

**SESSION LAWS**  
**of the**  
**STATE OF MINNESOTA**

**ENACTED BY THE**  
**SEVENTIETH LEGISLATURE, AT THE 1978 SESSION**  
**THEREOF, COMMENCING JANUARY 17, 1978**

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Chapters 1 to 455 appear in Laws of Minnesota 1977.

**CHAPTER 456-H.F.No.1500**

{Coded in Part}

*An act relating to elections; establishing the manner of filling United States senate vacancies; providing for special elections at a November election; permitting a temporary appointment by the governor; defining terms; amending Minnesota Statutes 1976, Chapter 202A, by adding a section; repealing Minnesota Statutes 1976, Section 202A.72.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

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

**[202A.721] UNITED STATES SENATE VACANCY; MANNER OF FILLING.**  
Subdivision 1. SCOPE OF SECTION. Every vacancy in the office of United States senator representing Minnesota shall be filled in the manner provided in this section.

Subd. 2. DEFINITIONS. For the purposes of this section, the terms defined in subdivisions 3 to 5 shall have the meanings given them in those subdivisions.

Subd. 3. VACANCY. "Vacancy" means a vacancy in the office of United States senator representing Minnesota.

Subd. 4. NOVEMBER ELECTION. "November election" means

(a) the general election in even numbered years or (b) the first Tuesday after the first Monday in November of odd numbered years.

Subd. 5. REGULAR PRIMARY. "Regular primary" means

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(a) the primary at which candidates are nominated for offices elected at the general election or (b) a primary election held four weeks before the first Tuesday after the first Monday in November of odd numbered years.

**Subd. 6. SPECIAL ELECTION REQUIRED; EXCEPTION; WHEN HELD.** Every vacancy shall be filled for the remainder of the term by a special election held pursuant to this subdivision; except that no special election shall be held in the year before the term expires.

The special election shall be held at the next November election if the vacancy occurs at least six weeks before the regular primary preceding that election. If the vacancy occurs less than six weeks before the regular primary preceding the next November election, the special election shall be held at the second November election after the vacancy occurs.

**Subd. 7. SPECIAL PRIMARY; WHEN HELD.** A special primary shall be held at the regular primary preceding the November election at which the special election is held.

**Subd. 8. NOTICE OF SPECIAL ELECTION.** The secretary of state shall issue an official notice of any special election required to be held pursuant to this section not later than 10 weeks before the special primary unless the vacancy occurs 10 weeks or less before the special primary, in which case he shall issue the notice no later than two days after the vacancy occurs. The notice shall state the office to be filled, the opening and closing dates for filing of candidacy and the dates of the special primary and special election. For the purpose of the provisions of chapter 202A that apply generally to special elections this notice shall be used in lieu of the writ of the governor.

**Subd. 9. FILING BY CANDIDATES.** The time for filing of affidavits and nominating petitions for candidates to fill a vacancy at a special election shall open six weeks before the special primary or on the day the secretary of state issues notice of the special election, whichever occurs later. Filings shall close four weeks before the special primary.

**Subd. 10. TEMPORARY APPOINTMENT.** The governor may make a temporary appointment to fill any vacancy. An appointee shall hold office until a successor is elected and qualified at a special election or until a successor is elected pursuant to subdivision 11.

**Subd. 11. SUCCESSION BY REGULARLY ELECTED SENATOR.** Any person who is elected to the office of United States senator for a regular six year term when the office is vacant or is filled by a person appointed pursuant to subdivision 10 shall also succeed to the office for the remainder of the unexpired term.

**Subd. 12. APPLICATION OF OTHER LAWS.** Except as otherwise provided in this section, all of the provisions of chapter 202A that apply generally to other special elections apply to a special election held pursuant to this section.

**Sec. 2. EFFECT ON EXISTING APPOINTMENT.** Any temporary appointment  
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to fill a vacancy in the United States senate in effect on the effective date of this act shall expire as provided in section 1, subdivision 10 and shall be filled for the remainder of the unexpired term as provided in section 1, subdivision 11.

Sec. 3. **REPEALER.** Minnesota Statutes 1976, Section 202A.72, is repealed.

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

Approved January 27, 1978.

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**CHAPTER 457-S.F.No.686**

*An act relating to animals; authorizing destruction rather than research use for unclaimed animals; amending Minnesota Statutes 1976, Section 35.71, Subdivision 3.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

Section 1. Minnesota Statutes 1976, Section 35.71, Subdivision 3, is amended to read:

Subd. 3. **ESTABLISHMENT DEFINED, POWERS, STRAY ANIMALS, SEIZURE.** "Establishment" shall include any public or private agency, person, society or corporation having custody of animals which are seized under the authority of the state or any political subdivision of the state. All animals seized by public authority shall be held for redemption by the owner for a period not less than five regular business days of the impounding agency, or for such longer period of time as may be specified by municipal ordinance. For the purpose of this subdivision, the term "regular business day" means any day during which the establishment having custody of an animal is open to the public not less than four consecutive hours between the hours of 8:00 A.M. and 7:00 P.M. These establishments shall maintain the following records of the animals in custody, and preserve the records for a minimum of six months:

- (a) The description of the animal, by species, breed, sex, approximate age, and other distinguishing traits;
- (b) The location at which the animal was seized;
- (c) The date of seizure;
- (d) The name and address of the person from whom any animal three months of age or over was received;
- (e) The name and address of the person to whom any animal three months of age or over was transferred.

The records shall be maintained in a form permitting easy perusal by the public. A

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