

Minnesota Statutes 1993 Supplement, section 116C.54, is repealed.

Presented to the governor May 9, 1994

Signed by the governor May 17, 1994, 2:27 p.m.

CHAPTER 645—H.F.No. 942

An act relating to traffic regulations; requiring every driver to use due care in operating a motor vehicle; amending Minnesota Statutes 1992, section 169.14, subdivision 1.

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

Section 1. Minnesota Statutes 1992, section 169.14, subdivision 1, is amended to read:

Subdivision 1. **BASIC RULE; INATTENTIVE DRIVING.** No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions ~~and having regard to.~~ Every driver is responsible for becoming and remaining aware of the actual and potential hazards then existing on the highway and must use due care in operating a vehicle. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective August 1, 1994, and applies to offenses committed on or after that date.

Presented to the governor May 9, 1994

Signed by the governor May 16, 1994, 3:12 p.m.

CHAPTER 646—S.F.No. 1512

An act relating to elections; providing uniform local election procedures; requiring regular city elections to be held in the fall; permitting certain town elections to be held in November; making uniform certain local government procedures; changing school district election requirements; amending Minnesota Statutes 1992, sections 103C.305, subdivision 2; 123.33, subdivision 1; 205.02, subdivision 2; 205.065, subdivisions 1 and 2; 205.07, subdivision 1; 205.10, subdivision 1, and by adding a subdivision; 205.13, subdivision 1, and by adding a subdivision; 205.16, subdivisions 1 and 2; 205.17, subdivision 4; 205.175; 205A.03, subdivisions 1 and 2; 205A.04, subdivision 1; 205A.06, subdivision 1, and by adding a subdivision;

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205A.09, subdivision 2; 365.51, subdivisions 1 and 3; and 367.03, as amended; Minnesota Statutes 1993 Supplement, section 206.90, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 205; repealing Minnesota Statutes 1992, sections 205.065, subdivision 3; 205.18; 205.20; and 205A.04, subdivision 2.

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

Section 1. Minnesota Statutes 1992, section 103C.305, subdivision 2, is amended to read:

Subd. 2. **NOMINATING PETITION FILING FOR OFFICE; AFFIDAVIT OF CANDIDACY.** ~~(a) The district secretary shall immediately submit the names of the candidates and the terms for which each candidate is nominated to the county auditor:~~

~~(b) Nominating petitions conforming to section 103C.301, subdivision 1, shall be filed with the secretary of the district at least 60 days before the general election. A candidate for the office of supervisor shall file an affidavit of candidacy with the county auditor of the county in which the district office is located during the period provided for filing affidavits of candidacy for county offices in section 204B.09, subdivision 1. The county auditor accepting affidavits of candidacy shall forward copies of all affidavits filed by candidates for supervisor to the auditor of any other county in which the office is voted on.~~

Sec. 2. Minnesota Statutes 1992, section 123.33, subdivision 1, is amended to read:

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

Those districts with a seven-member board may submit to the electors at any school election at least 150 days before the next election of three members of the board the question whether the board shall consist of six members. If a majority of those voting on the proposition favor a six-member board instead of a seven-member board, two members instead of three members shall be elected at the next election of the board of directors and thereafter the board shall consist of six members.

Sec. 3. Minnesota Statutes 1992, section 205.02, subdivision 2, is amended to read:

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Subd. 2. **CITY ELECTIONS.** In all statutory and home rule charter cities, the primary, general and special elections held for choosing city officials and deciding public questions relating to the city shall be held as provided in this chapter, except that ~~this section and sections 205.065, subdivisions 2 to 7; 205.07 to, subdivision 3; 205.10; 205.121; and 205.175 and 205.185~~ 205.17, subdivisions 2 and 3, do not apply to a city whose charter provides the manner of holding its primary, general or special elections.

Sec. 4. Minnesota Statutes 1992, section 205.065, subdivision 1, is amended to read:

Subdivision 1. ~~CITIES OF FIRST CLASS ESTABLISHING PRIMARY.~~ A municipal primary for the purpose of nominating elective officers may be held in any city of the first class on the second or third first Tuesday after the second Monday in March September of any year in which a municipal general election is to be held for the purpose of electing officers.

If the majority of the governing body of a city of the first class adopted a resolution after June 24, 1957, establishing the second or third Tuesday in March for holding its municipal primary in any year in which its municipal general election is held, and if the city clerk or other officer of the city charged with keeping the minutes and records of the governing body filed a certified copy of the resolution with the secretary of state and another certified copy of the resolution with the county recorder of the county in which the city is located, the time established by the resolution for holding the municipal primary is fixed, and the governing body of the city may not change the time unless the authority to make the change is conferred on the governing body by the legislature, or by an amendment to the charter of the city duly ratified and accepted by the eligible voters of the city, in accordance with the constitution of the state of Minnesota and other applicable law.

Sec. 5. Minnesota Statutes 1992, section 205.065, subdivision 2, is amended to read:

Subd. 2. **RESOLUTION OR ORDINANCE.** The governing body of a city of the second, third, or fourth class or a town containing a statutory city may, by ordinance or resolution adopted at least three months before the next municipal general election, elect to choose nominees for municipal offices by a primary as provided in ~~subdivisions 2 to 7~~ this section. The resolution or ordinance, when adopted, is effective for all ensuing municipal elections until it is revoked. ~~Subdivisions 2 to 7 do not apply to a city the charter of which specifically prohibits or provides for a municipal primary. The municipal clerk shall notify the secretary of state and the county auditor within 30 days after the adoption of the resolution or ordinance.~~

Sec. 6. Minnesota Statutes 1992, section 205.07, subdivision 1, is amended to read:

Subdivision 1. ~~DATE CITY ELECTIONS.~~ The municipal general election

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in each ~~statutory~~ city shall be held on the first Tuesday after the first Monday in November in every even-numbered year. Notwithstanding any provision of law to the contrary and subject to the provisions of this section, the governing body of a ~~statutory~~ city may, by ordinance passed at a regular meeting held before ~~September~~ June 1 of any year, elect to hold the election on the first Tuesday after the first Monday in November in each odd-numbered year. ~~A city which was a village on January 1, 1974 and before that date provided for a system of biennial elections in the odd-numbered year shall continue to hold its elections in that year until changed in accordance with this section.~~ When a city changes its elections from one year to another, and does not provide for the expiration of terms by ordinance, the term of an incumbent expiring at a time when no municipal election is held in the months immediately prior to expiration is extended until the date for taking office following the next scheduled municipal election. If the change results in having three council members to be elected at a succeeding election, the two individuals receiving the highest vote shall serve for terms of four years and the individual receiving the third highest number of votes shall serve for a term of two years. To provide an orderly transition to the odd or even year election plan, the governing body of the city may adopt supplementary ordinances regulating initial elections and officers to be chosen at the elections and shortening or lengthening the terms of incumbents and those elected at the initial election so as to conform as soon as possible to the regular schedule provided in section 412.02, subdivision 1. Whenever the time of the municipal election is changed, the city clerk immediately shall notify in writing the county auditor and secretary of state of the change of date. Thereafter the municipal general election shall be held on the first Tuesday after the first Monday in November in each odd-numbered or even-numbered year until the ordinance is revoked and notification of the change is made.

Sec. 7. **[205.075] TOWN GENERAL ELECTION.**

Subdivision 1. DATE OF ELECTION. The general election in a town must be held on the second Tuesday in March, except as provided in subdivision 2.

Subd. 2. ALTERNATE DATE; METROPOLITAN TOWNS. The governing body of a town located in the metropolitan area as defined by section 473.121 may, by resolution or ordinance, designate the first Tuesday after the first Monday in November of either the even-numbered or the odd-numbered year as the date of the town general election. Town supervisors elected at a November town general election shall serve four-year terms.

The ordinance or resolution changing the date of the town general election must include a plan to shorten or lengthen the terms of office to provide an orderly transition to the November election schedule.

The ordinance or resolution changing the date of the town general election is effective upon an affirmative vote of the voters of the town at the next town general election.

Sec. 8. Minnesota Statutes 1992, section 205.10, subdivision 1, is amended to read:

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Subdivision 1. **QUESTIONS.** Special elections may be held in a ~~statutory or home rule charter city or town~~ on a question on which the voters are authorized by law or charter to pass judgment. A special election may be ordered by the governing body of the ~~city~~ municipality on its own motion or, on a question that has not been submitted to the voters in an election within the previous six months, upon a petition signed by a number of voters equal to 20 percent of the votes cast at the last municipal general election. A question is carried only with the majority in its favor required by law or charter. The election officials for a special election shall be the same as for the most recent municipal general election unless changed according to law. Otherwise special elections shall be conducted and the returns made in the manner provided for the municipal general election.

Sec. 9. Minnesota Statutes 1992, section 205.10, is amended by adding a subdivision to read:

Subd. 4. VACANCIES IN TOWN OFFICES. Special elections must be held with the town general election to fill vacancies in town offices as provided in section 367.03, subdivision 2.

Sec. 10. Minnesota Statutes 1992, section 205.13, subdivision 1, is amended to read:

Subdivision 1. **AFFIDAVIT OF CANDIDACY.** ~~Not more than~~

~~(1) eight nor less than six weeks in the case of a town; or~~

~~(2) not more than ten nor less than eight weeks; in the case of a city;~~

~~before the municipal primary; or before the municipal general election if there is no municipal primary;~~ An individual who is eligible and desires to become a candidate for an office to be voted for at the municipal general election shall file an affidavit of candidacy with the municipal clerk. The affidavit shall be in substantially the same form as that in section 204B.06, subdivision 1. The municipal clerk shall also accept an application signed by not less than five voters and filed on behalf of an eligible voter in the municipality whom they desire to be a candidate, if service of a copy of the application has been made on the candidate and proof of service is endorsed on the application being filed. Upon receipt of the proper filing fee, the clerk shall place the name of the candidate on the official ballot without partisan designation. ~~The filing dates contained in this subdivision do not apply to any home rule charter city whose charter provides for earlier filing dates.~~

Sec. 11. Minnesota Statutes 1992, section 205.13, is amended by adding a subdivision to read:

Subd. 1a. FILING PERIOD. An affidavit of candidacy for a town office to be elected in March must be filed not more than eight weeks nor less than six weeks before the town election. In municipalities nominating candidates at a

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municipal primary, an affidavit of candidacy for a city office or town office voted on in November must be filed not more than 70 days nor less than 56 days before the first Tuesday after the second Monday in September preceding the municipal general election. In all other municipalities, an affidavit of candidacy must be filed not more than 70 days and not less than 56 days before the municipal general election.

Sec. 12. Minnesota Statutes 1992, section 205.16, subdivision 1, is amended to read:

Subdivision 1. **PUBLICATION AND POSTING.** In every ~~statutory city and home rule charter city, the charter of which does not provide the manner of giving notice of a municipal election~~ municipality, the ~~city~~ municipal clerk shall, except as otherwise provided in this section, give two weeks' published notice, and may also give ten days' posted notice, of the election, stating the time of the election, the location of each polling place, the offices to be filled, and all propositions or questions to be voted upon at the election. In a city of the fourth class or a town not located within a metropolitan county as defined in section 473.121, the governing body may dispense with publication of the notice of the municipal general election, in which case ten days' posted notice shall be given. The ~~city~~ municipal clerk shall also post a copy of the notice in the clerk's office for public inspection.

Sec. 13. Minnesota Statutes 1992, section 205.16, subdivision 2, is amended to read:

Subd. 2. **SAMPLE BALLOT, PUBLICATION.** ~~In all statutory and home rule charter cities,~~ For every municipal election, the ~~city~~ municipal clerk shall, at least one week before the election, publish a sample ballot in the official newspaper of the ~~city~~ municipality, except that the governing body of a fourth class city or a town not located within a metropolitan county as defined in section 473.121 may dispense with publication.

Sec. 14. Minnesota Statutes 1992, section 205.17, subdivision 4, is amended to read:

Subd. 4. **BLUE BALLOTS; QUESTIONS.** All questions relating to the adoption of a city charter or charter amendments ~~or~~, a proposition for the issuance of bonds, and all other questions relating to city or town affairs submitted at an election to the voters of the municipality, shall be printed on one separate blue ballot and shall be prepared, printed and distributed under the direction of the ~~city~~ municipal clerk at the same time and in the same manner as other municipal ballots. The ballots, when voted, shall be deposited in a separate blue ballot box provided by the local authorities for each voting precinct. The ballots shall be canvassed, counted, and returned in the same manner as other municipal ballots. The returns shall provide appropriate blank spaces for the counting, canvassing and returning of the results of the questions submitted on the blue ballot.

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Sec. 15. Minnesota Statutes 1992, section 205.175, is amended to read:

205.175 VOTING HOURS.

Subdivision 1. ~~CITIES~~ **CITIES MINIMUM VOTING HOURS.** In all ~~statutory and home rule charter city~~ municipal elections, the ~~governing body of the city, by resolution adopted prior to giving 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 municipal elections, until the resolution is revoked. Cities covered by this subdivision shall certify their election hours to the county auditor upon adoption of the resolution giving notice of the election from 5:00 p.m. to 8:00 p.m.~~

Subd. 2. ~~METROPOLITAN AREA TOWNS~~ **METROPOLITAN AREA TOWNS MUNICIPALITIES.** At any election of ~~town officers, in a town~~ The governing body of a municipality which is located within a metropolitan county as defined by section 473.121; ~~the town board, by resolution adopted prior to giving notice of the election, may designate the time during which the polling places will remain open for voting at the next succeeding and all subsequent town municipal elections, provided that the polling places shall open no later than 10:00 a.m. and shall close no earlier than 8:00 p.m. The resolution shall remain in force until it is revoked by the town board~~ municipal governing body.

Subd. 3. ~~OTHER TOWNS~~ **OTHER TOWNS MUNICIPALITIES.** In any election of ~~town officers in a town~~ The governing body of a municipality other than a ~~town municipality~~ described in subdivision 2, ~~the town board, may by resolution adopted prior to giving notice of the election, may designate the time, in no event less than three hours~~ addition to the minimum voting hours provided in subdivision 1, during which the polling places will remain open for voting at the next succeeding and all subsequent town municipal elections. The resolution shall remain in force until it is revoked by the town board municipal governing body or changed because of request by voters as provided in this subdivision. If a petition requesting longer voting hours, signed by a number of voters equal to 20 percent of the votes cast at the last town municipal election, is presented to the town municipal clerk no later than 30 days prior to the town municipal election, then the polling places for that election shall open at 10:00 a.m. and close at 8:00 p.m. The town municipal clerk shall give ten days notice of the changed voting hours and notify the county auditor of the change. Towns Municipalities covered by this subdivision shall certify their election hours to the county auditor in January of each year.

Sec. 16. Minnesota Statutes 1992, section 205A.03, subdivision 1, is amended to read:

Subdivision 1. **RESOLUTION.** The school board of a school district may, by resolution adopted ~~at least 12 weeks before the next school district general election by June 1 of any year,~~ decide to choose nominees for school district elective offices by a primary as provided in subdivisions 1 to 6. The resolution, when adopted, is effective for all ensuing elections of board members in that school district until it is revoked.

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Sec. 17. Minnesota Statutes 1992, section 205A.03, subdivision 2, is amended to read:

Subd. 2. **DATE.** The school district primary must be held ~~at a time designated by the school board in the resolution adopting the primary system; but no later than six weeks before on the first Tuesday after the second Monday in September in the year when the school district general election is held.~~ The clerk shall give notice of the primary in the manner provided in section 205A.07.

Sec. 18. Minnesota Statutes 1992, section 205A.04, subdivision 1, is amended to read:

Subdivision 1. **SCHOOL DISTRICT GENERAL ELECTION.** ~~Except as may be provided in a special law or charter provision to the contrary; The general election in each school district must be held on the third Tuesday in May; unless the school board provides by resolution for holding the school district general election on the first Tuesday after the first Monday in November of either the odd-numbered or the even-numbered year. When the time of a school district's general election is changed from May to November, the terms of all board members shall be lengthened to expire on January 1; when the time of a school district's general election is changed from November to May, the terms of all board members shall be shortened to expire on July 1. Whenever the time of a school district election is changed, the school district clerk shall immediately notify in writing the county auditor or auditors of the counties in which the school district is located and the secretary of state of the change of date.~~

Sec. 19. Minnesota Statutes 1992, section 205A.06, subdivision 1, is amended to read:

Subdivision 1. **AFFIDAVIT OF CANDIDACY.** ~~Not more than ten nor less than eight weeks before a school district primary; or before the school district general election if there is no school district primary; An individual who is eligible and desires to become a candidate for an office to be voted on at the election must file an affidavit of candidacy with the school district clerk. The affidavit must be in substantially the same form as that in section 204B.06, subdivision 1. The school district clerk shall also accept an application signed by at least five voters and filed on behalf of an eligible voter in the school district whom they desire to be a candidate, if service of a copy of the application has been made on the candidate and proof of service is endorsed on the application being filed. No individual shall be nominated by nominating petition for a school district elective office except in the event of a vacancy in nomination as provided in section 205A.03, subdivision 6. Upon receipt of the proper filing fee, the clerk shall place the name of the candidate on the official ballot without partisan designation.~~

Sec. 20. Minnesota Statutes 1992, section 205A.06, is amended by adding a subdivision to read:

Subd. 1a. FILING PERIOD. In school districts nominating candidates at a

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school district primary, affidavits of candidacy may be filed with the school district clerk no earlier than the 70th day and no later than the 56th day before the first Tuesday after the second Monday in September in the year when the school district general election is held. In all other school districts, affidavits of candidacy must be filed not more than 70 days and not less than 56 days before the school district general election.

Sec. 21. Minnesota Statutes 1992, section 205A.09, subdivision 2, is amended to read:

Subd. 2. **OTHER SCHOOL DISTRICTS.** At a school district election in a school district other than one described in subdivision 1, the school board, by resolution adopted before giving 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 later school district elections. All polling places must be open between the hours of 5:00 p.m. and 8:00 p.m. The resolution must remain in force until it is revoked by the school board or changed because of request by voters as provided in this subdivision. If a petition requesting longer voting hours, signed by a number of voters equal to 20 percent of the votes cast at the last school district election, is presented to the school district clerk no later than 30 days before a school district election, then the polling places for that election must open at 10:00 a.m. and close at 8:00 p.m. The school district clerk must give ten days' published notice and posted notice of the changed voting hours and notify appropriate county auditors of the change.

Sec. 22. Minnesota Statutes 1993 Supplement, section 206.90, subdivision 6, is amended to read:

Subd. 6. **BALLOTS.** In precincts using optical scan voting systems, a single ballot card on which all ballot information is included must be printed in black ink on white ~~or buff~~ colored material except that marks not to be read by the automatic tabulating equipment may be printed in another color ink. ~~If more than one ballot card is required, the cards must, so far as practicable, be of the same color as is required for paper ballots.~~

When optical scan ballots are used, the offices to be elected must appear in the following order: federal offices; state legislative offices; constitutional offices; proposed constitutional amendments; county offices and questions; municipal offices and questions; school district offices and questions; special district offices and questions; and judicial offices.

Sec. 23. Minnesota Statutes 1992, section 365.51, subdivision 1, is amended to read:

Subdivision 1. **WHEN; BAD WEATHER.** A town's annual town meeting must be held on the second Tuesday of March at the place named by the last annual town meeting. If no place was named then, the meeting must be held at the place named by the town board. The place may be outside the town if the

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place is within five miles of a town boundary. If there is bad weather on the day of the meeting and election in March, the town board shall set the meeting and election for the third Tuesday in March. If there is bad weather on the third Tuesday in March, the town board shall set another date for the meeting and election within 30 days of the third Tuesday in March. If the meeting and election are postponed, the notice requirements in subdivision 2 shall apply to the postponed meeting and election.

The balloting of the town election must be concluded on the same day the election is commenced.

Sec. 24. Minnesota Statutes 1992, section 365.51, subdivision 3, is amended to read:

Subd. 3. **OFFICERS; OTHER BUSINESS.** An annual town election shall be held on the same day as the annual town meeting to elect all town officers required by law to be elected, except as provided in section 205.075, subdivision 2. Other town business shall be conducted at the town meeting as provided by law.

Sec. 25. Minnesota Statutes 1992, section 367.03, as amended by Laws 1993, chapter 24, section 1, is amended to read:

367.03 OFFICERS ELECTED AT ANNUAL ELECTION; VACANCIES.

Subdivision 1. ~~OFFICERS SUPERVISORS, TERMS.~~ Except in towns operating under option A or in towns operating as provided in subdivision 4, three supervisors shall be elected in each town at the town general election as provided in this section. Each supervisor shall be elected for a term of three years.

Subd. 2. NEW TOWNS. When a new town is organized and supervisors are elected at a town meeting prior to the annual town election, they shall serve only until the next annual town election. At that election three supervisors shall be elected, one for three years, one for two years, and one for one year, so that the term of one shall expire each year. The number of years for which each is elected shall be indicated on the ballot.

Subd. 3. SUPERVISORS; TOWNS UNDER OPTION A. When two supervisors are to be elected for three-year terms under option A, a candidate shall indicate on the affidavit of candidacy which of the two offices the candidate is filing for. At following annual town elections one supervisor shall be elected for three years to succeed the one whose term expires at that time and shall serve until a successor is elected and qualified.

Subd. 4. OFFICERS; METROPOLITAN TOWNS. Supervisors and other town officers in towns located in the metropolitan area as defined in section 473.121 that hold the town general election in November shall be elected for terms of four years and until their successors are elected and qualified. The clerk and treasurer shall be elected in alternate years.

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Subd. 5. ELECTION OF CLERK, TREASURER. Except in towns operating under option B or option D, or both, or in towns operating as provided in subdivision 4, at the annual town election in even-numbered years one town clerk and at the annual town election in odd-numbered years one town treasurer shall be elected. The clerk and treasurer each shall serve for two years and until their successors are elected and qualified.

Subd. 2 6. VACANCIES. When a vacancy occurs in a town office, the town board shall fill the vacancy by appointment. The person appointed shall hold office until the next annual town election, when a successor shall be elected for the unexpired term. A vacancy in the office of supervisor shall be filled by the remaining supervisors and the town clerk until the next annual town election, when a successor shall be elected for the unexpired term. When, because of a vacancy, more than one supervisor is to be chosen at the same election, candidates for the offices of supervisor shall file for one of the specific terms being filled. Law enforcement vacancies shall be filled by appointment by the town board.

Sec. 26. TRANSITION SCHEDULE FOR EVEN-YEAR ELECTIONS.

Subdivision 1. APPLICATION. The transition schedule in this section applies to political subdivisions that choose, before January 1, 1995, to conduct their primary and general elections in the even-numbered years. A political subdivision that later determines to change from an odd-numbered year election to an even-numbered year election may do so by adoption of a new resolution or ordinance that contains an orderly plan for the transition.

Subd. 2. CITY OFFICES. For city officials elected in 1995, the governing body of the city shall select by lot the officials whose terms of office will expire on the first Monday in January of 1999 or on the first Monday in January of 2001. To the extent practicable, the terms of one-half of the members of the governing body to be elected in 1995 must expire in January of 1999. The governing body of the city must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1995.

The terms of all city officials elected at a general election in 1996 expire on the first Monday in January of 2001. The terms of all city officials elected at a general election in 1998 expire on the first Monday in January of 2003.

For city officials elected in 1997, the governing body of the city shall select by lot the officials whose terms of office will expire on the first Monday in January of 2001 or on the first Monday in January of 2003. To the extent practicable, the terms of one-half of the members of the governing body to be elected in 1997 must expire in January 2001. The governing body of the city must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1997.

Subd. 3. SCHOOL BOARD MEMBERS. The terms of all school board members elected in 1996 expire on the first Monday in January of 2001. The

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terms of all school board members elected in 1998 expire on the first Monday in January of 2003.

The terms of office of school board members elected in 1995 expire on the first Monday in January of 1999 or 2001, as provided in this paragraph. The governing body of the school district shall select by lot the board members whose terms will expire in January of 1999 or January of 2001. To the extent practicable, one-half of the members elected in 1995 must expire in January of 1999. The governing body of the school district must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1995.

The terms of office of school board members elected in 1997 expire on the first Monday in January of 2001 or 2003, as provided in this paragraph. The governing body of the school district shall select by lot the board members whose terms will expire in January of 2001 or January of 2003. To the extent practicable, one-half of the members elected in 1997 must expire in January of 2001.

Subd. 4. SPECIAL DISTRICT OFFICES. The terms of office of special district officials elected in 1995 expire on the first Monday in January of 1999 or 2001, as provided in this paragraph. The governing body of the district shall select by lot the officials whose terms will expire in January of 1999 or January of 2001. To the extent practicable, the terms of one-half of the officials to be elected in 1995 must expire in January of 1999. The governing body of the district must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1995.

The terms of all special district officials elected in 1996 expire on the first Monday in January of 2001. The terms of all special district officials elected in 1998 expire on the first Monday in January of 2003.

The terms of office of special district officials elected in 1997 expire on the first Monday in January of 2001 or 2003, as provided in this paragraph. The governing body of the district shall select by lot the officials whose terms will expire in January of 2001 or January of 2003. To the extent practicable, the terms of one-half of the officials to be elected in 1997 must expire in January of 2001. The governing body of the district must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1997.

Sec. 27. TRANSITION SCHEDULE FOR ODD-YEAR ELECTIONS.

Subdivision 1. APPLICATION. The transition schedule in this section applies to political subdivisions that do not choose, before January 1, 1995, to conduct their primary and general elections in the even-numbered years. A political subdivision that later determines to change from an even-numbered year election to an odd-numbered year election may do so by adoption of a new resolution or ordinance that contains an orderly plan for the transition.

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Subd. 2. CITY OFFICES. For city officials elected in 1996, the governing body of the city shall select by lot the officials whose terms of office will expire on the first Monday in January of 2000 or on the first Monday in January of 2002. To the extent practicable, the terms of one-half of the members of the governing body to be elected in 1996 must expire in January of 2000. The governing body of the city must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1996.

The terms of all city officials elected at a general election in 1997 expire on the first Monday in January of 2002. The terms of all city officials elected at a general election in 1999 expire on the first Monday in January of 2004.

For city officials elected in 1998, the governing body of the city shall select by lot the officials whose terms of office will expire on the first Monday in January of 2002 or on the first Monday in January of 2004. To the extent practicable, the terms of one-half of the members of the governing body to be elected in 1998 must expire in January 2002. The governing body of the city must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1998.

Subd. 3. SCHOOL BOARD MEMBERS. The terms of all school board members elected in 1997 expire on the first Monday in January of 2002. The terms of all school board members elected in 1999 expire on the first Monday in January of 2004.

The terms of office of school board members elected in 1996 expire on the first Monday in January of 2000 or 2002, as provided in this paragraph. The governing body of the school district shall select by lot the board members whose terms will expire in January of 2000 or January of 2002. To the extent practicable, one-half of the members elected in 1996 must expire in January of 2000. The governing body of the school district must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1996.

Subd. 4. SPECIAL DISTRICT OFFICES. The terms of office of special district officials elected in 1996 expire on the first Monday in January of 2000 or 2002, as provided in this paragraph. The governing body of the district shall select by lot the officials whose terms will expire in January of 2000 or January of 2002. To the extent practicable, the terms of one-half of the officials to be elected in 1996 must expire in January of 2000. The governing body of the district must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1996.

The terms of all special district officials elected in 1997 expire on the first Monday in January of 2002. The terms of all special district officials elected in 1999 expire on the first Monday in January of 2004.

The terms of office of special district officials elected in 1998 expire on the first Monday in January of 2002 or 2004, as provided in this paragraph. The governing body of the district shall select by lot the officials whose terms will expire in January of 2002 or January of 2004. To the extent practicable, the

New language is indicated by underline, deletions by ~~strikeout~~.

terms of one-half of the officials to be elected in 1998 must expire in January of 2002. The governing body of the district must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in 1998.

Sec. 28. REPEALER.

Minnesota Statutes 1992, sections 205.065, subdivision 3; 205.18; 205.20; and 205A.04, subdivision 2, are repealed.

Sec. 29. EFFECTIVE DATE.

Sections 4, 6, and 17 to 20 are effective on January 1, 1998. Section 2 is effective for school board members elected after January 1, 1995.

Presented to the governor May 9, 1994

Signed by the governor May 16, 1994, 3:14 p.m.

CHAPTER 647—H.F.No. 2189

An act relating to education; prekindergarten through grade 12; providing for general education revenue; transportation; special programs; community education; facilities; organization and cooperation; commitment to excellence; other programs; miscellaneous provisions; libraries; state agencies; school bus safety; conforming amendments; independent school district No. 191, Burnsville; technical college funding shift; providing for appointments; providing for penalties; appropriating money; amending Minnesota Statutes 1992, sections 13.04, by adding a subdivision; 120.101, by adding a subdivision; 120.17, subdivision 1, and by adding a subdivision; 121.612, subdivision 7; 121.904, subdivision 4e; 121.908, subdivision 5; 121.912, subdivision 5; 121.935, subdivision 6; 122.23, subdivisions 6, 8, 10, 13, and by adding a subdivision; 122.531, subdivision 9; 122.533; 122.91, subdivision 3; 122.937, subdivision 4; 123.35, subdivision 19a, and by adding subdivisions; 123.3514, subdivisions 3 and 4; 123.39, subdivision 1; 123.58, subdivisions 2 and 4; 123.78, by adding a subdivision; 123.932, subdivision 11; 124.19, subdivision 1b; 124.195, subdivisions 3, 3a, 6, and by adding a subdivision; 124.214, subdivision 2; 124.223, subdivisions 1, 4, 6, and by adding a subdivision; 124.225, by adding subdivisions; 124.242; 124.244, subdivision 4; 124.248, subdivision 3; 124.26, subdivision 1b; 124.2601, subdivisions 3, 5, and 7; 124.2711, by adding a subdivision; 124.2713, by adding a subdivision; 124.2721, subdivisions 1 and 5; 124.2725, subdivision 16; 124.278, subdivision 1; 124.32, subdivision 7; 124.46, subdivision 3; 124.573, by adding a subdivision; 124.6472, subdivision 1; 124.84, by adding a subdivision; 124.85, subdivision 2, and by adding subdivisions; 124.86, subdivision 2; 124.90, by adding a subdivision; 124.912, by adding a subdivision; 124.914, subdivision 1; 124.95, subdivision 4; 124A.02, by adding subdivisions; 124A.03, subdivision 2a; 124A.22, subdivision 2a; 124A.26, by adding a subdivision; 124A.28, by adding a subdivision; 124C.49; 125.03, by adding a subdivision; 125.09, subdivision 1; 125.188, subdivision 1; 126.02, subdivision 1; 126.15, subdivision 4; 126.23; 126.51, subdivision 1; 126.69, subdivisions 1 and 3; 126.77, subdivision 1; 126.78;

New language is indicated by underline, deletions by ~~strikeout~~.