

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2003

 FORTY-FIRST DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 23, 2003

The House of Representatives convened at 10:30 a.m. and was called to order by Steve Sviggum, Speaker of the House.

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

A quorum was present.

Ellison was excused until 11:05 a.m. Hoppe was excused until 11:10 a.m. Seagren was excused until 11:25 a.m. Krinkie was excused until 11:50 a.m. Fuller was excused until 2:10 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Nelson, P., 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 CHIEF CLERK

S. F. No. 296 and H. F. No. 517, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Demmer moved that S. F. No. 296 be substituted for H. F. No. 517 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 350 and H. F. No. 203, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Sertich moved that the rules be so far suspended that S. F. No. 350 be substituted for H. F. No. 203 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 420 and H. F. No. 501, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Meslow moved that the rules be so far suspended that S. F. No. 420 be substituted for H. F. No. 501 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 484 and H. F. No. 657, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Nelson, P., moved that the rules be so far suspended that S. F. No. 484 be substituted for H. F. No. 657 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 515 and H. F. No. 1226, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Meslow moved that the rules be so far suspended that S. F. No. 515 be substituted for H. F. No. 1226 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1015 and H. F. No. 973, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Brod moved that S. F. No. 1015 be substituted for H. F. No. 973 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1064 and H. F. No. 1189, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Erhardt moved that S. F. No. 1064 be substituted for H. F. No. 1189 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1071 and H. F. No. 1384, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Powell moved that the rules be so far suspended that S. F. No. 1071 be substituted for H. F. No. 1384 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1098 and H. F. No. 817, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Mahoney moved that the rules be so far suspended that S. F. No. 1098 be substituted for H. F. No. 817 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 17, 2003

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House File:

H. F. No. 647, relating to human services; providing an exception to the nursing home construction moratorium; modifying special provisions for moratorium exceptions; authorizing an appropriation carryforward.

Sincerely,

TIM PAWLENTY
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2003 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2003</i>	<i>Date Filed 2003</i>
1001		13	10:40 a.m. April 17	April 17
790		15	10:35 a.m. April 17	April 17
	647	16	10:36 a.m. April 17	April 17
768		17	10:45 a.m. April 17	April 17
1095		18	10:40 a.m. April 17	April 17

Sincerely,

MARY KIFFMEYER
Secretary of State

REPORTS OF STANDING COMMITTEES

Haas from the Committee on State Government Finance to which was referred:

H. F. No. 606, A bill for an act relating to health; modifying prior authorization requirements for health care services; establishing requirements for provider contracting; modifying provisions for payment of claims; regulating disclosure of profiling data; amending Minnesota Statutes 2002, sections 62M.07; 62Q.74; 62Q.75, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2002, section 62Q.745.

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

The report was adopted.

Krinkie from the Committee on Capital Investment to which was referred:

H. F. No. 627, A bill for an act relating to appropriations; appropriating money for transportation and other purposes; authorizing issuance of state bonds; modifying provisions relating to reverse auctions, wetland replacement, land appraisal, archaeological or historic sites, high-occupancy vehicle lanes, town line roads and easements, major transportation projects commission, advertisements for bids, city transit capital improvement projects in metropolitan area, bus rapid transit and other transit, local government permits, and other transportation-related activities; providing for fees, accounts, transfers, fund allocations, and expenditures; modifying provisions regulating speed limits, vehicle insurance requirements, essential employee status, the capitol complex security oversight committee, and other activities related to public safety; authorizing administrative powers, penalties, and remedies for public safety purposes; requiring studies and reports; making technical and clarifying changes; amending Minnesota Statutes 2002, sections 13.44, subdivision 3; 16C.10, subdivision 7; 103G.222, subdivisions 1, 3; 138.40, subdivisions 2, 3; 160.28, by adding a subdivision; 161.08; 161.20, subdivision 3; 164.12; 168.12, subdivision 5; 168.54, subdivision 4; 168A.29, subdivision 1; 169.14, by adding a subdivision; 169.791, subdivision 1; 169.796, by adding a subdivision; 169.797, subdivision 4a; 169.798, subdivision 1, by adding a subdivision; 171.20, subdivision 4; 171.29, subdivision 2; 174.55, subdivision 2; 179A.03, subdivision 7; 179A.10, subdivision 2; 297B.09, subdivision 1; 299A.465, subdivision 4; 299E.03, subdivision 3; 471.345, subdivision 14; Laws 1999, chapter 238, article 1, section 2, subdivision 2; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 117; 160; 299A; 331A; 373; 414; 473; repealing Minnesota Statutes 2002, sections 16A.88, subdivision 3; 169.794; 169.799; Minnesota Rules, parts 7403.1300; 7413.0400; 7413.0500.

Reported the same back with the following amendments:

Page 59, line 1, delete "2013" and insert "2009"

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

The report was adopted.

Abrams from the Committee on Taxes to which was referred:

H. F. No. 779, A bill for an act relating to state government; appropriating money for environmental and natural resources purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2002, sections 16A.531, subdivision 1, by adding a subdivision; 17.4988; 84.027, subdivision 13; 84.029, subdivision 1; 84.085, subdivision 1; 84.091, subdivisions 2, 3; 84.0911; 84.415, subdivisions 4, 5, by adding subdivisions; 84.788, subdivisions 2, 3; 84.794, subdivision 2; 84.803, subdivision 2; 84.92, subdivision 8; 84.927, subdivision 2; 84A.02; 84A.21; 84A.32, subdivision 1; 84A.55, subdivision 8; 84D.14; 85.04; 85.052, subdivision 3; 85.053, subdivision 1; 85.055, subdivision 1; 85A.02, subdivision 17; 88.17, subdivision 1, by adding a subdivision; 97A.015, subdivisions 24, 52; 97A.045, subdivision 7, by adding a subdivision; 97A.071, subdivision 2; 97A.075, subdivisions 1, 2, 4, by adding a subdivision; 97A.105, subdivision 1; 97A.401, subdivision 3; 97A.411, subdivision 2; 97A.441, subdivision 7, by adding a subdivision; 97A.475, subdivisions 2, 3, 4, 5, 10, 15, 26, 27, 28, 29, 30, 38, 39, 40, 42, by adding a subdivision; 97A.505, by adding subdivisions; 97B.311; 103B.231, subdivision 3a; 103B.305, subdivision 3, by adding subdivisions; 103B.311, subdivisions 1, 2, 3, 4; 103B.315, subdivisions 4, 5, 6; 103B.321, subdivisions 1, 2; 103B.325, subdivisions 1, 2; 103B.331, subdivisions 1, 2, 3; 103B.3363, subdivision 3; 103B.3369, subdivisions 2,

4, 5, 6; 103B.355; 103D.341, subdivision 2; 103D.345, by adding a subdivision; 103D.405, subdivision 2; 103D.537; 103G.005, subdivision 10e; 103G.222, subdivision 1; 103G.2242, by adding subdivisions; 103G.271, subdivisions 6, 6a, by adding a subdivision; 103G.611, subdivision 1; 103G.615, subdivision 2; 115.03, by adding subdivisions; 115.073; 115.56, subdivision 4; 115A.0716, subdivision 3; 115A.54, by adding a subdivision; 115A.545, subdivision 2; 115A.908, subdivision 2; 115A.9651, subdivision 6; 115B.17, subdivisions 6, 7, 14, 16; 115B.19; 115B.20; 115B.22, subdivision 7; 115B.25, subdivisions 1a, 4; 115B.26; 115B.30; 115B.31, subdivisions 1, 3, 4; 115B.32, subdivision 1; 115B.33, subdivision 1; 115B.34; 115B.36; 115B.40, subdivision 4; 115B.41, subdivisions 1, 2, 3; 115B.42, subdivision 2; 115B.421; 115B.445; 115B.48, subdivision 2; 115B.49, subdivisions 1, 3; 115C.02, subdivision 14; 115C.08, subdivision 4; 115C.09, subdivision 3, by adding subdivisions; 115C.11, subdivision 1; 115C.13; 115D.12, subdivision 2; 116.03, subdivision 2; 116.07, subdivisions 4d, 4h; 116.073, subdivisions 1, 2; 116.46, by adding subdivisions; 116.49, by adding subdivisions; 116.50; 116.994; 116C.834, subdivision 1; 116P.02, subdivision 1; 116P.05, subdivision 2; 116P.09, subdivisions 4, 5, 7; 116P.10; 116P.14, subdivisions 1, 2; 297A.94; 297F.10, subdivision 1; 297H.13, subdivisions 1, 2; 325E.10, subdivision 1; 469.175, subdivision 7; 473.843, subdivision 2; 473.844, subdivision 1; 473.845, subdivisions 1, 3, 7, 8; 473.846; proposing coding for new law in Minnesota Statutes, chapters 84; 84B; 97B; 103B; 115C; 116; repealing Minnesota Statutes 2002, sections 1.31; 1.32; 84.0887; 84.415, subdivisions 1, 3; 84.98; 84.99; 93.2235; 97A.105, subdivisions 3a, 3b; 97A.485, subdivision 12; 97B.731, subdivision 2; 103B.311, subdivisions 5, 6, 7; 103B.315, subdivisions 1, 2, 3, 7; 103B.321, subdivision 3; 103B.3369, subdivision 3; 115B.02, subdivision 1a; 115B.42, subdivision 1; 297H.13, subdivisions 3, 4; 325E.112, subdivisions 2, 3; 325E.113; 473.845, subdivision 4; Minnesota Rules, parts 6135.0100; 6135.0200; 6135.0300; 6135.0400; 6135.0510; 6135.0610; 6135.0710; 6135.0810; 6135.1000; 6135.1100; 6135.1200; 6135.1300; 6135.1400; 6135.1500; 6135.1600; 6135.1700; 6135.1800; 9300.0010; 9300.0020; 9300.0030; 9300.0040; 9300.0050; 9300.0060; 9300.0070; 9300.0080; 9300.0090; 9300.0100; 9300.0110; 9300.0120; 9300.0130; 9300.0140; 9300.0150; 9300.0160; 9300.0170; 9300.0180; 9300.0190; 9300.0200; and 9300.0210.

Reported the same back with the following amendments:

Page 120, line 32, strike the colon and insert a comma

Page 120, line 33 to page 121, line 2, delete the new language and strike the old language

Page 121, line 3, strike "(2)"

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.

Abrams from the Committee on Taxes to which was referred:

H. F. No. 1404, A bill for an act relating to education; providing for kindergarten through grade 12 education including general education, education excellence, special programs, facilities and technology, nutrition, school accounting, other programs, deficiencies, state agencies, and academic content standard; providing for libraries; providing for early childhood and family education including early childhood family support, prevention, and self-sufficiency; providing for technical amendments to certain education provisions; changing the name of the

department of children, families, and learning to the department of education; providing for rulemaking; appropriating money; amending Minnesota Statutes 2002, sections 12.21, subdivision 3; 15.01; 84A.51, subdivision 4; 119A.01, subdivision 2; 119A.02, subdivisions 2, 3; 119A.52; 119B.011, subdivisions 8, 10, 20; 120A.02; 120A.05, subdivisions 4, 7, 9; 120A.24, subdivision 4; 120A.41; 121A.21; 121A.23, subdivision 1, by adding a subdivision; 121A.41, subdivision 10; 121A.50; 121A.55; 122A.09, subdivision 10; 122A.12, subdivisions 1, 2; 122A.18, subdivision 7a; 122A.21; 122A.22; 122A.41, subdivision 2; 122A.414, by adding a subdivision; 122A.415, subdivisions 1, 3; 122A.63, subdivision 3; 123A.06, subdivision 3; 123A.18, subdivision 2; 123A.73, subdivisions 3, 4, 5; 123B.02, subdivisions 1, 14; 123B.36, subdivision 1; 123B.49, subdivision 4; 123B.51, subdivisions 3, 4; 123B.52, by adding a subdivision; 123B.53, subdivision 4; 123B.57, subdivisions 1, 4, 6; 123B.59, subdivisions 1, 2, 3, 5, by adding a subdivision; 123B.63, subdivisions 1, 2, 3, 4; 123B.72, subdivision 3; 123B.88, subdivision 2; 123B.90, subdivisions 2, 3; 123B.91, subdivision 1; 123B.92, subdivisions 1, 3, 9; 123B.93; 124D.03, subdivision 12; 124D.081, by adding a subdivision; 124D.09, subdivisions 3, 9, 10, 13, 16, 20; 124D.10, subdivisions 2a, 3, 4, 8, 13, 16, 20, 23a; 124D.11, subdivisions 1, 2, 4, 6, 9; 124D.118, subdivision 4; 124D.128, subdivisions 3, 6; 124D.13, subdivisions 2, 4, 8, 11; 124D.135, subdivisions 1, 8; 124D.15, subdivision 7; 124D.16, subdivisions 1, 6; 124D.19, subdivision 3; 124D.20, subdivisions 3, 5, by adding subdivisions; 124D.22, subdivision 3; 124D.42, subdivision 6; 124D.454, subdivisions 1, 2, 3, 8, 10, by adding a subdivision; 124D.52, subdivisions 1, 3; 124D.531, subdivisions 1, 2, 4, 7; 124D.59, subdivision 2; 124D.65, subdivision 5; 124D.86, subdivisions 1a, 3, 4, 5, 6; 125A.05; 125A.12; 125A.21, subdivision 2; 125A.28; 125A.30; 125A.76, subdivisions 1, 4; 125A.79, subdivisions 1, 6; 125B.21; 126C.05, subdivisions 1, 8, 14, 15, 16, 17; 126C.10, subdivisions 1, 3, 4, 17, 18, 24, 28, by adding subdivisions; 126C.13, subdivision 4; 126C.15, subdivision 1; 126C.17, subdivisions 1, 2, 5, 7, 7a, 9, 13; 126C.21, subdivision 3; 126C.40, subdivision 1; 126C.42, subdivision 1; 126C.43, subdivisions 2, 3; 126C.44; 126C.45; 126C.457; 126C.48, subdivision 3; 126C.55, subdivision 5; 126C.63, subdivisions 5, 8; 126C.69, subdivisions 2, 9; 127A.05, subdivisions 1, 3, 4; 127A.45, subdivisions 2, 3, 7a, 10, 12, 13, 14, 14a, 16; 127A.47, subdivisions 7, 8; 127A.49, subdivisions 2, 3; 128C.05, by adding a subdivision; 128D.11, subdivision 8; 169.26, subdivision 3; 169.28, subdivision 1; 169.435; 169.449, subdivision 1; 169.4501, subdivisions 3, 4; 169.4503, subdivision 4; 169.454, subdivision 6; 169.973, subdivision 1; 171.321, subdivision 5; 177.42, subdivision 2; 178.02, subdivision 1; 268.052, subdivisions 2, 4; 273.138, subdivision 6; 298.28, subdivision 4; 475.61, subdivisions 1, 3, 4; Laws 1965, chapter 705, as amended; Laws 2001, First Special Session chapter 6, article 2, section 64; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 123B; 124D; 125A; repealing Minnesota Statutes 2002, sections 15.014, subdivision 3; 119A.01, subdivision 1; 120B.23; 121A.49; 122A.60; 122A.61; 122A.62; 122A.64; 122A.65; 123A.73, subdivisions 7, 10, 11; 123B.05; 123B.59, subdivisions 6, 7; 123B.81, subdivision 6; 123B.90, subdivision 1; 124D.09, subdivision 15; 124D.115; 124D.1156; 124D.17; 124D.21; 124D.221; 124D.54; 124D.65, subdivision 4; 124D.84, subdivision 2; 124D.89; 124D.93; 125A.023, subdivision 5; 125A.09; 125A.47; 125A.79, subdivision 2; 125B.11; 126C.01, subdivision 4; 126C.05, subdivision 12; 126C.12; 126C.125; 126C.14; 126C.445; 126C.455; 126C.55, subdivision 5; 127A.41, subdivision 6; 144.401, subdivision 5; 169.441, subdivision 4; 239.004; Laws 1993, chapter 224, article 8, section 20, subdivision 2, as amended; Laws 2000, chapter 489, article 2, section 36, as amended; Laws 2001, First Special Session chapter 3, article 4, sections 1, 2; Laws 2001, First Special Session chapter 6, article 2, section 52; Laws 2001, First Special Session chapter 6, article 5, section 12, as amended; Minnesota Rules, parts 3500.0600; 3520.0400; 3520.1400; 3520.3300; 3530.1500; 3530.2700; 3530.4400; 3530.4500; 3530.4700; 3550.0100.

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

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 296, 350, 420, 484, 515, 1015, 1064, 1071 and 1098 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Lanning, Marquart, Lesch and Dorman introduced:

H. F. No. 1562, A bill for an act relating to taxation; increasing the class rate on certain vacant commercial, industrial, or residential property; providing for appeals of classification; amending Minnesota Statutes 2002, sections 273.13, subdivisions 24, 25; 274.01, by adding a subdivision.

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

Dempsey introduced:

H. F. No. 1563, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Goodhue Pioneer Trail.

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

Lenczewski and Greiling introduced:

H. F. No. 1564, A bill for an act relating to local government aids; changing the formula for city aids; amending Minnesota Statutes 2002, sections 477A.011, subdivisions 20, 34, by adding subdivisions; 477A.013, subdivisions 8, 9; 477A.03, subdivision 2; repealing Minnesota Statutes 2002, section 477A.011, subdivisions 33, 36, 37.

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

Abrams introduced:

H. F. No. 1565, A bill for an act relating to taxation; extending the time for qualifying for sales and property tax exemptions for certain electric generating facilities; amending Minnesota Statutes 2002, section 272.02, subdivision 53; Laws 2002, chapter 377, article 3, section 15.

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

Abrams introduced:

H. F. No. 1566, A bill for an act relating to taxation; providing an exemption from sales tax for construction materials for the Guthrie Theater; amending Minnesota Statutes 2002, section 297A.71, by adding a subdivision.

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

Clark, Greiling, Mahoney and Sertich introduced:

H. F. No. 1567, A bill for an act relating to housing; appropriating money for the bridges rental housing assistance program.

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

Stang, for the Committee on Higher Education Finance, introduced:

H. F. No. 1568, A bill for an act relating to higher education; appropriating money for higher education and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo Medical Foundation, with certain conditions; authorizing revenue bonds; making changes to financial aid programs, the higher education services office, and the Minnesota state colleges and universities; adding students to the regent candidate advisory council; amending Minnesota Statutes 2002, sections 41D.01, subdivision 4; 93.22, subdivision 2; 124D.42, subdivision 3; 135A.14, by adding a subdivision; 136A.03; 136A.031, subdivisions 2, 5; 136A.08, subdivision 3; 136A.101, subdivision 5a; 136A.121, subdivisions 6, 7, 9, 9a, 13; 136A.1211; 136A.125, subdivision 2; 136A.171; 136A.29, subdivision 9; 136A.69; 136F.12; 136F.40, subdivision 2; 136F.45, subdivisions 1, 2; 136F.581, subdivisions 1, 2; 136F.59, subdivision 3; 136F.60, subdivision 3; 136G.01; 136G.03, subdivision 31, by adding subdivisions; 136G.05, subdivisions 4, 5, 10; 136G.09, subdivisions 1, 2, 6, 7, 8, 9; 136G.11, subdivisions 1, 2, 3, 9, 13; 136G.13, subdivisions 1, 3; 137.0245, subdivision 2; 299A.45, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 135A; 136F; 136G; 137; repealing Minnesota Statutes 2002, sections 15A.081, subdivision 7b; 93.223, subdivision 2; 93.2235, subdivision 2; 124D.95; 136A.011; 136A.031, subdivisions 1, 3, 4; 136A.07; 136A.124; 136F.13; 136F.56; 136F.582; 136F.59, subdivision 2; 136G.03, subdivision 25.

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

Bradley introduced:

H. F. No. 1569, A bill for an act relating to taxation; providing for additional uses of Rochester sales and use tax revenues; increasing bond authorization; amending Laws 1998, chapter 389, article 8, section 43, subdivisions 3, 4.

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

Abrams introduced:

H. F. No. 1570, A bill for an act relating to taxation; making changes to sales and use tax provisions to conform to streamlined sales tax project; amending Minnesota Statutes 2002, sections 289A.18, subdivision 4; 289A.20, subdivision 4; 289A.40, subdivision 2; 289A.50, by adding subdivisions; 297A.61, subdivisions 3, 7, 10, 17, 30, 31,

by adding subdivisions; 297A.66, by adding a subdivision; 297A.668; 297A.67, subdivisions 7, 8; 297A.68, subdivisions 2, 5, 36; 297A.72, subdivision 1; 297A.81; 297A.99, subdivisions 5, 10, 12; 297A.995, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 2002, sections 297A.61, subdivisions 14, 15; 297A.69, subdivision 5.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 268, A bill for an act relating to peace officers; authorizing the state fair police department to employ more part-time peace officers; amending Minnesota Statutes 2002, section 626.8468, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Strachan moved that the House concur in the Senate amendments to H. F. No. 268 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 268, A bill for an act relating to peace officers; authorizing the state fair police department to employ more part-time peace officers; amending Minnesota Statutes 2002, section 626.8468, subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Biernat	Cox	Entenza	Hausman	Jaros
Abrams	Blaine	Davids	Erickson	Heidgerken	Johnson, J.
Adolphson	Borrell	DeLaForest	Finstad	Hilstrom	Johnson, S.
Anderson, B.	Boudreau	Demmer	Gerlach	Hilty	Juhnke
Anderson, I.	Bradley	Dempsey	Goodwin	Holberg	Kelliher
Anderson, J.	Brod	Dorman	Gunther	Hornstein	Kielkucki
Atkins	Buesgens	Dorn	Haas	Howes	Klinzing
Beard	Carlson	Eastlund	Hackbarth	Huntley	Knoblach
Bernardy	Cornish	Eken	Harder	Jacobson	Koenen

Kohls	Mariani	Opatz	Rhodes	Stang	Wardlow
Kuisle	Marquart	Osterman	Rukavina	Strachan	Wasiluk
Lanning	McNamara	Otremba	Ruth	Swenson	Westerberg
Larson	Meslow	Otto	Samuelson	Sykora	Westrom
Latz	Mullery	Ozment	Seifert	Thao	Wilkin
Lenczewski	Murphy	Paulsen	Severson	Thissen	Zellers
Lesch	Nelson, C.	Paymar	Sieben	Tingelstad	Spk. Sviggum
Lieder	Nelson, M.	Pelowski	Simpson	Urdahl	
Lindgren	Nelson, P.	Penas	Slawik	Vandev eer	
Lindner	Nornes	Peterson	Smith	Wagenius	
Lipman	Olsen, S.	Powell	Soderstrom	Walker	
Magnus	Olson, M.	Pugh	Solberg	Walz	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1225 and 163.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1225, A bill for an act relating to historic sites; limiting involvement of archaeologist to known sites; amending Minnesota Statutes 2002, section 138.40, subdivisions 2, 3.

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

S. F. No. 163, A bill for an act relating to real estate; requiring a disclosure in connection with the sale of certain real property in Washington county; amending Minnesota Statutes 2002, section 103I.235, subdivision 1.

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

MOTION TO FIX TIME TO CONVENE

Paulsen moved that when the House adjourns today it adjourn until 10:30 a.m., Thursday, April 24, 2003. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following additional bills to be placed on the Calendar for the Day for Wednesday, April 23, 2003:

H. F. No. 261; S. F. No. 842; and H. F. Nos. 646, 428, 1426, 923 and 321.

CALENDAR FOR THE DAY

S. F. No. 842 was reported to the House.

Cornish moved to amend S. F. No. 842, the unofficial engrossment, as follows:

Page 4, after line 11, insert:

"Sec. 4. Minnesota Statutes 2002, section 84.791, is amended by adding a subdivision to read:

Subd. 4. [OFF-HIGHWAY MOTORCYCLE SAFETY COURSES; RECIPROCITY WITH OTHER STATES.] The commissioner may enter into reciprocity agreements or otherwise certify off-highway motorcycle environment and safety education and training courses from other states that are substantially similar to in-state courses. Proof of completion of a course subject to a reciprocity agreement or certified as substantially similar is adequate to meet the safety certificate requirements of sections 84.787 to 84.796."

Page 5, after line 22, insert:

"Sec. 6. Minnesota Statutes 2002, section 84.925, is amended by adding a subdivision to read:

Subd. 3. [ALL-TERRAIN VEHICLE SAFETY COURSES; RECIPROCITY WITH OTHER STATES.] The commissioner may enter into reciprocity agreements or otherwise certify all-terrain vehicle environmental and safety education and training courses from other states that are substantially similar to in-state courses. Proof of completion of a course subject to a reciprocity agreement or certified as substantially similar is adequate to meet the safety certificate requirements of sections 84.92 to 84.929."

Page 6, after line 18, insert:

"Sec. 7. Minnesota Statutes 2002, section 86B.101, is amended by adding a subdivision to read:

Subd. 4. [BOAT SAFETY EDUCATION PROGRAM; RECIPROCITY WITH OTHER STATES.] The commissioner may enter into reciprocity agreements or otherwise certify boat safety education programs from other states that are substantially similar to in-state programs. The commissioner shall issue a watercraft operator's permit to a person who provides proof of completion of a program subject to a reciprocity agreement or certified as substantially similar."

Page 7, after line 29, insert:

"Sec. 9. Minnesota Statutes 2002, section 97B.020, is amended to read:

97B.020 [FIREARMS SAFETY CERTIFICATE REQUIRED.]

(a) Except as provided in this section and section 97A.451, subdivision 3a, a person born after December 31, 1979, may not obtain an annual license to take wild animals by firearms unless the person has a firearms safety certificate or equivalent certificate, driver's license or identification card with a valid firearms safety qualification indicator issued under section 171.07, subdivision 13, previous hunting license, or other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement or certified by the department as substantially similar. A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or national guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a firearms safety certificate.

(b) A person born after December 31, 1979, may not use a lifetime license to take wild animals by firearms, unless the person meets the requirements for obtaining an annual license under paragraph (a)."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

POINT OF ORDER

Kelliher raised a point of order pursuant to rule 3.21 that the Cornish amendment was not in order. The Speaker ruled the Kelliher point of order not well taken and the Cornish amendment in order.

The question recurred on the Cornish amendment to S. F. No. 842, the unofficial engrossment. The motion prevailed and the amendment was adopted.

Abrams was excused between the hours of 11:15 a.m. and 1:30 p.m.

Boudreau; Finstad; Smith; Olsen, S.; Brod; Jacobson; Cornish; Adolphson; Holberg; Kohls; Urdahl; Heidgerken; Blaine; Borrell; Soderstrom; Magnus; Eastlund; Buesgens; Walz; Anderson, J.; Powell; Simpson; Lindgren and Demmer moved to amend S. F. No. 842, the unofficial engrossment, as amended, as follows:

Page 1, after line 23, insert:

"ARTICLE 1"

Page 9, after line 21, insert:

"ARTICLE 2

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

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

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

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

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

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

(d) As used in this subdivision:

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

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

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

(4) "school property" means:

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

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

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

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

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

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

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

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

(4) firearm safety or marksmanship courses or activities conducted on school property;

(5) possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;

(6) a gun or knife show held on school property; ~~or~~

(7) possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or

(8) persons who are on unimproved property owned or leased by a child care center, school, or school district unless the person knows that a student is currently present on the land for a school-related activity.

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

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

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

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

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

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

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

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

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

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

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

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

(1) has training in the safe use of a pistol;

(2) is at least 21 years old and a citizen or a permanent resident of the United States;

(3) completes an application for a permit;

(4) is not prohibited from possessing a firearm under the following sections:

(i) 518B.01, subdivision 14;

(ii) 609.224, subdivision 3;

(iii) 609.2242, subdivision 3;

(iv) 609.749, subdivision 8;

(v) 624.713;

(vi) 624.719;

(vii) 629.715, subdivision 2; or

(viii) 629.72, subdivision 2; and

(5) is not listed in the criminal gang investigative data system under section 299C.091.

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

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

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

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

(1) employment as a peace officer in the state of Minnesota within the past year; or

(2) completion of a firearms safety or training course providing basic training in the safe use of a pistol and conducted by a certified instructor.

(b) Basic training must include:

(1) instruction in the fundamentals of pistol use;

(2) successful completion of an actual shooting qualification exercise; and

(3) instruction in the fundamental legal aspects of pistol possession, carry, and use, including self-defense and the restrictions on the use of deadly force.

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

(1) the bureau of criminal apprehension, training and development section;

(2) the Minnesota Association of Law Enforcement Firearms Instructors;

(3) the National Rifle Association;

(4) the American Association of Certified Firearms Instructors;

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

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

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

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

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

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

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

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

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

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

~~(5) a recent color photograph of the applicant.~~

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

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

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

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

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

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

(e) Applications must be submitted in person.

(f) The sheriff may charge a new application processing fee in an amount not to exceed the actual and reasonable direct cost of processing the application or \$100, whichever is less. Of this amount, \$10 must be submitted to the commissioner of public safety and deposited into the general fund.

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

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

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

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

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

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

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

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

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

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

(1) issue the permit to carry;

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

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

(b) Failure of the chief police officer or the county sheriff to deny the application or issue a permit to carry a pistol notify the applicant of the denial of the application within 24 30 days of after the date of receipt of the application shall be deemed to be a grant thereof. packet constitutes issuance of the permit to carry and the sheriff must promptly fulfill the requirements under paragraph (c). To deny the application, the local police authority shall sheriff must provide an the applicant with written notification of a denial and the specific reason for factual basis justifying the denial under paragraph (a), clause (2) or (3), including the source of the factual basis. The sheriff must inform the applicant of the applicant's right to submit, within 20 business days, any additional documentation relating to the propriety of the denial. A chief of police or a sheriff may charge a fee to cover the cost of conducting a background check, not to exceed \$10. The permit shall specify the activities for which it shall be valid. Upon receiving any additional documentation, the sheriff must reconsider the denial and inform the applicant within 15 business days of the result of the reconsideration. Any denial after reconsideration must be in the same form and substance as the original denial and must specifically address any continued deficiencies in light of the additional documentation submitted by the applicant. The applicant must be informed of the right to seek de novo review of the denial as provided in subdivision 12.

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

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

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

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

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

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

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

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

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

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

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

Subd. 7a. [CHANGE OF ADDRESS; LOSS OR DESTRUCTION OF PERMIT.] (a) Within 30 days after changing permanent address, or within 30 days of having lost or destroyed the permit card, the permit holder must notify the issuing sheriff of the change, loss, or destruction. Failure to provide notification as required by this subdivision is a petty misdemeanor. The fine for a first offense must not exceed \$25. Notwithstanding section 609.531, a firearm carried in violation of this paragraph is not subject to forfeiture.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The commissioner of public safety must, when necessary, execute reciprocity agreements regarding carry permits with jurisdictions whose carry permits are recognized under paragraph (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 remains at a private establishment knowing that the operator of the establishment or its agent has made a reasonable request that firearms not be brought into the establishment may be ordered to leave the premises. A person who fails to leave when so requested is guilty of a petty misdemeanor. The fine for a first offense must not exceed \$25. Notwithstanding section 609.531, a firearm carried in violation of this subdivision is not subject to forfeiture.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) the number of permits currently valid;

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

(4) without expressly identifying an applicant, the number of denials or revocations based on the grounds under subdivision 6, paragraph (a), clause (3), the factual basis for each denial or revocation, and the result of an appeal, if any, including the court's findings of fact, conclusions of law, and order;

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

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

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

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

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

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

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

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

- (1) nature and amount of revenues;
- (2) nature and amount of expenditures; and
- (3) nature and amount of balances.

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

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

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

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

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

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

- (1) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;
- (2) when the person is under the influence of a combination of any two or more of the elements named in clauses (1) and (4);
- (3) when the person is knowingly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to impair the person's clearness of intellect or physical control;
- (4) when the person is under the influence of alcohol;
- (5) when the person's alcohol concentration is 0.10 or more; or
- (6) when the person's alcohol concentration is less than 0.10, but more than 0.04.

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

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

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

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

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

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

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

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

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

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

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

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

(1) the person has been lawfully placed under arrest for violating section 624.7142;

(2) the person has been involved while carrying a firearm in a firearms-related accident resulting in property damage, personal injury, or death;

(3) the person has refused to take the preliminary screening test provided for in section 624.7142; or

(4) the screening test was administered and indicated an alcohol concentration of 0.04 or more.

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

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

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

(1) Minnesota law requires a person to take a test to determine if the person is under the influence of alcohol or a controlled substance;

(2) if the person refuses to take the test, the person is subject to a civil penalty of \$500 and is prohibited for a period of one year from carrying a pistol in a public place on or about the person's clothes or person, as provided under subdivision 2; and

(3) that the person has the right to consult with an attorney, but that this right is limited to the extent it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test.

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

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

Sec. 31. [APPROPRIATION.]

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

Sec. 32. [TEMPORARY FEE PROVISION.]

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

Sec. 33. [GRANDFATHER CLAUSE.]

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

Sec. 34. [REVISOR'S INSTRUCTION.]

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

Sec. 35. [REPEALER.]

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

Sec. 36. [EFFECTIVE DATE.]

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Kelliher raised a point of order pursuant to rule 3.21 that the Boudreau et al amendment was not in order.

Pursuant to section 245 of "Mason's Manual of Legislative Procedure," the Speaker submitted the following question to the House: "Is it the judgment of the House that the Kelliher point of order is well taken?"

It was the judgment of the House that the Kelliher point of order was not well taken and the Boudreau et al amendment in order.

Osterman; Boudreau; Sykora; Gerlach; Strachan; Meslow; Urdahl; Jacobson; Nelson, C.; Cox; Erickson and Olsen, S., moved to amend the Boudreau et al amendment to S. F. No. 842, the unofficial engrossment, as amended, as follows:

Page 26, after line 32, insert:

"ARTICLE 3

LIFETIME BAN ON FIREARM POSSESSION FOR VIOLENT FELONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

owner or authorized agent of the owner, theft involving the taking of property from a burning, abandoned, or vacant building, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle, and theft involving the theft of a controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.582, subdivision 1, 2, or 3 (burglary in the first through third degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); 609.749 (harassment and stalking); 609.855, subdivision 5 (shooting at a public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an attempt to commit any of these offenses.

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

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

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

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

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

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

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

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

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

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

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

(j) a person who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12. [EFFECTIVE DATE.]

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

A roll call was requested and properly seconded.

The Speaker called Smith to the Chair.

The question was taken on the Osterman et al amendment to the Boudreau et al amendment and the roll was called. There were 112 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark	Erickson	Juhnke	Lindgren	Opatz
Adolphson	Cornish	Finstad	Kahn	Lindner	Osterman
Anderson, B.	Cox	Gerlach	Kelliher	Lipman	Otremba
Anderson, I.	Dauids	Goodwin	Kielkucki	Magnus	Otto
Anderson, J.	Davnie	Gunther	Klinzing	Mahoney	Ozment
Atkins	DeLaForest	Haas	Knoblach	Mariani	Paulsen
Bernardy	Demmer	Hackbarth	Koenen	Marquart	Pelowski
Biernat	Dempsey	Harder	Kohls	McNamara	Penas
Blaine	Dill	Heidgerken	Krinkie	Meslow	Peterson
Borrell	Dorman	Hilstrom	Kuisle	Nelson, C.	Powell
Boudreau	Dorn	Holberg	Lanning	Nelson, M.	Pugh
Bradley	Eastlund	Hoppe	Larson	Nelson, P.	Rhodes
Brod	Eken	Hornstein	Lenczewski	Nornes	Ruth
Buesgens	Entenza	Jacobson	Lesch	Olsen, S.	Samuelson
Carlson	Erhardt	Johnson, J.	Lieder	Olson, M.	Seagren

Seifert	Smith	Swenson	Urdahl	Wasiluk	Zellers
Sieben	Soderstrom	Sykora	Vandever	Westerberg	Spk. Sviggum
Simpson	Stang	Thissen	Wagenius	Westrom	
Slawik	Strachan	Tingelstad	Wardlow	Wilkin	

Those who voted in the negative were:

Beard	Hilty	Jaros	Mullery	Rukavina	Thao
Ellison	Howes	Johnson, S.	Murphy	Sertich	Walker
Greiling	Huntley	Latz	Paymar	Severson	Walz

The motion prevailed and the amendment to the amendment was adopted.

The Speaker resumed the Chair.

Boudreau moved to amend the Boudreau et al amendment, as amended, to S. F. No. 842, the unofficial engrossment, as amended, as follows:

Page 17, line 31, delete "(c)" and insert "(a)"

The motion prevailed and the amendment to the amendment, as amended, was adopted.

Rhodes moved to amend the Boudreau et al amendment, as amended, to S. F. No. 842, the unofficial engrossment, as amended, as follows:

Page 2, line 34, strike "(2) persons"

Renumber the remaining clauses

Page 2, lines 35 and 36, delete the new language

Page 3, lines 1 and 2, delete the new language and strike the semicolon

Page 3, delete lines 19 to 23

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Rhodes amendment to the Boudreau et al amendment, as amended, and the roll was called. There were 53 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Hilty	Lenczewski	Osterman	Severson
Atkins	Dorn	Hornstein	Lesch	Otto	Sieben
Bernardy	Ellison	Huntley	Mahoney	Paymar	Slawik
Biernat	Entenza	Jaros	Mariani	Pelowski	Thao
Carlson	Erhardt	Johnson, S.	Meslow	Peterson	Thissen
Clark	Goodwin	Kahn	Mullery	Pugh	Wagenius
Cox	Greiling	Kelliher	Nelson, C.	Rhodes	Walker
Davids	Hausman	Larson	Nelson, M.	Samuelson	Wasiluk
Davnie	Hilstrom	Latz	Opatz	Seagren	

Those who voted in the negative were:

Adolphson	Dempsey	Howes	Lindner	Powell	Urdahl
Anderson, B.	Dill	Jacobson	Lipman	Rukavina	Vandever
Anderson, I.	Eastlund	Johnson, J.	Magnus	Ruth	Walz
Anderson, J.	Eken	Juhnke	Marquart	Seifert	Wardlow
Beard	Erickson	Kielkucki	McNamara	Sertich	Westerberg
Blaine	Finstad	Klinzing	Murphy	Simpson	Westrom
Borrell	Gerlach	Knoblach	Nelson, P.	Smith	Wilkin
Boudreau	Gunther	Koene	Nornes	Soderstrom	Zellers
Bradley	Haas	Kohls	Olsen, S.	Solberg	Spk. Sviggum
Brod	Hackbarth	Krinkie	Olson, M.	Stang	
Buesgens	Harder	Kuisle	Otremba	Strachan	
Cornish	Heidgerken	Lanning	Ozment	Swenson	
DeLaForest	Holberg	Lieder	Paulsen	Sykora	
Demmer	Hoppe	Lindgren	Penas	Tingelstad	

The motion did not prevail and the amendment to the amendment, as amended, was not adopted.

Cox and Lanning moved to amend the Boudreau et al amendment, as amended, to S. F. No. 842, the unofficial engrossment, as amended, as follows:

Page 25, after line 34, insert:

"Sec. 31. [624.7145] [PERMITS TO CARRY PISTOLS; COLLEGES AND UNIVERSITIES.]

(a) A person authorized to carry a pistol under section 624.714 is nevertheless not permitted to carry or possess a firearm on the property of a post-secondary institution.

(b) A person who violates paragraph (a) is guilty of a misdemeanor.

(c) This section does not apply to:

(1) an on-duty security guard;

(2) a person in a motor vehicle;

(3) a person while in a parking lot or parking ramp; or

(4) any other person with the express permission of the post-secondary institution to carry or possess a firearm.

(d) For purposes of this section, "post-secondary institution" means a public institution regulated under chapter 136F or 137 or a private institution registered under sections 136A.61 to 136A.71 or chapter 141."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Cox and Lanning amendment to the Boudreau et al amendment, as amended, and the roll was called. There were 46 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Atkins	Dorn	Hilty	Larson	Osterman	Slawik
Bernardy	Ellison	Hornstein	Latz	Otto	Thao
Biernat	Entenza	Huntley	Lenczewski	Paymar	Thissen
Carlson	Erhardt	Jaros	Lesch	Pelowski	Wagenius
Clark	Goodwin	Johnson, S.	Lieder	Peterson	Walker
Cox	Greiling	Kahn	Mariani	Pugh	Wasiluk
Davnie	Hausman	Kelliher	Meslow	Rhodes	
Dorman	Hilstrom	Lanning	Mullery	Sieben	

Those who voted in the negative were:

Abeler	Demmer	Howes	Mahoney	Powell	Sykora
Adolphson	Dempsey	Jacobson	Marquart	Rukavina	Tingelstad
Anderson, B.	Dill	Johnson, J.	McNamara	Ruth	Urdahl
Anderson, I.	Eastlund	Juhnke	Murphy	Samuelson	Vandever
Anderson, J.	Eken	Kielkucki	Nelson, C.	Seagren	Walz
Beard	Erickson	Klinzing	Nelson, M.	Seifert	Wardlow
Blaine	Finstad	Knoblach	Nelson, P.	Sertich	Westerberg
Borrell	Gerlach	Koenen	Nornes	Severson	Westrom
Boudreau	Gunther	Kohls	Olsen, S.	Simpson	Wilkin
Bradley	Haas	Krinkie	Olson, M.	Smith	Zellers
Brod	Hackbarth	Kuisle	Opatz	Soderstrom	Spk. Sviggum
Buesgens	Harder	Lindgren	Otremba	Solberg	
Cornish	Heidgerken	Lindner	Ozment	Stang	
Davids	Holberg	Lipman	Paulsen	Strachan	
DeLaForest	Hoppe	Magnus	Penas	Swenson	

The motion did not prevail and the amendment to the amendment, as amended, was not adopted.

Lenczewski moved to amend the Boudreau et al amendment, as amended, to S. F. No. 842, the unofficial engrossment, as amended, as follows:

Page 17, line 36, before "private" insert "public or"

Page 17, line 36, after "establishment" insert "or public medical facility"

Page 18, line 1, after "establishment" insert "or facility"

Page 18, line 3, after "establishment" insert "or facility"

Page 18, line 13, after "establishment" insert "or facility"

Page 18, line 15, before the semicolon, insert "or if the posted area is a county, city, or township park, a posting is sufficient if a reasonable person would be notified upon entering the park"

Page 18, after line 26, insert:

"(5) "Public establishment" means any building or park of a local unit of government.

(6) "Public medical facility" means any of the following publicly-owned facilities: a hospital, boarding care home, or outpatient surgical center licensed under sections 144.59 to 144.58, a nursing home licensed under chapter 144A, a residential care home licensed under chapter 144B, a residential hospice facility licensed under section 144A.75, or any other medical facility, as defined in section 144.561."

Page 19, line 2, after "establishment" insert "or public medical facility"

Page 19, after line 6, insert:

"(h) A public medical facility or local unit of government may not post under the provisions of this subdivision unless its governing board or controlling authority votes to do so."

A roll call was requested and properly seconded.

The Speaker called Smith to the Chair.

The question was taken on the Lenczewski amendment to the Boudreau et al amendment, as amended, and the roll was called. There were 48 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Hilty	Larson	Nelson, M.	Rhodes
Atkins	Ellison	Hornstein	Latz	Opatz	Sieben
Bernardy	Entenza	Huntley	Lenczewski	Osterman	Slawik
Biernat	Erhardt	Jaros	Lesch	Otto	Thao
Carlson	Goodwin	Johnson, S.	Lieder	Paymar	Thissen
Clark	Greiling	Kahn	Mahoney	Pelowski	Wagenius
Cox	Hausman	Kelliher	Mariani	Peterson	Walker
Davnie	Hilstrom	Lanning	Mullery	Pugh	Wasiluk

Those who voted in the negative were:

Abeler	Anderson, I.	Blaine	Bradley	Cornish	Demmer
Adolphson	Anderson, J.	Borrell	Brod	Davids	Dempsey
Anderson, B.	Beard	Boudreau	Buesgens	DeLaForest	Dill

Dorman	Holberg	Kuisle	Nornes	Seagren	Sykora
Eastlund	Hoppe	Lindgren	Olsen, S.	Seifert	Tingelstad
Eken	Howes	Lindner	Olson, M.	Sertich	Urdahl
Erickson	Jacobson	Lipman	Otremba	Severson	Vanderveer
Finstad	Johnson, J.	Magnus	Ozment	Simpson	Walz
Gerlach	Juhnke	Marquart	Paulsen	Smith	Wardlow
Gunther	Kielkucki	McNamara	Penas	Soderstrom	Westerberg
Haas	Klinzing	Meslow	Powell	Solberg	Westrom
Hackbarth	Koenen	Murphy	Rukavina	Stang	Wilkin
Harder	Kohls	Nelson, C.	Ruth	Strachan	Zellers
Heidgerken	Krinkie	Nelson, P.	Samuelson	Swenson	Spk. Sviggum

The motion did not prevail and the amendment to the amendment, as amended, was not adopted.

Hilstrom moved to amend the Boudreau et al amendment, as amended, to S. F. No. 842, the unofficial engrossment, as amended, as follows:

Page 25, after line 34, insert:

"Sec. 31. [624.7144] [PERMITS TO CARRY PISTOLS; OFF-LIMIT PLACES.]

Subdivision 1. [VIOLATION; PENALTY.] (a) A person authorized to carry a pistol under section 624.714 is nevertheless not permitted to carry or possess a firearm inside the (1) Hubert H. Humphrey Metrodome Stadium complex, (2) the Target Center complex, (3) the RiverCentre Stadium complex, (4) on the state fairgrounds, (5) in a sports facility, (6) in a convention center, (7) in a movie theater, (8) playhouse, or (9) establishment licensed for the retail sale of intoxicating liquor under chapter 340A, unless expressly permitted by the management or operator of the facility.

(b) A person who violates paragraph (a) is guilty of a gross misdemeanor. A second or subsequent violation is a felony.

(c) This subdivision does not apply to:

(1) an on-duty security guard; or

(2) a person while in a parking lot or parking ramp.

Subd. 2. [DEFINITIONS.] (a) As used in this section, the terms in this subdivision have the meanings given.

(b) "Sports facility" means a facility suitable for professional, college, high school, or youth athletic events or competition if the facility includes seating or other amenities designed for spectators.

(c) "Convention center" means a community or convention hall, special event center, or amusement facility designed for occupancy by 200 or more people, whether publicly or privately owned or operated.

(d) "Movie theatre" means a building or portion of a building open to the public that contains one or more rooms where motion pictures are projected for public viewing.

(e) "Playhouse" means a building or a portion of a building open to the public used for the presentation of plays, dance, music, or other entertainment or educational events. "Playhouse" also includes an open-air area open to the public with a defined seating area and a stage area used for the presentation of plays, dance, music, or other entertainment or educational events."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Hilstrom amendment to the Boudreau et al amendment, as amended, and the roll was called. There were 46 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Abrams	Ellison	Hornstein	Lenczewski	Osterman	Slawik
Atkins	Entenza	Huntley	Lesch	Otto	Thao
Bernardy	Erhardt	Jaros	Lieder	Paymar	Thissen
Biernat	Goodwin	Johnson, S.	Mahoney	Pelowski	Wagenius
Carlson	Greiling	Kahn	Mariani	Peterson	Walker
Clark	Hausman	Kelliher	Mullery	Pugh	Wasiluk
Davnie	Hilstrom	Larson	Nelson, M.	Rhodes	
Dorn	Hilty	Latz	Opatz	Sieben	

Those who voted in the negative were:

Abeler	Davids	Heidgerken	Lindner	Penas	Swenson
Adolphson	DeLaForest	Holberg	Lipman	Powell	Sykora
Anderson, B.	Demmer	Hoppe	Marquart	Rukavina	Tingelstad
Anderson, I.	Dempsey	Howes	McNamara	Ruth	Urdahl
Anderson, J.	Dill	Jacobson	Meslow	Samuelson	Vandever
Beard	Dorman	Johnson, J.	Murphy	Seagren	Walz
Blaine	Eastlund	Juhnke	Nelson, C.	Seifert	Wardlow
Borrell	Eken	Kielkucki	Nelson, P.	Sertich	Westerberg
Boudreau	Erickson	Klinzing	Nornes	Severson	Westrom
Bradley	Finstad	Koenen	Olsen, S.	Simpson	Wilkin
Brod	Gerlach	Kohls	Olson, M.	Smith	Zellers
Buesgens	Gunther	Krinkie	Otremba	Soderstrom	Spk. Sviggum
Cornish	Haas	Kuisle	Ozment	Stang	
Cox	Hackbarth	Lanning	Paulsen	Strachan	

The motion did not prevail and the amendment to the amendment, as amended, was not adopted.

Erhardt moved to amend the Boudreau et al amendment, as amended, to S. F. No. 842, the unofficial engrossment, as amended, as follows:

Page 4, after line 2, insert:

"A person who obtains a permit to carry, hold or possess a pistol in a public place must carry, hold or possess the pistol in a manner that makes the pistol visible to others."

The motion did not prevail and the amendment to the amendment, as amended, was not adopted.

Otto moved to amend the Boudreau et al amendment, as amended, to S. F. No. 842, the unofficial engrossment, as amended, as follows:

Delete page 1, line 12 to page 3, line 23, and insert:

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

Subd. 1d. [FELONY; POSSESSION ON SCHOOL PROPERTY.] (a) Whoever possesses, stores, or keeps a dangerous weapon or uses or brandishes a replica firearm or a BB gun 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) 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 grounds or a child care center licensed under chapter 245A, whether leased or owned by the school; and

(ii) the area within a school bus when that bus is being used to transport one or more elementary, middle, or secondary school students.

(d) This subdivision does not apply to:

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

(2) ~~persons who carry pistols according to the terms of a permit~~ a security guard performing duties on school property;

(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."

A roll call was requested and properly seconded.

The question was taken on the Otto amendment to the Boudreau et al amendment, as amended, and the roll was called. There were 40 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Atkins	Ellison	Hornstein	Lenczewski	Otto	Thao
Bernardy	Entenza	Jaros	Lesch	Paymar	Thissen
Biernat	Erhardt	Johnson, S.	Mahoney	Pelowski	Wagenius
Carlson	Goodwin	Kahn	Mariani	Pugh	Walker
Clark	Greiling	Kelliher	Mullery	Rhodes	Wasiluk
Davnie	Hausman	Larson	Nelson, M.	Sieben	
Dorn	Hilstrom	Latz	Opatz	Slawik	

Those who voted in the negative were:

Abeler	DeLaForest	Hilty	Lindgren	Paulsen	Swenson
Abrams	Demmer	Holberg	Lindner	Penas	Sykora
Adolphson	Dempsey	Hoppe	Lipman	Peterson	Tingelstad
Anderson, B.	Dill	Howes	Magnus	Powell	Urdahl
Anderson, I.	Dorman	Huntley	Marquart	Rukavina	Vandever
Anderson, J.	Eastlund	Jacobson	McNamara	Ruth	Walz
Beard	Eken	Johnson, J.	Meslow	Samuelson	Wardlow
Blaine	Erickson	Juhnke	Murphy	Seagren	Westerberg
Borrell	Finstad	Kielkucki	Nelson, C.	Seifert	Westrom
Boudreau	Fuller	Klinzing	Nelson, P.	Severson	Wilkin
Bradley	Gerlach	Knoblach	Nornes	Simpson	Zellers
Brod	Gunther	Koenen	Olsen, S.	Smith	Spk. Sviggum
Buesgens	Haas	Kohls	Olson, M.	Soderstrom	
Cornish	Hackbarth	Krinkie	Osterman	Solberg	
Cox	Harder	Kuisle	Otremba	Stang	
Dauids	Heidgerken	Lanning	Ozment	Strachan	

The motion did not prevail and the amendment to the amendment, as amended, was not adopted.

The Speaker resumed the Chair.

Slawik moved to amend the Boudreau et al amendment, as amended, to S. F. No. 842, the unofficial engrossment, as amended, as follows:

Page 1, after line 11, insert:

"Sec. 2. Minnesota Statutes 2002, section 471.633, is amended to read:

471.633 [FIREARMS.]

(a) Except as provided under section 624.717, paragraph (b), the legislature preempts all authority of a home rule charter or statutory city including a city of the first class, county, town, municipal corporation, or other governmental subdivision, or any of their instrumentalities, to regulate firearms, ammunition, or their respective components to the complete exclusion of any order, ordinance or regulation by them except that:

(~~a~~) (1) a governmental subdivision may regulate the discharge of firearms; and

~~(b)~~ (2) a governmental subdivision may adopt regulations identical to state law.

(b) Local regulation inconsistent with this section is void."

Page 25, after line 34, insert:

"Sec. 31. Minnesota Statutes 2002, section 624.717, is amended to read:

624.717 [LOCAL REGULATION.]

(a) Except as provided in paragraph (b), sections 624.711 to 624.716 shall be construed to supersede municipal or county regulation of the carrying or possessing of pistols and the regulation of Saturday Night Special Pistols.

(b) Except for the provisions under section 624.714, subdivision 9, a city with a population of 50,000 or more, based on the most recent federal census, may adopt regulations inconsistent with the provisions of section 624.714 that restrict the possession or carry of a firearm, including prohibiting the possession of a firearm in public places."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Slawik amendment to the Boudreau et al amendment, as amended, and the roll was called. There were 33 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Atkins	Entenza	Huntley	Lenczewski	Paymar	Wagenius
Bernardy	Goodwin	Jaros	Lesch	Pugh	Walker
Biernat	Greiling	Johnson, S.	Lieder	Sieben	Wasiluk
Clark	Hausman	Kahn	Mariani	Slawik	
Davnie	Hilstrom	Kelliher	Nelson, M.	Thao	
Ellison	Hornstein	Larson	Opatz	Thissen	

Those who voted in the negative were:

Abeler	Cornish	Gerlach	Klinzing	Mullery	Peterson
Abrams	Cox	Gunther	Koenen	Murphy	Powell
Adolphson	Davids	Haas	Kohls	Nelson, C.	Rhodes
Anderson, B.	DeLaForest	Hackbarth	Krinking	Nelson, P.	Rukavina
Anderson, I.	Demmer	Harder	Kuisle	Nornes	Ruth
Anderson, J.	Dempsey	Heidgerken	Lanning	Olsen, S.	Samuelson
Beard	Dill	Hilty	Latz	Olson, M.	Seagren
Blaine	Dorman	Holberg	Lindgren	Osterman	Seifert
Borrell	Dorn	Hoppe	Lindner	Otremba	Sertich
Boudreau	Eastlund	Howes	Lipman	Otto	Severson
Bradley	Eken	Jacobson	Magnus	Ozment	Simpson
Brod	Erickson	Johnson, J.	Marquart	Paulsen	Smith
Buesgens	Finstad	Juhnke	McNamara	Pelowski	Soderstrom
Carlson	Fuller	Kielkucki	Meslow	Penas	Solberg

Stang	Sykora	Vandever	Westerberg	Zellers
Strachan	Tingelstad	Walz	Westrom	Spk. Sviggum
Swenson	Urdahl	Wardlow	Wilkin	

The motion did not prevail and the amendment to the amendment, as amended, was not adopted.

Clark; Mariani; Davnie; Biernat; Hornstein; Johnson, S.; Walker; Greiling and Ellison moved to amend the Boudreau et al amendment, as amended, to S. F. No. 842, the unofficial engrossment, as amended, as follows:

Page 22, after line 5, insert:

"Sec. 29. Minnesota Statutes 2002, section 624.714, is amended by adding a subdivision to read:

Subd. 24. [PRIVATE RESIDENCES; TRESPASS.] A person carrying or possessing a firearm on or about his or her person or body must obtain permission from the lawful possessor of a private residence before entering the residence. A violation of this subdivision is a misdemeanor. This subdivision does not apply to a licensed peace officer."

Renumber the sections and subdivisions in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Clark et al amendment to the Boudreau et al amendment, as amended, and the roll was called. There were 34 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Atkins	Entenza	Hornstein	Larson	Nelson, M.	Thao
Bernardy	Goodwin	Huntley	Latz	Opatz	Thissen
Biernat	Greiling	Jaros	Lenczewski	Paymar	Wagenius
Carlson	Hausman	Johnson, S.	Lesch	Rukavina	Walker
Clark	Hilstrom	Kahn	Mariani	Sieben	
Davnies	Hilty	Kelliher	Mullery	Slawik	

Those who voted in the negative were:

Abeler	Boudreau	Dempsey	Fuller	Howes	Krinkie
Abrams	Bradley	Dill	Gerlach	Jacobson	Kuisle
Adolphson	Brod	Dorman	Gunther	Johnson, J.	Lanning
Anderson, B.	Buesgens	Dorn	Haas	Juhnke	Lieder
Anderson, I.	Cornish	Eastlund	Hackbarth	Kielkucki	Lindgren
Anderson, J.	Cox	Eken	Harder	Klinzing	Lindner
Beard	Dauids	Erhardt	Heidgerken	Knoblach	Lipman
Blaine	DeLaForest	Erickson	Holberg	Koenen	Magnus
Borrell	Demmer	Finstad	Hoppe	Kohls	Marquart

McNamara	Osterman	Powell	Severson	Sykora	Westrom
Meslow	Otremba	Pugh	Simpson	Tingelstad	Wilkin
Murphy	Otto	Rhodes	Smith	Urdahl	Zellers
Nelson, C.	Ozment	Ruth	Soderstrom	Vanderveer	Spk. Sviggum
Nelson, P.	Paulsen	Samuelson	Solberg	Walz	
Nornes	Pelowski	Seagren	Stang	Wardlow	
Olsen, S.	Penas	Seifert	Strachan	Wasiluk	
Olson, M.	Peterson	Sertich	Swenson	Westerberg	

The motion did not prevail and the amendment to the amendment, as amended, was not adopted.

Mullery moved to amend the Boudreau et al amendment, as amended, to S. F. No. 842, the unofficial engrossment, as amended, as follows:

Page 1, after line 11, insert:

"Sec. 2. Minnesota Statutes 2002, section 471.633, is amended to read:

471.633 [FIREARMS.]

(a) Except as provided under section 624.717, paragraph (b), the legislature preempts all authority of a home rule charter or statutory city including a city of the first class, county, town, municipal corporation, or other governmental subdivision, or any of their instrumentalities, to regulate firearms, ammunition, or their respective components to the complete exclusion of any order, ordinance or regulation by them except that:

~~(a)~~ (1) a governmental subdivision may regulate the discharge of firearms; and

~~(b)~~ (2) a governmental subdivision may adopt regulations identical to state law.

(b) Local regulation inconsistent with this section is void."

Page 25, after line 34, insert:

"Sec. 31. Minnesota Statutes 2002, section 624.717, is amended to read:

624.717 [LOCAL REGULATION.]

(a) Except as provided in paragraph (b), sections 624.711 to 624.716 shall be construed to supersede municipal or county regulation of the carrying or possessing of pistols and the regulation of Saturday Night Special Pistols.

(b) Except for the provisions under section 624.714, subdivision 9, a city of the first class may adopt regulations inconsistent with the provisions of section 624.714 that restrict the possession or carry of a firearm, including prohibiting the possession of a firearm in public places."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion did not prevail and the amendment to the amendment, as amended, was not adopted.

The question recurred on the Boudreau et al amendment, as amended, and the roll was called. There were 88 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Holberg	Lindner	Paulsen	Strachan
Adolphson	Dempsey	Hoppe	Lipman	Penas	Swenson
Anderson, B.	Dill	Howes	Magnus	Powell	Sykora
Anderson, I.	Dorman	Jacobson	Marquart	Rukavina	Tingelstad
Anderson, J.	Eastlund	Johnson, J.	McNamara	Ruth	Urdahl
Beard	Eken	Juhnke	Meslow	Samuelson	Vanderveer
Blaine	Erickson	Kielkucki	Murphy	Seagren	Walz
Borrell	Finstad	Klinzing	Nelson, C.	Seifert	Wardlow
Boudreau	Fuller	Knoblach	Nelson, P.	Sertich	Westerberg
Bradley	Gerlach	Koenen	Nornes	Severson	Westrom
Brod	Gunther	Kohls	Olsen, S.	Simpson	Wilkin
Buesgens	Haas	Krinkie	Olson, M.	Smith	Zellers
Cornish	Hackbarth	Kuisle	Osterman	Soderstrom	Spk. Sviggum
Davids	Harder	Lieder	Otremba	Solberg	
DeLaForest	Heidgerken	Lindgren	Ozment	Stang	

Those who voted in the negative were:

Abrams	Dorn	Hilty	Larson	Opatz	Slawik
Atkins	Ellison	Hornstein	Latz	Otto	Thao
Bernardy	Entenza	Huntley	Lenczewski	Paymar	Thissen
Biernat	Erhardt	Jaros	Lesch	Pelowski	Wagenius
Carlson	Goodwin	Johnson, S.	Mahoney	Peterson	Walker
Clark	Greiling	Kahn	Mariani	Pugh	Wasiluk
Cox	Hausman	Kelliher	Mullery	Rhodes	
Davnie	Hilstrom	Lanning	Nelson, M.	Sieben	

The motion prevailed and the amendment, as amended, was adopted.

S. F. No. 842, A bill for an act relating to natural resources; modifying commissioner's authority relating to employees, gifts, and grants; modifying provisions of the state parks working capital fund; modifying application provisions for certain licenses; providing for reciprocity of certain safety courses; modifying certain county reimbursement provisions; modifying identification provisions for fish and dark houses; eliminating requirement to publish pamphlet form of laws; amending Minnesota Statutes 2002, sections 84.01, subdivision 3; 84.026; 84.085, subdivision 1; 84.82, subdivision 2; 84.862, by adding a subdivision; 85.22, by adding a subdivision; 86B.401, subdivision 1; 97A.065, subdivision 2; 97C.355, subdivisions 1, 2; repealing Minnesota Statutes 2002, section 97A.051, subdivision 1; Minnesota Rules, part 6262.0100, subpart 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 88 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Blaine	Bradley	Cornish	Demmer
Adolphson	Anderson, J.	Borrell	Brod	Davids	Dempsey
Anderson, B.	Beard	Boudreau	Buesgens	DeLaForest	Dill

Dorman	Holberg	Kuisle	Nornes	Seagren	Tingelstad
Eastlund	Hoppe	Lieder	Olsen, S.	Seifert	Urdahl
Eken	Howes	Lindgren	Olson, M.	Sertich	Vanderveer
Erickson	Jacobson	Lindner	Osterman	Severson	Walz
Finstad	Johnson, J.	Lipman	Otremba	Simpson	Wardlow
Fuller	Juhnke	Magnus	Ozment	Smith	Westerberg
Gerlach	Kielkucki	Marquart	Paulsen	Soderstrom	Westrom
Gunther	Klinzing	McNamara	Penas	Solberg	Wilkin
Haas	Knoblach	Meslow	Powell	Stang	Zellers
Hackbarth	Koenen	Murphy	Rukavina	Strachan	Spk. Sviggum
Harder	Kohls	Nelson, C.	Ruth	Swenson	
Heidgerken	Krinkie	Nelson, P.	Samuelson	Sykora	

Those who voted in the negative were:

Abrams	Dorn	Hilty	Larson	Opatz	Slawik
Atkins	Ellison	Hornstein	Latz	Otto	Thao
Bernardy	Entenza	Huntley	Lenczewski	Paymar	Thissen
Biernat	Erhardt	Jaros	Lesch	Pelowski	Wagenius
Carlson	Goodwin	Johnson, S.	Mahoney	Peterson	Walker
Clark	Greiling	Kahn	Mariani	Pugh	Wasiluk
Cox	Hausman	Kelliher	Mullery	Rhodes	
Davnie	Hilstrom	Lanning	Nelson, M.	Sieben	

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

Paulsen moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Dorman moved that the name of McNamara be added as an author on H. F. No. 258. The motion prevailed.

Samuelson moved that the name of McNamara be added as an author on H. F. No. 1082. The motion prevailed.

Ozment moved that the name of Hoppe be added as an author on H. F. No. 1520. The motion prevailed.

Seifert moved that the name of Nelson, C., be added as an author on H. F. No. 1557. The motion prevailed.

Boudreau moved that the name of Sykora be added as an author on House Resolution No. 9. The motion prevailed.

Entenza, Pugh, Kahn, Hausman and Paulsen introduced:

House Resolution No. 10, A House resolution congratulating the Minnesota Wild.

SUSPENSION OF RULES

Entenza moved that the rules be so far suspended that House Resolution No. 10 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 10

A House resolution congratulating the Minnesota Wild.

Whereas, the Minnesota Wild stunned the Colorado Avalanche by winning the best-of-seven series on April 22, 2003, in overtime with a final score of 3-2; and

Whereas, the Minnesota Wild became only the eighth team in NHL postseason history to overcome a 3-1 series deficit by winning two games on the road; and

Whereas, the Minnesota Wild will now advance to the Western Conference semifinals and will face the Vancouver Canucks beginning Friday, April 25, 2003; *Now, Therefore*,

Be It Resolved by the Committee on Rules and Legislative Administration of the House of Representatives of the State of Minnesota that it congratulates the Minnesota Wild on their recent playoff wins, and wishes them continued success as they advance through the 2003 NHL playoffs.

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, and transmit it to the Minnesota Wild.

Entenza moved that House Resolution No. 10 be now adopted. The motion prevailed and House Resolution No. 10 was adopted.

ADJOURNMENT

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:30 a.m., Thursday, April 24, 2003.

EDWARD A. BURDICK, Chief Clerk, House of Representatives