

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

FORTY-SECOND DAY

St. Paul, Minnesota, Thursday, April 24, 2003

The Senate met at 9:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Betzold 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 Estrem.

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

Anderson	Gaither	Langseth	Olson	Senjem
Bachmann	Hann	Larson	Ortman	Skoe
Bakk	Higgins	LeClair	Pappas	Skoglund
Belanger	Hottinger	Limmer	Pariseau	Solon
Berglin	Johnson, D.E.	Lourey	Pogemiller	Sparks
Betzold	Johnson, D.J.	Marko	Ranum	Stumpf
Chaudhary	Jungbauer	Marty	Reiter	Tomassoni
Cohen	Kelley	McGinn	Rest	Vickerman
Day	Kierlin	Metzen	Robling	Wergin
Dibble	Kiscaden	Michel	Rosen	Wiger
Dille	Kleis	Moua	Ruud	
Fischbach	Knutson	Murphy	Sams	
Foley	Koering	Neuville	Saxhaug	
Frederickson	Kubly	Nienow	Scheid	

The President declared a quorum present.

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

RECESS

Senator Hottinger 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.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

REPORTS OF COMMITTEES

Senator Hottinger moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 1251 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1251	1266				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 700 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
700	722				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 1026 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1026	962				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 1268 for comparison with companion Senate File, reports the following House File

was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1268	791				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 258 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
258	680				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 433 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
433	486				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 433 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 433 and insert the language after the enacting clause of S.F. No. 486, the first engrossment; further, delete the title of H.F. No. 433 and insert the title of S.F. No. 486, the first engrossment.

And when so amended H.F. No. 433 will be identical to S.F. No. 486, and further recommends that H.F. No. 433 be given its second reading and substituted for S.F. No. 486, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, 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.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 628 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
628	673

CONSENT CALENDAR

H.F. No.	S.F. No.
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CALENDAR

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 628 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 628 and insert the language after the enacting clause of S.F. No. 673, the first engrossment; further, delete the title of H.F. No. 628 and insert the title of S.F. No. 673, the first engrossment.

And when so amended H.F. No. 628 will be identical to S.F. No. 673, and further recommends that H.F. No. 628 be given its second reading and substituted for S.F. No. 673, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, 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.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 944 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
944	1062

CONSENT CALENDAR

H.F. No.	S.F. No.
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CALENDAR

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 944 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 944 and insert the language after the enacting clause of S.F. No. 1062, the first engrossment; further, delete the title of H.F. No. 944 and insert the title of S.F. No. 1062, the first engrossment.

And when so amended H.F. No. 944 will be identical to S.F. No. 1062, and further recommends that H.F. No. 944 be given its second reading and substituted for S.F. No. 1062, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, 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.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 894 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
894	878

CONSENT CALENDAR

H.F. No.	S.F. No.
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CALENDAR

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 894 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 894 and insert the language after the enacting clause of S.F. No. 878, the first engrossment; further, delete the title of H.F. No. 894 and insert the title of S.F. No. 878, the first engrossment.

And when so amended H.F. No. 894 will be identical to S.F. No. 878, and further recommends that H.F. No. 894 be given its second reading and substituted for S.F. No. 878, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, 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.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 1234 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1234	1252				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1234 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1234 and insert the language after the enacting clause of S.F. No. 1252, the first engrossment; further, delete the title of H.F. No. 1234 and insert the title of S.F. No. 1252, the first engrossment.

And when so amended H.F. No. 1234 will be identical to S.F. No. 1252, and further recommends that H.F. No. 1234 be given its second reading and substituted for S.F. No. 1252, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, 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.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 1257 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1257	1195				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1257 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1257 and insert the language after the enacting clause of S.F. No. 1195, the first engrossment; further, delete the title of H.F. No. 1257 and insert the title of S.F. No. 1195, the first engrossment.

And when so amended H.F. No. 1257 will be identical to S.F. No. 1195, and further recommends that H.F. No. 1257 be given its second reading and substituted for S.F. No. 1195, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, 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.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 129 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
129	334				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 129 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 129 and insert the language after the enacting clause of S.F. No. 334, the first engrossment; further, delete the title of H.F. No. 129 and insert the title of S.F. No. 334, the first engrossment.

And when so amended H.F. No. 129 will be identical to S.F. No. 334, and further recommends that H.F. No. 129 be given its second reading and substituted for S.F. No. 334, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, 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.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 151 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
151	396				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 151 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 151 and insert the language after the enacting clause of S.F. No. 396; further, delete the title of H.F. No. 151 and insert the title of S.F. No. 396.

And when so amended H.F. No. 151 will be identical to S.F. No. 396, and further recommends that H.F. No. 151 be given its second reading and substituted for S.F. No. 396, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, 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. Nos. 1251, 700, 1026, 1268, 258, 433, 628, 944, 894, 1234, 1257, 129 and 151 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Berglin introduced--

Senate Resolution No. 68: A Senate resolution recognizing the Bloomington Avenue Citizen Patrol.

Referred to the Committee on Rules and Administration.

Senators Bachmann, Neuville, Day, Olson and Reiter introduced--

Senate Concurrent Resolution No. 7: A Senate concurrent resolution amending Joint Rules of the Senate and House of Representatives.

Referred to the Committee on Rules and Administration.

Senator Betzold moved that H.F. No. 294 be withdrawn from the Committee on Finance and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 117, now on General Orders. The motion prevailed.

Pursuant to Rule 26, Senator Hottinger, Chair of the Committee on Rules and Administration, designated S.F. No. 2 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2: A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; requiring certain studies and reports; authorizing sale of state bonds; appropriating money; amending Laws 2002, chapter 393, section 19, subdivision 2.

Senator Langseth moved to amend S.F. No. 2 as follows:

Page 26, line 39, delete "\$703,494,000" and insert "\$704,621,000"

The motion prevailed. So the amendment was adopted.

Senator Reiter moved to amend S.F. No. 2 as follows:

Page 21, after line 3, insert:

"This appropriation is not available until the commissioner of transportation has entered into a memorandum of understanding with the Burlington Northern Santa Fe Railroad Company that sets forth the total amounts of money that will be paid to the railroad company for the use of its tracks, equipment, and other property during the first five years of the project."

CALL OF THE SENATE

Senator Reiter imposed a call of the Senate for the balance of the proceedings on the Reiter amendment to S.F. No. 2. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 9 and nays 53, as follows:

Those who voted in the affirmative were:

Frederickson	LeClair	McGinn	Pogemiller	Robling
Hann	Limmer	Nienow	Reiter	

Those who voted in the negative were:

Anderson	Bakk	Berglin	Chaudhary	Day
Bachmann	Belanger	Betzold	Cohen	Dibble

Dille	Kelley	Lourey	Pappas	Skoglund
Fischbach	Kierlin	Marko	Pariseau	Solon
Foley	Kiscaden	Metzen	Ranum	Sparks
Gaither	Kleis	Michel	Rest	Stumpf
Higgins	Knutson	Moua	Sams	Vickerman
Hottinger	Koering	Murphy	Saxhaug	Wergin
Johnson, D.E.	Kubly	Neuville	Scheid	Wiger
Johnson, D.J.	Langseth	Olson	Senjem	
Jungbauer	Larson	Ortman	Skoe	

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

Senator Kleis moved to amend S.F. No. 2 as follows:

Delete everything after the enacting clause and insert:

ARTICLE 1

CAPITAL IMPROVEMENTS

Section 1. [CAPITAL IMPROVEMENT APPROPRIATIONS.]

The sums in the column under "APPROPRIATIONS" are appropriated from the bond proceeds fund, or another named fund, to the state agencies or officials indicated, to be spent for public purposes. Appropriations of bond proceeds must be spent as authorized by the Minnesota Constitution, article XI, section 5, paragraph (a), to acquire and better public land and buildings and other public improvements of a capital nature, or as authorized by article XI, section 5, paragraphs (b) to (j), or article XIV. Unless otherwise specified, the appropriations in this article are available until the project is completed or abandoned.

SUMMARY

MINNESOTA STATE COLLEGES AND UNIVERSITIES	\$	69,716,000
NATURAL RESOURCES		4,000,000
BOARD OF WATER AND SOIL RESOURCES		8,250,000
MILITARY AFFAIRS		500,000
TRANSPORTATION		46,000,000
TRADE AND ECONOMIC DEVELOPMENT		19,250,000
BOND SALE EXPENSES		144,000
TOTAL	\$	147,716,000
Bond Proceeds Fund (General Fund Debt Service)		127,816,000
Bond Proceeds Fund (User Financed Debt Service)		19,900,000
		APPROPRIATIONS
	\$	

Sec. 2. MINNESOTA STATE COLLEGES AND UNIVERSITIES

Subdivision 1. To the board of trustees of the Minnesota state colleges and universities for the purposes specified in this section	69,716,000
Subd. 2. Higher Education Asset Preservation and Replacement	10,000,000
(a) This appropriation is for the purposes specified in Minnesota Statutes, section	

135A.046, including safety and statutory compliance, envelope integrity, mechanical systems, and space restoration.

(b) The unspent portion of an appropriation, but not to exceed ten percent of the appropriation, for a project in this section that is complete, is available for higher education asset preservation and replacement under this subdivision, at the same campus as the project for which the original appropriation was made and the debt service requirement under subdivision 20 is reduced accordingly. Minnesota Statutes, section 16A.642, applies from the date of the original appropriation to the unspent amount transferred.

Subd. 3. Bemidji State University 1,000,000

To design the colocation of the emerging technologies and health care programs of Bemidji state university and Northwest technical college.

Subd. 4. Dakota Technical College 500,000

To design the renovation of the west side of the main campus facility to create an information technology and telecommunications center of excellence and an integrated library and library information technology center.

Subd. 5. Fergus Falls
Community College 760,000

To design, construct, furnish, and equip an expansion of the existing maintenance shop.

To design an addition to link Administration and Fine Arts to provide a one-stop student service shop, smart classrooms, open computer laboratories; design renovation to provide space for technology support next to the library; and design asset preservation work.

Subd. 6. Hennepin Technical College 2,000,000

To design, renovate, furnish, and equip existing space at the Brooklyn Park and Eden Prairie campuses.

Subd. 7. Inver Hills Community
College 500,000

To design renovation of existing space and construction of an addition to create a one-stop student services shop; enlarge and collocate central services, the bookstore, and a new loading dock; upgrade mechanical systems; and provide a welcoming front door and help desk for the campus.

Subd. 8. Lake Superior Community and Technical College	700,000
To design a student center addition to house a consolidated system of student services, smart classrooms, and open laboratories.	
Subd. 9. Minnesota State University - Mankato - Phase 3	8,400,000
To renovate, furnish, and equip Otto Arena and adjacent areas to provide a student fitness facility.	
Subd. 10. Minnesota West Community and Technical College at Worthington	6,300,000
To design, construct, furnish, and equip a one-stop student services shop and welcome counter addition.	
To design, renovate, furnish, and equip two science laboratories and associated preparation, storage, and office spaces.	
To design, renovate, furnish, and equip consolidated nursing and allied health department and other classroom spaces.	
Subd. 11. Northeast Higher Education District - Virginia	5,496,000
To design, renovate, and equip science laboratories, a learning resource center, a student commons, and classrooms, including technology equipped classrooms, and construct new loading dock and driveway.	
Subd. 12. Northwest Technical College - Moorhead Campus	400,000
To design the renovation of existing facilities and design new facilities for an allied health and applied technology laboratory and support facilities.	
Subd. 13. Ridgewater Community and Technical College	2,880,000
To design, renovate, furnish, and equip existing chemistry, physics, and biology laboratories and convert a classroom into a geology laboratory on the Willmar campus.	
To design, renovate, furnish, and equip interior space to convert obsolete applied laboratory space on the Hutchinson campus into chemistry, physics, and biology laboratories.	
Subd. 14. South Central Technical College	300,000
To design renovation of teaching laboratories at	

the North Mankato campus and design asset preservation at the Faribault campus.

Subd. 15. Southeast Technical College

580,000

To design, renovate, furnish, and equip a one-stop student services area and workforce center entrance at Winona.

To design the renovation of a one-stop student services area and student center entrance at Red Wing.

Subd. 16. Southwest State University

9,200,000

To renovate and reconfigure, furnish, and equip the library and construct a new entrance.

Subd. 17. St. Cloud State University

10,000,000

To design the renovation of Centennial Hall and to renovate, furnish, and equip the renovation of Centennial Hall and its conversion from library to classroom use and to design the code correction and renovation of Riverview Hall. This appropriation may also be used for design of the renovation of Brown Hall and Eastman Hall.

Subd. 18. St. Cloud Technical College

700,000

To design the construction of a multistory building connected to the existing facility and the renovation of part of "G" wing.

Subd. 19. Land Acquisition

10,000,000

To acquire real property near the state college and university campuses from willing sellers.

Subd. 20. Debt Service

(a) The board shall pay the debt service on one-third of the principal amount of state bonds sold to finance projects authorized by this section, except that, where a nonstate match is required, the debt service is due on a principal amount equal to one-third of the total project cost, less the match committed before the bonds are sold. After each sale of general obligation bonds, the commissioner of finance shall notify the board of the amounts assessed for each year for the life of the bonds.

(b) The commissioner shall reduce the board's assessment each year by one-third of the net income from investment of general obligation bond proceeds in proportion to the amount of principal and interest otherwise required to be paid by the board. The board shall pay its resulting net assessment to the commissioner of

finance by December 1 each year. If the board fails to make a payment when due, the commissioner of finance shall reduce allotments for appropriations from the general fund otherwise available to the board and apply the amount of the reduction to cover the missed debt service payment. The commissioner of finance shall credit the payments received from the board to the bond debt service account in the state bond fund each December 1 before money is transferred from the general fund under Minnesota Statutes, section 16A.641, subdivision 10.

Subd. 21. Contingencies

The commissioner of finance must combine into one account, under the control of the board of trustees, the portion of each appropriation in this section that is attributable to the amount budgeted for contingencies for projects in this section. The board must manage the account to pay for exceptional but necessary costs of projects authorized in this section. Upon substantial completion or abandonment of all projects authorized in this section, the board must use any funds remaining in the contingency account for HEAPR under Minnesota Statutes, section 135A.046. The board of trustees must report by February 1 of each even-numbered year to the chairs of the house and senate committees with jurisdiction over capital investments and higher education finance, and to the chairs of the house ways and means committee and the senate finance committee on how the money in the contingency account has been allocated or spent.

Sec. 3. NATURAL RESOURCES

Subdivision 1. To the commissioner of natural resources for the purposes specified in this section

4,000,000

Subd. 2. Regional Parks:
Greater Minnesota

4,000,000

For grants to public regional parks organizations located outside the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, to acquire land, design, and construct and redevelop regional parks and trails, open space, and recreational facilities. The improvements must be of a capital nature. A greater Minnesota regional parks organization with a project previously funded through the

regional parks program, whether with bond funds or other funds, at less than the total eligible amount may reapply for the total eligible amount from this appropriation. If it is awarded, the organization must return the original grant award. Each \$3 of state grants must be matched by \$2 of nonstate funds.

Sec. 4. BOARD OF WATER AND SOIL RESOURCES

Subdivision 1. To the board of water and soil resources for the purposes specified in this section	8,250,000
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Subd. 2. RIM Conservation Easements	2,000,000
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This appropriation is to acquire conservation easements from landowners on marginal lands to protect soil and water quality and to support fish and wildlife habitat as provided in Minnesota Statutes, section 103F.515.

Subd. 3. Shoreland Protection Program	750,000
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To acquire conservation easements in environmentally sensitive lake and river shoreland areas from private landowners. The board may award grants to local soil and water conservation districts and participating local units of government to accomplish the purposes of this program in accordance with Minnesota Statutes, section 103F.225.

\$100,000 of this amount may be used to administer the program.

Subd. 4. Wetland Replacement Due to Public Road Projects	2,700,000
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To acquire land for wetlands or restore wetlands to be used to replace wetlands drained or filled as a result of the repair, maintenance, or rehabilitation of existing public roads as required by Minnesota Statutes, section 103G.222, subdivision 1, paragraph (1).

The purchase price paid for acquisition of land, fee, or perpetual easement must be the fair market value as determined by the board. The board may enter into agreements with the federal government, other state agencies, political subdivisions, and nonprofit organizations or fee owners to acquire land and restore and create wetlands and to acquire existing wetland banking credits with money provided by this appropriation. Acquisition of or the conveyance of land may be in the name of the political subdivision.

Subd. 5. Lazarus Creek 1,500,000

For a grant to Area II Minnesota River Basin Projects, Inc. for construction of the LQP-25/Lazarus Creek floodwater retention project. The grant may not exceed 75 percent of the project's cost. The remaining share must be provided by Area II Minnesota River Basin Projects, Inc.

Subd. 6. Stillwater -
Brown's Creek 1,300,000

For a grant to the city of Stillwater to provide environmental protection capital improvements for Brown's Creek.

Sec. 5. MILITARY AFFAIRS

Subdivision 1. To the adjutant
general for the purposes specified
in this section 500,000

Subd. 2. Camp Ripley Antiterrorism
Facility 500,000

For predesign of a joint military/law enforcement antiterrorism training facility at Camp Ripley.

Sec. 6. TRANSPORTATION

Subdivision 1. To the
commissioner of transportation for
the purposes specified in this section 46,000,000

Subd. 2. Local Road Improvement Program 20,000,000

Of this appropriation:

(1) \$10,000,000 is for deposit in the trunk highway corridor projects account in the local road improvement fund under Minnesota Statutes, section 174.52, subdivision 2.

(2) \$10,000,000 is for deposit in the local road account for routes of regional significance in the local road improvement fund under Minnesota Statutes, section 174.52, subdivision 4.

Subd. 3. Town Road Sign Replacement 1,000,000

For grants to political subdivisions to pay the local share of costs of town road sign replacement under the Federal Highway Administration's Hazard Elimination Program. Grants under this subdivision may only be used for the purchase of signs that conform to the commissioner of transportation's uniform manual of traffic control devices, including applicable reflective sheeting requirements, and that have a useful life of at least 20 years.

Subd. 4. Greater Minnesota
Transit Facilities 2,000,000

For capital assistance for greater Minnesota transit systems to be used for transit capital facilities. Money from this appropriation may be used to pay up to 80 percent of the nonfederal share of these facilities.

Subd. 5. North Star Commuter Rail

10,000,000

To acquire real property and lease right-of-way for, and to plan, design, engineer, construct, and equip a commuter rail line between the city of Rice and downtown Minneapolis.

This appropriation must be spent for purposes as set forth in the Minnesota Constitution, article XI, section 5, clause (a), to acquire and better public lands and buildings and other public improvements of a capital nature, and for purposes as set forth in the Minnesota Constitution, article XI, section 5, clause (i), to improve and rehabilitate railroad rights-of-way and other rail facilities, whether public or private.

Subd. 6. Radio Communications
Statewide System

13,000,000

To design and construct the statewide public safety radio communications system infrastructure, coordinating it with other state and local units of government, and extending it to all of the southeast district of the state patrol, and into the central district of the state patrol, with first priority given to development in Stearns, Sherburne, Benton, and Wright counties, subject to the requirements of Minnesota Statutes, section 16A.695.

Sec. 7. TRADE AND ECONOMIC DEVELOPMENT

Subdivision 1. To the commissioner of trade and economic development or other named agency for the purposes specified in this section

19,250,000

Subd. 2. Redevelopment Account

4,000,000

For transfer to the redevelopment account created in Minnesota Statutes, section 116J.571. This appropriation is only available for grants to projects located outside of the seven-county metropolitan area.

\$1,000,000 is for a grant to the city of Little Falls for environmental cleanup of the Hennepin Paper Company property in the city of Little Falls. No match is required for this grant.

Subd. 3. Greater Minnesota Business
Development Infrastructure Grant Program

12,000,000

For grants under Minnesota Statutes, section 116J.431.

Subd. 4. St. Cloud -

Civic Center Expansion

3,250,000

For a grant to the city of St. Cloud for asset preservation, land acquisition, and to predesign, design, construct, furnish, and equip the expansion of the St. Cloud Civic Center.

This appropriation is not available until the commissioner has determined that at least an equal amount has been committed from nonstate sources.

Sec. 8. BOND SALE EXPENSES

144,000

To the commissioner of finance for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8. This appropriation is from the bond proceeds fund.

Sec. 9. BOND SALE SCHEDULE

The commissioner of finance shall schedule the sale of state general obligation bonds so that, during the biennium ending June 30, 2005, no more than \$.....,000 will need to be transferred from the general fund to the state bond fund to pay principal and interest due and to become due on outstanding state general obligation bonds. During the biennium, before each sale of state general obligation bonds, the commissioner of finance shall calculate the amount of debt service payments needed on bonds previously issued and shall estimate the amount of debt service payments that will be needed on the bonds scheduled to be sold. The commissioner shall adjust the amount of bonds scheduled to be sold so as to remain within the limit set by this section. The amount needed to make the debt service payments is appropriated from the general fund as provided in Minnesota Statutes, section 16A.641.

Sec. 10. [BOND SALE AUTHORIZATION.]

To provide the money appropriated in this article from the bond proceeds fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$147,716,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Sec. 11. [EFFECTIVE DATE.]

This article is effective the day following final enactment.

ARTICLE 2

ROSEAU FLOOD APPROPRIATIONS

Sec. 1. [CAPITAL IMPROVEMENT APPROPRIATIONS.]

The sums in the column under "APPROPRIATIONS" are appropriated from the bond proceeds fund, or another named fund, to the state agencies or officials indicated, to be spent for public purposes. Appropriations of bond proceeds must be spent as authorized by the Minnesota Constitution, article XI, section 5, paragraph (a), to acquire and better public land and buildings and other public improvements of a capital nature, or as authorized by article XI, section 5, paragraphs (b) to (j), or article XIV. Unless otherwise specified, the appropriations in this article are available until the project is completed or abandoned. If there is a shortage of money for a program or project funded in this article, or in the money available for state and local match under Minnesota Statutes, section 12.221, unused general fund money appropriated for any other program or project in this article may be transferred by an interagency agreement approved by the commissioner of finance to cover the shortfall.

The term "the area included in DR-1419," when used in this article, means the area designated under Presidential Declaration of Major Disaster, DR-1419, whether included in the original declaration or added later by federal government action.

SUMMARY

TRADE AND ECONOMIC DEVELOPMENT	\$	12,750,000
HOUSING FINANCE AGENCY		3,000,000
NATURAL RESOURCES		7,375,000
TRANSPORTATION		1,400,000
TOTAL	\$	24,525,000
Bond Proceeds Fund		12,675,000
Transportation Fund		1,400,000
General Fund		9,700,000
Petroleum Tank Release Cleanup Fund		750,000

APPROPRIATIONS \$

Sec. 2. TRADE AND ECONOMIC DEVELOPMENT

Subdivision 1. To the commissioner of trade and economic development for the purposes specified in this section

12,750,000

Subd. 2. Minnesota Investment Fund

3,375,000

For transfer to the Minnesota investment fund to make grants to local units of government for locally administered grants or loan programs, including buyouts, for businesses directly and adversely affected by flooding in the area included in DR-1419. Criteria and requirements must be locally established with the approval of the commissioner. For the purposes of this appropriation, Minnesota Statutes, sections 116J.8731, subdivisions 3, 4, 5, and 7; 116J.993; 116J.994; and 116J.995, are waived. Businesses that receive grants or loans from this appropriation must set goals for jobs retained and wages paid within the area included in DR-1419.

This is a onetime appropriation from the general fund and is available until expended.

Subd. 3. Petroleum Cleanup

750,000

Notwithstanding Minnesota Statutes, section 115C.08, subdivision 4, this appropriation is for grants to local units of government in the area included in DR-1419 to safely rehabilitate buildings if a portion of the rehabilitation costs is attributable to petroleum contamination or to buy out property substantially damaged by a petroleum tank release.

This is a onetime appropriation from the petroleum tank release cleanup fund.

Subd. 4. Public Infrastructure

1,125,000

To the public facilities authority for grants to local units of government to assist with the cost of rehabilitation and replacement of publicly owned infrastructure, including storm sewers, wastewater and municipal utility service, drinking water systems, and other infrastructure damaged by flooding in the area included in DR-1419.

For the purposes of this appropriation, criteria, limitations, and repayment requirements in Minnesota Statutes, sections 446A.07, 446A.072, and 446A.081, are waived.

Subd. 5. Capital Project Grant

7,500,000

For a grant to the city of Roseau to relocate the flood damaged city hall, auditorium, library, museum, and police department out of the Roseau River floodway as a result of flooding as declared in DR-1419, and in accordance with Minnesota Statutes, section 16A.86.

Sec. 3. HOUSING FINANCE AGENCY

Subdivision 1. For transfer to the housing development fund for the programs specified in this section

3,000,000

Subd. 2. Economic Development and Housing Challenge

3,000,000

For the economic development and housing challenge program under Minnesota Statutes, section 462A.33, for housing assistance in the area included in DR-1419. For assistance under this subdivision, the requirements of Minnesota Statutes, section 462A.33, subdivisions 3 and 5, and Minnesota Rules, part 4900.3632, are waived.

This is a onetime appropriation from the general fund.

Sec. 4. NATURAL RESOURCES

Subdivision 1. To the commissioner of natural resources for the purposes specified in this section

7,375,000

Subd. 2. Flood Hazard Mitigation Grants

7,375,000

\$4,050,000 is from the bond proceeds fund for the state share of a flood hazard mitigation grant for the following identified capital improvement projects: Roseau West Side Interceptor and County 120 Grade Raise, Roseau Phase II Storm Sewer Project, and any other authorized federal or state flood mitigation project providing all or part of 100-year flood protection for the city of Roseau.

To the extent that the costs of the 100-year flood protection projects in Roseau exceed two percent of the median household income in the municipality multiplied by the number of households in the municipality, this appropriation is also for the local share of the project.

\$1,825,000 is a onetime appropriation from the general fund for grants to local units of government in the area included in DR-1419 for the state share of flood hazard mitigation grants for flood damage reduction studies, planning, engineering, and publicly owned capital improvements to prevent or alleviate flood damage under Minnesota Statutes, section 103F.161. This appropriation is available until expended.

\$1,000,000 is to buy out property substantially damaged by flooding in the area included in DR-1419. This is a onetime appropriation from the general fund and is available until expended.

\$500,000 is for grants to local units of government in the area included in DR-1419 to construct ring dikes to mitigate flood damage. This is a onetime appropriation from the general fund and is available until expended.

Sec. 5. TRANSPORTATION

To the commissioner of transportation for the purposes specified in this section

1,400,000

This appropriation is from the bond proceeds account in the state transportation fund.

\$1,000,000 is from grants to local governments for capital costs related to the rehabilitation, replacement, or reconstruction of roads or bridges damaged or destroyed by flooding or that provide future protection from flood damages in

the area included in DR-1419. A grantee must submit to the commissioner of transportation final plans for each project before grant money may be released. The commissioner shall determine project priorities and plans and require changes to ensure the most prudent use of state resources.

\$400,000 is for a grant to the county of Polk to repair a structure north of Climax on marked state highway 220 damaged by flooding.

For grants under this section, the requirements of Minnesota Statutes, section 174.50, subdivisions 4, 5, 6, 6a, and 7, are waived.

Sec. 6. [BOND SALE AUTHORIZATION.]

Subdivision 1. [BOND PROCEEDS FUND.] To provide the money appropriated in this article from the bond proceeds fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$12,675,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Subd. 2. [TRANSPORTATION FUND.] To provide the money appropriated in this article from the state transportation fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$1,400,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to a bond proceeds account in the state transportation fund.

Sec. 7. [EFFECTIVE DATE.]

This article is effective the day following final enactment.

Amend the title accordingly.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 2. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Kleis amendment.

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

Those who voted in the affirmative were:

Bachmann	Gaither	Knutson	Olson	Ruud
Belanger	Johnson, D.J.	Larson	Pariseau	Senjem
Day	Jungbauer	McGinn	Reiter	Wergin
Fischbach	Kiscaden	Michel	Robling	
Frederickson	Kleis	Nienow	Rosen	

Those who voted in the negative were:

Anderson	Cohen	Higgins	Koering	Lourey
Bakk	Dibble	Hottinger	Kubly	Marko
Berglin	Dille	Johnson, D.E.	Langseth	Marty
Betzold	Foley	Kelley	LeClair	Metzen
Chaudhary	Hann	Kierlin	Limmer	Moua

Murphy	Pogemiller	Saxhaug	Solon	Vickerman
Neuville	Ranum	Scheid	Sparks	Wiger
Ortman	Rest	Skoe	Stumpf	
Pappas	Sams	Skoglund	Tomassoni	

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

S.F. No. 2 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 35 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Lourey	Pogemiller	Skoglund
Bakk	Higgins	Marko	Ranum	Solon
Berglin	Hottinger	Marty	Rest	Sparks
Betzold	Johnson, D.E.	Metzen	Sams	Stumpf
Chaudhary	Kelley	Moua	Saxhaug	Tomassoni
Cohen	Kubly	Murphy	Scheid	Vickerman
Dibble	Langseth	Pappas	Skoe	Wiger

Those who voted in the negative were:

Bachmann	Hann	Koering	Nienow	Ruud
Belanger	Johnson, D.J.	Larson	Olson	Senjem
Day	Jungbauer	LeClair	Ortman	Wergin
Dille	Kierlin	Limmer	Pariseau	
Fischbach	Kiscaden	McGinn	Reiter	
Frederickson	Kleis	Michel	Robling	
Gaither	Knutson	Neuville	Rosen	

So the bill, as amended, failed to pass.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Hottinger, Chair of the Committee on Rules and Administration, designated S.F. No. 369 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 369: A bill for an act relating to crime prevention; amending the pistol permit law; amending Minnesota Statutes 2002, section 624.714, subdivisions 5, 6, 12, by adding subdivisions.

RECESS

Senator Hottinger 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.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on S.F. No. 369.

Senator Ranum moved to amend S.F. No. 369 as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1
PISTOL PERMIT PROVISIONS

Section 1. Minnesota Statutes 2002, section 13.871, is amended by adding a subdivision to read:

Subd. 9. [PISTOL PERMIT DATA.] Data on persons permitted to carry pistols under the terms of a permit must be shared as required by section 624.714, subdivision 6.

Sec. 2. Minnesota Statutes 2002, section 609.66, subdivision 1d, is amended to read:

Subd. 1d. ~~[FELONY; POSSESSION ON SCHOOL PROPERTY; PENALTY.]~~ (a) Except as provided under paragraphs (c) and (e), whoever possesses, stores, or keeps a dangerous weapon or uses or brandishes a replica firearm or a BB gun while knowingly on school property is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(b) Whoever possesses, stores, or keeps a replica firearm or a BB gun on school property is guilty of a gross misdemeanor.

(c) Notwithstanding paragraph (a) or (b), it is a misdemeanor for a person authorized to carry a firearm under the provisions of a permit or otherwise to carry a firearm on or about the person's clothes or person in a location the person knows is school property. Notwithstanding section 609.531, a firearm carried in violation of this paragraph is not subject to forfeiture.

(d) As used in this subdivision:

(1) "BB gun" means a device that fires or ejects a shot measuring .18 of an inch or less in diameter;

(2) "dangerous weapon" has the meaning given it in section 609.02, subdivision 6;

(3) "replica firearm" has the meaning given it in section 609.713; and

(4) "school property" means:

(i) a public or private elementary, middle, or secondary school building and its improved grounds, whether leased or owned by the school; and

(ii) a child care center licensed under chapter 245A during the period children are present and participating in a child care program;

(iii) the area within a school bus when that bus is being used by a school to transport one or more elementary, middle, or secondary school students to and from school-related activities, including curricular, cocurricular, noncurricular, extracurricular, and supplementary activities; and

(iv) that portion of a building or facility under the temporary, exclusive control of a public or private school, a school district, or an association of such entities where conspicuous signs are prominently posted at each entrance that give actual notice to persons of the school-related use.

~~(d)~~ (e) This subdivision does not apply to:

(1) licensed peace officers, military personnel, or students participating in military training, who are on-duty, performing official duties;

(2) persons who carry pistols according to the terms of a permit authorized to carry a pistol under section 624.714 while in a motor vehicle or outside of a motor vehicle to directly place a firearm in, or retrieve it from, the trunk or rear area of the vehicle;

(3) persons who keep or store in a motor vehicle pistols in accordance with sections section 624.714 and or 624.715 or other firearms in accordance with section 97B.045;

- (4) firearm safety or marksmanship courses or activities conducted on school property;
- (5) possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
- (6) a gun or knife show held on school property; or
- (7) possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or
- (8) persons who are on unimproved property owned or leased by a child care center, school, or school district unless the person knows that a student is currently present on the land for a school-related activity.

(f) Notwithstanding section 471.634, a school district or other entity composed exclusively of school districts may not regulate firearms, ammunition, or their respective components, when possessed or carried by nonstudents or nonemployees, in a manner that is inconsistent with this subdivision.

Sec. 3. Minnesota Statutes 2002, section 624.712, is amended by adding a subdivision to read:

Subd. 11. [COMMISSIONER.] "Commissioner" means the commissioner of public safety unless otherwise indicated.

Sec. 4. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 1a. [PERMIT REQUIRED; PENALTY.] A person, other than a peace officer, as defined in section 626.84, subdivision 1, who carries, holds, or possesses a pistol in a motor vehicle, snowmobile, or boat, or on or about the person's clothes or the person, or otherwise in possession or control in a public place, as defined in section 624.7181, subdivision 1, paragraph (c), without first having obtained a permit to carry the pistol is guilty of a gross misdemeanor. A person who is convicted a second or subsequent time is guilty of a felony.

Sec. 5. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 1b. [DISPLAY OF PERMIT; PENALTY.] (a) The holder of a permit to carry must have the permit card and a driver's license, state identification card, or other government-issued photo identification in immediate possession at all times when carrying a pistol and must display the permit card and identification document upon lawful demand by a peace officer, as defined in section 626.84, subdivision 1. A violation of this paragraph is a petty misdemeanor. The fine for a first offense must not exceed \$25. Notwithstanding section 609.531, a firearm carried in violation of this paragraph is not subject to forfeiture.

(b) A citation issued for violating paragraph (a) must be dismissed if the person demonstrates, in court or in the office of the arresting officer, that the person was authorized to carry the pistol at the time of the alleged violation.

(c) Upon the request of a peace officer, a permit holder must write a sample signature in the officer's presence to aid in verifying the person's identity.

Sec. 6. Minnesota Statutes 2002, section 624.714, subdivision 2, is amended to read:

Subd. 2. [WHERE APPLICATION MADE; AUTHORITY TO ISSUE PERMIT; CRITERIA; SCOPE.] (a) Applications by Minnesota residents for permits to carry shall be made to the chief of police of an organized full-time police department of the municipality where the applicant resides or to the county sheriff where there is no such local chief of police where the applicant resides. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application. Nonresidents, as defined in section 171.01, subdivision 42, may apply to any sheriff.

(b) Unless a sheriff denies a permit under the exception set forth in subdivision 6, paragraph (a), clause (3), a sheriff must issue a permit to an applicant if the person:

- (1) has training in the safe use of a pistol;
- (2) is at least 21 years old and a citizen or a permanent resident of the United States;
- (3) completes an application for a permit;
- (4) is not prohibited from possessing a firearm under the following sections:
 - (i) 518B.01, subdivision 14;
 - (ii) 609.224, subdivision 3;
 - (iii) 609.2242, subdivision 3;
 - (iv) 609.749, subdivision 8;
 - (v) 624.713;
 - (vi) 624.719;
 - (vii) 629.715, subdivision 2; or
 - (viii) 629.72, subdivision 2; and
- (5) is not listed in the criminal gang investigative data system under section 299C.091.

(c) A permit to carry a pistol issued or recognized under this section is a state permit and is effective throughout the state.

(d) A sheriff may contract with a police chief to process permit applications under this section. If a sheriff contracts with a police chief, the sheriff remains the issuing authority and the police chief acts as the sheriff's agent. If a sheriff contracts with a police chief, all of the provisions of this section will apply.

Sec. 7. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 2a. [TRAINING IN THE SAFE USE OF A PISTOL.] (a) An applicant must present evidence that the applicant received training in the safe use of a pistol within one year of the date of an original or renewal application. Training may be demonstrated by:

- (1) employment as a peace officer in the state of Minnesota within the past year; or
- (2) completion of a firearms safety or training course providing basic training in the safe use of a pistol and conducted by a certified instructor.

(b) Basic training must include:

- (1) instruction in the fundamentals of pistol use;
- (2) successful completion of an actual shooting qualification exercise; and
- (3) instruction in the fundamental legal aspects of pistol possession, carry, and use, including self-defense and the restrictions on the use of deadly force.

(c) A person qualifies as a certified instructor if the person is certified as a firearms instructor within the past five years by:

- (1) the bureau of criminal apprehension, training and development section;
- (2) the Minnesota Association of Law Enforcement Firearms Instructors;
- (3) the National Rifle Association;
- (4) the American Association of Certified Firearms Instructors;

(5) the peace officer standards and training board of this state or a similar agency of another state that certifies firearms instructors; or

(6) the department of public safety of this state or a similar agency of another state that certifies firearms instructors.

(d) A sheriff must accept the training described in this subdivision as meeting the requirement in subdivision 2, paragraph (b), for training in the safe use of a pistol. A sheriff may also accept other satisfactory evidence of training in the safe use of a pistol.

Sec. 8. Minnesota Statutes 2002, section 624.714, subdivision 3, is amended to read:

Subd. 3. [FORM AND CONTENTS OF APPLICATION.] (a) Applications for permits to carry shall must be an official, standardized application form, adopted under section 624.7151, and must set forth in writing only the following information:

(1) the applicant's name, residence, telephone number, if any, and driver's license number or nonqualification certificate number, if any, of the applicant or state identification card number;

(2) the applicant's sex, date of birth, height, weight, and color of eyes and hair, and distinguishing physical characteristics, if any, of the applicant;

(3) all states of residence of the applicant in the last ten years, though not including specific addresses;

(4) a statement that the applicant authorizes the release to the local police authority sheriff of commitment information about the applicant maintained by the commissioner of human services or any similar agency or department of another state where the applicant has resided, to the extent that the information relates to the applicant's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1 firearm; and

(4) (5) a statement by the applicant that, to the best of the applicant's knowledge and belief, the applicant is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and law from possessing a firearm.

(5) a recent color photograph of the applicant.

The application shall be signed and dated by the applicant. (b) The statement under paragraph (a), clause (3) (4), must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

(c) An applicant must submit to the sheriff an application packet consisting only of the following items:

(1) a completed application form, signed and dated by the applicant;

(2) an accurate photocopy of a certificate, affidavit, or other document that is submitted as the applicant's evidence of training in the safe use of a pistol; and

(3) an accurate photocopy of the applicant's current driver's license, state identification card, or the photo page of the applicant's passport.

(d) In addition to the other application materials, a person who is otherwise ineligible for a permit due to a criminal conviction but who has obtained a pardon or expungement setting aside the conviction, sealing the conviction, or otherwise restoring applicable rights, must submit a copy of the relevant order.

(e) Applications must be submitted in person.

(f) The sheriff may charge a new application processing fee in an amount not to exceed the actual and reasonable direct cost of processing the application or \$100, whichever is less. Of this

amount, \$10 must be submitted to the commissioner of public safety and deposited into the general fund.

(g) This subdivision prescribes the complete and exclusive set of items an applicant is required to submit in order to apply for a new or renewal permit to carry. The applicant must not be asked or required to submit, voluntarily or involuntarily, any information, fees, or documentation beyond that specifically required by this subdivision. This paragraph does not apply to alternate training evidence accepted by the sheriff under subdivision 2a, paragraph (d).

(h) Forms for new and renewal applications must be available at all sheriffs' offices and the commissioner of public safety must make the forms available on the Internet.

(i) Application forms must clearly display a notice that a permit, if granted, is void and must be immediately returned to the sheriff if the permit holder is or becomes prohibited by law from possessing a firearm. The notice must list the applicable state criminal offenses and civil categories that prohibit a person from possessing a firearm.

(j) Upon receipt of an application packet and any required fee, the sheriff must provide a signed receipt indicating the date of submission.

Sec. 9. Minnesota Statutes 2002, section 624.714, subdivision 4, is amended to read:

Subd. 4. [INVESTIGATION.] (a) The application authority shall sheriff must check, by means of electronic data transfer, criminal records, histories, and warrant information on each applicant through the Minnesota Crime Information System. The chief of police or sheriff shall and, to the extent necessary, the National Instant Check System. The sheriff shall also make a reasonable effort to check other available and relevant federal, state, or local record keeping systems. The sheriff must obtain commitment information from the commissioner of human services as provided in section 245.041 or, if the information is reasonably available, as provided by a similar statute from another state.

(b) When an application for a permit is filed under this section, the sheriff must notify the chief of police, if any, of the municipality where the applicant resides. The police chief may provide the sheriff with any information relevant to the issuance of the permit.

(c) The sheriff must conduct a background check by means of electronic data transfer on a permit holder through the Minnesota Crime Information System and, to the extent necessary, the National Instant Check System at least yearly to ensure continuing eligibility. The sheriff may conduct additional background checks by means of electronic data transfer on a permit holder at any time during the period that a permit is in effect.

Sec. 10. Minnesota Statutes 2002, section 624.714, subdivision 6, is amended to read:

Subd. 6. [FAILURE TO GRANT GRANTING AND DENIAL OF PERMITS.] (a) The sheriff must, within 30 days after the date of receipt of the application packet described in subdivision 3:

(1) issue the permit to carry;

(2) deny the application for a permit to carry solely on the grounds that the applicant failed to qualify under the criteria described in subdivision 2, paragraph (b); or

(3) deny the application on the grounds that there exists a substantial likelihood that the applicant is a danger to self or the public if authorized to carry a pistol under a permit.

(b) Failure of the chief police officer or the county sheriff to deny the application or issue a permit to carry a pistol notify the applicant of the denial of the application within 24 30 days of after the date of receipt of the application shall be deemed to be a grant thereof. packet constitutes issuance of the permit to carry and the sheriff must promptly fulfill the requirements under paragraph (c). To deny the application, the local police authority shall sheriff must provide an the applicant with written notification of a denial and the specific reason for factual basis justifying the denial under paragraph (a), clause (2) or (3), including the source of the factual basis. The

sheriff must inform the applicant of the applicant's right to submit, within 20 business days, any additional documentation relating to the propriety of the denial. A chief of police or a sheriff may charge a fee to cover the cost of conducting a background check, not to exceed \$10. The permit shall specify the activities for which it shall be valid. Upon receiving any additional documentation, the sheriff must reconsider the denial and inform the applicant within 15 business days of the result of the reconsideration. Any denial after reconsideration must be in the same form and substance as the original denial and must specifically address any continued deficiencies in light of the additional documentation submitted by the applicant. The applicant must be informed of the right to seek de novo review of the denial as provided in subdivision 12.

(c) Upon issuing a permit to carry, the sheriff must provide a laminated permit card to the applicant by first class mail unless personal delivery has been made. Within five business days, the sheriff must submit the information specified in subdivision 7, paragraph (a), to the commissioner of public safety for inclusion solely in the database required under subdivision 15, paragraph (a). The sheriff must transmit the information in a manner and format prescribed by the commissioner.

(d) Within five business days of learning that a permit to carry has been suspended or revoked, the sheriff must submit information to the commissioner of public safety regarding the suspension or revocation for inclusion solely in the databases required or permitted under subdivision 15.

(e) Notwithstanding paragraphs (a) and (b), the sheriff may suspend the application process if a charge is pending against the applicant that, if resulting in conviction, will prohibit the applicant from possessing a firearm.

Sec. 11. Minnesota Statutes 2002, section 624.714, subdivision 7, is amended to read:

Subd. 7. [PERMIT CARD CONTENTS; EXPIRATION; RENEWAL.] Permits to carry a pistol issued pursuant to this section shall expire after one year and shall thereafter be renewed in the same manner and subject to the same provisions by which the original permit was obtained, except that all renewed permits must comply with the standards adopted by the commissioner of public safety under section 624.7161. (a) Permits to carry must be on an official, standardized permit card adopted by the commissioner of public safety, containing only the name, residence, and driver's license number or state identification card number of the permit holder, if any.

(b) The permit card must also identify the issuing sheriff and state the expiration date of the permit. The permit card must clearly display a notice that a permit, if granted, is void and must be immediately returned to the sheriff if the permit holder becomes prohibited by law from possessing a firearm.

(c) A permit to carry a pistol issued under this section expires five years after the date of issue. It may be renewed in the same manner and under the same criteria which the original permit was obtained, subject to the following procedures:

(1) no earlier than 90 days prior to the expiration date on the permit, the permit holder may renew the permit by submitting to the appropriate sheriff the application packet described in subdivision 3 and a renewal processing fee not to exceed the actual and reasonable direct cost of processing the application or \$75, whichever is less. Of this amount, \$5 must be submitted to the commissioner of public safety and deposited into the general fund. The sheriff must process the renewal application in accordance with subdivisions 4 and 6; and

(2) a permit holder who submits a renewal application packet after the expiration date of the permit, but within 30 days after expiration, may renew the permit as provided in clause (1) by paying an additional late fee of \$10.

(d) The renewal permit is effective beginning on the expiration date of the prior permit to carry.

Sec. 12. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 7a. [CHANGE OF ADDRESS; LOSS OR DESTRUCTION OF PERMIT.] (a) Within 30 days after changing permanent address, or within 30 days of having lost or destroyed the permit card, the permit holder must notify the issuing sheriff of the change, loss, or destruction. Failure to

provide notification as required by this subdivision is a petty misdemeanor. The fine for a first offense must not exceed \$25. Notwithstanding section 609.531, a firearm carried in violation of this paragraph is not subject to forfeiture.

(b) After notice is given under paragraph (a), a permit holder may obtain a replacement permit card by paying \$10 to the sheriff. The request for a replacement permit card must be made on an official, standardized application adopted for this purpose under section 624.7151, and, except in the case of an address change, must include a notarized statement that the permit card has been lost or destroyed.

Sec. 13. Minnesota Statutes 2002, section 624.714, subdivision 8, is amended to read:

Subd. 8. [PERMIT TO CARRY VOIDED.] (a) The permit to carry shall be is void and must be revoked at the time that the holder becomes prohibited by law from possessing a pistol under section 624.713 firearm, in which event the holder shall must return the permit card to the issuing sheriff within five business days to the application authority after the holder knows or should know that the holder is a prohibited person. If a permit is revoked under this subdivision, the sheriff must give notice to the permit holder in writing in the same manner as a denial. Failure of the holder to return the permit within the five days is a gross misdemeanor unless the court finds that the circumstances or the physical or mental condition of the permit holder prevented the holder from complying with the return requirement.

(b) When a permit holder is convicted of an offense that prohibits the permit holder from possessing a firearm, the court must revoke the permit and, if it is available, take possession of it and send it to the issuing sheriff.

(c) The sheriff of the county where the application was submitted, or of the county of the permit holder's current residence, may file a petition with the district court therein, for an order revoking a permit to carry on the grounds set forth in subdivision 6, paragraph (a), clause (3). An order shall be issued only if the sheriff meets the burden of proof and criteria set forth in subdivision 12. If the court denies the petition, the court must award the permit holder reasonable costs and expenses, including attorney fees.

(d) A permit revocation must be promptly reported to the issuing sheriff.

Sec. 14. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 8a. [PROSECUTOR'S DUTY.] Whenever a person is charged with an offense that would, upon conviction, prohibit the person from possessing a firearm, the prosecuting attorney must ascertain whether the person is a permit holder under this section. If the person is a permit holder, the prosecutor must notify the issuing sheriff that the person has been charged with a prohibiting offense. The prosecutor must also notify the sheriff of the final disposition of the case.

Sec. 15. Minnesota Statutes 2002, section 624.714, subdivision 10, is amended to read:

Subd. 10. [FALSE REPRESENTATIONS.] A person who gives or causes to be given any false material information in applying for a permit to carry, knowing or having reason to know the information is false, is guilty of a gross misdemeanor.

Sec. 16. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 11a. [EMERGENCY ISSUANCE OF PERMITS.] A sheriff may immediately issue an emergency permit to a person if the sheriff determines that the person is in an emergency situation that may constitute an immediate risk to the safety of the person or someone residing in the person's household. A person seeking an emergency permit must complete an application form and must sign an affidavit describing the emergency situation. An emergency permit applicant does not need to provide evidence of training. An emergency permit is valid for 30 days, may not be renewed, and may be revoked without a hearing. No fee may be charged for an emergency permit. An emergency permit holder may seek a regular permit under subdivision 3 and is subject to the other applicable provisions of this section.

Sec. 17. Minnesota Statutes 2002, section 624.714, subdivision 12, is amended to read:

Subd. 12. [HEARING UPON DENIAL OR REVOCATION.] (a) Any person aggrieved by denial or revocation of a permit to carry may appeal the denial by petition to the district court having jurisdiction over the county or municipality wherein the notification or denial occurred where the application was submitted. The petition must list the sheriff as the respondent. The district court must hold a hearing at the earliest practicable date and in any event no later than 60 days following the filing of the petition for review. The court may not grant or deny any relief before the completion of the hearing. The record of the hearing must be sealed. The matter shall must be heard de novo without a jury.

(b) The court must issue written findings of fact and conclusions of law regarding the issues submitted by the parties. The court must issue its writ of mandamus directing that the permit be issued and order other appropriate relief unless the sheriff establishes by clear and convincing evidence:

(1) that the applicant is disqualified under the criteria described in subdivision 2, paragraph (b); or

(2) that there exists a substantial likelihood that the applicant is a danger to self or the public if authorized to carry a pistol under a permit. Incidents of alleged criminal misconduct that are not investigated and documented, and incidents for which the applicant was charged and acquitted, may not be considered.

(c) If an applicant is denied a permit on the grounds that the applicant is listed in the criminal gang investigative data system under section 299C.091, the person may challenge the denial, after disclosure under court supervision of the reason for that listing, based on grounds that the person:

(1) was erroneously identified as a person in the data system;

(2) was improperly included in the data system according to the criteria outlined in section 299C.091, subdivision 2, paragraph (b); or

(3) has demonstrably withdrawn from the activities and associations that led to inclusion in the data system.

(d) If the court grants a petition brought under paragraph (a), the court must award the applicant or permit holder reasonable costs and expenses including attorney fees.

Sec. 18. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 12a. [SUSPENSION AS CONDITION OF RELEASE.] The district court may order suspension of the application process for a permit or suspend the permit of a permit holder as a condition of release pursuant to the same criteria as the surrender of firearms under section 629.715. A permit suspension must be promptly reported to the issuing sheriff. If the permit holder has an out-of-state permit recognized under subdivision 16, the court must promptly report the suspension to the commissioner of public safety for inclusion solely in the database under subdivision 15, paragraph (a).

Sec. 19. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 14. [RECORDS.] (a) A sheriff must not maintain records or data collected, made, or held under this section concerning any applicant or permit holder that are not necessary under this section to support a permit that is outstanding or eligible for renewal under subdivision 7, paragraph (b). Notwithstanding section 138.163, sheriffs must completely purge all files and databases by March 1 of each year to delete all information collected under this section concerning all persons who are no longer current permit holders or currently eligible to renew their permit.

(b) Paragraph (a) does not apply to records or data concerning an applicant or permit holder who has had a permit denied or revoked under the criteria established in subdivision 2, paragraph (b), clause (1), or subdivision 6, paragraph (a), clause (3), for a period of six years from the date of the denial or revocation.

Sec. 20. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 15. [COMMISSIONER OF PUBLIC SAFETY; CONTRACTS; DATABASE.] (a) The commissioner of public safety must maintain an automated database of persons authorized to carry pistols under this section that is available 24 hours a day, seven days a week, only to law enforcement agencies, including prosecutors carrying out their duties under subdivision 8a, to verify the validity of a permit.

(b) The commissioner of public safety may maintain a separate automated database of denied applications for permits to carry and of revoked permits that is available only to sheriffs performing their duties under this section containing the date of, the statutory basis for, and the initiating agency for any permit application denied or permit revoked for a period of six years from the date of the denial or revocation.

(c) The commissioner of public safety may contract with one or more vendors to implement the commissioner's duties under this section.

Sec. 21. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 16. [RECOGNITION OF PERMITS FROM OTHER STATES.] (a) The commissioner of public safety must annually establish and publish a list of other states that have laws governing the issuance of permits to carry weapons that are not substantially similar to this section. The list must be available on the Internet. A person holding a carry permit from a state not on the list may use the license or permit in this state subject to the rights, privileges, and requirements of this section.

(b) Notwithstanding paragraph (a), no license or permit from another state is valid in this state if the holder is or becomes prohibited by law from possessing a firearm.

(c) Any sheriff or police chief may file a petition under subdivision 12 seeking an order suspending or revoking an out-of-state permit holder's authority to carry a pistol in this state on the grounds set forth in subdivision 6, paragraph (a), clause (3). An order shall only be issued if the petitioner meets the burden of proof and criteria set forth in subdivision 12. If the court denies the petition, the court must award the permit holder reasonable costs and expenses including attorney fees. The petition may be filed in any county in the state where a person holding a license or permit from another state can be found.

(d) The commissioner of public safety must, when necessary, execute reciprocity agreements regarding carry permits with jurisdictions whose carry permits are recognized under paragraph (a).

Sec. 22. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 17. [POSTING; TRESPASS.] (a) A person carrying a firearm on or about his or her person or clothes under a permit or otherwise who remains at a private establishment knowing that the operator of the establishment or its agent has made a reasonable request that firearms not be brought into the establishment may be ordered to leave the premises. A person who fails to leave when so requested is guilty of a petty misdemeanor. The fine for a first offense must not exceed \$25. Notwithstanding section 609.531, a firearm carried in violation of this subdivision is not subject to forfeiture.

(b) As used in this subdivision, the terms in this paragraph have the meanings given.

(1) "Reasonable request" means a request made under the following circumstances:

(i) the requester has prominently posted a conspicuous sign at every entrance to the establishment containing the following language: "(INDICATE IDENTITY OF OPERATOR) BANS GUNS IN THESE PREMISES."; and

(ii) the requester or its agent personally informs the person of the posted request and demands compliance.

(2) "Prominently" means readily visible and within four feet laterally of the entrance with the bottom of the sign at a height of four to six feet above the floor.

(3) "Conspicuous" means lettering in black arial typeface at least 1-1/2 inches in height against a bright contrasting background that is at least 187 square inches in area.

(4) "Private establishment" means a building, structure, or portion thereof that is owned, leased, controlled, or operated by a nongovernmental entity for a nongovernmental purpose.

(c) The owner or operator of a private establishment may not prohibit the lawful carry or possession of firearms in a parking facility or parking area.

(d) This subdivision does not apply to private residences. The lawful possessor of a private residence may prohibit firearms, and provide notice thereof, in any lawful manner.

(e) A landlord may not restrict the lawful carry or possession of firearms by tenants or their guests.

(f) Notwithstanding any inconsistent provisions in section 609.605, this subdivision sets forth the exclusive criteria to notify a permit holder when otherwise lawful firearm possession is not allowed in a private establishment and sets forth the exclusive penalty for such activity.

(g) This subdivision does not apply to an on-duty peace officer or security guard acting in the course and scope of employment.

Sec. 23. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 18. [EMPLOYERS; PUBLIC COLLEGES AND UNIVERSITIES.] (a) An employer, whether public or private, may establish policies that restrict the carry or possession of firearms by its employees while acting in the course and scope of employment. Employment related civil sanctions may be invoked for a violation.

(b) A public postsecondary institution regulated under chapter 136F or 137 may establish policies that restrict the carry or possession of firearms by its students while on the institution's property. Academic sanctions may be invoked for a violation.

(c) Notwithstanding paragraphs (a) and (b), an employer or a postsecondary institution may not prohibit the lawful carry or possession of firearms in a parking facility or parking area.

Sec. 24. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 19. [IMMUNITY.] Neither a sheriff, police chief, any employee of a sheriff or police chief involved in the permit issuing process, nor any certified instructor is liable for damages resulting or arising from acts with a firearm committed by a permit holder, unless the person had actual knowledge at the time the permit was issued or the instruction was given that the applicant was prohibited by law from possessing a firearm.

Sec. 25. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 20. [MONITORING.] (a) By March 1, 2004, and each year thereafter, the commissioner of public safety must report to the legislature on:

(1) the number of permits applied for, issued, suspended, revoked, and denied, further categorized by the age, sex, and zip code of the applicant or permit holder, since the previous submission, and in total;

(2) the number of permits currently valid;

(3) the specific reasons for each suspension, revocation, and denial and the number of reversed, canceled, or corrected actions;

(4) without expressly identifying an applicant, the number of denials or revocations based on

the grounds under subdivision 6, paragraph (a), clause (3), the factual basis for each denial or revocation, and the result of an appeal, if any, including the court's findings of fact, conclusions of law, and order;

(5) the number of convictions and types of crimes committed since the previous submission, and in total, by individuals with permits including data as to whether a firearm lawfully carried solely by virtue of a permit was actually used in furtherance of the crime;

(6) to the extent known or determinable, data on the lawful and justifiable use of firearms by permit holders; and

(7) the status of the segregated funds reported to the commissioner under subdivision 21.

(b) Sheriffs and police chiefs must supply the department of public safety with the basic data the department requires to complete the report under paragraph (a). Sheriffs and police chiefs may submit data classified as private to the department of public safety under this paragraph.

(c) Copies of the report under paragraph (a) must be made available to the public at the actual cost of duplication.

(d) Nothing contained in any provision of this section or any other law requires or authorizes the registration, documentation, collection, or providing of serial numbers or other data on firearms or on firearms' owners.

Sec. 26. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 21. [USE OF FEES.] Fees collected by sheriffs under this section and not forwarded to the commissioner of public safety must be used only to pay the direct costs of administering this section. Fee money may be used to pay the costs of appeals of prevailing applicants or permit holders under subdivision 8, paragraph (c); subdivision 12, paragraph (e); and subdivision 16, paragraph (c). Fee money may also be used to pay the reasonable costs of the county attorney to represent the sheriff in proceedings under this section. The revenues must be maintained in a segregated fund. Fund balances must be carried over from year to year and do not revert to any other fund. As part of the information supplied under subdivision 20, paragraph (b), by January 31 of each year, a sheriff must report to the commissioner on the sheriff's segregated fund for the preceding calendar year, including information regarding:

(1) nature and amount of revenues;

(2) nature and amount of expenditures; and

(3) nature and amount of balances.

Sec. 27. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 22. [SHORT TITLE; CONSTRUCTION; SEVERABILITY.] This section may be cited as the Minnesota Citizens' Personal Protection Act of 2003. The legislature of the state of Minnesota recognizes and declares that the second amendment of the United States Constitution guarantees the fundamental, individual right to keep and bear arms. The provisions of this section are declared to be necessary to accomplish compelling state interests in regulation of those rights. The terms of this section must be construed according to the compelling state interest test. The invalidation of any provision of this section shall not invalidate any other provision.

Sec. 28. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 23. [EXCLUSIVITY.] This section sets forth the complete and exclusive criteria and procedures for the issuance of permits to carry and establishes their nature and scope. No sheriff, police chief, governmental unit, government official, government employee, or other person or body acting under color of law or governmental authority may change, modify, or supplement these criteria or procedures, or limit the exercise of a permit to carry.

Sec. 29. [624.7142] [CARRYING WHILE UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE.]

Subdivision 1. [ACTS PROHIBITED.] A person may not carry a pistol on or about the person's clothes or person in a public place:

(1) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;

(2) when the person is under the influence of a combination of any two or more of the elements named in clauses (1) and (4);

(3) when the person is knowingly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to impair the person's clearness of intellect or physical control;

(4) when the person is under the influence of alcohol;

(5) when the person's alcohol concentration is 0.10 or more; or

(6) when the person's alcohol concentration is less than 0.10, but more than 0.04.

Subd. 2. [ARREST.] A peace officer may arrest a person for a violation under subdivision 1 without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence.

Subd. 3. [PRELIMINARY SCREENING TEST.] When an officer authorized under subdivision 2 to make arrests has reason to believe that the person may be violating or has violated subdivision 1, the officer may require the person to provide a breath sample for a preliminary screening test using a device approved by the commissioner of public safety for this purpose. The results of the preliminary screening test must be used for the purpose of deciding whether an arrest should be made under this section and whether to require the chemical tests authorized in section 624.7143, but may not be used in any court action except: (1) to prove that the test was properly required of a person under section 624.7143, or (2) in a civil action arising out of the use of the pistol. Following the preliminary screening test, additional tests may be required of the person as provided under section 624.7143. A person who refuses a breath sample is subject to the provisions of section 624.7143 unless, in compliance with that section, the person submits to a blood, breath, or urine test to determine the presence of alcohol or a controlled substance.

Subd. 4. [EVIDENCE.] In a prosecution for a violation of subdivision 1, the admission of evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine is governed by section 169A.45.

Subd. 5. [SUSPENSION.] A person who is charged with a violation under this section may have their authority to carry a pistol in a public place on or about the person's clothes or person under the provisions of a permit or otherwise suspended by the court as a condition of release.

Subd. 6. [PENALTIES.] (a) A person who violates a prohibition under subdivision 1, clauses (1) to (5), is guilty of a misdemeanor. A second or subsequent violation is a gross misdemeanor.

(b) A person who violates subdivision 1, clause (6), is guilty of a misdemeanor.

(c) In addition to the penalty imposed under paragraph (a), if a person violates subdivision 1, clauses (1) to (5), the person's authority to carry a pistol in a public place on or about the person's clothes or person under the provisions of a permit or otherwise is revoked and the person may not reapply for a period of one year from the date of conviction.

(d) In addition to the penalty imposed under paragraph (b), if a person violates subdivision 1, clause (6), the person's authority to carry a pistol in a public place on or about the person's clothes or person under the provisions of a permit or otherwise is suspended for 180 days from the date of conviction.

(e) Notwithstanding section 609.531, a firearm carried in violation of subdivision 1, clause (6), is not subject to forfeiture.

Subd. 7. [REPORTING.] Suspensions and revocations under this section must be reported in the same manner as in section 624.714, subdivision 12a.

Sec. 30. [624.7143] [CHEMICAL TESTING.]

Subdivision 1. [MANDATORY CHEMICAL TESTING.] A person who carries a pistol in a public place on or about the person's clothes or person is required, subject to the provisions of this section, to take or submit to a test of the person's blood, breath, or urine for the purpose of determining the presence and amount of alcohol or a controlled substance. The test shall be administered at the direction of an officer authorized to make arrests under section 624.7142. Taking or submitting to the test is mandatory when requested by an officer who has probable cause to believe the person was carrying a pistol in violation of section 624.7142, and one of the following conditions exists:

- (1) the person has been lawfully placed under arrest for violating section 624.7142;
- (2) the person has been involved while carrying a firearm in a firearms-related accident resulting in property damage, personal injury, or death;
- (3) the person has refused to take the preliminary screening test provided for in section 624.7142; or
- (4) the screening test was administered and indicated an alcohol concentration of 0.04 or more.

Subd. 2. [PENALTIES; REFUSAL; REVOCATION.] (a) If a person refuses to take a test required under subdivision 1, none must be given but the officer shall report the refusal to the sheriff and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the incident occurred that gave rise to the test demand and refusal. On certification by the officer that probable cause existed to believe the person had been carrying a pistol on or about the person's clothes or person in a public place while under the influence of alcohol or a controlled substance, and that the person refused to submit to testing, a court may impose a civil penalty of \$500 and may revoke the person's authority to carry a pistol in a public place on or about the person's clothes or person under the provisions of a permit or otherwise for a period of one year from the date of the refusal. The person shall be accorded notice and an opportunity to be heard prior to imposition of the civil penalty or the revocation.

(b) Revocations under this subdivision must be reported in the same manner as in section 624.714, subdivision 12a.

Subd. 3. [RIGHTS AND OBLIGATIONS.] At the time a test is requested, the person must be informed that:

- (1) Minnesota law requires a person to take a test to determine if the person is under the influence of alcohol or a controlled substance;
- (2) if the person refuses to take the test, the person is subject to a civil penalty of \$500 and is prohibited for a period of one year from carrying a pistol in a public place on or about the person's clothes or person, as provided under subdivision 2; and
- (3) that the person has the right to consult with an attorney, but that this right is limited to the extent it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test.

Subd. 4. [REQUIREMENT OF BLOOD OR URINE TEST.] Notwithstanding subdivision 1, if there is probable cause to believe there is impairment by a controlled substance that is not subject to testing by a breath test, a blood or urine test may be required even after a breath test has been administered.

Subd. 5. [CHEMICAL TESTS.] Chemical tests administered under this section are governed by section 169A.51 in all aspects that are not inconsistent with this section.

Sec. 31. [APPROPRIATION.]

\$1,071,000 is appropriated in fiscal year 2004 and \$119,000 is appropriated in fiscal year 2005 from the general fund to the commissioner of public safety to implement the provisions of sections 1 to 30. The unencumbered balance in the first year does not cancel but is available for the second year.

Sec. 32. [TEMPORARY FEE PROVISION.]

Notwithstanding Minnesota Statutes, section 624.714, subdivision 3, paragraph (e), until July 1, 2004, the sheriff must submit \$21.50 to the commissioner of public safety for deposit into the general fund for each permit application submitted under Minnesota Statutes, section 624.714.

Sec. 33. [GRANDFATHER CLAUSE.]

Permits to carry pistols issued prior to the effective date of sections 1 to 30 remain in effect and are valid under the terms of issuance until the date of expiration applicable at the time of issuance. However, a person holding a permit that was issued prior to the effective date of sections 1 to 30 may nevertheless apply for a permit under the terms and conditions of sections 1 to 30.

Sec. 34. [REVISOR'S INSTRUCTION.]

In Minnesota Statutes, sections 624.713 to 624.717, the revisor of statutes shall change the term "commissioner of public safety" to "commissioner" wherever the term appears.

Sec. 35. [REPEALER.]

Minnesota Statutes 2002, section 624.714, subdivisions 1 and 5, are repealed.

Sec. 36. [EFFECTIVE DATE.]

Sections 1 to 35 are effective 30 days after final enactment and apply to crimes committed on or after that date, except that the commissioner of public safety must promulgate the list required under section 21 within 60 days of final enactment. The database required by section 20 must be operational within 180 days of the effective date.

ARTICLE 2

LIFETIME BAN ON FIREARM POSSESSION FOR VIOLENT FELONS

Section 1. Minnesota Statutes 2002, section 242.31, subdivision 2a, is amended to read:

Subd. 2a. [CRIMES OF VIOLENCE; INELIGIBILITY TO POSSESS FIREARMS.] ~~The order of discharge must provide that a person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the person was restored to civil rights and during that time the person was not convicted of any other crime of violence for the remainder of the person's lifetime. Any person who has received such a discharge and who thereafter has received a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms has been restored under section 609.165, subdivision 1d, shall not be subject to the restrictions of this subdivision.~~

Sec. 2. Minnesota Statutes 2002, section 260B.245, subdivision 1, is amended to read:

Subdivision 1. [EFFECT.] (a) No adjudication upon the status of any child in the jurisdiction of the juvenile court shall operate to impose any of the civil disabilities imposed by conviction, nor shall any child be deemed a criminal by reason of this adjudication, nor shall this adjudication be deemed a conviction of crime, except as otherwise provided in this section or section 260B.255. An extended jurisdiction juvenile conviction shall be treated in the same manner as an adult felony criminal conviction for purposes of the sentencing guidelines. The disposition of the child or any evidence given by the child in the juvenile court shall not be admissible as evidence against the child in any case or proceeding in any other court, except that an adjudication may later be used to

determine a proper sentence, nor shall the disposition or evidence disqualify the child in any future civil service examination, appointment, or application.

(b) A person who was adjudicated delinquent for, or convicted as an extended jurisdiction juvenile of, a crime of violence as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm ~~until ten years have elapsed since the person was discharged and during that time the person was not convicted of any other crime of violence for the remainder of the person's lifetime.~~ A person who has received a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms has been restored under section 609.165, subdivision 1d, is not subject to the restrictions of this subdivision.

Sec. 3. Minnesota Statutes 2002, section 609.165, subdivision 1a, is amended to read:

Subd. 1a. [CERTAIN CONVICTED FELONS INELIGIBLE TO POSSESS FIREARMS.] The order of discharge must provide that a person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm ~~until ten years have elapsed since the person was restored to civil rights and during that time the person was not convicted of any other crime of violence for the remainder of the person's lifetime.~~ Any person who has received such a discharge and who thereafter has received a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms has been restored under subdivision 1d, shall not be subject to the restrictions of this subdivision.

Sec. 4. Minnesota Statutes 2002, section 609.165, subdivision 1b, is amended to read:

Subd. 1b. [VIOLATION AND PENALTY.] (a) Any person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, and who ships, transports, possesses, or receives a firearm ~~before ten years have elapsed since the person was restored to civil rights,~~ commits a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

(b) ~~Nothing in this~~ A conviction and sentencing under this section shall be construed to bar a conviction and sentencing for a violation of section 624.713, subdivision 2.

(c) The criminal penalty in paragraph (a) does not apply to any person who has received a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms has been restored under subdivision 1d.

Sec. 5. Minnesota Statutes 2002, section 609.165, is amended by adding a subdivision to read:

Subd. 1d. [JUDICIAL RESTORATION OF ABILITY TO POSSESS A FIREARM BY A FELON.] A person prohibited by state law from shipping, transporting, possessing, or receiving a firearm because of a conviction or a delinquency adjudication for committing a crime of violence may petition a court to restore the person's ability to possess, receive, ship, or transport firearms and otherwise deal with firearms.

The court may grant the relief sought if the person shows good cause to do so and the person has been released from physical confinement.

If a petition is denied, the person may not file another petition until three years have elapsed without the permission of the court.

Sec. 6. Minnesota Statutes 2002, section 609A.03, subdivision 5a, is amended to read:

Subd. 5a. [ORDER CONCERNING CRIMES OF VIOLENCE.] An order expunging the record of a conviction for a crime of violence as defined in section 624.712, subdivision 5, must provide that the person is not entitled to ship, transport, possess, or receive a firearm ~~until ten years have elapsed since the order was entered and during that time the person was not convicted of any other crime of violence for the remainder of the person's lifetime.~~ Any person whose record of conviction is expunged under this section and who thereafter receives a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms has been restored under section 609.165, subdivision 1d, is not subject to the restriction in this subdivision.

Sec. 7. Minnesota Statutes 2002, section 624.712, subdivision 5, is amended to read:

Subd. 5. [CRIME OF VIOLENCE.] "Crime of violence" includes murder in the first, second, and third degrees, manslaughter in the first and second degrees, aiding suicide, aiding attempted suicide, felony violations of assault in the first, second, third, and fourth degrees, assaults motivated by bias under section 609.2231, subdivision 4, drive-by shootings, terroristic threats, use of drugs to injure or to facilitate crime, crimes committed for the benefit of a gang, commission of a crime while wearing or possessing a bullet-resistant vest, simple robbery, aggravated robbery, kidnapping, false imprisonment, criminal sexual conduct in the first, second, third, and fourth degrees, theft of a firearm, felony theft involving the intentional taking or driving of a motor vehicle without the consent of the owner or the authorized agent of the owner, felony theft involving the taking of property from a burning, abandoned, or vacant building, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle, felony theft involving the theft of a controlled substance, an explosive, or an incendiary device, arson in the first and second degrees, riot, burglary in the first, second, third, and fourth degrees, harassment and stalking, shooting at a public transit vehicle or facility, reckless use of a gun or dangerous weapon, intentionally pointing a gun at or towards a human being, setting a spring gun, and unlawfully owning, possessing, operating a machine gun or short-barreled shotgun, and an attempt to commit any of these offenses, as each of those offenses is defined in chapter 609. "Crime of violence" also includes felony violations of the following: malicious punishment of a child; neglect or endangerment of a child; and chapter 152. means: felony convictions of the following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.229 (crimes committed for the benefit of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.486 (commission of crime while wearing or possessing a bullet-resistant vest); 609.52 (involving theft of a firearm, theft involving the intentional taking or driving of a motor vehicle without the consent of the owner or authorized agent of the owner, theft involving the taking of property from a burning, abandoned, or vacant building, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle, and theft involving the theft of a controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.582, subdivision 1, 2, or 3 (burglary in the first through third degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); 609.749 (harassment and stalking); 609.855, subdivision 5 (shooting at a public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an attempt to commit any of these offenses.

Sec. 8. Minnesota Statutes 2002, section 624.713, subdivision 1, is amended to read:

Subdivision 1. [INELIGIBLE PERSONS.] The following persons shall not be entitled to possess a pistol or semiautomatic military-style assault weapon or, except for clause (a), any other firearm:

(a) a person under the age of 18 years except that a person under 18 may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(b) except as otherwise provided in clause (i), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence ~~unless ten years have elapsed since the person has been restored to civil rights or the sentence or disposition has expired, whichever occurs first, and during that time the person has not been convicted of or adjudicated for any other crime of violence.~~ For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) a person who is or has ever been confined in Minnesota or elsewhere as a person who is mentally ill, mentally retarded, or mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has ever been found incompetent to stand trial or not guilty by reason of mental illness, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that the person is no longer suffering from this disability;

(d) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years;

(e) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as chemically dependent as defined in section 253B.02, unless the person has completed treatment. Property rights may not be abated but access may be restricted by the courts;

(f) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

(g) a person, including a person under the jurisdiction of the juvenile court, who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed;

(h) except as otherwise provided in clause (i), a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member or section 609.2242, subdivision 3, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242, subdivision 3, or a similar law of another state;

(i) a person who has been convicted in this state or elsewhere of assaulting a family or household member and who was found by the court to have used a firearm in any way during commission of the assault is prohibited from possessing any type of firearm for the period determined by the sentencing court; ~~or~~

(j) a person who:

(1) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice as a result of having fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding;

(3) is an unlawful user of any controlled substance as defined in chapter 152;

(4) has been judicially committed to a treatment facility in Minnesota or elsewhere as a person who is mentally ill, mentally retarded, or mentally ill and dangerous to the public, as defined in section 253B.02;

(5) is an alien who is illegally or unlawfully in the United States;

(6) has been discharged from the armed forces of the United States under dishonorable conditions; or

(7) has renounced the person's citizenship having been a citizen of the United States; or

(k) a person who has been convicted of the following offenses at the gross misdemeanor level, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of these sections: section 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71 (riot); or 609.749 (harassment and stalking). For purposes of this paragraph, the specified gross misdemeanor convictions include crimes committed in other states or jurisdictions which would have been gross misdemeanors if conviction occurred in this state.

A person who issues a certificate pursuant to this subdivision in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm committed by the individual who is the subject of the certificate.

The prohibition in this subdivision relating to the possession of firearms other than pistols and semiautomatic military-style assault weapons does not apply retroactively to persons who are prohibited from possessing a pistol or semiautomatic military-style assault weapon under this subdivision before August 1, 1994.

The lifetime prohibition on possessing, receiving, shipping, or transporting firearms for persons convicted or adjudicated delinquent of a crime of violence in clause (b), applies only to offenders who are discharged from sentence or court supervision for a crime of violence on or after August 1, 1993.

Sec. 9. Minnesota Statutes 2002, section 624.713, subdivision 2, is amended to read:

Subd. 2. [PENALTIES.] (a) A person named in subdivision 1, clause (a), who possesses a pistol or semiautomatic military-style assault weapon is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) A person named in subdivision 1, clause (b), who possesses any type of firearm is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both. This paragraph does not apply to any person who has received a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms has been restored under section 609.165, subdivision 1d.

(c) A person named in any other clause of subdivision 1 who possesses any type of firearm is guilty of a gross misdemeanor.

Sec. 10. Minnesota Statutes 2002, section 624.713, subdivision 3, is amended to read:

Subd. 3. [NOTICE.] (a) When a person is convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, a crime of violence as defined in section 624.712, subdivision 5, the court shall inform the defendant that the defendant is prohibited from possessing a pistol or semiautomatic military-style assault weapon ~~for a period of ten years after the person was restored to civil rights or since the sentence or disposition has expired, whichever occurs first~~ the remainder of the person's lifetime, and that it is a felony offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol or semiautomatic military-style assault weapon possession prohibition or the felony penalty to that defendant.

(b) When a person, including a person under the jurisdiction of the juvenile court, is charged with committing a crime of violence and is placed in a pretrial diversion program by the court

before disposition, the court shall inform the defendant that: (1) the defendant is prohibited from possessing a pistol or semiautomatic military-style assault weapon until the person has completed the diversion program and the charge of committing a crime of violence has been dismissed; (2) it is a gross misdemeanor offense to violate this prohibition; and (3) if the defendant violates this condition of participation in the diversion program, the charge of committing a crime of violence may be prosecuted. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol or semiautomatic military-style assault weapon possession prohibition or the gross misdemeanor penalty to that defendant.

Sec. 11. Minnesota Statutes 2002, section 638.02, subdivision 2, is amended to read:

Subd. 2. Any person, convicted of a crime in any court of this state, who has served the sentence imposed by the court and has been discharged of the sentence either by order of court or by operation of law, may petition the board of pardons for the granting of a pardon extraordinary. Unless the board of pardons expressly provides otherwise in writing by unanimous vote, the application for a pardon extraordinary may not be filed until the applicable time period in clause (1) or (2) has elapsed:

(1) if the person was convicted of a crime of violence as defined in section 624.712, subdivision 5, ten years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime; and

(2) if the person was convicted of any crime not included within the definition of crime of violence under section 624.712, subdivision 5, five years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime.

If the board of pardons determines that the person is of good character and reputation, the board may, in its discretion, grant the person a pardon extraordinary. The pardon extraordinary, when granted, has the effect of setting aside and nullifying the conviction and of purging the person of it, and the person shall never after that be required to disclose the conviction at any time or place other than in a judicial proceeding or as part of the licensing process for peace officers.

The application for a pardon extraordinary, the proceedings to review an application, and the notice requirements are governed by the statutes and the rules of the board in respect to other proceedings before the board. The application shall contain any further information that the board may require.

~~Unless the board of pardons expressly provides otherwise in writing by unanimous vote, if the person was convicted of a crime of violence, as defined in section 624.712, subdivision 5, the pardon extraordinary must expressly provide that the pardon does not entitle the person to ship, transport, possess, or receive a firearm until ten years have elapsed since the sentence was discharged and during that time the person was not convicted of any other crime of violence.~~

Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 11 are effective August 1, 2003. The provisions of sections 1 to 11 that impose a lifetime prohibition on possessing, receiving, shipping, or transporting firearms apply to persons who are discharged from sentence or court supervision for a crime of violence on or after August 1, 1993."

Amend the title accordingly

CALL OF THE SENATE

Senator Limmer imposed a call of the Senate for the balance of the proceedings on S.F. No. 369. The Sergeant at Arms was instructed to bring in the absent members.

Senator Pariseau moved that S.F. No. 369 be laid on the table.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 37 and nays 28, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Larson	Ortman	Senjem
Bakk	Johnson, D.J.	LeClair	Pariseau	Stumpf
Belanger	Jungbauer	Limmer	Reiter	Tomassoni
Day	Kierlin	McGinn	Robling	Vickerman
Dille	Kiscaden	Michel	Rosen	Wergin
Fischbach	Kleis	Neuville	Ruud	
Frederickson	Knutson	Nienow	Sams	
Gaither	Koering	Olson	Saxhaug	

Those who voted in the negative were:

Anderson	Foley	Lourey	Pappas	Skoglund
Berglin	Higgins	Marko	Pogemiller	Solon
Betzold	Hottinger	Marty	Ranum	Sparks
Chaudhary	Johnson, D.E.	Metzen	Rest	Wiger
Cohen	Kelley	Moua	Scheid	
Dibble	Kubly	Murphy	Skoe	

The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Hottinger moved that S.F. No. 1511 be taken from the table and transmitted to the House of Representatives. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Senjem introduced--

S.F. No. 1512: A bill for an act relating to state government; extending the sunset date for the Mississippi river parkway commission; amending Minnesota Statutes 2002, section 161.1419, subdivision 8.

Referred to the Committee on State and Local Government Operations.

Senator Pogemiller introduced--

S.F. No. 1513: A bill for an act relating to the state agricultural society; authorizing the society to issue revenue bonds enhanced by the credit of the state; proposing coding for new law in Minnesota Statutes, chapter 37.

Referred to the Committee on Taxes.

Senator Dille introduced--

S.F. No. 1514: A bill for an act relating to education; limiting liability of carrier contracting with a school district to provide school bus transportation; amending Minnesota Statutes 2002, section 123B.88, by adding a subdivision.

Referred to the Committee on Judiciary.

MEMBERS EXCUSED

Senator Ourada was excused from the Session of today.

ADJOURNMENT

Senator Hottinger moved that the Senate do now adjourn until 10:00 a.m., Monday, April 28, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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