

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2003

 TWENTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 27, 2003

The House of Representatives convened at 3:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Pastor Larry Hagar, Bethel United Methodist Church, Mound, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	DeLaForest	Hilstrom	Larson	Opatz	Slawik
Abrams	Demmer	Hilty	Latz	Osterman	Smith
Adolphson	Dill	Holberg	Lenczewski	Otremba	Soderstrom
Anderson, B.	Dorman	Hoppe	Lesch	Otto	Solberg
Anderson, I.	Dorn	Hornstein	Lieder	Ozment	Stang
Anderson, J.	Eastlund	Howes	Lindgren	Paulsen	Strachan
Atkins	Eken	Huntley	Lindner	Paymar	Swenson
Beard	Ellison	Jacobson	Lipman	Pelowski	Sykora
Bernardy	Entenza	Jaros	Magnus	Penas	Thao
Biernat	Erhardt	Johnson, J.	Mahoney	Peterson	Thissen
Blaine	Erickson	Johnson, S.	Mariani	Powell	Tingelstad
Borrell	Finstad	Juhnke	Marquart	Pugh	Urdahl
Boudreau	Fuller	Kahn	McNamara	Rhodes	Vandevveer
Bradley	Gerlach	Kelliher	Meslow	Rukavina	Wagenius
Brod	Goodwin	Kielkucki	Mullery	Ruth	Walker
Buesgens	Greiling	Klinzing	Murphy	Samuelson	Walz
Carlson	Gunther	Knoblach	Nelson, C.	Seagren	Wardlow
Clark	Haas	Koenen	Nelson, M.	Seifert	Wasiluk
Cornish	Hackbarth	Kohls	Nelson, P.	Sertich	Westerberg
Cox	Harder	Krinkie	Nornes	Severson	Westrom
Davids	Hausman	Kuisle	Olsen, S.	Sieben	Wilkin
Davnie	Heidgerken	Lanning	Olson, M.	Simpson	Spk. Sviggum

A quorum was present.

Dempsey was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. DeLaForest moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 51, A bill for an act relating to insurance; clarifying that a certain law includes long-term care insurance; amending Minnesota Statutes 2002, section 61B.20, subdivision 10.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 170, A bill for an act relating to civil actions; regulating limitation periods of certain actions; enacting the Uniform Conflict of Laws-Limitations Act adopted by the National Conference of Commissioners on Uniform State Laws; proposing coding for new law in Minnesota Statutes, chapter 541.

Reported the same back with the following amendments:

Page 1, line 10, delete "541.35" and insert "541.34"

Page 2, lines 19, 21, 23, and 25, delete "541.35" and insert "541.34"

Page 2, delete section 6

Amend the title as follows:

Page 1, line 3, delete "enacting the Uniform"

Page 1, delete lines 4 and 5

Page 1, line 6, delete "Laws;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Westrom from the Committee on Regulated Industries to which was referred:

H. F. No. 208, A bill for an act relating to energy; providing that renewable energy sources include mixed municipal waste; amending Minnesota Statutes 2002, sections 216B.1691, subdivision 1; 216B.2422, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Environment and Natural Resources Policy.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 212, A bill for an act relating to professions; extending the expiration date of the acupuncture, respiratory care practitioner, licensed traditional midwifery, and health professionals services program advisory committees; amending Minnesota Statutes 2002, sections 147B.05, subdivision 2; 147C.35, subdivision 2; 147D.25, subdivision 2; 214.32, subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 245, A bill for an act relating to local government; establishing the lakes area economic development authority.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Swenson from the Committee on Agriculture Policy to which was referred:

H. F. No. 258, A bill for an act relating to agriculture; prohibiting registration of certain fertilizers; amending Minnesota Statutes 2002, section 18C.401, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Smith from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 261, A bill for an act relating to public safety; enacting the Minnesota Citizens' Personal Protection Act of 2003; recognizing the inherent right of law-abiding citizens to self-protection through the lawful use of self-defense; providing a system under which responsible, competent adults can exercise their right to self-protection by authorizing them to obtain a permit to carry a pistol; providing criminal penalties; appropriating money; amending Minnesota Statutes 2002, sections 609.66, subdivision 1d; 624.712, by adding a subdivision; 624.714, subdivisions 2, 3, 4, 6, 7, 8, 10, 12, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 624; repealing Minnesota Statutes 2002, section 624.714, subdivisions 1, 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"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 paragraph (c), 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 petty 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 or a child care center licensed under chapter 245A, whether leased or owned by the school, occupied by educational facilities; and

(ii) 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 for educational purposes.

~~(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 director of a child care center.

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) 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; and

(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.

(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 four years of the date of an original or renewal application. Training may be demonstrated by:

(1) licensure as a peace officer in the state of Minnesota; 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 four 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;

(6) the department of natural resources of this state or a similar agency of another state that certifies firearms instructors; or

(7) 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) Applications must be submitted in person.

(e) 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 \$40, whichever is less. Of this amount, \$10 must be submitted to the commissioner of public safety and deposited into the general fund.

(f) 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).

(g) 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.

(h) 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.

(i) 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 15 business 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 dangerous to 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 15 business 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) to (c), 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 four 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 \$30, 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 its writ of mandamus directing that the permit be issued and order other appropriate relief unless the sheriff clearly and convincingly establishes (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 dangerous to the public if authorized to carry a pistol under a permit.

(c) The applicant's dangerousness to the public under paragraph (b), clause (2), may only be established by the applicant's criminal or noncriminal history, within the past three years, including at least:

(1) behavioral incidents of unlawful violence or other behaviors that exhibit a clear propensity for unlawful violence that were investigated and documented, not including incidents for which the applicant was charged and acquitted;

(2) a condition of mental impairment not addressed under section 624.713, subdivision 1, clause (c). For purposes of this paragraph, "mental impairment" means a "mentally ill person," "mentally retarded person," or "a person mentally ill and dangerous to the public" as those terms are defined in section 253B.02; or

(3) being listed on the criminal gang investigative data system under section 299C.091.

The elements in clauses (1) to (3) must be proven by a preponderance of the evidence.

(d) If an applicant is denied a permit on the grounds of being dangerous to the public under paragraph (c), clause (3), 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.

(e) 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, to law enforcement agencies, including prosecutors carrying out their duties under subdivision 8a, solely 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 (c).

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 enters or remains at a public establishment or event knowing that the operator of the establishment or its agent has made a reasonable request to place the weapon or firearm into secure storage 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 each and every entrance to the establishment or event containing the following language:

"PERMISSION TO ENTER IS DENIED TO PERSONS CARRYING WEAPONS OR FIREARMS IN THIS PREMISES. THE SECURE STORAGE FACILITY IS LOCATED [GIVE LOCATION]."

(ii) the requester provides personalized, secure storage on the premises for the person's firearms;

(iii) the requester assumes strict liability for the item secured in the storage provided and for the personal safety and protection of the person and party while that person is within the establishment or attending the event; and

(iv) the requester or its agent personally informs the person of the posted request, the location of the secure storage, 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 block letters at least 1-1/2 inches in height against a contrasting lime green background that is at least 648 square inches in area.

(4) "Secure storage" means storage that:

(i) is located in close proximity to the primary entrance;

(ii) the requester allows the person to enter for the purpose of securing a firearm or retrieving it;

(iii) consists of locked, personalized storage space provided at no charge in which the person can secure and retrieve the items without the assistance of another person; and

(iv) is immediately accessible for retrieval, upon leaving the premises, by the person who secured it.

(5) "Public establishment or event" means any building or structure that is a public place as defined in section 624.7181, subdivision 1, paragraph (c), located on privately owned or operated property except a parking facility.

(c) The requester or its agent may monitor the secure storage area and record the activities. The requester may retain the ability to enter an individual locked storage space for the sole purpose of delivering items placed in it to law enforcement if the items have been left for a period of more than 24 hours during which the establishment has been open and the person has left the premises or the event has concluded. The requester's responsibility for the item secured terminates only upon return to the owner or upon obtaining a receipt when delivering an item to law enforcement. Law enforcement may charge a reasonable fee, not to exceed \$10, for accepting a stored item and providing a receipt under the provisions of this subdivision. A person may reclaim an item delivered to law enforcement under this paragraph by providing proof of ownership and paying the fee.

(d) 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. [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. 24. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 19. [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) 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;

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

(6) the status of the segregated funds reported to the commissioner under subdivision 19.

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

Subd. 20. [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). The revenues must be maintained in a segregated fund. 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. 26. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 21. [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. 27. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 22. [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, or other person may change, modify, or supplement these criteria or procedures, or limit the exercise of a permit to carry.

Sec. 28. [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 petty misdemeanor. A second or subsequent violation within a year of the first violation is 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), as a petty misdemeanor 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 60 days from the date of judgment. If the person violates subdivision 1, clause (6), as a misdemeanor, the period of suspension is 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. 29. [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. 30. [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 29. The unencumbered balance in the first year does not cancel but is available for the second year.

Sec. 31. [TEMPORARY PERMIT FEE.]

Notwithstanding Minnesota Statutes, section 624.714, subdivision 3, paragraph (e), until July 1, 2004, the application fee for a permit to carry a pistol under Minnesota Statutes, section 624.714, is \$50, and, of that amount, a sheriff must submit \$21.50 to the commissioner of public safety for deposit into the general fund for each permit application submitted.

Sec. 32. [GRANDFATHER CLAUSE.]

Permits to carry pistols issued prior to the effective date of sections 1 to 29 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 29 may nevertheless apply for a permit under the terms and conditions of sections 1 to 29.

Sec. 33. [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. 34. [REPEALER.]

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

Sec. 35. [EFFECTIVE DATE.]

Sections 1 to 34 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.

Amend the title as follows:

Page 1, line 11, after "sections" insert "13.871, by adding a subdivision;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 266, A bill for an act relating to human services; modifying the purchasing alliance stop-loss fund; amending Minnesota Statutes 2002, sections 256.956, subdivisions 1, 2, 3, 9.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 256.956, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following definitions apply:

(a) "Commissioner" means the commissioner of human services.

(b) "Health plan" means a policy, contract, or certificate issued by a health plan company to a qualifying purchasing alliance. Any health plan issued to the members of a qualifying purchasing alliance must meet the requirements of chapter 62L.

(c) "Health plan company" means:

(1) a health carrier as defined under section 62A.011, subdivision 2;

(2) a community integrated service network operating under chapter 62N; or

(3) an accountable provider network operating under chapter 62T.

(d) "Qualifying employer" means an employer who:

(1) is a member of a qualifying purchasing alliance;

(2) has at least one employee but no more than ten employees at the time of initial membership to a qualifying purchasing alliance or is a sole proprietor or farmer;

(3) did not offer employer-subsidized health care coverage to its employees for at least 12 months prior to joining the purchasing alliance; and

(4) is offering health coverage through the purchasing alliance to all employees who work at least 20 hours per week unless the employee is eligible for Medicare.

For purposes of this subdivision, "employer-subsidized health coverage" means health coverage for which the employer pays at least 50 percent of the cost of coverage for the employee.

(e) "Qualifying enrollee" means an employee of a qualifying employer or the employee's dependent covered by a health plan.

(f) "Qualifying purchasing alliance" means a purchasing alliance as defined in section 62T.01, subdivision 2, that:

(1) meets the requirements of chapter 62T;

- (2) services a geographic area located in outstate Minnesota, ~~excluding the city of Duluth~~; and
- (3) is organized and operating before May 1, 2001.

The criteria used by the qualifying purchasing alliance for membership must be approved by the commissioner of health. The commissioner of health shall approve any criteria needed in order to receive grants from other public or private entities. A qualifying purchasing alliance may begin enrolling qualifying employers after July 1, 2001; ~~with enrollment ending by December 31, 2003.~~ The commissioner of health may waive the requirement described in clause (3) if this requirement inhibits the commissioner's ability to obtain grants from other public or private entities.

Sec. 2. Minnesota Statutes 2002, section 256.956, subdivision 2, is amended to read:

Subd. 2. [CREATION OF ACCOUNT.] (a) A purchasing alliance stop-loss fund account is established in the general fund. The commissioner shall use the money to establish a stop-loss fund from which a health plan company may receive reimbursement for claims paid for qualifying enrollees. The account consists of money appropriated by the legislature. Money from the account must be used for the stop-loss fund.

(b) The commissioner may accept grants from public or private entities for the purpose of expanding the stop-loss fund. Any money received by the commissioner must be deposited in the account and distributed in accordance with this section.

Sec. 3. Minnesota Statutes 2002, section 256.956, subdivision 3, is amended to read:

Subd. 3. [REIMBURSEMENT.] (a) A health plan company may receive reimbursement from the fund for 90 percent of the ~~portion of the claim that exceeds payments made, less any third-party recoveries, for claims incurred in a calendar year for a qualifying enrollee for services that in aggregate exceed \$30,000 but not of the portion that exceeds payments that exceed \$100,000 in a calendar year for a qualifying enrollee.~~

(b) Claims shall be reported and funds shall be distributed on a calendar-year basis. Claims incurred by a qualifying enrollee are eligible for reimbursement for a two-year period beginning from the date of enrollment. During this two-year period, claims shall be eligible for reimbursement only for the calendar year in which the claims were paid incurred.

(c) Once claims ~~paid incurred~~ on behalf of a qualifying enrollee reach \$100,000 in a given calendar year, no further claims may be submitted for reimbursement on behalf of that enrollee in that calendar year.

(d) If a health plan company collects third-party recoveries for a claim after the health plan company has received reimbursement for the claim from the stop-loss fund account, the health plan company must reimburse the account with the amount that would have been subtracted from the payment under this subdivision. The health plan company shall not be required to reimburse the account for more than the amount received by the health plan company for that claim as calculated under subdivision 5.

Sec. 4. Minnesota Statutes 2002, section 256.956, subdivision 4, is amended to read:

Subd. 4. [REQUEST PROCESS.] (a) Each health plan company must submit a request for reimbursement from the fund on a form prescribed by the commissioner. Requests for payment must be submitted no later than April 1 following the end of the calendar year for which the reimbursement request is being made, ~~beginning April 1, 2002.~~

(b) The commissioner may require a health plan company to submit claims data as needed in connection with the reimbursement request.

Sec. 5. Minnesota Statutes 2002, section 256.956, subdivision 5, is amended to read:

Subd. 5. [DISTRIBUTION.] (a) The commissioner shall calculate the total claims reimbursement amount for all qualifying health plan companies for the calendar year for which claims are being reported and shall distribute the stop-loss funds ~~on an annual basis~~ before June 30 of the following calendar year.

(b) In the event that the total amount requested for reimbursement by the health plan companies for a calendar year exceeds the funds available for distribution for claims paid by all health plan companies during the same calendar year, the commissioner shall provide for the pro rata distribution of the available funds. Each health plan company shall be eligible to receive only a proportionate amount of the available funds as the health plan company's total eligible claims paid compares to the total eligible claims paid by all health plan companies.

(c) In the event that funds available for distribution for claims paid by all health plan companies during a calendar year exceed the total amount requested for reimbursement by all health plan companies during the same calendar year, any excess funds shall be reallocated for distribution in the next calendar year and may carry over into the next biennium.

Sec. 6. Minnesota Statutes 2002, section 256.956, subdivision 9, is amended to read:

Subd. 9. [SUNSET.] This section shall expire January 1, 2005, or until all funds deposited in the account have been distributed, whichever is later."

Delete the title and insert:

"A bill for an act relating to human services; modifying the purchasing alliance stop-loss fund; amending Minnesota Statutes 2002, section 256.956, subdivisions 1, 2, 3, 4, 5, 9."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 278, A bill for an act relating to health; eliminating expenditure reporting requirements for health care providers; repealing Minnesota Statutes 2002, section 62J.17.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 294, A bill for an act relating to the military; requiring payment of a salary differential to certain state employees who are members of the national guard or other military reserve units and who have been called to active military duty on or after September 11, 2001; permitting local governments to pay a similar salary differential for their employees who are called from reserve status to active military service; amending Minnesota Statutes 2002, section 471.975; proposing coding for new law in Minnesota Statutes, chapter 43A.

Reported the same back with the following amendments:

Page 2, after line 26, insert:

"(f) This section does not apply to a person ordered to active service after June 30, 2005."

Page 3, strike line 6

Page 3, line 7, strike everything before "Back"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on State Government Finance.

The report was adopted.

Stang from the Committee on Higher Education Finance to which was referred:

H. F. No. 330, A bill for an act relating to state government; ratifying certain state employee labor agreements and compensation plans with certain exceptions; specifying terms and conditions of employment in certain circumstances.

Reported the same back with the following amendments:

Page 4, line 26, before "Any" insert "(a)"

Page 4, after line 30, insert:

"(b) If a collective bargaining agreement or compensation plan provides for sick leave with pay, an employee must be granted sick leave with pay, to the extent of the employee's accumulation of sick leave, for absences:

(1) due to illness or disability of a regular member of the employee's immediate household for a reasonable period as the employee's attendance is necessary; and

(2) due to the death of a regular member of the employee's immediate household, for a reasonable period."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 339, A bill for an act relating to civil actions; graffiti; allowing the recovery of damages for graffiti; proposing coding for new law in Minnesota Statutes, chapter 617.

Reported the same back with the following amendments:

Page 1, line 8, delete "chalk,"

Page 1, line 10, before "or" insert "transportation equipment."

Page 1, line 19, delete "an indigent" and insert "a"

Page 1, delete line 23 and insert "individual. The liability of the parent is limited to the amount specified in section 540.18. The court may"

With the recommendation that when so amended the bill pass.

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 394, A bill for an act relating to municipalities; extending the maximum length of guaranteed energy savings contracts from ten to 15 years; amending Minnesota Statutes 2002, section 471.345, subdivision 13.

Reported the same back with the following amendments:

Page 3, after line 32, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Hackbarth from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 407, A bill for an act relating to natural resources; moving the Minnesota conservation corps to the friends of the Minnesota conservation corps, an existing nonprofit corporation; transferring assets to the Minnesota conservation corps; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 2002, sections 84.0887; 84.98; 84.99.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 419, A bill for an act relating to human services; changing child care licensing provisions; amending Minnesota Statutes 2002, section 245A.14, subdivision 8.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sykora from the Committee on Education Policy to which was referred:

H. F. No. 424, A bill for an act relating to education; revising charter school leave provisions; amending Minnesota Statutes 2002, section 124D.10, subdivision 20.

Reported the same back with the following amendments:

Page 2, line 6, after the period, insert "Notwithstanding Minnesota Statutes 2002, section 122A.46, subdivision 2, a school district, upon request, must grant a one-year extension for the 2003-2004 school year to a teacher on a leave of absence to teach at a charter school under this subdivision who has taught five or more years as of the 2003-2004 school year."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swenson from the Committee on Agriculture Policy to which was referred:

H. F. No. 447, A bill for an act relating to agriculture; modifying certain restrictions on the ownership of farm land; imposing a penalty; amending Minnesota Statutes 2002, section 500.221, subdivisions 1, 1a, 5.

Reported the same back with the following amendments:

Page 2, line 12, delete "purchases" and insert "has an interest in"

Page 2, after line 26, insert:

"Sec. 3. Minnesota Statutes 2002, section 500.221, subdivision 2, is amended to read:

Subd. 2. [ALIENS AND NON-AMERICAN CORPORATIONS.] Except as hereinafter provided, no natural person shall acquire directly or indirectly any interest in agricultural land unless the person is a citizen of the United States or a permanent resident alien of the United States. In addition to the restrictions in section 500.24, no corporation, partnership, limited partnership, trustee, or other business entity shall directly or indirectly, acquire or otherwise obtain any interest, whether legal, beneficial or otherwise, in any title to agricultural land unless at least 80 percent of each class of stock issued and outstanding or 80 percent of the ultimate beneficial interest of the entity is held directly or indirectly by citizens of the United States or permanent resident aliens. This section shall not apply:

(1) to agricultural land that may be acquired by devise, inheritance, as security for indebtedness, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise. All agricultural land acquired in the collection of debts or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership;

(2) to citizens or subjects of a foreign country whose rights to hold land are secured by treaty;

(3) to lands used for transportation purposes by a common carrier, as defined in section 218.011, subdivision 10;

(4) to lands or interests in lands acquired for use in connection with (i) the production of timber and forestry products by a corporation organized under the laws of Minnesota, or (ii) mining and mineral processing operations. Pending the development of agricultural land for the production of timber and forestry products or mining purposes the land may not be used for farming except under lease to a family farm, a family farm corporation or an authorized farm corporation;

(5) to agricultural land operated for research or experimental purposes if the ownership of the agricultural land is incidental to the research or experimental objectives of the person or business entity and the total acreage owned by the person or business entity does not exceed the acreage owned on May 27, 1977;

(6) to the purchase of any tract of 40 acres or less for facilities incidental to pipeline operation by a company operating a pipeline as defined in section 116I.01, subdivision 3; ~~or~~

(7) to agricultural land and land capable of being used as farmland in vegetable processing operations that is reasonably necessary to meet the requirements of pollution control law or rules; or

(8) to agricultural land in the state acquired before July 1, 2008, by a holder of a nonimmigrant treaty investment visa issued under United States Code, title 8, section 1101(a)15(E)(ii)."

Page 2, after line 33, insert:

"Sec. 5. [REPORT TO THE LEGISLATURE.]

The commissioner of agriculture shall, not later than February 15, 2008, report to the legislature on the number of holders of a nonimmigrant treaty investment visa issued under United States Code, title 8, section 1101(a)15(E)(ii) that have acquired an interest in agricultural land in the state. The report must also indicate the number of acres held by these visa holders and the general location of the properties.

Sec. 6. [EXPIRATION.]

The amendments in section 1 expire June 30, 2008."

Page 2, line 35, delete "3" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "1a," insert "2,"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 457, A bill for an act relating to family law; changing certain provisions of the de facto custodian law; amending Minnesota Statutes 2002, sections 257C.01, subdivision 2; 257C.07.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

S. F. No. 231, A bill for an act relating to local government; establishing a retroactive effective date for St. Paul civil service separation.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 51, 170, 212, 258, 266, 339, 394, 419, 424 and 457 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 231 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Kelliher, Sviggum, Ellison, Rhodes, Hornstein, Kahn, Wagenius, Abrams and Erhardt introduced:

H. F. No. 609, A bill for an act relating to the city of Minneapolis; authorizing the creation of a community planning and economic development department of the city.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Kohls; Otremba; Bradley; Sviggum; Samuelson; Urdahl; Powell; Nornes; Strachan; Holberg; Johnson, J.; Dempsey; Anderson, J.; Penas; Lindgren; Ruth; Nelson, P.; Beard; Cox; Magnus; Harder; Lanning; Brod and Nelson, C., introduced:

H. F. No. 610, A bill for an act relating to civil actions; prohibiting the use of certain government data by certain parties to civil actions against long-term care providers; limiting noneconomic damages in certain civil actions against long-term care providers; providing a limitation period for bringing certain actions based on tort against a long-term care provider; amending Minnesota Statutes 2002, section 541.07; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 2002, section 626.5573.

The bill was read for the first time and referred to the Committee on Civil Law.

Boudreau, Sviggum, Nornes, Finstad and Otremba introduced:

H. F. No. 611, A bill for an act relating to health; regulating referrals by medical oncologists; amending Minnesota Statutes 2002, section 62J.23, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Knoblach and Rhodes introduced:

H. F. No. 612, A bill for an act relating to elections; requiring reporting of certain allocated expenditures; amending Minnesota Statutes 2002, section 10A.20, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Kahn introduced:

H. F. No. 613, A bill for an act relating to alcoholic beverages; authorizing Minneapolis to issue an on-sale wine license and on-sale malt beverage license to the Southern Theatre; amending Minnesota Statutes 2002, section 340A.404, subdivision 2.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Lipman introduced:

H. F. No. 614, A bill for an act relating to transportation; appropriating money and authorizing issuance of state bonds for highway 5 safety improvements.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Biernat introduced:

H. F. No. 615, A bill for an act relating to motor vehicles; prohibiting persons from installing certain windows and window treatments on motor vehicles; amending Minnesota Statutes 2002, section 169.71, subdivision 4.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Finstad and Heidgerken introduced:

H. F. No. 616, A bill for an act relating to human services; requiring the Minnesota board on aging to establish and administer a prescription drug assistance program; transferring appropriations; amending Minnesota Statutes 2002, section 256.975, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Soderstrom introduced:

H. F. No. 617, A bill for an act relating to human services; requiring the Minnesota board on aging to establish and administer a prescription drug assistance program; transferring appropriations; amending Minnesota Statutes 2002, section 256.975, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Smith; Otremba; Holberg; Murphy; Sviggum; Seifert; Kielkucki; Soderstrom; Powell; Nornes; Olsen, S.; Adolphson; Pelowski; Juhnke; Marquart; Boudreau; Urdahl; Wilkin; Koenen; Dill; Blaine; Heidgerken; Finstad; Buesgens; Ruth; Dempsey; Simpson; Wardlow; Samuelson; Bradley; Kohls; Paulsen; Hoppe; Gerlach and Lindgren introduced:

H. F. No. 618, A bill for an act relating to health; requiring reporting on notification that is required before an abortion is performed on a minor or certain other women; providing civil penalties; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Rhodes and Solberg introduced:

H. F. No. 619, A bill for an act relating to lawful gambling; providing for sports board games; amending Minnesota Statutes 2002, sections 297E.06, subdivision 2; 349.12, subdivisions 18, 21, 24, by adding a subdivision; 349.151, by adding a subdivision; 349.211, by adding a subdivision; 349.2127, subdivision 8.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Kielkucki, Rhodes, Seifert, Solberg and Jaros introduced:

H. F. No. 620, A bill for an act relating to gambling; clarifying conduct of social dice games; amending Minnesota Statutes 2002, section 609.761, subdivision 4.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Ellison, Abrams, Westerberg, Davids and Gunther introduced:

H. F. No. 621, A bill for an act relating to liquor; authorizing the city of Minneapolis to issue on-sale wine and malt liquor licenses to the Guthrie Lab; amending Minnesota Statutes 2002, section 340A.404, subdivision 2.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Strachan; Rhodes; Anderson, I.; Powell and Fuller introduced:

H. F. No. 622, A bill for an act relating to public safety; modifying emergency 911 telephone system provisions to require multiline telephone systems to provide caller location; providing for special levies for county and city governments and school districts to fund this requirement; amending Minnesota Statutes 2002, sections 126C.44; 275.70, subdivision 5; 403.01, subdivision 6; 403.02, by adding subdivisions; 403.07, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 403.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Hackbarth, Ozment, Atkins, Sertich and Lindgren introduced:

H. F. No. 623, A bill for an act relating to the environment; requiring vapor recovery equipment for gasoline deliveries in the metropolitan area; providing penalties; amending Minnesota Statutes 2002, sections 115C.09, by adding a subdivision; 116.073, subdivisions 1, 2; 116.46, by adding subdivisions; 116.49, by adding subdivisions; 116.50.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Seifert, Kielkucki and Pelowski introduced:

H. F. No. 624, A bill for an act relating to state government; requiring local government impact notes; requiring a determination of the aggregate cost of complying with proposed rules; proposing coding for new law in Minnesota Statutes, chapter 14.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Westrom and Otremba introduced:

H. F. No. 625, A bill for an act relating to sanitary sewer districts; establishing and providing for the Central Lakes Region Sanitary District.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Nornes, Erickson, Greiling, Sykora and Davnie introduced:

H. F. No. 626, A bill for an act relating to libraries; appropriating money for electronic library.

The bill was read for the first time and referred to the Committee on Education Finance.

Kuisle introduced:

H. F. No. 627, A bill for an act relating to appropriations; appropriating money for transportation and other purposes; providing for fees, accounts, transfers, and expenditures; authorizing administrative powers, penalties, and remedies for public safety purposes; making technical and clarifying changes; amending Minnesota Statutes 2002,

sections 115A.908, subdivision 2; 161.20, subdivision 3; 168.12, subdivision 5; 168.54, subdivision 4; 168A.29, subdivision 1; 297B.09, subdivision 1; 299A.465, subdivisions 4, 5; Laws 1999, chapter 238, article 1, section 2, subdivision 2; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 2; Laws 2002, chapter 374, article 11, section 10, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 299A; repealing Minnesota Statutes 2002, section 16A.88, subdivision 3; Minnesota Rules, part 7403.1300.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Kohls, Holberg, Thissen and DeLaForest introduced:

H. F. No. 628, A bill for an act relating to civil actions; limiting liability for public notification of emergency; proposing coding for new law in Minnesota Statutes, chapter 604A.

The bill was read for the first time and referred to the Committee on Civil Law.

Walker, Mariani, Kelliher, Biernat, Entenza, Pugh, Atkins, Latz, Sieben, Kahn, Clark and Thao introduced:

H. F. No. 629, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

The bill was read for the first time and referred to the Committee on Civil Law.

Marquart introduced:

H. F. No. 630, A bill for an act relating to taxation; property tax; advancing various dates for the notices of proposed property taxes and public hearings in the truth in taxation process; amending Minnesota Statutes 2002, section 275.065.

The bill was read for the first time and referred to the Committee on Taxes.

Sieben introduced:

H. F. No. 631, A bill for an act relating to education; allowing teachers a two-year leave of absence to teach in a charter school; amending Minnesota Statutes 2002, section 124D.10, subdivision 20.

The bill was read for the first time and referred to the Committee on Education Policy.

Abeler, Tingelstad, Otremba and Bernardy introduced:

H. F. No. 632, A bill for an act relating to insurance; expanding the availability and quality of long-term care insurance; establishing a legislative task force; amending Minnesota Statutes 2002, sections 43A.318, subdivision 1; 62A.48, by adding a subdivision; 62S.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 62A; 62S.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Solberg introduced:

H. F. No. 633, A bill for an act relating to taxation; extending the property tax exemption for business incubator property; amending Minnesota Statutes 2002, section 272.02, subdivision 31.

The bill was read for the first time and referred to the Committee on Taxes.

Holberg, Powell, Pugh, McNamara and Atkins introduced:

H. F. No. 634, A bill for an act relating to government data practices; providing for release of certain private data to county human and social services departments, and entities under contract to them, in order to coordinate benefits and services; amending Minnesota Statutes 2002, sections 13.3805, subdivision 1; 13.3806, subdivision 1; 13.384, subdivision 3; 13.46, subdivision 2; 13.461, subdivision 1; 13.85, subdivision 2; 197.603, subdivision 2.

The bill was read for the first time and referred to the Committee on Civil Law.

Paymar, Entenza and Greiling introduced:

H. F. No. 635, A bill for an act relating to lobbyist and principal reporting; modifying the content of the report lobbyists and principals must file; amending Minnesota Statutes 2002, sections 10A.01, subdivision 33; 10A.04, subdivisions 4, 6.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Hausman, Entenza, Paymar and Mahoney introduced:

H. F. No. 636, A bill for an act relating to natural resources; appropriating money and authorizing bonds for St. Paul park and trail improvements.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

Hausman, Entenza, Paymar and Mahoney introduced:

H. F. No. 637, A bill for an act relating to natural resources; appropriating money for St. Paul park and trail improvements.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

Cornish, Hackbarth, Wardlow, Gunther, Adolphson, Magnus, Soderstrom and Severson introduced:

H. F. No. 638, A bill for an act relating to taxation; individual income; allowing a subtraction for certain military pension income; amending Minnesota Statutes 2002, section 290.01, subdivision 19b.

The bill was read for the first time and referred to the Committee on Taxes.

Juhnke introduced:

H. F. No. 639, A bill for an act relating to natural resources; allowing certain electric assistive devices on state trails; proposing coding for new law in Minnesota Statutes, chapter 85.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Powell, Holberg, Gerlach and Atkins introduced:

H. F. No. 640, A bill for an act relating to capital improvements; authorizing issuance of state bonds; appropriating money for a segment of county state-aid highway 42 in Dakota county.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Thao, Walker, Ellison, Mariani, Clark, Davnie and Hornstein introduced:

H. F. No. 641, A bill for an act relating to welfare; extending food assistance for certain noncitizens; modifying MFIP exemptions and extensions; modifying MFIP sanctions; amending Minnesota Statutes 2002, sections 256D.053, subdivision 1; 256J.37, subdivision 9; 256J.42, subdivision 5; 256J.425, subdivisions 4, 6, by adding a subdivision; repealing Minnesota Statutes 2002, section 256J.425, subdivision 7; Laws 1997, chapter 203, article 9, section 21, as amended.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Stang introduced:

H. F. No. 642, A bill for an act relating to gambling; authorizing fantasy sports leagues; amending Minnesota Statutes 2002, section 609.761, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Kuisle introduced:

H. F. No. 643, A bill for an act relating to motor vehicles; modifying definition of registered owner of motor vehicle; regulating temporary registration permits for vehicles; modifying registration renewal notice procedures; modifying procedures relating to vehicle transactions with dealers; clarifying regulatory responsibilities for vehicle insurance; requiring trucks weighing over 10,000 pounds to submit to weighing; modifying provisions governing expiration dates for drivers' licenses and identification cards; making clarifying changes; amending Minnesota Statutes 2002, sections 168.011, subdivision 5a; 168.09, subdivision 7; 168.11, subdivision 3; 168.187, by adding a subdivision; 168A.11; 169.798, subdivision 1; 169.85, subdivision 1; 171.07, subdivision 4; 171.27.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Anderson, I.; Rukavina and Juhnke introduced:

H. F. No. 644, A bill for an act relating to state procurement; extending a general preference for in-state vendors; amending Minnesota Statutes 2002, section 16C.06, subdivision 7.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Paulsen, Gerlach, Gunther, Jaros and Howes introduced:

H. F. No. 645, A bill for an act relating to technology business; amending Minnesota Statutes 2002, sections 326.01, subdivision 6m; 326.242, subdivisions 3d, 8, 12; 326.2421, subdivision 2; 326.244, subdivisions 1a, 5; repealing Minnesota Statutes 2002, sections 326.01, subdivision 6d; 326.2421, subdivisions 3, 4, 6, 8.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Buesgens, Erickson, Beard, Rhodes, Strachan, Kielkucki, Holberg, Adolphson and Stang introduced:

H. F. No. 646, A bill for an act relating to gambling; state lottery; providing for gaming machines; establishing horse racing purse payments; amending Minnesota Statutes 2002, sections 240.13, by adding a subdivision; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349A.01, subdivision 10, by adding subdivisions; 349A.10, subdivision 3; 349A.13; 541.20; 541.21; 609.75, subdivision 3; 609.761, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 297A; 349A.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Swenson introduced:

H. F. No. 647, A bill for an act relating to human services; providing an exception to the nursing home construction moratorium; modifying special provisions for moratorium exceptions; amending Minnesota Statutes 2002, sections 144A.071, by adding a subdivision; 256B.431, subdivision 17.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Swenson and Hackbarth introduced:

H. F. No. 648, A bill for an act relating to game and fish; modifying provisions for wildlife shooting preserves; amending Minnesota Statutes 2002, section 97A.115, subdivision 1; repealing Minnesota Rules, part 6242.0300.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Swenson, Hackbarth, Cornish, Ozment and Urdahl introduced:

H. F. No. 649, A bill for an act relating to natural resources; providing for control of chronic wasting disease and management of wildlife health; appropriating money; amending Minnesota Statutes 2002, sections 17.451; 17.452, subdivisions 8, 10, 11, 12, 13, by adding subdivisions; 35.155; 84.027, subdivision 13; 97A.045, by adding a subdivision; 97A.075, subdivision 1; 97A.105, subdivision 1; 97A.401, subdivision 3; 97A.441, by adding a subdivision; 97A.505, by adding subdivisions; 97B.311; repealing Minnesota Statutes 2002, sections 97A.105, subdivisions 3a, 3b.

The bill was read for the first time and referred to the Committee on Agriculture Policy.

Biernat, Hausman and Mahoney introduced:

H. F. No. 650, A bill for an act relating to traffic regulations; authorizing enforcement of traffic signals through use of photographic evidence; amending Minnesota Statutes 2002, sections 13.6905, by adding a subdivision; 169.06, by adding a subdivision; 171.12, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 169.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Boudreau, Ruth and Sviggum introduced:

H. F. No. 651, A bill for an act relating to taxes; local sales and use tax; authorizing the city of Medford to impose a local sales and use tax.

The bill was read for the first time and referred to the Committee on Taxes.

Lesch, Murphy, Meslow, Smith and Peterson introduced:

H. F. No. 652, A bill for an act relating to crimes; making it a crime of child endangerment to manufacture controlled substances in the presence of a child; amending Minnesota Statutes 2002, section 609.378, subdivision 1, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance.

Olsen, S.; Tingelstad; Biernat and Osterman introduced:

H. F. No. 653, A bill for an act relating to adoption; modifying postadoption services requirements; amending Minnesota Statutes 2002, section 259.83, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Bernardy, Clark, Sieben, Sertich, Hornstein, Atkins, Mahoney, Lenczewski, Davnie, Slawik, Biernat, Hilstrom, Thissen and Kelliher introduced:

H. F. No. 654, A bill for an act relating to crime prevention; defining and specifying treatment of controlled substance analogue; requiring controlled substance analogues to be treated as controlled substances; prescribing penalties for unlawful sale and unlawful possession of amphetamine and gamma hydroxybutyric acid; amending Minnesota Statutes 2002, sections 152.01, by adding a subdivision; 152.02, subdivisions 2, 4; 152.021, subdivisions 1, 2; 152.022, subdivisions 1, 2; 152.023, subdivisions 1, 2; 152.024, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 152.

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance.

Biernat; Solberg; Anderson, B., and Greiling introduced:

H. F. No. 655, A bill for an act relating to highways; designating I-94 as the Purple Heart Trail; amending Minnesota Statutes 2002, section 161.14, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Lenczewski and Abrams introduced:

H. F. No. 656, A bill for an act relating to retirement; modifying the Hennepin county supplemental retirement plan to allow the county administrator to approve certain participant requests; amending Minnesota Statutes 2002, sections 383B.49; 383B.493.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Nelson, P.; Urdahl; Opatz; Otremba; Severson; Soderstrom and Cox introduced:

H. F. No. 657, A bill for an act relating to counties; authorizing counties to require the dedication of land for public parks; amending Minnesota Statutes 2002, section 394.25, subdivision 7.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Slawik, Opatz, Lieder, Hausman, Wasiluk and Pugh introduced:

H. F. No. 658, A bill for an act relating to traffic regulations; enacting the Safe School Zone Law; amending Minnesota Statutes 2002, section 169.14, subdivision 5a.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Gerlach, Davids, Westerberg, Larson and Haas introduced:

H. F. No. 659, A bill for an act relating to insurance; providing that automobile insurance may cover damage to automotive glass on the same basis as damage to other parts of an automobile; amending Minnesota Statutes 2002, section 72A.201, subdivision 6; repealing Minnesota Statutes 2002, sections 65B.134; 325F.783.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Samuelson, Greiling and Westerberg introduced:

H. F. No. 660, A bill for an act relating to capital improvements; authorizing issuance of trunk highway bonds; appropriating money to prepare plans and specifications for reconstruction and expansion of I-35W between Hennepin county line and Lexington Avenue in Anoka county.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Rhodes introduced:

H. F. No. 661, A bill for an act relating to the city of Hopkins; authorizing an extension of a tax increment financing district.

The bill was read for the first time and referred to the Committee on Taxes.

Abeler, Otremba, Boudreau, Bradley and Rukavina introduced:

H. F. No. 662, A bill for an act relating to health; regulating health plan coverages for handicapped children; amending Minnesota Statutes 2002, sections 62A.14; 62A.301; 62C.14, subdivision 5.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Borrell introduced:

H. F. No. 663, A bill for an act relating to highways; appropriating money and authorizing issuance of trunk highway bonds for construction of highway 241 as a four-lane expressway.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Eastlund; Otremba; Erickson; Penas; Harder; Soderstrom; Tingelstad; Abeler; Wilkin; Westrom; Ellison; Anderson, B.; Severson; Fuller and Lindner introduced:

H. F. No. 664, A bill for an act relating to family law; providing appropriate child support guidelines; amending Minnesota Statutes 2002, section 518.64, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 2002, section 518.551, subdivisions 5, 5f.

The bill was read for the first time and referred to the Committee on Civil Law.

Murphy introduced:

H. F. No. 665, A bill for an act relating to the city of Proctor; authorizing sales taxes; amending Laws 1999, chapter 243, article 4, section 18, subdivisions 1, 3, 4.

The bill was read for the first time and referred to the Committee on Taxes.

Murphy introduced:

H. F. No. 666, A bill for an act relating to retirement; Duluth teachers retirement fund association; authorizing a payment of employee and employer contributions for part-time employment.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Thissen, Larson, Seifert, Haas and Rhodes introduced:

H. F. No. 667, A bill for an act relating to veterans; classifying military certificates of discharge as private data on individuals; providing procedures for their release; amending Minnesota Statutes 2002, sections 13.785, subdivision 2; 196.08; 386.20, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

CONSENT CALENDAR

Paulsen moved that the Consent Calendar be continued. The motion prevailed.

IN MEMORIAM

The members of the House paused for a moment of silence in memory of former Governor Orville L. Freeman who passed away on Thursday, February 20, 2003.

MOTIONS AND RESOLUTIONS

Marquart moved that the name of Hackbarth be added as an author on H. F. No. 198. The motion prevailed.

Finstad moved that the names of Koenen and Harder be added as authors on H. F. No. 266. The motion prevailed.

Lenczewski moved that the name of Latz be added as an author on H. F. No. 281. The motion prevailed.

Lenczewski moved that her name be stricken as an author on H. F. No. 282. The motion prevailed.

Vandever moved that the name of Walz be added as an author on H. F. No. 283. The motion prevailed.

Hackbarth moved that the name of Solberg be added as an author on H. F. No. 327. The motion prevailed.

Abeler moved that the name of Westerberg be added as an author on H. F. No. 395. The motion prevailed.

Davids moved that the name of Nornes be added as an author on H. F. No. 397. The motion prevailed.

Howes moved that the names of Nelson, M.; Erickson and Johnson, S., be added as authors on H. F. No. 407. The motion prevailed.

Abeler moved that the name of Paymar be added as an author on H. F. No. 410. The motion prevailed.

DeLaForest moved that the name of Samuelson be added as an author on H. F. No. 418. The motion prevailed.

Nelson, C., moved that the name of Sieben be added as an author on H. F. No. 424. The motion prevailed.

Strachan moved that the name of Buesgens be added as an author on H. F. No. 427. The motion prevailed.

Nelson, M., moved that the names of Penas and Hoppe be added as authors on H. F. No. 445. The motion prevailed.

Wardlow moved that the names of Nelson, P.; Adolphson; Erhardt and Finstad be added as authors on H. F. No. 446. The motion prevailed.

Ellison moved that the name of Clark be added as an author on H. F. No. 479. The motion prevailed.

Meslow moved that the name of Abeler be added as an author on H. F. No. 481. The motion prevailed.

Kuisle moved that the name of Penas be added as an author on H. F. No. 488. The motion prevailed.

Beard moved that the name of Abeler be added as an author on H. F. No. 490. The motion prevailed.

Hornstein moved that the names of Peterson and Lenczewski be added as authors on H. F. No. 507. The motion prevailed.

Tingelstad moved that the names of Seagren; Nelson, P.; Hausman; Dorn; Bernardy and Erhardt be added as authors on H. F. No. 510. The motion prevailed.

Otremba moved that the name of Abeler be added as an author on H. F. No. 515. The motion prevailed.

Demmer moved that the name of Abeler be added as an author on H. F. No. 517. The motion prevailed.

Goodwin moved that the name of Lenczewski be added as an author on H. F. No. 537. The motion prevailed.

Goodwin moved that the name of Lenczewski be added as an author on H. F. No. 538. The motion prevailed.

Mahoney moved that the name of Kahn be added as an author on H. F. No. 542. The motion prevailed.

Anderson, I., moved that the name of Peterson be added as an author on H. F. No. 545. The motion prevailed.

Tingelstad moved that the names of Abeler and DeLaForest be added as authors on H. F. No. 546. The motion prevailed.

Hackbarth moved that the name of Abeler be added as an author on H. F. No. 556. The motion prevailed.

Marquart moved that the name of Lanning be added as chief author on H. F. No. 568. The motion prevailed.

Juhnke moved that the name of Solberg be added as an author on H. F. No. 577. The motion prevailed.

Erickson moved that the names of Kielkucki and Westerberg be added as authors on H. F. No. 580. The motion prevailed.

Nornes moved that the name of Harder be added as an author on H. F. No. 585. The motion prevailed.

Haas moved that the name of Westerberg be added as an author on H. F. No. 589. The motion prevailed.

Sykora moved that the name of Westerberg be added as an author on H. F. No. 591. The motion prevailed.

Westrom moved that the name of Walker be added as an author on H. F. No. 596. The motion prevailed.

Erickson moved that the name of Pelowski be added as an author on H. F. No. 602. The motion prevailed.

Smith moved that the names of Slawik and Sieben be added as authors on H. F. No. 606. The motion prevailed.

Anderson, I., moved that H. F. No. 199 be recalled from the Committee on Jobs and Economic Development Finance and be re-referred to the Committee on Commerce, Jobs and Economic Development. The motion prevailed.

Biernat moved that H. F. No. 264, now on the Consent Calendar, be re-referred to the Committee on Civil Law. The motion prevailed.

Abeler moved that H. F. No. 395 be recalled from the Committee on Transportation Policy and be re-referred to the Committee on Transportation Finance. The motion prevailed.

Strachan moved that H. F. No. 433 be recalled from the Committee on Governmental Operations and Veterans Affairs Policy and be re-referred to the Committee on Local Government and Metropolitan Affairs. The motion prevailed.

Entenza moved that House Resolution No. 3 be recalled from the Committee on Judiciary Policy and Finance and be placed upon its adoption. The motion prevailed.

House Resolution No. 3 was reported to the House.

HOUSE RESOLUTION NO. 3

A House resolution proclaiming Friday, February 28, 2003, the anniversary of Katie Poirer's birth, as a day of remembrance for victims of sexual violence and abduction.

Whereas, Kathlyn "Katie" Elizabeth Poirer was born on February 28, 1980;

Whereas, Katie Poirer was abducted from a convenience store where she worked on May 26, 1999, and her life ended violently soon thereafter;

Whereas, in 2001, 977,220 individuals became victims of sexual violence in the United States and 5,908 individuals became victims of sexual violence in Minnesota;

Whereas, in 2001, 9,408 individuals were reported as involuntarily missing in the United States and 39 individuals were reported as involuntarily missing in Minnesota; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that Friday, February 28, 2003, is proclaimed to be a day in remembrance of Katie Poirer and all other victims of sexual violence and abduction. All citizens and residents of Minnesota are encouraged to pause in remembrance of Katie Poirer and other victims of sexual violence and abduction and strengthen their resolve to work to end sexual violence and abduction.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker.

Hilty moved that House Resolution No. 3 be now adopted. The motion prevailed and House Resolution No. 3 was adopted.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 11:45 a.m., Monday, March 3, 2003. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:45 a.m., Monday, March 3, 2003.

EDWARD A. BURDICK, Chief Clerk, House of Representatives