he belongs; nor shall a clergyman or other minister of any religion be examined as to any communication made to him by any person seeking religious or spiritual advice, aid, or comfort or his advice given thereon in the course of his professional character, without the consent of ~~such the~~ person;

(4) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of his patient, be allowed to disclose any information or any opinion based thereon which he acquired in attending the patient in a professional capacity, and which was necessary to enable him to act in that capacity; after the decease of ~~such the~~ patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of ~~such the~~ deceased person for the purpose of waiving ~~the this~~ privilege ~~hereinbefore~~ ~~created~~, and no oral or written waiver of the privilege ~~hereinbefore~~ ~~created~~ shall have any binding force or effect except ~~that the same be when~~ made upon

the trial or examination where the evidence is offered or received;

(5) A public officer shall not be allowed to disclose communications made to him in official confidence when the public interest would suffer by the disclosure;

(6) Persons of unsound mind; persons intoxicated at the time of their production for examination, and children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly, are not competent witnesses. *This exception does not apply to a child under ten years of age, in a criminal proceeding for intrafamilial sexual abuse as defined in section 6, subdivision 10, or in a criminal proceeding under sections 609.342 clause (a), 609.343 clause (a), 609.344 clause (a), or 609.345 clause (a), who is able to describe or relate in language appropriate for a child of that age the events or facts respecting which the child is examined;*

(7) A registered nurse, psychologist or consulting psychologist shall not, without the consent of his client, be allowed to disclose any information or opinion based thereon which he acquired in attending the client in a professional capacity, and which was necessary to enable him to act in that capacity.

Sec. 3. Minnesota Statutes 1980, Section 609.346, is amended to read:

609.346 [SUBSEQUENT OFFENSES.]

Subdivision 1. If a person is convicted of a second or subsequent offense under sections 609.342 to 609.346 or sections 6 to 10 within 15 years of the prior conviction, the court shall commit the defendant to the commissioner of corrections for imprisonment for a term of not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding the provisions of sections 242.19, 243.05, 609.11, 609.12 and 609.135.

Subd. 2. For the purposes of this section, an offense is considered a second or subsequent offense if, prior to conviction of the second or subsequent offense, the actor has been at any time convicted under sections 609.342 to 609.346 or sections 6 to 10 or under any similar statute of the United States, or this or any other state."

Page 4, line 7, delete "Sec. 3" and insert "Sec. 4"

Page 4, line 10, delete "5 to 9" and insert "6 to 10"

Page 4, line 13, delete "Sec. 4" and insert "Sec. 5"

Page 4, lines 19 and 20, delete "section 5, subdivision 7" and insert "section 6, subdivision 10"

Page 4, line 23, strike "such" and insert "the"

Page 4, line 27, delete "Sec. 5" and insert "Sec. 6"

Page 4, line 29, delete "4 to 9" and insert "6 to 10"

Page 4, after line 32, insert:

"Subd. 4. [COERCION.] "Coercion" means a threat to unlawfully inflict bodily harm upon, or hold in confinement, the person threatened or another."

Page 4, line 33, delete "4" and insert "5"

Page 4, after line 35, insert:

"Subd. 6. [CONSENT.] 'Consent' means a voluntary uncoerced manifestation of a present agreement to perform a particular sexual act.

Subd. 7. [FORCE.] 'Force' means the infliction, attempted infliction, or threatened infliction by the actor of bodily harm or commission or threat of any other crime by the actor against the complainant or another, which causes the complainant to reasonably believe that the actor has the present ability to execute the threat."

Page 4, line 36, delete "5" and insert "8"

Page 5, line 3, delete "6" and insert "9"

Page 5, line 16, delete "7" and insert "10"

Page 5, line 22, delete "8" and insert "11"

Page 5, line 23, delete "over age 15" and insert "age 16 or over"

Page 5, after line 23, insert:

"Subd. 12. [PERSONAL INJURY.] 'Personal injury' means bodily harm as defined in section 609.02, subdivision 7, or severe mental anguish, or pregnancy."

Page 5, line 24, delete "9" and insert "13"

Page 5, line 29, delete "or"

Page 5, line 31, delete "or"

Page 5, line 36, delete "10" and insert "14"

Page 6, line 6, delete "Sec. 6" and insert "Sec. 7"

Page 6, delete lines 8 to 13 and insert:

"Subdivision 1. [CRIME DEFINED.] A person is guilty of intrafamilial sexual abuse in the first degree if:

(1) He has a familial relationship to and engages in sexual penetration with a child; or

(2) He has a familial relationship to and engages in sexual penetration with a child and:

(a) the actor or an accomplice used force or coercion to accomplish the penetration;

(b) the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the intrafamilial sexual abuse involved multiple acts committed over an

extended period of time.

Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than 20 years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than 20 years."

Page 6, line 14, delete "Sec. 7" and insert "Sec. 8"

Page 6, delete lines 16 to 21 and insert:

"Subdivision 1. [CRIME DEFINED.] A person is guilty of intrafamilial sexual abuse in the second degree if:

(1) He has a familial relationship to and engages in sexual contact with a child; or

(2) He has a familial relationship to and engages in sexual contact with a child and:

(a) the actor or an accomplice used force or coercion to accomplish the contact;

(b) the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the intrafamilial sexual abuse involved multiple acts committed over an extended period of time.

Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than 15 years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than 15 years."

Page 6, line 22, delete "Sec. 8" and insert "Sec. 9"

Page 6, delete lines 24 to 29 and insert:

"Subdivision 1. [CRIME DEFINED.] A person is guilty of intrafamilial sexual abuse in the third degree if:

(1) He has a familial relationship to and engages in sexual penetration with a minor; or

(2) He has a familial relationship to and engages in sexual penetration with a minor and:

(a) the actor or an accomplice used force or coercion to accomplish the penetration;

(b) the actor or accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the intrafamilial sexual abuse involved multiple acts committed over an extended period of time.

Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than ten years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than ten years."

Page 6, line 30, delete "Sec. 9" and insert "Sec. 10"

Delete Page 6, line 32 to page 7, line 1 and insert:

"Subdivision 1. [CRIME DEFINED.] A person is guilty of intrafamilial sexual abuse in the fourth degree if:

(1) He has a familial relationship to and engages in sexual contact with a minor; or

(2) He has a familial relationship to and engages in sexual contact with a minor and:

(a) the actor or an accomplice used force or coercion to accomplish the contact;

(b) the actor or accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the intrafamilial sexual abuse involved multiple acts committed over an extended period of time.

Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than five years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than five years."

Page 7, line 2, delete "Sec. 10" and insert "Sec. 11"

Page 7, line 10, reinstate the stricken "or" and delete "5 to 9" and insert "6

to 10"

Page 7, line 34 to page 8, line 11, delete section 11

Page 8, line 13, delete "2 to 10" and insert "1 to 11"

Amend the title as follows:

Page 1, line 2, delete "authorizing courts to order"

Page 1, delete line 3

Page 1, line 4, delete "domestic abuse cases;"

Page 1, lines 6 and 7, delete "518B.01, Subdivision 6; 595.02;" and insert "15.1695, Subdivision 1; 595.02; 609.346;"

Page 1, lines 7 and 8, delete "and 629.341, Subdivision 1;"

And when so amended H. F. No. 586 will be identical to S.F. No. 941, and further recommends that H. F. No. 586 be given its second reading and substituted for S. F. No. 941, 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. 571 and 698 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 616 and 586 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Humphrey moved that the name of Mr. Langseth be added as co-author to S. F. No. 1096. The motion prevailed.

S. F. No. 145 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 145

A bill for an act relating to crimes; authorizing notices of dishonored checks to be made by certified or regular mail and an affidavit of service by mailing; amending Minnesota Statutes 1980, Section 609.535, Subdivision 3.

April 29, 1981

The Honorable Jack Davies
President of the Senate

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 145, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 145 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 609.535, Subdivision 3, is amended to read:

Subd. 3. [PROOF OF INTENT.] Any of the following is evidence sufficient to sustain a finding that the person at the time he issued the check or other order for the payment of money, intended it should not be paid:

(1) Proof that, at the time of issuance, he did not have an account with the drawee; or

(2) Proof that, at the time of issuance, he did not have sufficient funds or credit with the drawee and that he failed to pay the check or other order within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision; or

(3) Proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that he failed to pay the check or other order within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision.

Notice of nonpayment or dishonor shall be sent by the payee or holder of the check to the maker or drawer by certified mail, return receipt requested, *or by regular mail, supported by an affidavit of service by mailing*, to the address ~~of record~~ *printed on the check*. Refusal by the maker or drawer of the check to accept certified mail notice *or failure to claim certified or regular mail notice* shall not constitute a defense that notice was not received.

The notice may state that unless the check is paid in full within five business days after mailing of the notice of non-payment or dishonor, the payee or holder of the check or other order for the payment of money will or may refer the matter to proper authorities for prosecution under this section.

An affidavit of service by mailing shall be retained by the payee or holder of the check.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1981, and applies to all crimes committed on or after that date.

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Mel Frederick, Myrton O. Wegener, Wayne Olhoft

House Conferees: (Signed) Randy C. Kelly, Paul McCarron, O.J. Heinitz

Mr. Wegener moved that the foregoing recommendations and Conference Committee Report on S. F. No. 145 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 145 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

Conference Committee.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson, D. L.	Stern
Bang	Engler	Lantry	Peterson, R. W.	Stokowski
Belanger	Frank	Lessard	Petty	Stumpf
Benson	Frederick	Lindgren	Pillsbury	Taylor
Berg	Frederickson	Luther	Purfeerst	Tennessee
Berglin	Hanson	Menning	Ramstad	Ulland
Bernhagen	Hughes	Merriam	Renneke	Vega
Bertram	Humphrey	Moe, R. D.	Rued	Waldorf
Brataas	Johnson	Nelson	Schmitz	Wegener
Chmielewski	Keefe	Olhoft	Setzepfandt	Willet
Dahl	Knoll	Pehler	Sikorski	
Davies	Kroening	Penny	Solon	
Davis	Kronebusch	Peterson, C. C.	Spear	

Mr. Dieterich voted in the negative.

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

MOTIONS AND RESOLUTIONS - CONTINUED

S. F. No. 121 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 121

A bill for an act relating to statutory cities and urban towns; permitting publication of summaries of ordinances prior to enactment; amending Minnesota Statutes 1980, Sections 368.01, Subdivision 21; and 412.191, Subdivision 4.

April 29, 1981

The Honorable Jack Davies
President of the Senate

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 121, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 121 be further amended as follows:

Page 1, line 16, delete "*complete text*" and insert "*title and a summary*"

Page 1, lines 16 and 17, delete "*is not worth the expense and that a summary*"

Page 1, line 19, delete "*unanimous*" and insert "*four-fifths*"

Page 1, line 19, after "*vote*" insert "*of its members*"

Page 1, line 20, after "*that*" insert "*a*" and delete "*copies*" and insert "*copy*"

Page 1, line 21, delete "are" and insert "is"

Page 1, line 21, delete "to" and insert "for inspection by"

Page 1, line 23, after the period insert "*A copy of the entire text of the ordinance shall be posted in the community library, if there is one, or if not, in any other public location which the council designates.*"

Page 1, line 26, after the period, insert "*The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published.*"

Page 2, line 16, delete "complete text" and insert "title and a summary"

Page 2, line 17, delete "is not worth the expense and that a summary"

Page 2, line 19, delete "unanimous" and insert "a four-fifths"

Page 2, line 19, after "vote" insert "of its members"

Page 2, line 21, after "that" insert "a" and delete "copies" and insert "copy"

Page 2, line 21, delete "are" and insert "is"

Page 2, line 21, delete "to" and insert "for inspection by"

Page 2, line 23, delete "council" and insert "town board"

Page 2, line 23, after the period, insert "*A copy of the entire text of the ordinance shall be posted in the community library, if there is one, or if not, in any other public location which the town board designates.*"

Page 2, line 26, after the period, insert "*The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published.*"

Amend the title as follows:

Page 1, line 2, after "to" insert "local government; permitting"

Page 1, lines 2 and 3, delete "; permitting publication of" and insert "to publish"

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Myrton O. Wegener, James C. Pehler, Dennis R. Frederickson

House Conferees: (Signed) John T. Clawson, Connie M. Levi

Mr. Wegener moved that the foregoing recommendations and Conference Committee Report on S. F. No. 121 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 121 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 59 and nays 4, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Peterson, D. L.	Spear
Bang	Engler	Langseth	Peterson, R. W.	Stern
Belanger	Frank	Lantry	Petty	Stokowski
Benson	Frederick	Lessard	Pillsbury	Stumpf
Berg	Frederickson	Lindgren	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Moe, R. D.	Renneke	Ulland
Brataas	Humphrey	Nelson	Rued	Vega
Dahl	Johnson	Olhoft	Schmitz	Waldorf
Davies	Keefe	Pehler	Setzepfandt	Wegener
Davis	Knoll	Penny	Sikorski	Willet
Dicklich	Kroening	Peterson, C. C.	Solon	

Ms. Berglin, Messrs. Chmielewski, Luther and Merriam voted in the negative.

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

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar. The motion prevailed.

CALENDAR

H. F. No. 276: A bill for an act relating to juveniles; prescribing the elements of a prima facie case for referring a child to adult court for criminal prosecution; amending Minnesota Statutes 1980, Section 260.125, Subdivision 3.

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:

Ashbach	Dicklich	Kronebusch	Peterson, C. C.	Spear
Bang	Dieterich	Langseth	Peterson, D. L.	Stern
Belanger	Engler	Lantry	Peterson, R. W.	Stokowski
Benson	Frank	Lessard	Petty	Stumpf
Berg	Frederick	Lindgren	Pillsbury	Taylor
Berglin	Frederickson	Luther	Purfeerst	Tennessen
Bernhagen	Hanson	Menning	Ramstad	Ulland
Bertram	Hughes	Merriam	Renneke	Vega
Brataas	Humphrey	Moe, R. D.	Rued	Waldorf
Chmielewski	Johnson	Nelson	Schmitz	Wegener
Dahl	Keefe	Olhoft	Setzepfandt	Willet
Davies	Knoll	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	

So the bill passed and its title was agreed to.

H. F. No. 6: A bill for an act relating to commerce; prohibiting the sale of certain petroleum products on any basis other than gross volume; amending Minnesota Statutes 1980, Section 296.05, by adding a subdivision.

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 58 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Stern
Bang	Dieterich	Langseth	Peterson, C.C.	Stokowski
Belanger	Engler	Lantry	Peterson, D.L.	Stumpf
Benson	Frank	Lessard	Pillsbury	Taylor
Berg	Frederick	Lindgren	Purfeerst	Tennessen
Berglin	Frederickson	Luther	Ramstad	Ulland
Bernhagen	Hanson	Menning	Renneke	Vega
Brataas	Hughes	Merriam	Schmitz	Waldorf
Chmielewski	Humphrey	Moe, R. D.	Setzepfandt	Wegener
Dahl	Johnson	Nelson	Sikorski	Willet
Davies	Keefe	Olhoft	Solon	
Davis	Kroening	Pehler	Spear	

Messrs. Peterson, R.W. and Petty voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1262: A bill for an act relating to the Coon Creek watershed district; authorizing an annual administrative levy by the district.

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:

Ashbach	Dicklich	Kronebusch	Peterson, C.C.	Spear
Bang	Dieterich	Langseth	Peterson, D.L.	Stern
Belanger	Engler	Lantry	Peterson, R.W.	Stokowski
Benson	Frank	Lessard	Petty	Stumpf
Berg	Frederick	Lindgren	Pillsbury	Taylor
Berglin	Frederickson	Luther	Purfeerst	Tennessen
Bernhagen	Hanson	Menning	Ramstad	Ulland
Bertram	Hughes	Merriam	Renneke	Vega
Brataas	Humphrey	Moe, R. D.	Rued	Waldorf
Chmielewski	Johnson	Nelson	Schmitz	Wegener
Dahl	Keefe	Olhoft	Setzepfandt	Willet
Davies	Knoll	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

S. F. No. 1018: A bill for an act relating to taxation; eliminating unnecessary language concerning a property tax exemption for cheese; amending Minnesota Statutes 1980, Sections 272.02, Subdivision 1; 273.115, Subdivisions 1, 2, and 3; and 273.116, Subdivisions 1 and 2.

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 59 and nays 5, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Solon
Bang	Engler	Langseth	Peterson, D. L.	Spear
Belanger	Frank	Lantry	Peterson, R. W.	Stern
Benson	Frederick	Lessard	Petty	Stokowski
Berg	Frederickson	Lindgren	Pillsbury	Stumpf
Berglin	Hanson	Luther	Purfeerst	Taylor
Bernhagen	Hughes	Merriam	Ramstad	Tennesen
Brataas	Humphrey	Moe, D. M.	Renneke	Ulland
Dahl	Keefe	Moe, R. D.	Rued	Vega
Davies	Knoll	Nelson	Schmitz	Waldorf
Davis	Knutson	Olhoft	Setzepfandt	Wegener
Dicklich	Kroening	Pehler	Sikorski	

Those who voted in the negative were:

Bertram	Chmielewski	Johnson	Peterson, C. C.	Willet
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So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R. D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Wegener, Ulland, Lessard, Rued and Solon introduced—

S.F. No. 1408: A bill for an act relating to public utilities; prohibiting city jurisdiction over securities or indebtedness of a utility; amending Minnesota Statutes 1980, Sections 216B.36; and 216B.49, Subdivision 5.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Wegener introduced—

S.F. No. 1409: A bill for an act relating to education; providing state aid to school district programs for handicapped children; amending Minnesota Statutes 1980, Section 124.32, Subdivision 1.

Referred to the Committee on Education.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Sikorski moved that the following members be excused for a Conference Committee on H. F. No. 1446 at 2:00 p.m.

Messrs. Sikorski, Knutson, Spear, Solon and Ms. Berglin. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R. D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

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

After some time spent therein, the committee arose, and Mr. Langseth

reported that the committee had considered the following:

S. F. No. 636, which the committee recommends to pass.

S. F. No. 897, which the committee recommends be returned to the Committee on Commerce.

H. F. No. 691, which the committee recommends to pass with the following amendment offered by Mrs. Brataas:

Strike the amendment made to H. F. No. 691 by the Committee on Rules and Administration in the report adopted May 1, 1981, pursuant to Rule 49, and strike the Brataas amendment and the Sieloff amendment adopted by the Senate May 5, 1981. Further, amend H. F. No. 691 as follows:

Page 1, line 15, delete "*registered professional*"

Page 1, delete line 16

Page 1, line 17, delete "*promulgated by the supreme court,*" and insert "*competent stenographer*"

Page 2, line 5, delete "*registered professional reporter, or a court*"

Page 2, delete line 6

Page 2, line 7, delete "*supreme court,*" and insert "*competent stenographer*"

Page 2, line 26, delete "*registered*"

Page 2, line 27, delete the new language and strike "*reporter*"

Page 2, line 28, delete everything before "*shall*" and insert "*competent stenographer*"

The motion prevailed. So the amendment was adopted.

S. F. No. 568, which the committee recommends to pass after the following motions:

Mr. Spear moved to amend S. F. No. 568 as follows:

Page 2, after line 20, insert:

"*The borrower may not be charged costs connected with the renewal of the loan.*"

Page 3, line 14, after the semicolon, insert "*and*"

Page 3, line 16, delete "*; and (d) an estimate of the possible costs of*" and insert a period

Page 3, delete line 17

The motion prevailed. So the amendment was adopted.

Mr. Kroening moved to amend S. F. No. 568 as follows:

Page 2, line 13, delete "*30*" and insert "*60*"

Page 3, line 18, delete "*Thirty*" and insert "*Sixty*"

The motion prevailed. So the amendment was adopted.

Mr. Kroening then moved to amend S.F. No. 568 as follows:

Page 2, line 12, delete "will" and insert "shall"

Page 2, line 12, after "be" insert "no greater than"

The motion prevailed. So the amendment was adopted.

Mr. Frank moved to amend S.F. No. 568 as follows:

Page 2, line 17, delete "or decrease"

The motion prevailed. So the amendment was adopted.

Mr. Vega moved to amend S.F. No. 568 as follows:

Page 1, line 25, delete "three to five" and insert "ten"

Page 2, line 2, delete "three to five" and insert "ten"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 29, as follows:

Those who voted in the affirmative were:

Berglin	Hughes	Lantry	Olhoft	Vega
Dicklich	Humphrey	Lessard	Spear	Waldorf
Dieterich	Johnson	Luther	Stokowski	Willet
Frank	Kroening	Menning	Stumpf	

Those who voted in the negative were:

Bang	Davies	Langseth	Peterson, R.W.	Stern
Belanger	Davis	Lindgren	Petty	Taylor
Benson	Frederick	Merriam	Pillsbury	Tennessen
Berg	Frederickson	Pehler	Ramstad	Ulland
Bernhagen	Keefe	Peterson, C.C.	Schmitz	Wegener
Brataas	Kronebusch	Peterson, D.L.	Solon	

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

Mr. Peterson, C.C. moved to amend S.F. No. 568 as follows:

Page 3, delete subdivision 4

Renumber the subdivisions in sequence

The motion prevailed. So the amendment was adopted.

H. F. No. 131, which the committee recommends to pass after the following motions:

Mr. Hanson moved to amend H. F. No. 131, as amended pursuant to Rule 49, adopted by the Senate April 8, 1981, as follows:

(The text of the amended House File is identical to S. F. No. 154.)

Page 1, line 21, after "(a)" insert "and that 15 days have elapsed since the mailing of the notice required by subdivision 3"

Page 2, line 30, delete "receipt" and insert "mailing"

Page 3, line 6, delete "intentionally"

The motion prevailed. So the amendment was adopted.

Mr. Tennessen moved to amend H. F. No. 131, as amended pursuant to Rule 49, adopted by the Senate April 8, 1981, as follows:

(The text of the amended House File is identical to S. F. No. 154.)

Page 1, line 17, after "releasing" insert "upon written request"

Page 1, line 21, after "(a)" insert ", and has complied with the requirements of subdivision 8,"

Page 2, line 26, after "[NOTICE.]" insert "(a) The provisions of subdivision 6 shall not apply unless the following requirements have been satisfied:

(1) There is reason to believe that the records sought are relevant to a legitimate law enforcement inquiry into a violation of this section or section 609.52, subdivision 2, clause (3) (a);

(2) A copy of the request has been served upon the drawer or mailed to his last known address on or before the date on which the request was served on the drawee together with the following notice which shall state with reasonable specificity the nature of the law enforcement inquiry:

"Records or information concerning your transactions held by the financial institution named in the attached request are being sought by this (authority) for the following purpose: (.....). If you desire that the records or information not be made available, you must:

1. Fill out the accompanying motion paper and sworn statement or write one of your own, stating that you are the drawer whose records are being requested and either giving the reasons you believe that the records are not relevant to the legitimate law enforcement inquiry stated in this notice or any other legal basis for objecting to the release of the records.

2. File the motion and statement by mailing or delivering them to the clerk of any one of the following district courts: (.....).

3. Serve the authority requesting the records by mailing or delivering a copy of your motion and statement to (.....).

4. Be prepared to come to court and present your position in further detail.

5. You do not need to have a lawyer, although you may wish to employ one to represent you and protect your rights.

If you do not follow the above procedures, upon the expiration of 15 business days from the date of service or mailing of this notice, the records or information requested therein will be made available. These records may be transferred to other government authorities for legitimate law enforcement inquiries, in which event you will be notified after the transfer."; and

(3) Fifteen business days have expired from the date of service of the notice or mailing of the notice to the drawer and within that time period the drawer has not filed a sworn statement and motion to quash in an appropriate court, or a final order of a court of appropriate jurisdiction has been entered in favor of the authority requesting the records.

A drawee shall not release the records of a drawer until the authority seeking the records certifies in writing to the drawee that it has complied with the provisions of this paragraph.

(b)"

Page 2, line 26, delete "subdivisions 6 and" and insert " subdivision"

Page 2, line 30, delete "*receipt*" and insert "*mailing*".

Page 3, line 6, delete "*intentionally*".

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 15 and nays 37, as follows:

Those who voted in the affirmative were:

Benson	Dicklich	Knoll	Moe, R. D.	Stern
Berglin	Dieterich	Merriam	Peterson, R. W.	Tennessen
Davies	Keefe	Moe, D. M.	Petty	Vega

Those who voted in the negative were:

Ashbach	Engler	Langseth	Peterson, C. C.	Stokowski
Berg	Frank	Lantry	Purfeerst	Taylor
Bernhagen	Frederick	Lessard	Ramstad	Ulland
Bertram	Frederickson	Lindgren	Renneke	Waldorf
Brataas	Hanson	Luther	Rued	Willet
Chmielewski	Hughes	Menning	Schmitz	
Dahl	Humphrey	Olhoff	Setzepfandt	
Davis	Johnson	Penny	Sikorski	

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

Mr. Merriam moved to amend H. F. No. 131, as amended pursuant to Rule 49, adopted by the Senate April 8, 1981, as follows:

(The text of the amended House File is identical to S. F. No. 154.)

Page 3, delete section 4

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 8

The motion prevailed. So the amendment was adopted.

H. F. No. 604, which the committee recommends to pass with the following amendment offered by Mrs. Stokowski:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1981, Chapter 29, Article IV, Section 19, is amended to read:

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;
or

(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 3. [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 4. [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.

Subd. 5. [TIME OFF FROM WORK TO SERVE AS ELECTION JUDGE.] Every individual who is selected to serve as an election judge pursuant to Article IV, Section 21, Subdivision 2 is entitled, after giving his employer at least ten days' written notice, to absent himself from his place of work for the purpose of serving as an election judge. No employer shall penalize an employee for such absence other than a deduction in salary for the time he absented himself from his place of employment.

Sec. 2. Laws 1981, Chapter 29, Article IV, Section 31, is amended to read:

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 43.327, Subdivision 4 3 ;

(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 an amount allowed for state employees in accordance with rules adopted set by the county board~~ pursuant to Minnesota Statutes, Section 471.665, Subdivision 1;

(c) To members of county canvassing boards, a sum not less than the prevailing Minnesota minimum wage for each hour necessarily spent and an amount for each mile of necessary travel ~~equal to the amount allowed for state employees set by the county board~~ pursuant to Minnesota Statutes, Section 471.665, Subdivision 1;

(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. Election judges ~~in towns and unorganized territory~~ shall receive at least the prevailing Minnesota minimum wage for each hour spent carrying out their duties at the polling places ~~and in attending training sessions required by Article IV, Section 25, Subdivision 1~~. 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 an amount as allowed for state employees pursuant to section 471.665, subdivision 1 to be set by the governing body or town board that sets the compensation of the election judge; 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."

Amend the title as follows:

Page 1, line 5, delete everything after "amending"

Page 1, line 6, delete "and 204A.23" and insert "Laws 1981, Chapter 29, Article IV, Sections 19 and 31"

The motion prevailed. So the amendment was adopted.

H. F. No. 678, which the committee reports progress, subject to the following motions:

Mr. Schmitz moved to amend H.F. No. 678 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 201.071, Subdivision 1, as amended by Laws 1981, Chapter 29, Article II, Section 9, Subdivision 1, is amended to read:

Subdivision 1. [FORM.] Registration cards shall be of suitable size and weight for mailing, and shall contain the following information in substantially the following form:

VOTER REGISTRATION CARD

(Please print or type)

Date:

1. Name:
Last First Middle Initial2. Address:
Street or Route No......
City (or Township) County Zip

3. Telephone Number:

4. Date of birth (optional):

5. Last registration if any
Street or Route Number.....
City (or Township) Zip

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

.....
Signature of Voter

Sec. 2. Laws 1981, Chapter 29, Article III, Section 4, Subdivision 1, is amended to read:

[203B.04] [APPLICATION FOR BALLOTS.]

Subdivision 1. [APPLICATION PROCEDURES.] 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~~ ~~not~~ 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.

Sec. 3. Laws 1981, Chapter 29, Article IV, Section 12, Subdivision 1, is amended to read:

[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~~ three days after the last day for filing for the office.

Sec. 4. Laws 1981, Chapter 29, Article IV, Section 19, Subdivision 1, is amended to read:

[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. If the files of the appointing authority do not contain sufficient voters within a precinct who are qualified and willing to serve as election judges, election judges may be appointed who reside in another precinct in the same municipality. If there are not sufficient voters within the municipality who are qualified and willing to serve as election judges, election judges may be appointed who reside in the county where the precinct is located.~~

Sec. 5. Laws 1981, Chapter 29, Article IV, Section 21, Subdivision 1, is amended to read:

[204B.21] [APPOINTMENT OF ELECTION JUDGES.]

Subdivision 1. [APPOINTMENT LISTS; DUTIES OF POLITICAL PARTIES AND COUNTY AUDITOR.] ~~At least 65 days before any~~ On July 1 in a year in which there is an 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,~~ By July 15 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. 6. Laws 1981, Chapter 29, Article IV, Section 27, Subdivision 1, is amended to read:

[204B.27] [DUTIES OF SECRETARY OF STATE.]

Subdivision 1. [BLANK FORMS.] At least 45 25 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.

Sec. 7. Laws 1981, Chapter 29, Article IV, Section 34, Subdivision 1, is amended to read:

[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. *An optional provision of the notice may include municipal officers to be nominated or elected.* 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.

Sec. 8. Laws 1981, Chapter 29, Article IV, Section 35, Subdivision 4, is amended to read:

Subd. 4. [ABSENTEE BALLOTS; PREPARATION; DELIVERY.] Ballots necessary to fill applications of absentee voters shall be prepared and delivered at least ~~15~~ 20 days before the election to the officials who administer the provisions of Article III.

Sec. 9. Laws 1981, Chapter 29, Article V, Section 32, Subdivision 2, is amended to read:

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~~ *Two days after the canvassing board declares the results,* 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. 10. Laws 1981, Chapter 29, Article V, Section 33, Subdivision 2, is amended to read:

Subd. 2. [COUNTY CANVASSING BOARD REPORTS; PUBLIC AVAILABILITY.] ~~Upon payment of a \$1 fee,~~ The county auditor of each county shall provide a certified copy of the county canvassing board report to anyone who requests it ~~upon payment of costs of reproduction actually incurred by the auditor's office.~~ *The auditor shall not take into account the general office expenses or other expenses.*

Sec. 11. Laws 1981, Chapter 29, Article VI, Section 6, is amended to read:

[204D.06] [CERTIFICATION OF NAMES BY SECRETARY OF STATE.]

At least ~~32~~ 42 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. 12. Laws 1981, Chapter 29, Article VI, Section 11, Subdivision 1, is amended to read:

[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.

Sec. 13. Laws 1981, Chapter 29, Article VI, Section 11, Subdivision 5, is amended to read:

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~~ Ballot of Nonpartisan Candidates".

Sec. 14. Laws 1981, Chapter 29, Article VI, Section 14, is amended to read:

[204D.14] [WHITE AND CANARY BALLOTS; NONPARTISAN OFFICES.]

Subdivision 1. [ROTATION OF NAMES.] The names of candidates for nonpartisan offices on the ~~white and canary ballots~~ ballot shall be rotated in the manner provided for rotation of names on state partisan primary ballots by Article VI, Section 8, Subdivision 3.

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. Laws 1981, Chapter 29, Article VI, Section 15, Subdivision 2, is amended to read:

Subd. 2. [DISTRIBUTION.] The pink ballot shall be provided in groups of 50. At least 45 25 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.

Sec. 16. Minnesota Statutes 1980, Section 205.03, Subdivision 1, as amended by Laws 1981, Chapter 29, Article VII, Section 7, Subdivision 1, is amended to read:

205.03 [HOURS FOR VOTING.]

Subdivision 1. [CITIES.] In all statutory and home rule charter city elections the 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 polling places will remain open for voting at the next succeeding and all subsequent city elections, until the resolution is revoked. *Cities referred to in this subdivision shall make certification of election hours to the county auditor upon adoption of the resolution giving notice of election.*

Sec. 17. Minnesota Statutes 1980, Section 205.03, Subdivision 3, as amended by Laws 1981, Chapter 29, Article VII, Section 7, Subdivision 3, is amended to read:

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, in no event less than three hours, during which the polling places will remain open for voting at the next succeeding and all subsequent town elections. The resolution shall remain in force until revoked by the town board. *Towns referred to in this subdivision shall make certification of the election hours to the county auditor in January of each year.*

Sec. 18. Minnesota Statutes 1980, Section 209.02, Subdivision 4, is amended to read:

Subd. 4. [NOTICE OF CONTEST, HOW SERVED.] Service of the notice of contest shall be made in the same manner as provided for the service of summons in civil actions. In all cases ~~two copies~~ *one copy* of the notice shall be furnished the official authorized to issue the certificate of election at the time of service upon him, and ~~the official shall send~~ *one copy thereof shall be served* by certified mail ~~to on~~ the contestee at his last known address. ~~If the sheriff is unable to make personal or substituted service upon the contestee, then the affidavit of the sheriff to that effect and the affidavit of the official authorized to issue the certificate of election that he sent a copy to the contestee by certified mail to his last known address shall be sufficient to confer jurisdiction upon the proper court to hear and determine the contest.~~

Sec. 19. [REPEALER.]

Laws 1981, Chapter 29, Article II, Section 11, Subdivision 6 and Laws 1981, Chapter 29, Article IV, Section 12, Subdivision 2, are repealed.

Amend the title as follows:

Page 1, delete lines 4 to 12 and insert:

"Minnesota Statutes 1980, Sections 201.071, Subdivision 1, as amended; 205.03, Subdivisions 1 and 3, as amended; 209.02, Subdivision 4; Laws 1981, Chapter 29, Article III, Section 4, Subdivision 1; Article IV, Sections 12, Subdivision 1; 19, Subdivision 1; 21, Subdivision 1; 27, Subdivision 1; 34, Subdivision 1; 35, Subdivision 4; Article V, Sections 32, Subdivision 2; 33, Subdivision 2; Article VI, Sections 6; 11, Subdivisions 1 and 5; 14; and 15, Subdivision 2; repealing Laws 1981, Chapter 29, Article II, Section 11, Subdivision 6; and Article IV, Section 12, Subdivision 2."

The motion prevailed. So the amendment was adopted.

Mr. Belanger moved to amend the Schmitz amendment to H. F. No. 678, adopted by the Senate May 7, 1981, as follows:

Page 8, after line 5, insert:

"Sec. 19. [CITIES OF BLOOMINGTON AND ST. LOUIS PARK; ELECTRONIC VOTING SYSTEM MAY BE USED.]

An electronic voting system approved and authorized for use pursuant to Minnesota Statutes, Chapter 206 may be used by the cities of Bloomington and St. Louis Park for absentee voting subject to the provisions of sections 19 to 23. Except as provided in sections 19 to 23, the provisions of Laws 1981, Chapter 29, Article III, shall apply to electronic voting systems used for absentee voting.

Sec. 20. [REQUIREMENTS OF SYSTEM.]

An electronic voting system used for absentee voting by the cities of Bloomington and St. Louis Park shall permit the voter to change or retract any vote which he has marked or indicated on the ballot.

Sec. 21. [MATERIALS SENT TO VOTER.]

When absentee voting is by ballot card, the ballot card sent or delivered to the voter shall be accompanied by a punching tool, voter instructions and a specimen ballot showing the positions of each candidate or question on the ballot card. The ballot card shall be mounted on material suitable to receive the punched out chips.

Sec. 22. [CHANGES OR RETRACTIONS ON CARD.]

When the election judges in a precinct using an electronic voting system remove a ballot card from a received ballot envelope they shall examine the ballot card for any damage to the card or any change or retraction of a mark or indication on the card. If the ballot card is damaged or contains a change or retraction the election judges shall prepare a duplicate card and substitute it for the original card. The original card shall be returned to the county auditor or municipal clerk with the spoiled ballots.

Sec. 23. [SECRETARY OF STATE TO MAKE RULES.]

The secretary of state may adopt temporary rules as provided in chapter 15 for the purpose of specifying forms and procedures required by sections 19 to 22.

Sec. 24. [EFFECTIVE DATE.]

Sections 19 to 23 of this act are effective for the cities of Bloomington and St. Louis Park the day after compliance by the governing body of each city with Minnesota Statutes, Section 645.021, Subdivision 3. The authority granted to the cities of Bloomington and St. Louis Park by sections 19 to 23 is repealed on December 31, 1982."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon insert "authorizing the cities of Bloomington and St. Louis Park to use electronic voting systems for absentee voting;"

The motion prevailed. So the amendment to the amendment was adopted.

Ms. Berglin moved to amend the Schmitz amendment to H. F. No. 678, adopted by the Senate May 7, 1981, as follows:

Page 8, after line 5, insert:

"Sec. 19. Laws 1981, Chapter 29, Article III, Section 2, Subdivision 1, is amended to read:

Subdivision 1. [UNABLE TO GO TO POLLING PLACE.] Any eligible voter who is reasonably anticipates he will be 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 dis-

cipline, 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."

Renumber the sections in sequence

Amend the title amendment as follows:

Page 8, line 16, after "III," insert "Section 2, Subdivision 1;"

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Pillsbury moved to amend the Schmitz amendment to H. F. No. 678, adopted by the Senate May 7, 1981, as follows:

Page 1, after line 20, insert:

"Month.....Day.....Year (optional)....."

The motion prevailed. So the amendment to the amendment was adopted.

H. F. No. 678 was then progressed.

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Nelson moved that the following members be excused for a Conference Committee on H. F. No. 1421:

Messrs. Nelson, Willet, Penny, Tennessen and Keefe. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 7:30 p.m. The motion prevailed.

The hour of 7:30 p.m. having arrived, the President called the Senate to order.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 209, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 209: A bill for an act relating to gambling devices; clarifying definitions of gambling devices; authorizing an additional gambling device; authorizing certain payments for operation of gambling devices; changing

prize limitations; changing the penalty provision for violation; amending Minnesota Statutes 1980, Sections 349.26, Subdivisions 2, 4, 5, 12, 13, 14 and 15, and by adding a subdivision; 349.30, Subdivision 2; and 349.31, Subdivision 1.

Senate File No. 209 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 7, 1981

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 70.

H. F. No. 70: A bill for an act relating to education; providing for aids to education, aids to libraries, tax levies and the distribution of tax revenues; granting certain powers and duties to school districts, the state board of education and others; replacing AVTI capital expenditure aid with AVTI equipment aid and AVTI repair and betterment aid; requiring a legislative study of curriculum implications of secondary vocational education aid; providing a new aid and levy authorization for certain capital expenditures; changing the preschool screening program from mandatory to optional; limiting participation in teacher mobility programs; decreasing the state's obligations and changing eligibility standards for the maximum effort school aid program; appropriating money; amending Minnesota Statutes 1980, Sections 3.9278, Subdivision 1; 3.9279, Subdivisions 10 and 12; 120.17, Subdivisions 3, 3b, 4, 5a, 6, 7 and by adding a subdivision; 121.904, Subdivision 7; 121.906, Subdivisions 2 and 3; 121.912, Subdivision 1; 122.22, Subdivisions 3, 4, 5, 8, 9, 11, 13, 14, 20 and by adding a subdivision; 123.35, Subdivision 15; 123.36, Subdivision 13; 123.39, Subdivision 1 and by adding a subdivision; 123.702, Subdivision 1; 123.703, Subdivision 3; 123.705; 123.937; 124.01, Subdivisions 2, 3, 4 and by adding a subdivision; 124.11, Subdivisions 1, 2a, 2b, 2c and by adding a subdivision; 124.14, Subdivisions 3, 4 and by adding a subdivision; 124.17, Subdivisions 2, 2c and by adding a subdivision; 124.20; 124.212, Subdivisions 1, 5a, 7d, 8a, 9a and by adding a subdivision; 124.223; 124.225, Subdivisions 1, 1a, 2, 3, 4a, 5, 6, 7a, 8a, 8b, 9, 11 and by adding a subdivision; 124.245, Subdivisions 1, 2 and by adding a subdivision; 124.247, Subdivisions 3 and 5; 124.26, Subdivisions 3, 4 and by adding subdivisions; 124.271, Subdivision 2; 124.32, Subdivisions 1a, 1b, 6, 9 and by adding a subdivision; 124.38, Subdivision 7; 124.39, Subdivision 5; 124.40, Subdivision 2; 124.41; 124.42, Subdivisions 1 and 2; 124.43, Subdivisions 1, 2, 3, 4 and 5; 124.474; 124.476; 124.561, Subdivisions 2a, 3a and by adding subdivisions; 124.562, by adding a subdivision; 124.5621, Subdivisions 2, 5, 6 and 12; 124.5622, Subdivisions 3, 4 and 5; 124.5623, Subdivisions 3, 4 and 5; 124.5624; 124.565, Subdivisions 3, 4, 6 and 7; 124.566; 124.572, Subdivision 8 and by adding subdivisions; 124.573, Subdivisions 2, 3a, 5 and by adding a subdivision; 124.574, Subdivisions 2 and 4; 124.646, Subdivision 1; 125.60, Subdivisions 2a and 7; 125.611, Subdivisions 1, 3, 5, 8, 9 and 10; 126.54, Subdivision 1; 134.35, Subdivision 1; 134.351, Subdivision 5 and by adding subdivisions; 134.36; 275.125, Subdivisions 2a, 2c, 6b, 6c, 7a, 7b, 8, 11a and by adding subdivisions; 298.28, Subdivision 1; 354.094, Subdivisions 1, 2, 3 and by adding a subdivision; 354.66, Subdivision 9; 354A.091, Subdivisions 1, 2, 3 and by adding a subdivision; 354A.094, Subdivision 9;

375.335, Subdivision 4 and by adding subdivisions; Laws 1967, Chapter 822, Section 1, as amended; proposing new law coded in Minnesota Statutes, Chapters 120; and 124; repealing Minnesota Statutes 1980, Sections 3.9279, Subdivision 13; 120.17, Subdivision 3c; 122.22, Subdivisions 10, 12, 15 and 16; 123.40, Subdivision 5; 124.212, Subdivisions 6c and 7c; 124.225, Subdivisions 4, 7 and 8; 124.271, Subdivision 1a; 124.561, Subdivision 4; 124.562, Subdivisions 3 and 4; 124.571; 126.268, Subdivision 1; 126.52, Subdivision 12; 275.125, Subdivisions 2b and 14.

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

McEachern; Johnson, C.; Nelson, K.; Levi and Jennings have been appointed as such committee on the part of the House.

House File No. 70 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 May 7, 1981

Mr. Dieterich moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 70, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 473.

H. F. No. 473: A bill for an act relating to energy; establishing rates and conditions of service for cogenerators and small power producers; proposing new law coded in Minnesota Statutes, Chapter 216B.

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

Hauge, Otis and Sviggum have been appointed as such committee on the part of the House.

House File No. 473 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 May 7, 1981

Mr. Dahl moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 473, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concur-

rence of the Senate is respectfully requested:

S. F. No. 1058: A bill for an act relating to elections; authorizing the validation of absentee ballots by judges of absentee ballot precincts; providing for notice to election judges in an absentee ballot precinct; amending Minnesota Statutes 1980, Sections 207.09, Subdivision 2; 207.11, Subdivisions 1 and 5; and 207.30, Subdivision 3, and by adding a subdivision.

Senate File No. 1058 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 7, 1981

CONCURRENCE AND REPASSAGE

Mr. Belanger moved that the Senate concur in the amendments by the House to S. F. No. 1058 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1058: A bill for an act relating to elections; authorizing the validation of absentee ballots by judges of absentee ballot precincts; providing for notice to election judges in an absentee ballot precinct; amending Laws 181, Chapter 29, Article III, Sections 10; 12; and 13.

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:

Ashbach	Davies	Langseth	Pehler	Setzepfandt
Bang	Dieterich	Lantry	Penny	Sieloff
Belanger	Engler	Lessard	Peterson, C. C.	Sikorski
Benson	Frank	Lindgren	Peterson, R. W.	Spear
Berg	Frederickson	Luther	Petty	Stern
Berglin	Hanson	Menning	Pillsbury	Stokowski
Bernhagen	Hughes	Merriam	Purfeerst	Stumpf
Bertram	Johnson	Moe, D. M.	Ramstad	Taylor
Brataas	Keefe	Moe, R. D.	Renneke	Tennessee
Chmielewski	Kroening	Nelson	Rued	Ulland
Dahl	Kronebusch	Olhoft	Schmitz	Waldorf

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

RECESS

Mr. Moe, R. D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R. D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S. F. No. 665: Messrs. Penny, Sikorski and Keefe.

S. F. No. 445: Messrs. Tennessen, Davies and Stumpf.

H. F. No. 98: Messrs. Humphrey, Waldorf and Bernhagen.

H. F. No. 407: Messrs. Stern, Bang and Davies.

H. F. No. 912: Messrs. Hanson, Peterson, R. W. and Davies.

H. F. No. 1446: Mr. Tennessen, replacing Ms. Berglin.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

RECESS

Mr. Moe, R. D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H. F. No. 126: Messrs. Menning, Setzepfandt and Berg.

H. F. No. 829: Messrs. Frank, Merriam and Mrs. Stokowski.

H. F. No. 182: Messrs. Peterson, C. C.; Bang and Tennessen.

H. F. No. 473: Messrs. Dahl, Dicklich and Taylor.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R. D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

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

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

S. F. Nos. 440, 28, 855, 960, 1187, 177, 1040 and H. F. Nos. 936, 774, 615, 25 and 619, which the committee recommends to pass.

S. F. No. 446, which the committee recommends to pass with the following amendment offered by Mr. Spear:

Page 2, after line 17, insert:

"Sec. 2. Minnesota Statutes 1980, Section 3.855, Subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] There is created the legislative com-

mission on employee relations. The commission shall consist of six members of the senate and six members of the house of representatives. The senate members shall include the leader of the majority caucus of the senate, the leader of the minority caucus of the senate, ~~the chairman of the governmental operations committee, the chairman of the finance committee, the chairman of the committee on taxes and tax laws~~ *three members designated by the leader of the majority caucus*, and an additional member designated by the leader of the minority caucus. The house members shall include the speaker, the leader of the minority caucus of the house, ~~the chairman of the governmental operations committee, the chairman of the appropriations committee, the chairman of the taxes committee~~ *three members designated by the speaker*, and an additional member designated by the leader of the minority caucus. In the event that the membership of the house is evenly divided, the house members shall be selected pursuant to the rules of the house. Any member of the commission may resign by providing notice to the chairman. In the event of a resignation by a member of the: (1) senate, a replacement shall be selected from among the members of the senate by the committee on rules; (2) house, a replacement shall be selected from among the members of the house pursuant to house rules. The commission shall elect its own officers who shall serve for terms of two years. The chairmanship of the commission shall alternate between a member of the senate and a member of the house."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the final semicolon insert "3.855, Subdivision 1;"

The motion prevailed. So the amendment was adopted.

H. F. No. 1160, which the committee recommends to pass with the following amendment offered by Mr. Bertram:

Amend H. F. No. 1160, as amended pursuant to Rule 49, adopted by the Senate May 6, 1981, as follows:

(The text of the amended House File is identical to S. F. No. 1302.)

Pages 1 and 2, delete section 1

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 7, delete "82.18;"

The motion prevailed. So the amendment was adopted.

S. F. No. 728, which the committee recommends to pass, after the following motion:

Mr. Tennessen moved to amend S. F. No. 728 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 47.52, is amended to read:
47.52 [AUTHORIZATION.]

(a) With the prior approval of the commissioner, any bank doing business in this state may establish and maintain not more than two detached facilities provided the facilities are located within the municipality in which the principal office of the applicant bank is located; or within 5,000 feet of its principal office measured in a straight line from the closest points of the closest structures involved; or within ~~25~~ 35 miles of its principal office measured in a straight line from the closest points of the closest structures involved, if the detached facility is within any municipality in which no bank is located at the time of application or if the detached facility is in a municipality having a population of more than ~~40,000~~ 5,000, according to the last previous United States census, or if the detached facility is located in a municipality having a population of ~~40,000~~ 5,000 or less and all the banks having a principal office in the municipality have consented in writing to the establishment of the facility.

(b) A detached facility shall not be closer than 50 feet to a detached facility operated by any other bank and shall not be closer than 100 feet to the principal office of any other bank; the measurement to be made in the same manner as provided above. This clause shall not be applicable if the proximity to the facility or the bank is waived in writing by the other bank and filed with the application to establish a detached facility.

(c) Any bank is allowed, in addition to other facilities, one drive-in or walk-up facility located between 150 to 1,500 feet of the main banking house or a detached facility if the commissioner determines that such site of the main banking house or detached facility is so physically limited as to preclude the addition of a drive-in or walk-up facility. The drive-in or walk-up facility permitted by this clause is subject to clause (b) and section 47.53.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on the day following final enactment."

Delete the title and insert:

"A bill for an act relating to financial institutions; modifying the criteria for establishment of detached banking facilities; amending Minnesota Statutes 1980, Section 47.52."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 11 and nays 45, as follows:

Those who voted in the affirmative were:

Bang	Davies	Merriam	Petty	Stumpf
Belanger	Lindgren	Peterson, R. W.	Spear	Tennessee
Brataas				

Those who voted in the negative were:

Ashbach	Engler	Kronebusch	Pehler	Sieloff
Benson	Frank	Langseth	Penny	Sikorski
Berg	Frederick	Lantry	Peterson, C. C.	Stern
Berglin	Frederickson	Lessard	Peterson, D. L.	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Ulland
Bertram	Hughes	Menning	Purfeerst	Vega
Chmielewski	Johnson	Moe, D. M.	Renneke	Waldorf
Dicklich	Keefe	Moe, R. D.	Schmitz	Wegener
Dieterich	Kroening	Olhoft	Setzepfandt	Willet

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

H. F. No. 353, which the committee reports progress, subject to the following motion:

Mr. Luther moved to amend H.F. No. 353, the unofficial engrossment, as follows:

Page 1, line 13, after "*facility*" insert "*and its appurtenances*"

Page 1, line 21, delete everything after "*be*"

Page 1, line 22, delete "*operation*" established as of

Page 2, line 1, delete "*Minnesota Statutes,*"

Page 2, line 3, delete "*or its appurtenances*"

Page 2, line 4, delete "*is not and*"

Page 2, lines 9 and 10, delete "*or its appurtenances*"

Page 2, line 18, after "*before*" insert "*or after*"

The motion prevailed. So the amendment was adopted.

H. F. No. 353 was then progressed.

H. F. No. 321, which the committee recommends to pass with the following amendment offered by Mr. Stumpf:

Amend H. F. No. 321, the unofficial engrossment, as follows:

Page 1, delete line 9

Page 1, line 11, delete "*issue*" and insert "*by ordinance authorize any holder of*"

Page 1, line 12, delete "*for*" and insert "*issued by the city to dispense intoxicating liquor at any event of definite duration on*"

Page 1, line 12, delete "*The*"

Page 1, delete lines 13 to 16

Page 1, line 17, delete "*organization or corporation.*"

Page 1, line 20, delete everything after the period and insert "*The licensee must be engaged to dispense intoxicating liquor at the event held by a person or organization permitted to use the premises and may dispense intoxicating liquor only to persons attending the event.*"

Page 1, delete lines 21 to 25

Page 2, line 1, delete "*the liquor.*"

Page 2, line 1, delete "*license issued under this act*" and insert "*licensee's authority*"

Page 2, line 2, delete "*license*" and insert "*authority to dispense intoxicating liquor*"

Page 2, line 2, delete "*issued*" and insert "*granted*"

Page 2, line 5, delete "*It shall limit the sale of*" and insert "*The dispensing of intoxicating liquor shall be subject to all laws and ordinances governing the*"

dispensing of intoxicating liquor as are not inconsistent herewith. All dispensing of intoxicating liquor shall be in accordance with terms and conditions prescribed by the municipality, and those terms and conditions may limit the dispensing of intoxicating liquor to designated areas of the facility. The municipality may fix and assess a fee to be paid to the municipality by an on-sale licensee for each event for which the licensee is engaged to dispense intoxicating liquor. The authority granted by this subdivision shall not be construed as counting as an additional on-sale intoxicating liquor license for purposes of determining the number of liquor licenses permitted to be issued under the provisions of section 340.11."

Page 2, delete lines 6 to 13

Amend the title as follows:

Page 1, line 3, delete "issuance of a license for the sale" and insert "city of St. Paul to permit the dispensing"

The motion prevailed. So the amendment was adopted.

H. F. No. 487, which the committee recommends to pass with the following amendment offered by Mr. Stumpf:

Strike the amendment made to H. F. No. 487 by the Committee on Rules and Administration in the report adopted April 8, 1981, pursuant to Rule 49, and further amend as follows:

Page 1, after line 8, insert:

"Section 1. Laws 1974, Chapter 435, Article 3, Section 3.11, is amended to read:

Sec. 3.11. [ABSTRACT CLERK.]

(a) *Subdivision 1.* [TERM.] In Ramsey county an abstract clerk shall be elected at the general election for county officers and his term of office is for four years and until his successor is elected and qualified.

(b) *Subd. 2.* [DUTIES.] (4) The abstract clerk of Ramsey county has the sole and exclusive power, and it is his official duty to make out all official abstracts of title affecting real property inside the county, as an official thereof, and the register of deeds shall have no power or authority in the premises whatsoever.

(2) The duties of the Ramsey county abstract clerk do not impair the power of any private person, company or corporation to make out abstracts of title as provided by the general laws of this state.

(c) *Subd. 3.* [DUTIES AND FEES.] (4) (A) The records and indices in the office of county abstract clerk are public records, open to inspection, but only to the extent in this ~~subsection~~ section provided.

(B) *Subd. 4.* Each record, index, abstract, copy, plat, bookkeeping record, or paper of any type whatsoever, prepared in the office, is the property of the county for the use of the county abstract clerk and his successors in office, and, at the end of the term of an abstract clerk, shall be turned over to his successor in office.

(C) *Subd. 5.* The county abstract clerk shall permit, without fee and within reasonable business hours as not to interfere with the conduct of the work of the

office, and under supervision to assure the safety of the records, inspection of the tract index as hereinafter defined, by a party interested in the ownership of a particular parcel of land, or his agent or attorney. There is no right on the part of anyone to make general or indiscriminate searches of the records or to copy a part thereof to make abstracts of title or abstract books or in any manner to deprive the abstract clerk of the fees provided by law for his official duties.

(D) *Subd. 6.* Whoever destroys, attempts to destroy, deface, or alter any record in the office of the county abstract clerk is guilty of a gross misdemeanor.

(2) (A) *Subd. 7.* The county abstract clerk shall maintain, current as of 8 o'clock a.m. each business day, abstract indices to the land of the county, including a tract and miscellaneous system of indices, correctly indexing each instrument filed of record in the office of the register of deeds in the county which in any manner affects the title to real property inside the county. He shall maintain currently correct as of each day, indices to all judgments in any court which are a lien on real property inside the county and all federal tax liens. He shall maintain the other and further abstract records and indices that the board of county commissioners of the county directs.

(B) *Subd. 8.* The county abstract clerk shall furnish, within ten days, upon demand of anyone and proffer of his fees, a complete, true and perfect abstract of title to a parcel of land in the county.

(C) *Subd. 9.* The county abstract clerk shall, without fee and within reasonable hours as not to interfere with the conduct of his office and under reasonable supervision to assure the safety of the public records, permit the use of records in the office by duly authorized representatives of other state, county, municipal or federal governmental agencies for public purposes.

(D) *Subd. 10.* The county abstract clerk shall furnish to anyone, within 48 hours of demand, and without fee, an oral report of the apparent ownership and apparent unsatisfied encumbrance as to a parcel of land inside the county, but he shall not be responsible under the bond herein required, for the correctness of a report furnished without fee.

(E) *Subd. 11.* The county abstract clerk shall not be required, without demand and proffer of fees as herein set forth, to furnish a report of personal judgments in a court against a person, firm or corporation.

(F) *Subd. 12.* The county abstract clerk and his deputies and employees shall not be permitted to practice law, or demand or receive a fee for an opinion as to the condition of the title to a parcel of real estate, save as to reports of the apparent record ownership, nor to prepare or execute papers incident to the transfer of title to real property or in any manner act as advisor or counsellor at law or as agent for the sale of real property or in any manner assume the function of lawyer, real estate broker or advisor.

(G) *Subd. 13.* The county abstract clerk may appoint a deputy county abstract clerk to act in his stead and behalf, and for whose acts the county abstract clerk is responsible.

(3) *Subd. 14.* The board of county commissioners in Ramsey county shall appoint each year a committee to inspect the records and the conduct of the office of the county abstract clerk, the committee to consist of an accountant

representing the office of the county auditor, a representative of the county attorney's office and one member of the board, each of whom will serve without further compensation than provided by law for their respective positions. The committee shall inspect the records of the office of county abstract clerk at least once each year and report to the board of county commissioners on the fees collected, the public service rendered, the condition of the public records therein contained and the general conduct of the office. The county abstract clerk shall permit the committee to inspect each record of whatsoever nature having to do with his conduct of the office upon demand at any time.

(4) *Subd. 15.* The county abstract clerk ~~may~~ shall charge, collect and retain for ~~his own~~ the use of the county, fees for his services to which shall be set by the county board. ~~If the county board does not set the fees to be charged, the county abstract clerk may set the fees~~ The county board shall also set the compensation of the abstract clerk.

(5) *Subd. 16.* Before the county abstract clerk enters upon his duties, he shall give bond to the county, at county expense, in the penal sum of \$5,000, to be approved by the county board, conditioned that he will faithfully discharge the duties of his office, and shall give bond to the public, in the penal sum of \$10,000, at his own expense, to be approved by the county board, conditioned that he shall pay all damages suffered by anyone through any error deficiency in any abstract of title or registered property report issued by his office.

(6) *Subd. 17.* The board of county commissioners of Ramsey county shall fill each vacancy in the office of county abstract clerk, for whatever cause, by appointment. The person so appointed shall give the bond and take the oath required by law, and shall hold for the remainder of the unexpired term, and until his successor qualifies."

Page 3, line 15, delete "This act" and insert "Pursuant to Minnesota Statutes, Section 645.023, Subdivision 1, section 1 is effective July 1, 1981, without local approval. Section 2"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 2 and 3 and insert "relating to Ramsey County; regulating the county abstract office; requiring the county board to set the fees and salary of the abstract clerk; providing for disposition of"

Page 1, line 5, after "amending" insert "Laws 1974, Chapter 435, Article 3, Section 3.11; and"

The motion prevailed. So the amendment was adopted.

H. F. No. 1190, which the committee recommends to pass with the following amendments offered by Messrs. Pehler and Benson:

Mr. Pehler moved to amend H. F. No. 1190 as follows:

Page 2; after line 9, insert:

"Sec. 2. [375.056] [SEVEN-MEMBER BOARD.]

Any county with a population of 100,000 or more according to the last federal decennial census may by resolution of its county board provide for a seven-member board of county commissioners. A certified copy of the resolu-

tion of the county board of any county choosing to exercise this option shall be transmitted to the secretary of state, and the county commissioner districts shall be redistricted by the county board in accordance with section 375.025."

Page 2, line 14, delete "*this act*" and insert "*sections 1 and 3*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for a seven-member board of commissioners in certain counties;"

Page 1, line 6, after the semicolon, insert "proposing new law coded in Minnesota Statutes, Chapter 375;"

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend H.F. No. 1190, as follows:

Page 2, after line 9, insert:

"Sec. 2. Minnesota Statutes 1980, Section 403.01, Subdivision 1, is amended to read:

Subdivision 1. Each county in the metropolitan area shall establish a 911 emergency telephone system on or before December 15, 1982 and each remaining county ~~shall~~ *may* establish a 911 emergency telephone system on or before December 15, 1986.

Sec. 3. Minnesota Statutes 1980, Section 403.05, is amended to read:

403.05 [DESIGN OF SYSTEM.]

Each county *which establishes a 911 system* shall design its 911 system to meet the requirements of agencies whose services are available through the 911 system and to permit future expansion of the system."

Page 2, line 14, delete "*this act is*" and insert "*sections 1 and 4 are*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon insert "permitting optional participation in a 911 emergency telephone system for certain counties;"

Page 1, line 5, delete "Section" and insert "Sections"

Page 1, line 6, after the semicolon insert "403.01, Subdivision 1; and 403.05;"

The motion prevailed. So the amendment was adopted.

Mr. Sikorski moved that the report of the Committee of the Whole, as kept by the Secretary, be adopted.

Mr. Peterson, C. C. requested that the report on H. F. No. 1160 be divided out.

Mr. Sikorski moved the adoption of the remainder of the report of the Committee of the Whole. The motion prevailed.

Mr. Sikorski moved the adoption of the report on H. F. No. 1160. The

motion did not prevail.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H. F. No. 70: Messrs. Dieterich, Hughes, Merriam, Langseth and Olhoft.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Mr. Knoll was excused from this evening's Session. Mr. Willet was excused from the Session of today from 7:45 to 8:45 p.m. Mr. Humphrey was excused from this evening's Session.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 1:00 p.m., Friday, May 8, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate