

## SIXTY-FIFTH DAY

St. Paul, Minnesota, Wednesday, January 27, 1982

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

### CALL OF THE SENATE

Mr. Humphrey 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. Winfield V. Johnson.

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

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

The President declared a quorum present.

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

### MEMBERS EXCUSED

Messrs. Hughes and Knoll were excused from the Session of today.

### REPORTS AND RESOLUTIONS FILED DURING THE INTERIM WITH THE SECRETARY OF THE SENATE

Various reports were filed during the 1981 interim by Retirement and Relief Associations and are filed in the office of the Secretary of the Senate; also reports made by the Legislative Audit Commission on various state institutions and boards; PERA Data Processing Environment Report, 1979; PERA Investment Performance Action Program Report, 1981; Management Services Report to PERA, 1981; Department of Public Welfare Social Services Plan, Oct. 1, 1981 to Dec. 31, 1982; East Central Regional Development Commission,

Annual Report, 1981; State Planning Agency, Biennial Report, 1980-81; Department of Public Welfare, Final State Biennial Community Social Services Plan, 1981-83; Southwest Regional Development Commission, Annual Report, 1981; Southwest Regional Development Commission, Overall Work Program, 1982; Southwest Regional Development Commission, Self-evaluation Report, 1981; Northwest Regional Development Commission, Annual Report, 1980; Minnesota Humanities Commission, Annual Report, July 1, 1980 to June 30, 1981; Department of Transportation, Rail User Loan Guarantee Program, 1981; Department of Public Welfare, Plan for an Experimental Project dealing with Alternative Methods of Delivery of Services under the General Assistance Medical Care Program; Housing Finance Agency, Single Family Housing Program, 1982; Department of Agriculture, Weather Modification Report, 1981; Ethical Practices Board, Annual Report, 1981; Department of Health, Maternal and Child Nutrition Act of 1975, Supplemental Food Programs, 1981; Department of Labor and Industry, Workers' Compensation Advisory Council, 1981; Department of Education, Uniform Data Standards for Student and Personnel/Payroll Reporting, 1982; Department of Finance, Indirect Cost Billing Plan; Department of Finance, Actions of Legislative Advisory Commission; Department of Public Safety, Bureau of Criminal Apprehension.

### REPORTS OF COMMITTEES

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was re-referred

S.F. No. 744: A bill for an act relating to natural resources; changing and clarifying administrative provisions regarding watershed districts; increasing per diem for district managers; stating procedures for adopting rules by managers; requiring revision of certain plans every ten years; allowing cash bonds; permitting use of a map to show an assessment area; clarifying emergency procedures; amending Minnesota Statutes 1980, Sections 105.71, Subdivision 1a, and by adding subdivisions; 106.271; 106.471, Subdivision 1; 112.35, Subdivision 19, and by adding a subdivision; 112.36; 112.37, Subdivision 1; 112.39, Subdivision 1; 112.42, Subdivisions 5 and 6; 112.43, Subdivisions 1, 3, and by adding a subdivision; 112.46; 112.47; 112.48, Subdivisions 1, 2, and 4; 112.49, Subdivisions 1 and 7; 112.53, Subdivision 1; 112.58; 112.61, Subdivision 3; 112.62, Subdivision 1; 112.64; 112.65, Subdivision 2; and 112.801, Subdivision 8.

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

Pages 1, 2, and 3 delete sections 2 and 3

Page 4, line 10, after "government" insert "*provided that a soil and water conservation supervisor may be a manager*"

Page 4, after line 27, insert:

"Sec. 4. Minnesota Statutes 1980, Section 112.42, Subdivision 3, is amended to read:

Subd. 3. At least 30 days prior to the expiration of the term of office of the first managers named by the board, the county commissioners of each county affected shall meet and proceed to appoint successors to the first managers. Provided, however, if the nominating petition that initiated the district shall be originated from a majority of the cities within the district the county commissioners shall appoint the managers from a list of nominees submitted by the townships and municipalities within the district. Said list shall contain at least three nominees for each position to be filled: It shall be submitted to the affected county board at least 60 days prior to the expiration of the term of office. If such list is not submitted within 60 days prior to the expiration of the term of office the county commissioners shall select the managers from eligible individuals within the district. Said county commissioners shall at least 30 days before the expiration of the term of office of any managers meet and appoint the successors. If the district affects more than one county, distribution of the managers among the counties affected shall be as directed by the board. Ten years after the order of establishment, upon petition of the county board of commissioners of any county affected by the district, the board after public hearing thereon, may redistribute the managers among the counties if such redistribution is in accordance with the policy and purposes of this chapter. No petition for the redistribution of managers shall be filed with the board more often than once in ten years. The term of office of each manager, if the number does not exceed three, shall be one for a term of one year, one for a term of two years, and one for a term of three years. If the managers consist of five members, one shall be for a term of one year, two for a term of two years, and two for a term of three years. If the district affects more than one county, the board shall direct the distribution of the one, two and three year terms among the affected counties. Thereafter, the term of office for each manager shall be for a term of three years, and until his successor is appointed and qualified. *A manager may be removed at the pleasure of the appointing authority after the manager has served for at least one year.* If the district affects more than five counties, in order to provide for the orderly distribution of the managers, the board may determine and identify the manager areas within the territory of the district and select the appointing county board of commissioners for each manager's area. Any vacancy occurring in an office of a manager shall be filled by the appointing county board of commissioners. A record of all appointments made under this subdivision shall be filed with the county auditor of each county affected, with the secretary of the board of managers, and with the secretary of the water resources board. No person shall be appointed as a manager who is not a voting resident of the district and none shall be a public officer of the county, state, or federal government, *provided that a soil and water conservation supervisor may be a manager.*"

Page 5, line 6, delete "9" and insert "8"

Page 7, line 27, delete "9" and insert "8"

Page 8, line 5, delete everything after the period

Page 8, delete line 6 and insert "*For each county of the district the board shall publish a notice of any hearing or adopted rules in one or more legal newspapers published in the county and generally circulated in the district,*"

Page 9, line 19, before "hearing" insert "*public*"

Page 12, lines 4 and 5, delete the new language and insert "*affected by the*

*proposed project*"

Page 12, line 11, before "if" insert "*affected by the proposed project,*"

Page 17, delete section 18 and insert:

"Sec. 17. Minnesota Statutes 1981 Supplement, Section 112.53, Subdivision 1, is amended to read:

Subdivision 1. The managers shall by publication give notice of the pendency of the petition or resolution; the time and place for hearing thereon; and that the engineer's and appraisers' reports, including the plans, have been filed with the managers and are subject to inspection. The notice shall contain a brief description of the proposed ~~improvement~~ *project*, together with a description of the properties benefited or damaged, and the names of the owners ~~thereof~~ *of the properties*, the public and other corporations affected ~~thereby~~ *by the project* as shown by the engineer's and appraisers' reports. A map of the affected area may be included in the notice in lieu of the names of the owners or of the descriptions of the properties affected by the project or both. The notice shall require all parties interested in the proposed ~~improvement~~ *project* to appear before the managers at the time and place designated in the notice and ~~there~~ *to* present ~~their~~ *any* objections; if ~~any~~ *they may* have, and *to* show cause why an order should not be made by the managers granting the petition and, confirming the reports of the engineer and ~~the~~ appraisers, and ordering the establishment and construction of the ~~improvement~~ *project.*"

Page 23, line 16, before "after" insert "*on or*"

Page 24, line 17, before "after" insert "*on or*"

Page 24, line 17, delete "27" and insert "25"

Page 24, line 21, before "after" insert "*on or*"

Page 24, line 21, delete "27" and insert "25"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete everything after the semicolon

Page 1, line 8, delete "an assessment area;"

Page 1, line 11, delete ", and by"

Page 1, line 12, delete "adding a subdivision"

Page 1, line 12, delete "112.36;"

Page 1, line 13, after "Subdivisions" insert "3,"

Page 1, line 16, delete "112.53,"

Page 1, line 17, delete "Subdivision 1;"

Page 1, line 19, before the period, insert "; and Minnesota Statutes 1981 Supplement, Section 112.53, Subdivision 1"

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to

which was referred

S.F. No. 579: A bill for an act relating to public welfare; requiring licensure for adult day care facilities; amending Minnesota Statutes 1980, Sections 245.782, Subdivision 2; 245.791; 256B.02, Subdivisions 7 and 8.

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

Page 1, line 13, delete everything after "adult"

Page 1, line 14, delete the new language and insert "who is experiencing difficulty living independently and is unable to provide for his or her needs"

Page 1, after line 14, insert:

"Sec. 2. Minnesota Statutes 1980, Section 245.783, is amended by adding a subdivision to read:

*Subd. 1a. [ADULT DAY CARE CENTERS.] The commissioner shall establish licensure requirements for adult day care centers and shall license each center that applies for a license and meets those requirements."*

Page 2, line 8, after "persons" insert "or adults who are experiencing difficulty living independently and are unable to provide for their own needs"

Page 2, line 13, after "adults" insert "who are not experiencing difficulty living independently or who are able to provide for their own needs"

Pages 3 to 5, delete section 4 and insert:

"Sec. 5. Minnesota Statutes 1981 Supplement, Section 256B.02, Subdivision 8, as amended by Laws 1981, Third Special Session Chapter 2, Article I, Section 31, is amended to read:

Subd. 8. "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of such cost:

- (1) Inpatient hospital services.
- (2) Skilled nursing home services and services of intermediate care facilities.
- (3) Physicians' services.
- (4) Outpatient hospital or clinic services.
- (5) Home health care services.
- (6) Private duty nursing services.
- (7) Physical therapy and related services.
- (8) Dental services, excluding cast metal restorations.
- (9) Laboratory and x-ray services.

(10) The following if prescribed by a licensed practitioner: drugs, eye-glasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expen-

sive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the Administrative Procedure Act. The formulary shall not include: drugs for which there is no federal funding; over the counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven; nutritional products; anorectics; and drugs for which medical value has not been established. Payment to drug vendors shall not be modified before the formulary is established. The commissioner may promulgate conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

The basis for determining the amount of payment shall be the actual acquisition cost of the drug plus a fixed dispensing fee established by the commissioner. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. Establishment of this fee shall not be subject to the requirements of the Administrative Procedure Act. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written" on the prescription as required by section 151.21, subdivision 2.

(11) Diagnostic, screening, and preventive services.

(12) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act.

(13) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the

abortion.

(14) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by non-ambulatory persons in obtaining emergency or non-emergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be non-ambulatory.

(15) To the extent authorized by rule of the state agency, costs of bus or taxicab transportation incurred by any ambulatory eligible person for obtaining non-emergency medical care.

*(16) Adult day care services provided by licensed facilities, when ordered by a screening team upon completion of pre-admission screening under section 256B.091 for an adult who would be admitted to a nursing home if adult day care services were not available to that person. Payment for adult day care services is available only through the appropriation available for alternative care under section 256B.091, subdivision 8, and shall not be made if that appropriation has been exhausted.*

~~(16)~~ (17) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law.

#### Sec. 6. [RULES.]

*The commissioner may promulgate temporary and permanent rules to implement the provisions of sections 1 to 6. The commissioner of health shall assist the commissioner of public welfare in determining appropriate license requirements."*

Page 5, line 4, delete "5" and insert "7"

Page 5, line 5, delete "4" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "2," insert "245.783, by adding a subdivision;"

Page 1, line 5, delete "Subdivisions 7 and 8" and insert "Subdivision 7"

Page 1, line 5, before the period, insert "; and Minnesota Statutes 1981 Supplement, Section 256B.02, Subdivision 8, as amended"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

### SECOND READING OF SENATE BILLS

S.F. No. 744 was read the second time.

### MOTIONS AND RESOLUTIONS

Mr. Dicklich moved that the name of Mr. Dahl be added as a co-author to S.F. No. 1531. The motion prevailed.

Mr. Frederick moved that the name of Mr. Penny be added as a co-author to S.F. No. 1559. The motion prevailed.

Mr. Wegener moved that S.F. No. 1523 be withdrawn from the Committee on Local Government and Urban Affairs and re-referred to the Committee on Public Employees and Pensions. The motion prevailed.

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

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Dieterich, Ms. Berglin, Messrs. Pehler, Bang and Peterson, R.W. introduced—

S.F. No. 1610: A bill for an act relating to taxation; providing for withholding of income tax refunds from child support debtors; amending Minnesota Statutes 1980, Section 290.50, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, R.W.; Dahl; Merriam and Tennesen introduced—

S.F. No. 1611: A bill for an act relating to law libraries; recodifying the laws governing county law libraries; amending Minnesota Statutes 1980, Sections 140.34; 140.35; 140.36; 140.37; 140.38; 140.39; 140.40; 140.44; 140.45; and 140.46; proposing new law coded in Minnesota Statutes 1980, Chapter 140; repealing Minnesota Statutes 1980, Sections 140.01 to 140.20; 140.212 to 140.33; 140.41 to 140.435; Minnesota Statutes 1981 Supplement, Section 140.21.

Referred to the Committee on Judiciary.

Mr. Pehler introduced—

S.F. No. 1612: A bill for an act relating to retirement; eliminating certain reductions in annuities for correctional employees; amending Minnesota Statutes 1980, Section 352.93, Subdivision 3.

Referred to the Committee on Public Employees and Pensions.

Mr. Moe, D.M. introduced—

S.F. No. 1613: A bill for an act relating to state departments and agencies; regulating the disposition of certain land within the capitol area; amending Minnesota Statutes 1981 Supplement, Section 15.50, Subdivision 6.

Referred to the Committee on Governmental Operations.

Messrs. Dicklich and Davies introduced—

S.F. No. 1614: A bill for an act relating to labor; including sheltered workers within definition of employee in the labor relations act; amending Minnesota Statutes 1980, Section 179.01, Subdivision 4.

Referred to the Committee on Employment.



Messrs. Davis, Langseth and Peterson, R.W. introduced—

S.F. No. 1615: A bill for an act relating to education; granting discretion to local school boards regarding the use of bequests, donations, or gifts to school districts; amending Minnesota Statutes 1980, Sections 123.40, Subdivision 3; and 465.03.

Referred to the Committee on Education.

Messrs. Bertram, Johnson, Engler, Frank and Benson introduced—

S.F. No. 1616: A bill for an act relating to intoxicating liquor; town board approval of certain county liquor licenses; amending Minnesota Statutes 1981 Supplement, Section 340.11, Subdivision 10.

Referred to the Committee on Commerce.

Messrs. Knoll; Moe, R.D.; Ms. Berglin and Mr. Solon introduced—

S.F. No. 1617: A bill for an act relating to public welfare; changing liquid asset limits for medical assistance eligibility; amending Minnesota Statutes 1981 Supplement, Section 256B.06, Subdivision 1, as amended by a law passed in the 1981 third special session styled as House File No. 2, Article I, Section 32.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Frank, Mrs. Lantry, Ms. Berglin, Mrs. Stokowski and Mr. Waldorf introduced—

S.F. No. 1618: A bill for an act relating to crimes; prohibiting the sale, transfer and delivery of simulated controlled substances; prohibiting their sale, transfer and delivery; providing penalties; amending Minnesota Statutes 1980, Sections 152.09, Subdivision 1; 152.15, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 152.

Referred to the Committee on Judiciary.

Mr. Peterson, C.C. introduced—

S.F. No. 1619: A bill for an act relating to retirement; public employees retirement association and public employees police and fire fund; authorizing a modification in the payment of employee contributions to make them exempt from federal income taxation until disbursed as retirement annuities or benefits; amending Minnesota Statutes 1980, Sections 353.01, Subdivision 16; 353.27, Subdivisions 2, 7, 8, 9, 12, and by adding a subdivision; 353.28, Subdivision 1; 353.29, Subdivision 2; 353.32, Subdivisions 1, 2, 3, and 4; 353.34, Subdivisions 1, 2, and 5; 353.38; 353.65, Subdivisions 1, 2, 4, and by adding a subdivision; 353.656, Subdivision 1; Minnesota Statutes 1981 Supplement, Sections 353.27, Subdivision 4; 353.34, Subdivision 3; and 353.37, Subdivision 1.

Referred to the Committee on Public Employees and Pensions.

Mr. Pehler introduced—

S.F. No. 1620: A bill for an act relating to the town of St. Cloud; providing

for the homestead credit treatment of its property tax levy.

Referred to the Committee on Taxes and Tax Laws.

Mr. Merriam introduced—

S.F. No. 1621: A bill for an act relating to state government; removing the geographic limitation on state and public employees' eligibility for the state employee transportation program; amending Minnesota Statutes 1981 Supplement, Section 16.756, Subdivision 1a.

Referred to the Committee on Governmental Operations.

### RECESS

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

#### SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 1478 a Special Order to be heard immediately.

H.F. No. 1478: A bill for an act relating to congressional districts; apportioning congressional districts; amending Minnesota Statutes 1980, Sections 2.741; 2.751; 2.761; 2.771; 2.781; 2.791; 2.801; and 2.811.

Mr. Stumpf moved to amend H.F. No. 1478, as amended pursuant to Rule 49, adopted by the Senate January 26, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 1387.)

Page 1, after line 9, insert:

“Section 1. [2.732] [DEFINITIONS.]

*The terms “county”, “town”, “township”, “city”, “ward”, “precinct”, “census block”, and “unorganized territory” when used in a description of a district in sections 3 to 10 mean a geographical area established as such by law and as it existed on April 1, 1980.”*

Page 1, line 10, delete “2.732” and insert “2.733”

Page 1, line 11, delete “is”

Page 1, line 12, delete “divided into” and insert “embraces”

Page 1, line 16, delete “the state is”

Page 1, line 17, delete “generally equally divided between”

Page 1, line 18, before the comma insert “is approximately equal”

Page 1, line 23, delete “a fragmentation of the” and insert “an inequality of”

Page 1, lines 23 and 24, delete "*of these two communities of interest*"

Page 1, line 24, delete "*seven*" and insert "*only three*"

Page 1, line 25, delete everything after "*districts*"

Page 1, line 26, delete everything before the semicolon and insert "*are predominantly metropolitan in character, whereas five of the eight current congressional districts are predominantly outstate in character*"

Page 2, line 1, delete "*fragmentation*" and insert "*inequality*"

Page 2, line 5, delete the first "*and*" and insert "*, plus*"

Page 2, line 7, delete "*allocated to*" and insert "*encompassing*"

Page 2, line 7, delete "*seventy-eight-county*"

Page 6, after line 8, insert:

"Sec. 11. [EFFECTIVE DATE.]

*This act is effective for elections held in 1982 and thereafter for elections for representatives to serve in 1983 and thereafter.*"

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Pillsbury moved to amend H.F. No. 1478, as amended pursuant to Rule 49, adopted by the Senate January 26, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 1387.)

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 2.741, is amended to read:

2.741 [FIRST DISTRICT.]

The first congressional district shall consist of the counties of Dodge, Fillmore, Goodhue, Houston, Olmsted, Rice, Steele, Wabasha, ~~Washington~~, and Winona, *that portion of the county of Washington not included in the fourth congressional district*, and that portion of the county of Dakota not included in the second *or fourth congressional district districts*.

Sec. 2. Minnesota Statutes 1980, Section 2.751, is amended to read:

2.751 [SECOND DISTRICT.]

The second congressional district shall consist of the counties of Blue Earth, Brown, Carver, Faribault, Freeborn, ~~Jackson~~, LeSueur, Martin, McLeod, Mower, Nicollet, Scott, Sibley, Waseca, and Watonwan, and that portion of the county of Dakota consisting of the towns of ~~Egan and Eureka~~, and the cities of Apple Valley, Burnsville, ~~Farmington~~, and ~~Lakeville~~ *Egan, Lilydale, Mendota and Mendota Heights*, and that portion of the county of Hennepin consisting of the cities of ~~Deephaven, Excelsior, Greenwood, Long Lake, Minnetrista, Mound, Orono, St. Bonifacius, Shorewood, Spring Park, Tonka Bay, and Woodland~~, and the cities of ~~Minnetonka Beach and Wayzata~~ *city of Chanhassen*.

Sec. 3. Minnesota Statutes 1980, Section 2.761, is amended to read:

2.761 [THIRD DISTRICT.]

The third congressional district shall consist of that portion of the county of Hennepin consisting of the cities of Brooklyn Park, Chanhassen, Eden Prairie, Edina, Golden Valley, Medicine Lake, Minnetonka, New Hope, and Plymouth, the cities of Bloomington, Brooklyn Center, Crystal, Hopkins, Richfield, Robbinsdale, and St. Louis Park, any part of the area included in the Minneapolis-St. Paul International Airport not a part of an incorporated municipality, and that portion of the city of Minneapolis described as follows: Commencing at the intersection of Fifty-third Avenue North and Xerxes Avenue North, thence southerly along Xerxes Avenue North to Forty-first Avenue North, thence easterly along Forty-first Avenue North to Thomas Avenue North, thence southerly along Thomas Avenue North to Thirty-eighth Avenue North, thence easterly along Thirty-eighth Avenue North to Sheridan Avenue North, thence southerly along Sheridan Avenue North to Thirty-fourth Avenue North, thence easterly along Thirty-fourth Avenue North to Girard Avenue North, thence northerly along Girard Avenue North to Thirty-eighth Avenue North, thence westerly along Thirty-eighth Avenue North to Humboldt Avenue North, thence northerly along Humboldt Avenue North to Forty-second Avenue North, thence westerly along Forty-second Avenue North to James Avenue North, thence northerly along James Avenue North to Forty-third Avenue North, thence westerly along Forty-third Avenue North to Penn Avenue North, thence northerly along Penn Avenue North to Forty-fourth Avenue North, thence easterly along Forty-fourth Avenue North to Oliver Avenue North, thence northerly along Oliver Avenue North to the right-of-way of the Soo Line Railroad, thence southeasterly along the right-of-way of the Soo Line Railroad to Forty-second Avenue North, thence easterly along the extension of Forty-second Avenue North to the main channel of the Mississippi River, thence northerly along the main channel of the Mississippi River to the extension of Fifty-third Avenue North, and thence westerly along Fifty-third Avenue North and its extension to the point of beginning, and the Fort Snelling Military Reservation not included in the second, fifth or sixth congressional districts.

Sec. 4. Minnesota Statutes 1980, Section 2.771, is amended to read:

2.771 [FOURTH DISTRICT.]

The fourth congressional district shall consist of that portion of the county of Anoka consisting of the cities of Centerville, Circle Pines, Lexington and Lino Lakes, that portion of the county of Dakota consisting of the city of South St. Paul, that portion of the county of Washington consisting of the cities of Oakdale, Newport and St. Paul Park, and that portion of the county of Ramsey not included in the fifth congressional district.

Sec. 5. Minnesota Statutes 1980, Section 2.781, is amended to read:

2.781 [FIFTH DISTRICT.]

The fifth congressional district shall consist of that portion of the county of Hennepin consisting of the city of St. Anthony and that portion of the city of Minneapolis not included in the third congressional district cities of Brooklyn Center, Minneapolis, Robbinsdale and St. Anthony, and that portion of the county of Anoka consisting of the cities of Hilltop, Fridley and Columbia Heights Blaine, Columbia Heights, Fridley, Hilltop and Spring Lake Park, and that portion of the county of Ramsey consisting of the city of St. Anthony.

Sec. 6. Minnesota Statutes 1980, Section 2.791, is amended to read:

2.791 [SIXTH DISTRICT.]

The sixth congressional district shall consist of the counties of Benton, ~~Big Stone~~, Chippewa, Cottonwood, ~~Jackson~~, Kandiyohi, ~~Lac qui Parle~~, Lincoln, Lyon, Meeker, Mille Lacs, ~~Morrison~~, Murray, Nobles, Pipestone, Redwood, Renville, Rock, Sherburne, Stearns, Wright, and Yellow Medicine, and that portion of the county of Hennepin ~~not included in the second, third, or fifth congressional districts consisting of the cities of Greenfield, Hanover, Independence, Loretto, Maple Plain, Medina and Rockford.~~

Sec. 7. Minnesota Statutes 1980, Section 2.801, is amended to read:

2.801 [SEVENTH DISTRICT.]

The seventh congressional district shall consist of the counties of Aitkin, Beltrami, Becker, *Big Stone*, Cass, Clay, Clearwater, Crow Wing, Douglas, Grant, Hubbard, Kittson, *Lac Qui Parle*, Lake of the Woods, Mahnomen, Marshall, ~~Morrison~~, Norman, Otter Tail, Pennington, Polk, Pope, Red Lake, Roseau, Stevens, Swift, Todd, Traverse, Wadena, and Wilkin.

Sec. 8. Minnesota Statutes 1980, Section 2.811, is amended to read:

2.811 [EIGHTH DISTRICT.]

The eighth congressional district shall consist of the counties of Carlton, Chisago, Cook, Isanti, Itasca, Kanabec, Koochiching, Lake, Pine, and St. Louis, and that part of the county of Anoka which is not included in the *fourth or fifth congressional district districts.*"

Amend the title as follows:

Page 1, line 6, delete everything after "2.811" and insert a period

Page 1, delete line 7

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 44, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Kamrath	Peterson, D.L.	Rued
Bang	Brataas	Keefe	Pillsbury	Sieloff
Belanger	Engler	Kronebusch	Ramstad	Taylor
Benson	Frederickson	Lindgren	Renneke	Ulland

Those who voted in the negative were:

Berg	Frank	Lessard	Penny	Stern
Berglin	Frederick	Luther	Peterson, C.C.	Stokowski
Bertram	Hanson	Menning	Peterson, R.W.	Stumpf
Chmielewski	Humphrey	Merriam	Petty	Tennessee
Dahl	Johnson	Moe, D. M.	Purfeerst	Vega
Davies	Knutson	Moe, R. D.	Schmitz	Waldorf
Davis	Kroening	Nelson	Setzepfandt	Wegener
Dicklich	Langseth	Olhoft	Sikorski	Willet
Dieterich	Lantry	Pehler	Spear	

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

Mr. Berg moved that the amendment made to H.F. No. 1478 by the Committee on Rules and Administration in the report adopted January 26, 1982, pursuant to Rule 49, be stricken and that the Stumpf amendment adopted by the Senate January 27, 1982, be stricken.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 24 and nays 37, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Keefe	Peterson, D.L.	Rued
Bang	Engler	Kronebusch	Pillsbury	Sieloff
Belanger	Frederick	Lindgren	Purfearer	Taylor
Berg	Frederickson	Olhoft	Ramstad	Ulland
Bernhagen	Kamrath	Peterson, C.C.	Renneke	

Those who voted in the negative were:

Benson	Dieterich	Lantry	Penny	Stokowski
Berglin	Frank	Luther	Peterson, R.W.	Stumpf
Bertram	Hanson	Menning	Petty	Vega
Chmielewski	Humphrey	Merriam	Schmitz	Waldorf
Dahl	Johnson	Moe, D. M.	Setzepfandt	Willet
Davies	Knutson	Moe, R. D.	Sikorski	
Davis	Kroening	Nelson	Spear	
Dicklich	Langseth	Pepler	Stern	

The motion did not prevail.

H.F. No. 1478 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 40 and nays 23, as follows:

Those who voted in the affirmative were:

Berglin	Frank	Lessard	Pepler	Sikorski
Bertram	Hanson	Luther	Penny	Solon
Chmielewski	Humphrey	Menning	Peterson, C.C.	Spear
Dahl	Johnson	Merriam	Peterson, R.W.	Stokowski
Davies	Knutson	Moe, D. M.	Petty	Stumpf
Davis	Kroening	Moe, R. D.	Pillsbury	Vega
Dicklich	Langseth	Nelson	Schmitz	Waldorf
Dieterich	Lantry	Olhoft	Setzepfandt	Willet

Those who voted in the negative were:

Ashbach	Bernhagen	Kamrath	Purfearer	Stern
Bang	Brataas	Keefe	Ramstad	Taylor
Belanger	Engler	Kronebusch	Renneke	Ulland
Benson	Frederick	Lindgren	Rued	
Berg	Frederickson	Peterson, D.L.	Sieloff	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11.00 a.m., Thursday, January 28, 1982. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate