

State of Minnesota

Journal of the Senate**Seventy-Third Legislature****Fifty-First Day**

St. Paul, Minnesota, Wednesday, May 11, 1983

The 125th Anniversary of the admission
of Minnesota as the 32nd state of the
United States of America

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. John G. Krueger.

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

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederick	Langseth	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

May 9, 1983

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

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983

Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1983	Date Filed 1983
322		79	May 9	May 9
332		80	May 9	May 9
372		81	May 9	May 9
464		82	May 9	May 9
530		83	May 9	May 9
659		84	May 9	May 9
827		85	May 9	May 9
833		86	May 9	May 9
854		87	May 9	May 9
936		88	May 9	May 9
972		89	May 9	May 9
	132	90	May 9	May 9
	176	91	May 9	May 9
	325	92	May 9	May 9
	406	93	May 9	May 9
	508	94	May 9	May 9
	511	95	May 9	May 9
	573	96	May 9	May 9
	656	97	May 9	May 9
	721	98	May 9	May 9
	741	99	May 9	May 9
	631	100	May 9	May 9
	764	101	May 9	May 9
	801	102	May 9	May 9
	804	103	May 9	May 9
	903	104	May 9	May 9
	953	105	May 9	May 9
	959	106	May 9	May 9
	1122	107	May 9	May 9

Sincerely,

Joan Anderson Growe
Secretary of State

May 10, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 148, 246, 323, 358, 611, 653, 673, 721 and 808.

Sincerely,
Rudy Perpich, Governor

May 10, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 1198.

Sincerely,
Rudy Perpich, Governor

May 10, 1983

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

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1983	Date Filed 1983
	26	108	May 10	May 10
	602	109	May 10	May 10
	697	110	May 10	May 10
148		111	May 10	May 10
246		112	May 10	May 10
323		113	May 10	May 10
358		114	May 10	May 10
611		115	May 10	May 10
653		116	May 10	May 10
673		117	May 10	May 10
721		118	May 10	May 10
808		119	May 10	May 10
1198		120	May 10	May 10

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 812, 1152 and 1165.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1983

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 77.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 10, 1983

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 77: A bill for an act relating to horse racing; creating a Minnesota racing commission and providing for its membership, powers, and duties; authorizing the licensing of persons to operate racetracks, conduct horse racing, engage in certain occupations, and conduct pari-mutuel betting on horse racing; prescribing taxes and license fees; establishing a Minnesota breeders fund; providing penalties; appropriating money; amending Minnesota Statutes 1982, sections 38.04; 273.76, by adding a subdivision; 609.75, subdivision 3; and 609.761; proposing new law coded as Minnesota Statutes, chapter 240.

Mr. Moe, R.D. moved that H.F. No. 77 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

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

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

H.F. No. 765 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
765	1093				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 765 be amended as follows:

Page 2, line 4, strike "thereunder" and insert "*under that policy*"

Page 2, line 5, strike "thereunder"

Page 2, line 6, strike "such" and insert "*the*"

Page 2, delete lines 7 to 22 and insert:

"(4) In the case of a group health insurance policy, the payment of differing amounts of reimbursement to insureds who elect to receive health care goods or services from providers designated by the insurer. Any insurer that proposes to offer an arrangement to pay differing amounts as allowed under this section shall disclose before its initial offering and annually thereafter as a supplement to its annual statement submitted to the commissioner pursuant to section 60A.13, subdivision 1, or 62C.11, subdivision 1, the following information:

(a) The name which the arrangement intends to use and its business address;

(b) The name, address and nature of any separate organization that administers the arrangement on the behalf of the insurer; and"

And when so amended H.F. No. 765 will be identical to S.F. No. 1093, and further recommends that H.F. No. 765 be given its second reading and substituted for S.F. No. 1093, 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 HOUSE BILLS

H.F. No. 765 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Dahl moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 1230. The motion prevailed.

Mr. Schmitz introduced—

Senate Concurrent Resolution No. 12: A Senate concurrent resolution proclaiming September 25 to October 8 as Germanfest in Minnesota.

Referred to the Committee on Rules and Administration.

Mr. Chmielewski moved that H.F. No. 575 be taken from the table and referred to the Committee on Finance. The motion prevailed.

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

SPECIAL ORDER

S.F. No. 652: A bill for an act relating to agriculture; adopting recommended federal rules relating to milk quality for manufacturing purposes; providing for phase in of inspections and compliance; proposing new law coded in Minnesota Statutes, chapter 32.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Peterson, C. C.	Solon
Anderson	Frank	Kronebusch	Peterson, D. C.	Spear
Benson	Frederick	Laidig	Peterson, D. L.	Storm
Berg	Frederickson	Lantry	Peterson, R. W.	Stumpf
Bernhagen	Freeman	Luther	Petty	Taylor
Bertram	Hughes	McQuaid	Pogemiller	Ulland
Brataas	Isackson	Mehrrens	Ramstad	Vega
Chmielewski	Johnson, D. E.	Moe, R. D.	Reichgott	Wegscheid
Dahl	Jude	Nelson	Renneke	Willet
Davis	Kamrath	Novak	Samuelson	
DeCramer	Knaak	Olson	Schmitz	
Dicklich	Knutson	Pehler	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 330: A bill for an act relating to courts; providing for the appeal of various matters to the court of appeals; providing for the manner of election of court of appeals judges; amending Minnesota Statutes 1982, sections 2.724, subdivision 2; 3.737, subdivision 4; 3.751, subdivision 4; 5.08, subdivision 2; 10A.01, subdivisions 5 and 19; 14.45; 14.62, subdivision 2; 14.63; 14.64; 14.65; 14.66; 14.68; 15A.18; 16.863; 25.43, subdivision 5; 32A.09, subdivision 5; 43A.02, subdivision 25; 43A.24, subdivision 2; 43A.27, subdivision 4; 44.09, subdivision 3; 45.07; 45.17, subdivision 5; 47.54, subdivision 5; 49.18; 52.063; 56.23; 60A.05; 60A.15, subdivisions 11 and 12; 72A.27; 84.59; 88.78; 97.481, subdivision 2; 97.50, subdivision 6; 105.462; 106.631, subdivisions 5 and 6; 110A.36; 111.42; 112.82, subdivisions 1 and 2; 114.13, subdivision 4; 115.49, subdivision 5; 116.07, subdivision 7; 116.11; 116A.19, subdivision 4; 116C.65; 120.17, subdivision 3b; 122.23, subdivision 16c; 123.32, subdivision 25; 127.25, subdivision 3; 127.33; 141.29, subdivision 2; 145.698, subdivision 2; 155A.11, subdivision 2; 156A.071, subdivision 9; 161.34, subdivision 4; 168.68; 169.123, subdivision 7; 177.29, subdivision 2; 178.09, subdivision 2; 179.64, subdivision 5; 179.741, subdivision 3; 181A.10, subdivision 2; 185.15; 192A.255, subdivision 1; 197.481, subdivision 6; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.11, subdivision 1; 209.09; 210A.01, subdivision 3; 216.25; 216B.52, subdivision 5; 231.33; 237.20; 237.25; 237.27; 237.39; 244.11; 246.55; 252A.21, subdivision 1; 253B.19, subdivision 5; 253B.23, subdivision 7; 256.045, subdivisions 9 and 10; 259.32; 260.291, subdivision 2; 268.06, subdivision 20; 268.10, subdivision 8; 268.12, subdivision 13; 270.22; 270.23; 270.26; 270.68, subdivision 2; 273.16; 279.21; 282.01, subdivision 3; 290.48, subdivision 6; 290.92, subdivision 6; 294.09, subdivision 3; 297.08, subdivisions 3 and 4; 297A.15, subdivision 4; 298.09, subdivision 3; 299F.25; 299F.26, subdivision 3; 327B.05, subdivision 2; 340.404, subdivision 7; 340.54, subdivision 2; 351.03; 352.01, subdivision 2B; 352D.02, subdivision 1; 357.07; 357.08; 363.072, subdivisions 1 and 2; 373.11; 375.67, subdivision 3; 387.41; 412.092, subdivision 1; 414.07, subdivision 2; 414.08; 419.12; 420.13; 430.03; 430.031, subdivision 4; 462.14, subdivision 12; 462.715; 465.43; 473.675, subdivision 4; 480.054; 480.055, subdivision 1; 480.061, subdivision 8; 480.062; 480.07; 480.19; 480A.02 by adding a subdivision; 480A.06, subdivision 1; 481.02, subdivisions 3 and 6; 482.07, subdivision 8; 485.16; 487.39; 488A.01, subdivision 14; 488A.17, subdivision 12; 488A.18, subdivision 14; 488A.34, subdivision 11; 501.35; 508.29; 508A.29; 525.71; 525.714; 525.73; 548.29, subdivision 2; 558.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 586.12; 589.02; 589.29; 589.30; 590.01, subdivision 1; 590.04, subdivision 3; 590.06; 595.024, subdivision 3; 595.025, subdivision 3; 609.39; 611.07, subdivisions 2 and 3; 611.071, subdivisions 1 and 2; 611.14; 611.18; 611.25; and 648.39, subdivision 1; and Laws 1982, chapter 501, section 27; repealing Minnesota Statutes 1982, sections 14.70; 80A.24, subdivision 3; 363.10; 484.63; 525.711; 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25.

Ms. Reichgott moved to amend H.F. No. 330, the unofficial engrossment, as follows:

Page 128, after line 2, insert:

"Sec. 167. Minnesota Statutes 1982, section 480A.01, subdivision 2, is amended to read:

Subd. 2. [TEMPORARY NUMBER OF JUDGES.] On ~~July~~ *November* 1, 1983, the court of appeals shall consist of six judges. On ~~January~~ *April* 1, 1984, an additional six judges shall be added."

Page 155, line 9, delete "216" and insert "217"

Renumber the sections in sequence

Amend the title as follows:

Page 2, line 15, after "480.19;" insert "480A.01, subdivision 2;"

The motion prevailed. So the amendment was adopted.

Ms. Reichgott then moved to amend H.F. No. 330, the unofficial engrossment, as follows:

Page 8, line 31, delete "a" and insert "any"

Page 9, line 31, after "to" insert "take testimony and to"

Page 81, line 21, strike "district"

Page 111, after line 13, insert:

"Sec. 143. Minnesota Statutes 1982, section 363.06, subdivision 4, is amended to read:

Subd. 4. [INQUIRY INTO CHARGE.] (1) Consistent with clause (7), when a charge has been filed, the commissioner shall promptly inquire into the truth of the allegations of the charge. The commissioner shall make an immediate inquiry when necessary to prevent a charging party from suffering irreparable loss in the absence of immediate action. The commissioner shall also make an immediate inquiry when it appears that a charge is frivolous or without merit and shall dismiss those charges. On all other charges the commissioner shall make a determination as to whether or not there is probable cause to credit the allegation of unfair discriminatory practices, and

(2) If the commissioner determines after investigation that no probable cause exists to credit the allegations of the unfair discriminatory practice, the commissioner shall, within ten days of the determination, serve upon the charging party and respondent written notice of the determination. Within ten days after receipt of notice, the charging party may request in writing on forms prepared by the department that the commissioner reconsider his determination. The request shall contain a brief statement of the reasons for and new evidence in support of the request for reconsideration. At the time of submission of the request to the commissioner, the charging party shall deliver or mail to the respondent a copy of the request for reconsideration. The commissioner shall either reaffirm or reverse his determination of no probable cause within 20 days after receipt of the request for reconsideration, and he shall within ten days notify in writing the charging party and respondent of his decision to reaffirm or reverse.

A decision by the commissioner that no probable cause exists to credit the allegations of an unfair discriminatory practice shall not be appealed to ~~dis-~~

~~triet~~ the court of appeals pursuant to section 363.072 or sections 14.63 to 14.68.

(3) If the commissioner determines after investigation that probable cause exists to credit the allegations of unfair discriminatory practices, the commissioner shall serve on the respondent and his attorney if he is represented by counsel, by first class mail, a notice setting forth a short plain written statement of the alleged facts which support the finding of probable cause and an enumeration of the provisions of law allegedly violated. If the commissioner determines that attempts to eliminate the alleged unfair practices through conciliation pursuant to subdivision 5 have been or would be unsuccessful or unproductive, the commissioner shall issue a complaint and serve on the respondent, by registered or certified mail, a written notice of hearing together with a copy of the complaint, requiring the respondent to answer the allegations of the complaint at a hearing before a hearing examiner at a time and place specified in the notice, not less than ten days after service of said complaint. A copy of the notice shall be furnished to the charging party and the attorney general.

(4) If, at any time after the filing of a charge, the commissioner has reason to believe that a respondent has engaged in any unfair discriminatory practice, the commissioner may file a petition in the district court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this chapter, including an order or decree restraining him from doing or procuring an act tending to render ineffectual an order the commissioner may enter with respect to the complaint. The court shall have power to grant temporary relief or a restraining order as it deems just and proper, but no relief or order extending beyond ten days shall be granted except by consent of the respondent or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice. Except as modified by this section, the Minnesota rules of civil procedure shall apply to an application, and the district court shall have authority to grant or deny the relief sought on conditions as it deems just and equitable. All hearings under this section shall be given precedence as nearly as practicable over all other pending civil actions.

(5) If a lessor, after he has engaged in a discriminatory practice defined in section 363.03, subdivision 2, clause (1), (a), leases or rents a dwelling unit to a person who has no knowledge of the practice or of the existence of a charge with respect to the practice, the lessor shall be liable for actual damages sustained by a person by reason of a final order as provided in this section requiring the person to be evicted from the dwelling unit.

(6) In any complaint issued under this section, the commissioner may seek relief for a class of individuals affected by an unfair discriminatory practice occurring on or after a date six months prior to the filing of the charge from which the complaint originates.

(7) The commissioner may adopt policies to determine the order in which charges are processed based on their particular social or legal significance, administrative convenience, difficulty of resolution, or other standard con-

sistent with the provisions of this chapter.”

Page 115, line 25, after “APPEALS” insert “FROM DISTRICT COURT”

Page 154, line 22, delete “177.19” and insert “177.29” and delete “and” and insert “and”

Page 155, line 9, delete “216” and insert “217”

Renumber the sections in sequence

Amend the title as follows:

Page 2, line 8, after “1;” insert “363.06, subdivision 4;”

Page 2, line 33, delete “177.19” and insert “177.29”

The motion prevailed. So the amendment was adopted.

Mr. Knutson moved to amend H.F. No. 330, the unofficial engrossment, as follows:

Page 154, after line 19, insert:

“Sec. 217. [494.01] [COURT OF APPEALS JUDICIAL NOMINATING COMMISSION ESTABLISHED.]

A judicial nominating commission is established to nominate persons for appointment to the office of judge of the court of appeals. A person nominated to the office of judge of the court of appeals shall have the qualifications prescribed by law for the office and shall be a person of recognized integrity, character, intelligence, ability, legal experience, and judicial temperament.

Sec. 218. [494.02] [MEMBERS; SELECTION OF MEMBERS AND TERMS; TERMS FOR FIRST COMMISSION; VACANCIES.]

Subdivision 1. [MEMBERS.] The court of appeals judicial nominating commission shall be composed of 15 permanent members, five of whom shall be appointed by the governor, five of whom shall be elected by members of the Minnesota state bar association, and five of whom shall be elected by the justices and judges of the trial and appellate courts of the state, and five special members who shall be appointed by the governor.

Subd. 2. [SELECTION OF MEMBERS AND TERMS.] The members of the court of appeals judicial nominating commission shall be selected in the following manner:

(a) The five permanent members of the commission appointed by the governor shall be residents of Minnesota and shall serve four-year terms which shall be concurrent with the term of the appointing governor.

(b) The five permanent members of the commission elected by members of the Minnesota state bar association shall be attorneys who reside in Minnesota. Elections of attorney members shall be conducted between March 1 and June 30 in the year in which terms of office commence. All terms of office for attorney members shall commence on July 1.

Members elected by the state bar association shall be elected by secret ballot, and the election may be conducted by mail. The results of the election and the names of the persons elected to serve on the commission shall be certified to the governor by the president and secretary of the state bar as-

sociation.

(c) *The five permanent members of the commission elected by the judges and justices of trial and appellate courts of the state shall be elected by county, county municipal, and district court judges, court of appeal judges, and the chief justice and associate justices of the supreme court. Election of judicial members shall be conducted between March 1 and June 30 in the year in which terms of office commence. All terms of office of members elected by judges shall commence on July 1.*

Members of the court of appeals judicial nominating commission elected by judges and justices shall be elected by secret ballot, and the election may be conducted by mail. The results of the election shall be certified to the governor by the chief justice of the supreme court.

(d) *Five special members who reside in Minnesota shall be appointed by the governor to serve on the court of appeals judicial nominating commission each time a vacancy occurs. Special members shall serve only until that vacancy is filled.*

Subd. 3. [TERMS FOR TRANSITION COMMISSIONS.] The first members appointed or elected to the nominating commission shall serve terms as follows:

(a) *The five permanent members first appointed by the governor shall expire when the term of the appointing governor expires.*

(b) *Special elections shall be conducted within 30 days of the effective date of sections 1 to 9 so that attorney members first elected can take office and exercise the duties of a member of the judicial nominating commission as soon as practicable. Special elections shall be conducted in accordance with the provisions of subdivision 2, clause (b). Attorney members first elected shall serve until their successors are qualified.*

(c) *Special elections shall be conducted within 30 days of the effective date of sections 1 to 9 so that judicial members first elected can take office and exercise the duties of a member of the judicial nominating commission as soon as practicable. Special elections shall be conducted in accordance with the provisions of subdivision 2, clause (c). Judicial members first elected shall serve until their successors are qualified.*

Subd. 4. [VACANCIES.] Whenever a vacancy for any reason other than the expiration of a term of office occurs in a position appointed by the governor to the court of appeals judicial nominating commission, the governor shall appoint a successor to fill the unexpired term.

Whenever a vacancy for any reason other than the expiration of a term of office occurs in a position elected by members of the bar to the judicial nominating commission, leaving an unexpired term of office of more than six months, an election shall be conducted in accordance with the provisions of subdivision 2, clause (b), to elect a successor to fill the unexpired term. If any vacancy occurs in a position elected by members of the bar, leaving an unexpired term of office of six months or less, the president of the state bar association shall appoint a successor to fill the unexpired term.

Whenever a vacancy for any reason other than the expiration of a term of office occurs in a position elected by judges and justices on the judicial nom-

inating commission, leaving an unexpired term of office of more than six months, an election shall be conducted in the manner provided in subdivision 2, clause (c), to elect a successor to the unexpired term. If any vacancy occurs in a position elected by judges and justices leaving an unexpired term of office of six months or less, the chief judge of the court of appeals shall appoint a successor to fill the unexpired term.

Sec. 219. [494.03] [OFFICERS; MEETINGS; NOTICE; QUORUM; PLACE.]

Subdivision 1. [CHAIRMAN.] The court of appeals judicial nominating commission shall have a chairman who shall be designated by the governor from among the permanent members of the commission. The chairman shall serve at the pleasure of the governor. The chairman shall preside at all meetings of the commission. In the absence of the chairman, the commission shall choose a member to act as temporary chairman.

Subd. 2. [SECRETARY.] The commission shall choose one of its members as a secretary. It shall be the duty of the secretary to prepare and keep the minutes of all meetings. In the secretary's absence the commission shall choose a member to be acting secretary.

Subd. 3. [MEETINGS; NOTICE; QUORUM; PLACE.] Meetings of the commission may be called by the chairman or a majority of the members by written or telegraphic notice to the other members specifying the time and place of the meeting. The notice shall be mailed or sent at least five days before the time specified, except that a meeting may be called on shorter notice if the notice specifies that the meeting will be an emergency meeting. The meetings of the commission may be held without notice at any time or place whenever the meeting is one to which notice is waived by all members or whenever the commission at a previous meeting designated the time and place for the meeting. Notice of meeting may be waived by any member or members either before or after the meeting takes place. Attendance at a meeting by any member constitutes a waiver of notice by the member. A majority of the members of the commission constitutes a quorum. Meetings of the judicial nominating commission may be conducted anywhere in the state.

Sec. 220. [494.04] [JUDICIAL VACANCIES; PUBLIC NOTICE; NOMINATIONS.]

Subdivision 1. [JUDICIAL VACANCIES.] Whenever a vacancy occurs in the office of judge of the court of appeals, or whenever a vacancy will occur on a specified future date, the governor shall give notice of the vacancy to the chairman of the court of appeals judicial nominating commission within five days. Within five days of giving notice to the chairman, the governor shall issue a public statement announcing the existence of the vacancy and shall appoint five special members to the court of appeals judicial nominating commission to serve until that vacancy is filled.

Subd. 2. [PUBLIC NOTICE.] Within five days of receiving notice from the governor of the existence of a judicial vacancy, the chairman of the court of appeals judicial nominating commission shall publish a notice in a legal newspaper of statewide circulation announcing the vacancy and stating that the commission will accept applications for the vacancy for a period of ten days following publication of the notice. Applications shall be filed with the

chairman, whose address shall be included in the legal notice.

Subd. 3. [NOMINATIONS.] The chairman shall call a meeting of the commission to be held not less than ten nor more than 20 days after publication of the legal notice of the vacancy to consider applicants for the judicial vacancy.

The commission shall nominate not less than three nor more than five persons for the office which is vacant. Eleven votes of the nominating commission are required to nominate a person for a judicial vacancy in the court of appeals. Any persons nominated must have the qualifications prescribed by law.

In order to obtain the best qualified persons as nominees, the commission shall not limit its consideration of potential nominees to those persons who have submitted their applications to the commission. The commission may authorize one or more members of the commission to tender a nomination to any qualified person in order to ascertain his willingness to serve if nominated. A tender of nomination shall be subject to final action of the commission under the conditions prescribed in this section.

In order that a vacancy in the office of judge does not exist for an inordinate length of time, the commission shall conduct the business of selecting nominees for appointment to office and certifying them to the governor as promptly and expeditiously as possible, having due regard for the importance of selecting the best possible nominees. In no event shall the commission submit its nominations to the governor more than 30 days after the date a vacancy occurs, unless the governor permits an extension of time in writing.

If there are not at least three attorneys deemed qualified by the judicial nominating commission, the names of all applicants for the judgeship shall be transmitted to the governor by letter from the chairman of the judicial nominating commission.

Subd. 4. [CERTIFICATE OF NOMINATION.] When the commission has selected its nominees to fill a judicial vacancy on the court of appeals, the chairman and secretary of the commission shall execute a certificate of nomination identifying the nominees which shall be immediately transmitted to the governor.

Sec. 221. [494.05] [WITHDRAWAL OF NOMINATION; SUBSTITUTION OF NOMINEE; RESUBMISSION OF NOMINATIONS.]

After the court of appeals judicial nominating commission has nominated and submitted to the governor the required number of nominees for appointment to fill a vacancy in the office of judge of the court of appeals, and prior to the appointment of a successor to the office, any nomination may be withdrawn by the commission for any cause it deems to be of such a substantial nature as to affect the nominee's qualifications to hold the office, and the name of another nominee may be submitted for it by the commission.

If any nominee dies or requests the commission in writing to withdraw his name, the commission shall withdraw the nomination and substitute another nominee to replace him or her.

The action of the commission in withdrawing nominations may be taken at the same meetings at which nominations are made or at any later meeting

called for that purpose. A certificate of withdrawal of nomination and a certificate of new nomination shall be signed on behalf of the commission by the chairman and the secretary and shall be immediately transmitted to the governor.

Sec. 222. [494.06] [APPOINTMENT BY GOVERNOR.]

Whenever the court of appeals judicial nominating commission has submitted nominations to the governor for appointment to fill a vacancy in the office of judge of the court of appeals, it shall be the duty of the governor to make the appointment within 30 days after the nominations are submitted. The governor is not required to make the appointment from the nominations submitted by the judicial nominating commission.

Sec. 223. [494.07] [VACANCIES WITHIN SIX MONTHS OF PRIOR APPOINTMENT.]

If a vacancy occurs in the office of judge of the court of appeals within six months after the governor has made an appointment to the court of appeals from among nominees certified to him by the court of appeals judicial nominating commission, the governor may appoint a person from the prior list of certified nominees to fill that vacancy without following the procedures set forth in sections 4 and 5.

Sec. 224. [494.08] [CONFIDENTIALITY.]

All data, documents, records, correspondence, and communications between members of judicial nominating commissions and other persons, including but not limited to other members of the commission, prospective candidates for judicial office, the governor, and members of the general public, are classified as confidential data on individuals within the meaning of section 13.02, subdivision 3.

Meetings of the court of appeals judicial nominating commission shall be exempt from the provisions of section 471.705. All matters discussed at the meetings, except the matters contained in the certificate of nomination, are confidential.

Sec. 225. [494.09] [PER DIEM; EXPENSES.]

Members of the court of appeals judicial nominating commission appointed by the governor and elected by members of the Minnesota state bar association shall be entitled to receive per diem at the rate of \$35 per day from the state court administrator.

The chairman and the secretary of the commission shall be entitled to reimbursement by the state court administrator of actual expenses incurred for publication of legal notices of vacancies, copying, postage, and long distance telephone calls.

Sec. 226. [APPROPRIATION.]

The sum of \$10,000 is appropriated from the general fund to the state court administrator for payments of commission per diem and expenses as prescribed by section 179, and shall be available until June 30, 1985."

Page 155, line 9, delete "Section 216 is" and insert "Sections 216 to 226 are"

Renumber the sections in sequence

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Johnson, D.E.	McQuaid	Renneke
Belanger	Chmielewski	Kamrath	Mehrkens	Sieloff
Benson	Frederick	Knaak	Olson	Storm
Berg	Frederickson	Knutson	Peterson, D.L.	Taylor
Bernhagen	Isackson	Laidig	Ramstad	Ulland

Those who voted in the negative were:

Adkins	Diessner	Kroening	Novak	Samuelson
Berglin	Dieterich	Langseth	Pehler	Spear
Bertram	Frank	Lantry	Peterson, D.C.	Stumpf
Dahl	Freeman	Luther	Peterson, R.W.	Wegscheid
Davis	Hughes	Moe, D. M.	Petty	Willet
DeCramer	Johnson, D.J.	Moe, R. D.	Pogemiller	
Dicklich	Jude	Nelson	Reichgott	

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

H.F. No. 330 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 52 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	Olson	Samuelson
Anderson	Dicklich	Knutson	Pehler	Schmitz
Belanger	Dieterich	Kronebusch	Peterson, C.C.	Sieloff
Berg	Frederick	Laidig	Peterson, D.C.	Spear
Berglin	Frederickson	Langseth	Peterson, D.L.	Storm
Bernhagen	Freeman	Lantry	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Wegscheid
Brataas	Johnson, D.E.	McQuaid	Pogemiller	Willet
Chmielewski	Johnson, D.J.	Mehrkens	Ramstad	
Dahl	Jude	Nelson	Reichgott	
Davis	Kamrath	Novak	Renneke	

Messrs. Benson, Frank, Isackson and Ulland voted in the negative.

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

Remaining on the Order of Business of Motions and Resolutions, without objection, the Senate proceeded 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.

Mr. Willet, for the Committee on Finance, introduced—

S.F. No. 1234: A bill for an act relating to the organization and operation

of state government; appropriating money for welfare, corrections, health, and other purposes with certain conditions; providing appropriations for the departments of public welfare, economic security, corrections, health, sentencing guidelines commission, corrections ombudsman, and health related boards; providing an entitlement to certain child care services; increasing marriage license and dissolution fees; providing for distribution of federal maternal and child health block grant money; requiring cost increase limits and other cost containment measures in medical care programs; amending eligibility standards; changing general assistance to allow flat grants, employment through grant diversion and work registration requirements, and federal benefit application incentives; providing for job training for certain persons; appropriating money for welfare, corrections, health, and other purposes with certain conditions; providing appropriations for the departments of public welfare, economic security, corrections, health, sentencing guidelines commission, corrections ombudsman, and health related boards; amending Minnesota Statutes 1982, sections 129A.03; 144.653, subdivision 2; 144A.04, subdivision 5; 144A.10, subdivision 2; 145.882; 145.921, subdivision 1; 245.62; 245.66; 245.83; 245.84, subdivisions 1, 2, and 5; 245.85; 245.86; 245.87; 256.045, subdivision 3; 256.82, by adding a subdivision; 256.966, subdivision 1; 256.968; 256B.02, subdivision 8; 256B.04, subdivision 14, and by adding a subdivision; 256B.06, subdivision 1; 256B.07; 256B.14, subdivision 2; 256B.17, subdivision 4, and by adding subdivisions; 256B.27, subdivision 3; 256B.48, by adding a subdivision; 256D.01, subdivision 1; 256D.02, subdivision 4; 256D.03, subdivisions 3 and 4, and by adding subdivisions; 256D.05, subdivision 1a; 256D.06, subdivision 5; 256D.09, subdivision 2, and by adding a subdivision; 260.191, subdivision 2; 260.242, subdivision 2; 261.23; 357.021, subdivisions 2 and 2a; 401.14, by adding a subdivision; 401.15, subdivision 1; 517.08, subdivisions 1b and 1c; proposing new law coded in Minnesota Statutes, chapters 145; 252; 256; 256B; 256D; and 268; repealing Minnesota Statutes 1982, sections 256D.02, subdivision 14; 256D.05, subdivision 1a; 256D.06, subdivision 1a; 256D.22; and Laws 1981, chapter 360, article II, section 54, as amended.

Under the rules of the Senate, laid over one day.

Mr. Ulland introduced—

S.F. No. 1235: A bill for an act relating to labor; providing for an exemption from wage requirements for certain domestic service employees; amending Minnesota Statutes 1982, section 177.23, subdivision 7.

Referred to the Committee on Employment.

Messrs. Chmielewski, Sieloff, Bertram, Belanger and DeCramer introduced—

S.F. No. 1236: A bill for an act relating to education; establishing a demonstration grant program for elementary pupils; appropriating money.

Referred to the Committee on Education.

Mr. Schmitz introduced—

S.F. No. 1237: A bill for an act relating to land surveying; authorizing

counties to contract for the preservation and remonumentation of the United States public land survey; appropriating money; amending Minnesota Statutes 1982, sections 287.21, subdivision 2; 287.25; 287.28; 287.29, subdivision 1; and 389.011, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 287.

Referred to the Committee on Local and Urban Government.

Mr. Frank, Mrs. Lantry, Mses. Berglin; Peterson, D.C. and Mr. Diessner introduced—

S.F. No. 1238: A bill for an act relating to taxation; establishing an income tax checkoff for the purpose of providing funds for organ transplants; proposing new law coded in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes and Tax Laws.

Mr. Frederickson and Ms. Olson introduced—

S.F. No. 1239: A bill for an act relating to human rights; clarifying the meaning of a change in the time for filing suit in the district court.

Referred to the Committee on Judiciary.

Mr. Pehler introduced—

S.F. No. 1240: A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 8; removing the constitutional restrictions on permanent school fund investments; establishing statutory restrictions; amending Minnesota Statutes 1982, section 11A.16, subdivision 4.

Referred to the Committee on Education.

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Mr. Samuelson moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 1234 and that the rules of the Senate be so far suspended as to give S.F. No. 1234 its second and third reading and place it on its final passage. The motion prevailed.

S. F. No. 1234 was read the second time.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 2:00 p.m. The motion prevailed.

The hour of 2:00 p.m. having arrived, the President called the Senate to order.

The question recurred on S.F. No. 1234.

Mr. Frederickson moved to amend S.F. No. 1234 as follows:

Page 51, lines 8 to 10, reinstate the stricken language

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 38, as follows:

Those who voted in the affirmative were:

Adkins	Brataas	Knutson	Peterson, D.L.	Ulland
Anderson	Frederick	Kronebusch	Ramstad	Wegscheid
Belanger	Frederickson	Laidig	Renneke	
Benson	Isackson	McQuaid	Sieloff	
Berg	Kamrath	Mehrkens	Storm	
Bernhagen	Knaak	Olson	Taylor	

Those who voted in the negative were:

Berglin	Dieterich	Langseth	Peterson, C.C.	Schmitz
Bertram	Frank	Lantry	Peterson, D.C.	Solon
Chmielewski	Freeman	Luther	Peterson, R.W.	Spear
Dahl	Hughes	Merriam	Petty	Stumpf
Davis	Johnson, D.E.	Moe, D. M.	Pogemiller	Vega
DeCramer	Johnson, D.J.	Moe, R. D.	Purfeerst	Willet
Dicklich	Jude	Novak	Reichgott	
Diessner	Kroening	Pehler	Samuelson	

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

S.F. No. 1234 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 49 and nays 15, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Novak	Samuelson
Berglin	Frederick	Langseth	Pehler	Sieloff
Bernhagen	Freeman	Lantry	Peterson, C.C.	Solon
Bertram	Hughes	Lessard	Peterson, D.C.	Spear
Chmielewski	Johnson, D.E.	Luther	Peterson, R.W.	Stumpf
Dahl	Johnson, D.J.	McQuaid	Petty	Taylor
Davis	Jude	Merriam	Pogemiller	Vega
DeCramer	Knaak	Moe, D. M.	Purfeerst	Wegscheid
Dicklich	Knutson	Moe, R. D.	Reichgott	Willet
Diessner	Kroening	Nelson	Renneke	

Those who voted in the negative were:

Anderson	Berg	Frederickson	Laidig	Peterson, D.L.
Belanger	Brataas	Isackson	Mehrkens	Ramstad
Benson	Frank	Kamrath	Olson	Ulland

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 695: A bill for an act relating to public welfare; requiring new procedures for determining nursing home payment rates; requiring a moratorium on certification or welfare licensure of new beds with certain exceptions; providing for an interagency board for quality assurance; appropriating money; amending Minnesota Statutes 1982, sections 144A.10, subdivisions 4, 6, and by adding a subdivision; 256B.091, subdivisions 1, 2, 4, and 8; 256B.41; 256B.47; and 256B.48; proposing new law coded in Minnesota Statutes 1982, chapters 144A and 256B; repealing Minnesota Statutes 1982, sections 256B.42; 256B.43; 256B.44; 256B.45; and

256B.46; and 12 MCAR 2.049.

Ms. Berglin moved to amend S.F. No. 695 as follows:

Page 3, line 9, after "that" insert ", together with all contiguous counties," and after "fewer" insert "than 60" and after "beds" delete "than 60"

Page 3, line 10, delete "beds"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend S.F. No. 695 as follows:

Page 4, line 35, delete "or"

Page 4, after line 35, insert:

"(e) To certify a new bed in a facility for which a certificate of need was issued prior to the effective date of this section, provided conditions of the certificate include requirements that at least one-third of the beds be licensed and certified short-stay beds, and that the applicant construct and operate on a concurrent time schedule with the nursing home a congregate housing program for the elderly upon a single site; or"

Page 4, line 36, delete "(e)" and insert "(f)"

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Ms. Berglin imposed a call of the Senate for the balance of the proceedings on S.F. No. 695. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Waldorf moved to amend S.F. No. 695 as follows:

Page 8, after line 5, insert:

"The commissioners of health and public safety shall notify the commissioner of public welfare when an inspection or reinspection reveals deterioration of real estate or equipment in areas that relate to resident care, safety, or rights and that might indicate a need to reappraise the nursing home's value."

Page 21, line 5, before "Property-related" insert "(a) For the rate year beginning July 1, 1983 and ending June 30, 1984,"

Page 21, delete line 9

Page 21, line 10, delete everything before "No"

Page 21, line 35, delete "and permanent"

Page 22, after line 1, insert:

"(b) In subsequent years, the commissioner shall reimburse nursing home providers that are vendors in the medical assistance program for the rental use of their property. The "rent" is the amount of periodic payment which a renter might expect to pay for the right to the agreed use of the real estate and the equipment as it exists. "Real estate" means land improvements, build-

ings, and attached fixtures used directly for resident care. "Equipment" means the standard moveable resident care equipment and support service generally used in long-term care facilities.

(1) For the state fiscal year beginning July 1, 1984, the commissioner shall provide for the appraisal of each nursing home that is a medical assistance vendor by uniform standards, using the depreciated replacement cost method. The appraisal shall include the real estate and the equipment.

The commissioner shall provide for the reappraisal of a nursing home if the commissioner of health or the commissioner of public safety notifies the commissioner that an inspector has noticed deterioration over a period of at least six months of the real estate or equipment.

(2) The commissioner shall establish an investment per bed limitation on the value to be recognized of buildings, land improvements, and major moveable equipment and shall annually update the limitation to reflect changes in replacement costs.

(3) The base rent is the value determined by the appraisal under paragraph (a), limited by the investment per bed limitation established under paragraph (b).

(4) The per diem rent for the rate year July 1, 1984 to June 30, 1985 shall be determined by multiplying the base rent by eight percent and dividing the result by 96 percent of the nursing home's certified capacity days. Each rate year after the rate year July 1, 1984 to June 30, 1985, the commissioner shall apply an appropriate index to the per diem rent computed for the rate year July 1, 1984 to June 30, 1985, not to exceed three percent per rate year.

A nursing home with a payment rate for property-related costs for the rate year July 1, 1983 to June 30, 1984 that is higher than its per diem rent for the same rate year shall receive its per diem rent for the rate year plus

(i) for the rate year July 1, 1984 to June 30, 1985, 80 percent of the difference,

(ii) for the rate year July 1, 1985 to June 30, 1986, 60 percent of the difference,

(iii) for the rate year July 1, 1986 to June 30, 1987, 40 percent of the difference, and

(iv) for the rate year July 1, 1987 to June 30, 1988, 20 percent of the difference,

between the per diem rent for the rate year July 1, 1983 to June 30, 1984 and the payment rate for property-related costs for that same rate year.

A nursing home with a payment rate for property-related costs for the rate year July 1, 1983 to June 30, 1984 that is lower than its per diem rent for that rate year shall receive that payment rate plus

(iv) for the rate year July 1, 1984 to June 30, 1985, 20 percent of the difference,

(v) for the rate year July 1, 1985 to June 30, 1986, 40 percent of the difference,

(vi) for the rate year July 1, 1986 to June 30, 1987, 60 percent of the

difference, and

(vii) for the rate year July 1, 1987 to June 30, 1988, 80 percent of the difference,

between that payment rate for property-related costs for the rate year July 1, 1983 to June 30, 1984 and the per diem rent for that rate year.

For each rate year from July 1, 1984 to June 30, 1988, the commissioner shall ensure that the total amount of per diem rent paid to nursing homes for each rate year does not exceed 100 percent of the total amount paid for property-related costs in the immediately preceding rate year and shall make rateable or other reductions in per diem rents if necessary to achieve that result.

For subsequent years, each nursing home shall receive its per diem rent as calculated under clauses (1) to (4)."

Page 22, lines 4, 8, 11, and 12, after "interim" insert "operating cost"

Page 22, line 16, after the period, insert "The commissioner shall establish the rent for newly-constructed beds."

Page 22, after line 23, insert:

"Subd. 6. [ADDITIONAL PROPERTY COST REIMBURSEMENT.] Facilities receiving, on June 30, 1984, reimbursement for allowable depreciation allowance, interest expenses, and earnings or investment allowances in excess of the rent computed pursuant to subdivision 3, paragraph (b), shall continue to receive reimbursement for those amounts, minus any retirements from depreciation schedules or reductions in actual interest expenses, until the rent exceeds those amounts. However, in no case shall the amount paid for in investment or earnings allowance exceed that amount received for those allowances on March 1, 1983. Payments made pursuant to this subdivision shall not be transferable and excess depreciation paid by Medical Assistance shall be recaptured."

Page 32, lines 4 and 5, delete "Research of property-related reimbursement systems 330,000"

Page 32, line 11, after the period, insert "\$2,000,000 is appropriated from the general fund to the commissioner of public welfare for the biennium ending June 30, 1985 in order to provide for appraisal of each nursing home as required under section 12. To provide for this appraisal the commissioner shall contract with a nationally-recognized firm that is familiar with methods of appraisals for nursing homes, but shall specify terms designed to prevent actual conducting of the appraisals by individuals from the same geographic area in the state as the appraised nursing homes or by other individuals who might have conflicts of interest."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 38, as follows:

Those who voted in the affirmative were:

Adkins	Brataas	Knaak	Mehrkens	Taylor
Anderson	Frederick	Knutson	Olson	Ulland
Belanger	Frederickson	Kroening	Peterson, D.L.	Waldorf
Benson	Isackson	Kronebusch	Reichgott	Wegscheid
Berg	Johnson, D.E.	Lajdig	Renneke	
Bernhagen	Kamrath	McQuaid	Storm	

Those who voted in the negative were:

Berglin	Dieterich	Lessard	Peterson, C.C.	Sieloff
Bertram	Frank	Luther	Peterson, D.C.	Solon
Chmielewski	Freeman	Merriam	Peterson, R.W.	Spear
Dahl	Hughes	Moe, D. M.	Petty	Stumpf
Davis	Johnson, D.J.	Moe, R. D.	Pogemiller	Vega
DeCramer	Jude	Nelson	Purfeerst	Willet
Dicklich	Langseth	Novak	Ramstad	
Diessner	Lantry	Pehler	Samuelson	

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

RECONSIDERATION

Having voted on the prevailing side, Ms. Reichgott moved that the vote whereby the Sieloff amendment to S.F. No. 695 was adopted on May 11, 1983, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 36 and nays 26, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Pehler	Spear
Berglin	Dieterich	Langseth	Peterson, C.C.	Stumpf
Bertram	Frank	Lantry	Peterson, D.C.	Vega
Chmielewski	Frederick	Luther	Peterson, R.W.	Willet
Dahl	Freeman	Moe, D. M.	Petty	
Davis	Johnson, D.J.	Moe, R. D.	Purfeerst	
DeCramer	Knutson	Nelson	Renneke	
Dicklich	Kroening	Novak	Samuelson	

Those who voted in the negative were:

Anderson	Frederickson	Laidig	Ramstad	Waldorf
Belanger	Isackson	Lessard	Sieloff	Wegscheid
Benson	Johnson, D.E.	McQuaid	Solon	
Berg	Jude	Mehrkens	Storm	
Bernhagen	Kamrath	Olson	Taylor	
Brataas	Knaak	Peterson, D.L.	Ulland	

The motion prevailed.

The question recurred on the Sieloff amendment.

The roll was called, and there were yeas 34 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knaak	Olson	Storm
Belanger	Frederickson	Kroening	Peterson, D.L.	Taylor
Benson	Hughes	Kronebusch	Ramstad	Ulland
Berg	Isackson	Laidig	Renneke	Vega
Bernhagen	Johnson, D.E.	Lessard	Schmitz	Waldorf
Brataas	Jude	McQuaid	Sieloff	Wegscheid
Frank	Kamrath	Mehrkens	Solon	

Those who voted in the negative were:

Adkins	Dicklich	Lantry	Pehler	Reichgott
Berglin	Diessner	Luther	Peterson, C.C.	Samuelson
Bertram	Dieterich	Merriam	Peterson, D.C.	Spear
Chmielewski	Freeman	Moe, D. M.	Peterson, R.W.	Stumpf
Dahl	Johnson, D.J.	Moe, R. D.	Petty	Willet
Davis	Knutson	Nelson	Pogemiller	
DeCramer	Langseth	Novak	Purfeerst	

The motion prevailed. So the amendment was adopted.

Mr. Isackson moved to amend S.F. No. 695 as follows:

Page 3, line 9, delete "60" and insert "70"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 43, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Olson	Storm
Belanger	Frederickson	Kronebusch	Peterson, D.L.	Taylor
Berg	Isackson	Laidig	Ramstad	Ulland
Bernhagen	Kamrath	McQuaid	Renneke	
Brataas	Knaak	Mehrkens	Sieloff	

Those who voted in the negative were:

Adkins	Diessner	Langseth	Pehler	Solon
Benson	Dieterich	Lantry	Peterson, C.C.	Spear
Berglin	Frank	Lessard	Peterson, D.C.	Stumpf
Bertram	Freeman	Luther	Petty	Vega
Chmielewski	Hughes	Merriam	Pogemiller	Waldorf
Dahl	Johnson, D.E.	Moe, D. M.	Purfeerst	Wegscheid
Davis	Johnson, D.J.	Moe, R. D.	Reichgott	Willet
DeCramer	Jude	Nelson	Samuelson	
Dicklich	Kroening	Novak	Schmitz	

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

S.F. No. 695 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 52 and nays 15, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Lantry	Peterson, C.C.	Solon
Anderson	Frank	Lessard	Peterson, D.C.	Spear
Benson	Freeman	Luther	Peterson, R.W.	Stumpf
Berglin	Hughes	McQuaid	Petty	Taylor
Bertram	Isackson	Merriam	Pogemiller	Vega
Chmielewski	Johnson, D.J.	Moe, D. M.	Purfeerst	Waldorf
Dahl	Jude	Moe, R. D.	Ramstad	Wegscheid
Davis	Kamrath	Nelson	Reichgott	Willet
DeCramer	Knutson	Novak	Samuelson	
Dicklich	Kroening	Olson	Schmitz	
Diessner	Langseth	Pehler	Sieloff	

Those who voted in the negative were:

Belanger	Brataas	Johnson, D.E.	Laidig	Renneke
Berg	Frederick	Knaak	Mehrkens	Storm
Bernhagen	Frederickson	Kronebusch	Peterson, D.L.	Ulland

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

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. 251: Messrs. Frederickson, Spear and Peterson, C.C.

S.F. No. 1003: Mr. Petty, Ms. Berglin and Mr. Knutson.

H.F. No. 1259: Messrs. Johnson, D.J.; Peterson, C.C.; Ms. Berglin, Messrs. Dieterich and Novak.

H.F. No. 521: Substitute the name of Mr. Laidig for Mr. Petty.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Dahl moved that S.F. No. 1230 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Transportation. The motion prevailed.

MEMBERS EXCUSED

Mr. Lessard was excused from the Session of today from 12:00 noon to 2:30 p.m. Mr. Waldorf was excused from the Session of today from 12:00 noon to 2:50 p.m. Mr. Kroening was excused from the Session of today from 12:00 noon to 1:45 p.m. Mr. Diessner was excused from the Session of today from 12:15 to 1:15 p.m. Mr. Pehler was excused from the Session of today from 3:00 to 4:30 p.m. Mr. Peterson, R.W. was excused from the Session of today from 3:20 to 4:30 p.m. Mr. Purfeerst was excused from the Session of today from 12:00 noon to 2:00 p.m. Messrs. Johnson, D.J.; Peterson, C.C.; Dieterich; Novak and Ms. Berglin were excused from the early part of today's Session.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, May 12, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate