

FIFTIETH DAY

St. Paul, Minnesota, Monday, May 2, 2005

The Senate met at 1:00 p.m. and was called to order by the President.

CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rabbi Marcia A. Zimmerman.

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

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1976 and 1422.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 29, 2005

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 1976: A bill for an act relating to state government; appropriating money for jobs, economic development, and human services purposes; establishing and modifying certain programs; providing for accounts, assessments and fees; making changes to programs for children and families; requiring studies and reports; amending Minnesota Statutes 2004, sections 41A.09, subdivision 2a; 60A.14, subdivision 1; 60K.55, subdivision 2; 72A.20, by adding a subdivision; 72B.04, subdivision 10; 82B.05, subdivisions 1, 5; 82B.09, subdivision 1; 115C.07, subdivision 3; 115C.09, subdivision 3h; 115C.13; 116C.779, subdivision 2; 116J.551, subdivision 1; 116J.571; 116J.572; 116J.574; 116J.575, as amended; 116J.63, subdivision 2; 116J.8731, subdivision 5; 116J.8747, subdivision 2; 116J.994, subdivisions 7, 9; 116L.03, subdivision 2; 116L.05, by adding a subdivision; 116L.17, subdivision 1; 116L.20, subdivision 2; 119B.02, by adding a subdivision; 119B.13, subdivision 1, by adding a subdivision; 120A.40; 183.41, by adding a subdivision; 183.411, subdivisions 2a, 3; 183.42; 183.44, subdivision 1; 183.51, subdivision 2, by adding a subdivision; 183.545; 183.57; 216C.41, subdivisions 2, 5, 5a; 237.11; 237.295, subdivisions 1, 2; 239.011, subdivision 2; 239.05, subdivision 10b, by adding a subdivision; 239.09; 239.101, subdivision 3; 239.75, subdivisions 1, 5; 239.761; 239.77, by adding a subdivision; 239.79, subdivision 4; 239.791, subdivisions 1, 7, 8, 15; 239.792; 245A.023; 245A.10, subdivision 4; 254A.035, subdivision 2; 254A.04; 256.01, by adding subdivisions; 256.741, subdivision 4; 256B.0924, subdivision 3; 256B.093, subdivision 1; 256D.06, subdivisions 5, 7, by adding a subdivision; 256I.05, subdivision 1e; 256J.12, subdivision 1, by adding a subdivision; 256J.37, subdivision 3a; 256J.515; 256J.751, subdivision 2; 256J.95, by adding subdivisions; 256K.35, by adding a subdivision; 260.835; 268.19, subdivision 1; 296A.01, subdivisions 2, 7, 8, 14, 19, 20, 22, 23, 24, 25, 26, 28; 298.22, by adding a subdivision; 326.975, subdivision 1; 345.47, subdivisions 3, 3a; 373.40, subdivisions 1, 3; 462A.05, subdivision 3a; 462A.33, subdivision 2; 517.08, subdivisions 1b, 1c; Laws 1999, chapter 224, section 7, as amended; Laws 2003, chapter 128, article 1, section 172; proposing coding for new law in Minnesota Statutes, chapters 45; 116L; 237; 256K; 325F; proposing coding for new law as Minnesota Statutes, chapter 59B; repealing Minnesota Statutes 2004, sections 45.0295; 116J.573; 116J.58, subdivision 3; 116L.05, subdivision 4; 119B.074; 239.05, subdivisions 6a, 6b; 256D.54, subdivision 3; 462C.15; Laws 2003, First Special Session chapter 14, article 9, section 34; Minnesota Rules, parts 9500.1254; 9500.1256.

Senator Johnson, D.E. moved that H.F. No. 1976 be laid on the table. The motion prevailed.

H.F. No. 1422: A bill for an act relating to the operation of state government; making changes to health and human services programs; changing licensing and state-operated services provisions; changing provisions in state health care programs, changing MinnesotaCare to a forecasted program and changing eligibility requirements and payments, allowing transfer of excess health care access funds to the general fund, allowing the commissioner to withhold for delinquent nursing home provider surcharges, allowing reduction of excess assets for MA and changing other MA provisions, reducing payments to managed care plans, establishing medical necessity standards for state health care programs, allowing the state to recover payment for long-term care from trusts and life estates or joint tenancy interests, and establishing a health services policy committee and medication therapy management; establishing a value-based nursing facility reimbursement system and changing other provisions for nursing facilities; changing continuing care for the elderly and disabled provisions and establishing the Minnesota partnership for long-term care programs, increasing rate reimbursement for ICF/MR facilities, health care services, and provider rate increases, requiring a study for dental access, establishing an interagency work group on disability services; changing provisions for mental health services, allowing payment for mental health telemedicine, providing treatment foster care services and transitional youth intensive rehabilitative mental health services; modifying health policy, establishing a Health Information Technology and Infrastructure Advisory Committee, establishing a rural pharmacy planning and transition grant program, requiring a report from physicians and facilities performing abortions, classifying data in abortion notification reports, providing education on shaking infants and children, establishing a voluntary trauma system,

trauma registry, and trauma advisory council, establishing a cancer drug repository program, prohibiting family grant funds to subsidize abortion services, promoting positive abortion alternatives, establishing the unborn child pain prevention act, providing education on postpartum depression, adjusting certain fees, providing civil and criminal penalties; making forecast adjustments; appropriating money; and providing for alternative funding; amending Minnesota Statutes 2004, sections 13.3806, by adding a subdivision; 16A.724; 103I.101, subdivision 6; 103I.208, subdivisions 1, 2; 103I.235, subdivision 1; 103I.601, subdivision 2; 144.122; 144.147, subdivisions 1, 2; 144.148, subdivision 1; 144.1483; 144.1501, subdivisions 1, 2, 3, 4; 144.226, subdivisions 1, 4, by adding subdivisions; 144.3831, subdivision 1; 144.551, subdivision 1; 144.562, subdivision 2; 144.9504, subdivision 2; 144.98, subdivision 3; 144A.071, subdivision 4a; 144A.073, by adding a subdivision; 144E.101, by adding a subdivision; 145.56, subdivisions 2, 5; 145.924; 145.9268; 146A.11, subdivision 1; 147A.08; 150A.22; 157.011, by adding a subdivision; 157.15, by adding a subdivision; 157.16, subdivisions 2, 3, by adding subdivisions; 157.20, subdivisions 2, 2a; 214.01, subdivision 2; 214.06, subdivision 1, by adding a subdivision; 245.4661, subdivisions 2, 6; 245.4885, subdivisions 1, 2, by adding a subdivision; 245A.10, subdivision 5; 245C.10, subdivisions 2, 3; 245C.32, subdivision 2; 246.0136, subdivision 1; 252.27, subdivision 2a; 253.20; 253B.02, subdivision 7; 256.01, subdivision 2, by adding subdivisions; 256.019, subdivision 1; 256.045, subdivisions 3, 3a; 256.046, subdivision 1; 256.9657, by adding a subdivision; 256.969, subdivisions 3a, 26; 256B.02, subdivision 12; 256B.04, by adding a subdivision; 256B.056, subdivisions 5, 5a, 5b, 7, by adding subdivisions; 256B.057, subdivision 9; 256B.0575; 256B.0595, subdivision 2; 256B.06, subdivision 4; 256B.0621, subdivisions 2, 3, 4, 5, 6, 7, by adding a subdivision; 256B.0625, subdivisions 2, 3a, 13, 13a, 13c, 13e, 13f, 17, by adding subdivisions; 256B.0644; 256B.075, subdivision 2; 256B.0913, subdivisions 2, 4; 256B.0916, by adding a subdivision; 256B.0943, subdivision 3; 256B.095; 256B.0951, subdivision 1; 256B.0952, subdivision 5; 256B.0953, subdivision 1; 256B.15, subdivision 1; 256B.19, subdivision 1; 256B.195, subdivision 3; 256B.32, subdivision 1; 256B.431, subdivisions 28, 29, 35, by adding subdivisions; 256B.432, subdivisions 1, 2, 5, by adding subdivisions; 256B.434, subdivisions 3, 4, 4a, 4b, 4c, 4d, by adding subdivisions; 256B.438, subdivision 3; 256B.47, subdivision 2; 256B.49, subdivision 16; 256B.5012, by adding a subdivision; 256B.69, subdivisions 4, 23, by adding a subdivision; 256B.75; 256B.765; 256D.03, subdivisions 3, 4, by adding subdivisions; 256D.045; 256L.01, subdivisions 1a, 4, 5; 256L.03, subdivisions 1, 3, 5, by adding a subdivision; 256L.04, subdivisions 1, 2, 8, by adding subdivisions; 256L.05, subdivisions 2, 3, 3a, 5; 256L.06, subdivision 3; 256L.07, subdivisions 1, 3, by adding a subdivision; 256L.09, subdivision 2; 256L.11, subdivision 6; 256L.12, subdivision 6, by adding a subdivision; 256L.15, subdivisions 2, 3; 326.42, subdivision 2; 471.61, by adding a subdivision; 514.981, subdivision 6; Laws 2003, First Special Session chapter 14, article 12, section 93; proposing coding for new law in Minnesota Statutes, chapters 62J; 144; 145; 245A; 256B; 501B; repealing Minnesota Statutes 2004, sections 13.383, subdivision 3; 13.411, subdivision 3; 144.1486; 144.1502; 145.925; 146A.01, subdivisions 2, 5; 146A.02; 146A.03; 146A.04; 146A.05; 146A.06; 146A.07; 146A.08; 146A.09; 146A.10; 157.215; 256.955; 256B.075, subdivision 5; 256L.035; 256L.04, subdivisions 7, 11; 256L.09, subdivisions 1, 4, 5, 6, 7; 295.581; Minnesota Rules, parts 4700.1900; 4700.2000; 4700.2100; 4700.2200; 4700.2210; 4700.2300; 4700.2400; 4700.2410; 4700.2420; 4700.2500.

Senator Johnson, D.E. moved that H.F. No. 1422 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS

Senator McGinn moved that the name of Senator Wergin be added as a co-author to S.F. No. 2282. The motion prevailed.

Senator Larson introduced--

Senate Resolution No. 95: A Senate resolution congratulating Trever M. Barber for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Bachmann moved that S.F. No. 1986 be withdrawn from the Committee on State and Local Government Operations and re-referred to the Committee on Taxes. The motion prevailed.

Senator Johnson, D.E., for Senator Berglin, moved that S.F. No. 2278, No. 194 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 2:30 p.m. The motion prevailed.

The hour of 2:30 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated S.F. No. 2276 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2276: A bill for an act relating to state government; appropriating money for environmental, natural resources, agricultural, and economic development purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2004, sections 11A.24, subdivision 6; 13.635, by adding a subdivision; 16A.125, subdivision 5; 17.03, subdivision 13; 17.117, by adding a subdivision; 17B.03, subdivision 1; 18B.05, subdivision 1; 18B.08, subdivision 4; 18B.26, subdivision 3; 18B.31, subdivision 5; 18B.315, subdivision 6; 18B.32, subdivision 6; 18B.33, subdivision 7; 18B.34, subdivision 5; 18C.141, subdivisions 1, 3, 5; 18C.425, subdivision 6; 18E.03, subdivision 2; 18G.10, subdivisions 5, 7; 18G.16, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 14; 18H.07, subdivisions 1, 2, 3; 19.64, subdivision 1; 25.341, subdivision 2; 25.39, subdivisions 1, 4; 41A.09, subdivisions 2a, 3a, by adding subdivisions; 41B.046, subdivision 5; 41B.049, subdivision 2; 60A.14, subdivision 1; 60K.55, subdivision 2; 72A.20, by adding a subdivision; 72B.04, subdivision 10; 82B.09, subdivision 1; 84.027, subdivisions 12, 13, 15; 84.0911, subdivision 2; 84.780; 84.788, subdivision 3, by adding a subdivision; 84.791, subdivision 2; 84.798, by adding a subdivision; 84.82, subdivision 2, by adding a subdivision; 84.8205, subdivisions 1, 3, 4, 6; 84.83, subdivisions 3, 4; 84.86, subdivision 1; 84.922, subdivision 2, by adding a subdivision; 84.925, subdivision 1; 84D.03, subdivision 4; 85.054, subdivision 1, by adding a subdivision; 85.055, subdivision 2, by adding a subdivision; 85.43; 86B.415, by adding a subdivision; 88.6435, subdivision 4; 89.039, subdivision 1; 89.37, by adding a subdivision; 90.195; 97A.055, subdivision 4b; 97A.061, subdivision 1; 97A.075, subdivision 3; 97A.4742, subdivision 4; 97A.482; 97A.485, subdivision 7; 97A.551, by adding a subdivision; 97B.015, subdivision 7; 97B.025; 97C.085; 103E.081, by adding subdivisions; 103G.271, subdivision 6; 103G.301, subdivision 2; 103G.615, subdivision 2; 103I.681, subdivision 11; 115.03, subdivision 4a; 115.551; 115B.48, subdivision 8; 115B.49, by adding a subdivision; 115C.07, subdivision 3; 115C.09, subdivisions 3h, 3j; 115C.13; 116J.571; 116J.572; 116J.574; 116J.575; 116L.20, subdivision 1; 116L.30, subdivisions 1, 2, by adding subdivisions; 116O.09, subdivision 1a; 116P.05, subdivision 2; 129D.02, subdivision 3; 160.232; 168.1296, subdivision 1; 176.136, subdivision 1a; 183.41, by adding a subdivision; 183.411, subdivisions 2a, 3; 183.42; 183.44, subdivision 1; 183.51, subdivision 2, by adding a subdivision; 183.545; 183.57;

216B.2424, subdivisions 1, 2, 5a, 6, 8, by adding a subdivision; 223.17, subdivision 3; 231.16; 232.22, subdivision 3; 236.02, subdivision 4; 237.11; 237.295, subdivisions 1, 2; 237.701, subdivision 1; 239.011, subdivision 2; 239.05, subdivision 10b, by adding a subdivision; 239.09; 239.101, subdivision 3; 239.75, subdivisions 1, 5; 239.761; 239.77, by adding a subdivision; 239.79, subdivision 4; 239.791, subdivisions 1, 7, 8, 15; 239.792; 282.08; 282.38, subdivision 1; 296A.01, subdivisions 2, 7, 8, 14, 19, 20, 22, 23, 24, 25, 26, 28; 296A.18, subdivision 2; 298.22, by adding a subdivision; 357.021, subdivisions 1a, 2; 462.357, subdivision 1e; 469.050, subdivision 5; 469.1082, subdivision 1; 469.310, subdivision 11; 469.319, subdivision 1, by adding a subdivision; 469.320, subdivision 3; 469.330, subdivision 11; 469.340, subdivision 1; 473.197, subdivision 4; 474A.061, subdivision 2c; 517.08, subdivisions 1b, 1c; Laws 1999, chapter 224, section 7, as amended; Laws 2003, chapter 128, article 1, section 9, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 25; 41B; 45; 84; 86B; 97C; 103F; 116P; 181; 219; 237; 325F; 354B; 446A; 473; proposing coding for new law as Minnesota Statutes, chapter 59B; repealing Minnesota Statutes 2004, sections 18B.065, subdivision 5; 19.64, subdivision 4a; 41B.046, subdivision 3; 84.901; 115B.49, subdivision 4a; 116J.573; 178.12; 239.05, subdivisions 6a, 6b; 473.156; 473.197, subdivisions 1, 2, 3, 5; Laws 1999, chapter 125, section 4, as amended.

Senator Bakk moved to amend S.F. No. 2276 as follows:

Page 60, line 10, strike everything before the period and insert "revolving loan account established in section 41B.06"

Page 83, delete section 83

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Marty moved to amend S.F. No. 2276 as follows:

Page 10, after line 8, insert:

"\$200,000 the first year and \$200,000 the second year are from the natural resources fund for off-highway vehicle enforcement. Of this amount, \$180,000 each year is from the all-terrain vehicle account; \$10,000 each year is from the off-highway motorcycle account; and \$10,000 each year is from the off-road vehicle account."

Pages 67 to 69, delete section 62

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Larson	Ortman	Ruud
Belanger	Frederickson	Lourey	Ourada	Skoglund
Berglin	Higgins	Marty	Pappas	Solon
Betzold	Hottinger	McGinn	Pogemiller	Wiger
Chaudhary	Kelley	Michel	Ranum	
Cohen	Kiscaden	Moua	Rest	
Dibble	Kubly	Neuville	Robling	

Those who voted in the negative were:

Bachmann	Hann	LeClair	Rosen	Tomassoni
Bakk	Johnson, D.E.	Limmer	Sams	Vickerman
Day	Jungbauer	Metzen	Saxhaug	Wergin
Dille	Kierlin	Nienow	Senjem	
Fischbach	Kleis	Olson	Skoe	
Gaither	Koering	Pariseau	Sparks	
Gerlach	Langseth	Reiter	Stumpf	

The motion prevailed. So the amendment was adopted.

Senator Kelley moved to amend S.F. No. 2276 as follows:

Page 129, line 22, after "financial" insert ", business," and after "data" insert "collected, created," and delete "prepared,"

Page 129, line 23, delete "used, or retained" and insert "or maintained"

Page 129, line 26, after "financial" insert ", business,"

Page 129, line 27, delete "information" and insert "data" and delete "executive director" and insert "responsible authority for the state board"

Page 129, line 28, after "financial" insert ", business,"

Page 129, line 32, after the period, insert "As used in this section, "business data" is data described in section 13.591, subdivision 1."

Page 129, line 33, after "financial" insert ", business,"

Page 130, line 15, delete "venture"

The motion prevailed. So the amendment was adopted.

Senator Jungbauer moved to amend S.F. No. 2276 as follows:

Page 101, after line 16, insert:

"Sec. 110. Minnesota Statutes 2004, section 115.55, subdivision 5, is amended to read:

Subd. 5. [INSPECTION.] (a) An inspection shall be required for all new construction or replacement of a system to determine compliance with agency rule or local standards. The manner and timing of inspection may be determined by the applicable local ordinance. The inspection requirement may be satisfied by a review by the designated local official of video, electronic, photographic, or other evidence of compliance provided by the installer.

(b) Except as provided in subdivision 5b, paragraph (b), a local unit of government may not issue a building permit or variance for the addition of a bedroom on property served by a system unless the system is in compliance with the applicable requirements, as evidenced by a certificate of compliance issued by a licensed inspector or site evaluator or designer. A local unit of government may temporarily waive the certificate of compliance requirement for a building permit or variance for which application is made during the period from November 1 to April 30, provided that an inspection of the system is performed by the following June 1 and the applicant submits a certificate of compliance by the following September 30. This paragraph does not apply if the local unit of government does not have an ordinance requiring a building permit to add a bedroom.

(c) A certificate of compliance for an existing system is valid for three years from the date of issuance unless the local unit of government finds evidence of an imminent threat to public health or safety requiring removal and abatement under section 145A.04, subdivision 8.

(d) A certificate of compliance for a new system is valid for five years from the date of issuance unless the local unit of government finds evidence of an imminent threat to public health or safety requiring removal and abatement under section 145A.04, subdivision 8.

(e) A licensed inspector who inspects an existing system may subsequently design and install a new system for that property, provided the inspector is licensed to install individual sewage treatment systems.

(f) No system professional may use their position with government, either as an employee or a contractor, to solicit business for their private system enterprise."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Pariseau moved to amend S.F. No. 2276 as follows:

Page 85, after line 23, insert:

"Sec. 87. [87A.01] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 87A.01 to 87A.08.

Subd. 2. [PERSON.] "Person" means an individual, association, proprietorship, partnership, corporation, club, political subdivision, or other legal entity.

Subd. 3. [SHOOTING RANGE OR RANGE.] "Shooting range" or "range" means an area or facility designated or operated primarily for the use of firearms, as defined in section 97A.015, subdivision 19, or archery, and includes shooting preserves as described in section 97A.115 or any other Minnesota law.

Subd. 4. [SHOOTING RANGE PERFORMANCE STANDARDS.] "Shooting range performance standards" means those rules adopted by the commissioner of natural resources under section 87A.02 for the safe operation of shooting ranges.

Subd. 5. [LOCAL UNIT OF GOVERNMENT.] "Local unit of government" means a home rule charter or statutory city, county, town, or other political subdivision.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 88. [87A.02] [SHOOTING RANGE PERFORMANCE STANDARDS.]

Subdivision 1. [ADOPTION OF STANDARDS; REVIEW.] (a) The commissioner of natural resources must develop and adopt shooting range performance standards according to the expedited rulemaking process under section 14.389. The shooting range performance standards must provide for compliance with applicable noise standards under section 87A.05 and for the safe use of shooting ranges within their boundaries, including the containment of projectiles.

(b) The shooting range performance standards must provide for the operation of shooting preserves within the boundaries of the preserve, including an exemption from any discharge distance limitations generally applicable to hunting on other land, when the shooting preserve is in compliance with all other applicable laws and is in operation on or before the effective date of the performance standards adopted under this section or prior to the development of any structure that would cause the preserve to be out of compliance with the discharge distance.

(c) The commissioner must review the shooting range performance standards at least once every five years and revise them if necessary for the safe operation of shooting ranges.

(d) In the adoption of any amendments to the shooting range performance standards adopted under paragraph (a), the commissioner shall follow all notice and public hearing requirements for the regular rule adoption process under sections 14.001 to 14.28.

Subd. 2. [INTERIM STANDARDS.] Until the commissioner of natural resources adopts the

shooting range performance standards under subdivision 1, paragraph (a), the November 1999 revised edition of the National Rifle Association's Range Source Book: A Guide to Planning and Construction shall serve as the interim shooting range performance standards, having the full effect of the shooting range performance standards for purposes of this chapter. The interim shooting range performance standards sunset and have no further effect under this chapter upon the effective date of the shooting range performance standards adopted under subdivision 1, paragraph (a).

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 89. [87A.03] [COMPLIANT RANGES; AUTHORIZED ACTIVITIES.]

Subdivision 1. [AUTHORIZED ACTIVITIES.] A shooting range that operates in compliance with the shooting range performance standards must be permitted to do all of the following within its geographic boundaries, under the same or different ownership or occupancy, if done in accordance with shooting range performance standards:

- (1) operate the range and conduct activities involving the discharge of firearms;
- (2) expand or increase its membership or opportunities for public participation related to the primary activity as a shooting range;
- (3) make those repairs or improvements desirable to meet or exceed requirements of shooting range performance standards;
- (4) increase events and activities related to the primary activity as a shooting range;
- (5) conduct shooting activities and discharge firearms daily between 7:00 a.m. and 10:00 p.m. A local unit of government with zoning jurisdiction over a shooting range may extend the hours of operation by the issuance of a special or conditional use permit; and
- (6) acquire additional lands to be used for buffer zones or noise mitigation efforts or to otherwise comply with this chapter.

Subd. 2. [NONCONFORMING USE.] A shooting range that is a nonconforming use shall be allowed to conduct additional shooting activities within the range's lawful property boundaries as of the date the range became a nonconforming use, provided the shooting range remains in compliance with noise and shooting range performance standards under this chapter.

Subd. 3. [COMPLIANCE WITH OTHER LAW.] Nothing in this section exempts any newly constructed or remodeled building on a shooting range from compliance with fire safety, handicapped accessibility, elevator safety, bleacher safety, or other provisions of the State Building Code that have mandatory statewide application.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 90. [87A.04] [MITIGATION AREA.]

(a) Except for those uses, developments, and structures in existence or for which approval has been granted by October 1, 2005, no change in use, new development, or construction of a structure shall be approved for any portion of property within 750 feet of the perimeter property line of an outdoor shooting range if the change in use, development, or construction would cause a preexisting outdoor shooting range in compliance with this chapter to become out of compliance.

(b) A change in use, new development, or construction of a structure may be approved under this section if the person seeking approval agrees to provide any mitigation required to keep the range in compliance with this chapter. The approving authority, instead of the person requesting the change in use, new development, or construction of a structure may provide any mitigation required under this section. The person requesting approval under this section is responsible for providing documentation if no mitigation is required under this section. Failure to provide the documentation or any mitigation required under this section exempts the range from being out of

compliance with the shooting range performance and noise standards of this chapter with regard to the property responsible for the mitigation. Any action brought by the owner of the property against the range is subject to section 87A.06. With the permission of the range operator, any mitigation required under this section may be provided on the range property.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 91. [87A.05] [NOISE STANDARDS.]

Allowable noise levels for the operation of a shooting range are the levels determined by replacing the steady state noise L10 and L50 state standards for each period of time within each noise area's classification with a single Leq(h) standard for impulsive noise that is two dBA lower than that of the L10 level for steady state noise. The noise level shall be measured outside of the range property at the location of the receiver's activity according to Minnesota Rules, parts 7030.0010 to 7030.0080. For purposes of this section, "Leq(h)" means the energy level that is equivalent to a steady state level that contains the same amount of sound energy as the time varying sound level for a 60-minute time period.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 92. [87A.06] [NUISANCE ACTIONS; COMPLIANCE WITH SHOOTING RANGE PERFORMANCE STANDARDS.]

A person who owns, operates, or uses a shooting range in this state that is in compliance with shooting range performance standards is not subject to any nuisance action based on noise or other matters regulated by the shooting range performance standards. This section does not prohibit an action that seeks damages for personal physical injury or tangible damage to property caused by acts or omissions involving the operation of the range or by a person using the range.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 93. [87A.07] [CLOSURE OF SHOOTING RANGES.]

Subdivision 1. [CLOSURE.] Except as otherwise provided in sections 87A.01 to 87A.08, a shooting range that is in compliance with shooting range performance standards and the requirements of sections 87A.01 to 87A.08 shall not be forced to permanently close or permanently cease any activity related to the primary use of the shooting range unless the range or activity is found to be a clear and immediate safety hazard. In any action brought to compel the permanent closure of any range in compliance with shooting range performance standards and this chapter, or to permanently cease any activity related to the primary use of the shooting range, there is a rebuttable presumption that the range or activity is not a clear and immediate safety hazard. If the shooting range provides evidence that the cause of a proven safety hazard can be mitigated so as to eliminate the safety hazard, the court shall not order the permanent closure of the range, or permanent ceasing of the activity found to be a clear and immediate safety hazard, unless the range operator fails to implement the necessary mitigation to remove the safety hazard by the date that is determined reasonable by the court.

Subd. 2. [PRELIMINARY INJUNCTIONS.] Nothing in this section prohibits a court from granting a preliminary injunction against any activity determined to be a probable clear and immediate safety hazard, or against any individual determined to be the probable cause of an alleged clear and immediate safety hazard, pending the final determination of the existence of the safety hazard.

Subd. 3. [PERMANENT INJUNCTIONS.] A court may grant a permanent injunction only against a particular activity or person instead of permanently closing the range unless the court finds that the remaining operations also pose a safety hazard under this section.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 94. [87A.08] [APPLICABILITY OF OTHER LAWS.]

Subdivision 1. [PUBLIC SAFETY LAWS; ZONING.] (a) Nothing in this chapter prohibits enforcement of any federal law. To the extent consistent with this chapter, other state laws regarding the health, safety, and welfare of the public may be enforced. To the extent consistent with this chapter, a local unit of government with zoning authority jurisdiction over a shooting range may enforce its applicable ordinances and permits.

(b) If the operator of the shooting range shows evidence that the range can be brought into compliance with the applicable state law, local ordinance, or permit, the range may not be permanently closed unless the range operator fails to bring the range into compliance with the applicable law, ordinance, or permit under this section by the date that the court determines reasonable. Nothing in this section prohibits a court from granting a preliminary injunction against any activity determined to be a violation of a law, ordinance, or permit under this section or against any individual determined to be causing an alleged violation, pending the final determination of the existence of the violation.

Subd. 2. [PERMANENT INJUNCTIONS.] A court may grant a permanent injunction only against a particular activity or person instead of permanently closing the range unless the court finds that the remaining operations also create a violation under this section.

[EFFECTIVE DATE.] This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Bakk imposed a call of the Senate for the balance of the proceedings on S.F. No. 2276. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 51 and nays 11, as follows:

Those who voted in the affirmative were:

Bachmann	Higgins	LeClair	Pariseau	Skoe
Bakk	Hottinger	Limmer	Pogemiller	Sparks
Belanger	Johnson, D.E.	McGinn	Reiter	Stumpf
Chaudhary	Jungbauer	Metzen	Rest	Tomassoni
Day	Kierlin	Michel	Robling	Vickerman
Dille	Kiscaden	Moua	Rosen	Wergin
Fischbach	Kleis	Neuville	Ruud	Wiger
Frederickson	Koering	Nienow	Sams	
Gaither	Kubly	Olson	Saxhaug	
Gerlach	Langseth	Ortman	Scheid	
Hann	Larson	Ourada	Senjem	

Those who voted in the negative were:

Anderson	Cohen	Foley	Marty	Skoglund
Berglin	Dibble	Kelley	Pappas	Solon
Betzold				

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend S.F. No. 2276 as follows:

Page 155, delete lines 30 to 36

Page 156, delete line 1

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 34, as follows:

Those who voted in the affirmative were:

Bachmann	Gaither	Koering	Neuville	Reiter
Belanger	Gerlach	Larson	Nienow	Robling
Day	Hann	LeClair	Olson	Rosen
Dille	Jungbauer	Limmer	Ortman	Ruud
Fischbach	Kierlin	McGinn	Ourada	Senjem
Frederickson	Kleis	Michel	Pariseau	Wergin

Those who voted in the negative were:

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

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

Senator Ruud moved to amend S.F. No. 2276 as follows:

Page 7, line 13, after "riders" insert "on public lands"

Page 7, line 18, after "use" insert "on public lands"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 36 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Koering	Ortman	Senjem
Belanger	Gaither	Larson	Ourada	Skoglund
Berglin	Hann	Limmer	Pogemiller	Solon
Betzold	Higgins	Marty	Ranum	Wiger
Chaudhary	Hottinger	McGinn	Rest	
Cohen	Kelley	Michel	Robling	
Day	Kiscaden	Moua	Rosen	
Dibble	Kleis	Neuville	Ruud	

Those who voted in the negative were:

Bachmann	Gerlach	Langseth	Reiter	Sparks
Bakk	Johnson, D.E.	LeClair	Sams	Stumpf
Dille	Jungbauer	Lourey	Saxhaug	Tomassoni
Fischbach	Kierlin	Metzen	Scheid	Vickerman
Foley	Kubly	Nienow	Skoe	Wergin

The motion prevailed. So the amendment was adopted.

Senator Senjem moved to amend S.F. No. 2276 as follows:

Page 153, after line 21, insert:

"Sec. 43. Minnesota Statutes 2004, section 161.1419, subdivision 2, is amended to read:

Subd. 2. [MEMBERS.] (a) The commission shall be composed of 15 members of whom:

(1) one shall be appointed by the commissioner of transportation;

(2) one shall be appointed by the commissioner of natural resources;

(3) one shall be appointed by the ~~commissioner of employment and economic development~~ director of Explore Minnesota Tourism;

- (4) one shall be appointed by the commissioner of agriculture;
- (5) one shall be appointed by the director of the Minnesota Historical Society;
- (6) two shall be members of the senate to be appointed by the Committee on Committees;
- (7) two shall be members of the house of representatives to be appointed by the speaker;
- (8) one shall be the secretary appointed pursuant to subdivision 3; and

(9) five shall be citizen members appointed by five citizen committees established by the members appointed under clauses (1) to (8), with each citizen committee established within and representing each of the following geographic segments along the Mississippi River:

- (i) Lake Itasca to but not including the city of Grand Rapids;
- (ii) Grand Rapids to but not including the city of Brainerd;
- (iii) Brainerd to but not including the city of Elk River;
- (iv) Elk River to but not including the city of Hastings; and
- (v) Hastings to the Iowa border.

Each citizen committee member shall be a resident of the geographic segment that the committee and member represents.

(b) The members of the commission shall serve for a term expiring at the close of each regular session of the legislature and until their successors are appointed. Successor members shall be appointed by the same appointing authorities. Members may be reappointed. Any vacancy shall be filled by the appointing authority. The commissioner of transportation, the commissioner of natural resources, and the director of the Minnesota Historical Society shall be ex officio members, and shall be in addition to the 15 members heretofore provided for. Immediately upon making the appointments to the commission the appointing authorities shall so notify the Mississippi River Parkway Commission, hereinafter called the National Commission, giving the names and addresses of the members so appointed.

Sec. 44. Minnesota Statutes 2004, section 161.1419, is amended by adding a subdivision to read:

Subd. 3a. [GIFTS, GRANTS, AND ENDOWMENTS.] The commission may accept gifts of money, property, or services; may apply for and accept grants from the United States, the state, a subdivision of the state, or a person for any of its purposes; may enter into an agreement required in connection with it; and may hold, use, and dispose of the money, property, or services in accordance with the terms of the gift, grant, or agreement relating to it. The commission may also make grants, gifts, and bequests of money, property, or services and enter into contracts to carry out the same. The gift acceptance procedures of sections 16A.013 to 16A.016 do not apply to this section.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Skoglund moved to amend S.F. No. 2276 as follows:

Page 91, line 19, after "section" insert "and under cross-country ski licensing sections"

The motion prevailed. So the amendment was adopted.

Senator Michel moved to amend S.F. No. 2276 as follows:

Page 216, after line 35, insert:

"(c) Minnesota Statutes 2004, section 175.007, is repealed."

Page 217, line 11, after the period, insert "Section 116, paragraph (c), is effective June 30, 2005."

Amend the title accordingly

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

Senator Dille moved to amend S.F. No. 2276 as follows:

Page 197, after line 9, insert:

"Sec. 95. Minnesota Statutes 2004, section 325E.311, subdivision 6, is amended to read:

Subd. 6. [TELEPHONE SOLICITATION.] "Telephone solicitation" means any voice communication over a telephone line for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, whether the communication is made by a live operator, through the use of an automatic dialing-announcing device as defined in section 325E.26, subdivision 2, or by other means. Telephone solicitation does not include communications:

(1) to any residential subscriber with that subscriber's prior express invitation or permission; or

(2) by or on behalf of any person or entity with whom a residential subscriber has a prior or current business or personal relationship;

Telephone solicitation also does not include communications where the caller is identified by a caller identification system and the call is:

~~(3) (i)~~ by or on behalf of an organization that is identified as a nonprofit organization under state or federal law; ~~or~~

(4) ~~(ii)~~ by a person soliciting without the intent to complete, and who does not in fact complete, the sales presentation during the call, but who will complete the sales presentation at a later face-to-face meeting between the solicitor who makes the call and the prospective purchaser; or

(iii) by a political party as defined under section 200.02, subdivision 6."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Bachmann moved to amend S.F. No. 2276 as follows:

Pages 150 and 151, delete section 36

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Bachmann
Belanger
Day

Fischbach
Gaither
Gerlach

Hann
Jungbauer
Kierlin

Kleis
Larson
LeClair

Limmer
McGinn
Michel

Neuville	Olson	Robling	Ruud	Wergin
Nienow	Reiter	Rosen	Senjem	

Those who voted in the negative were:

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

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

S.F. No. 2276 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 56 and nays 9, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Gerlach	LeClair	Nienow	Rest
Betzold	Kleis	Limmer	Reiter	

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

Senator Bakk moved that S.F. No. 2276 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred

S.F. No. 2259: A bill for an act relating to public safety; reenacting the Minnesota Citizens' Personal Protection Act of 2003; recognizing the inherent right of law-abiding citizens to self-protection through the lawful use of self-defense; providing a system under which responsible, competent adults can exercise their right to self-protection by authorizing them to obtain a permit to carry a pistol; providing criminal penalties; amending Minnesota Statutes 2004, section 624.714, subdivision 17, as reenacted.

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

Delete everything after the enacting clause and insert:

"Section 1. [REENACTMENT OF PERSONAL PROTECTION ACT.]

Laws 2003, chapter 28, articles 2 and 3, are reenacted effective retroactively and without interruption from April 28, 2003.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2004, section 609.28, is amended by adding a subdivision to read:

Subd. 2a. [TRESPASS WITH FIREARM.] (a) A person who, while carrying, holding, or possessing a firearm, enters or remains in a religious establishment is guilty of a gross misdemeanor unless the establishment has given notice that firearms are permitted within it. This penalty applies regardless of whether the person has a permit to carry issued under section 624.714. A firearm carried in violation of this subdivision is subject to forfeiture under section 609.531.

(b) A religious establishment may give notice that firearms are permitted within the establishment by any lawful means, including the posting of signs at the entrance to the establishment.

(c) This subdivision does not apply to a peace officer as defined in section 626.84, subdivision 1, or a uniformed security guard employed by or under contract with the establishment.

Sec. 3. Minnesota Statutes 2004, section 609.28, subdivision 3, is amended to read:

Subd. 3. [DEFINITION.] For purposes of ~~subdivision~~ subdivisions 2 and 2a, a "religious establishment" is a building used for worship services by a religious organization and clearly identified as such by a posted sign or other means. For purposes of subdivision 2a, the term includes any property owned, leased, or controlled by the establishment.

Sec. 4. Minnesota Statutes 2004, 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 county sheriff where the applicant resides. 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; or

(ix) any federal law; 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.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2004, section 624.714, subdivision 2a, is amended 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) instruction in methods for preventing another person from taking the pistol away;
- (3) successful completion of an actual shooting qualification exercise; and
- ~~(3)~~ (4) 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) The certified instructor must issue a certificate to a person who has completed a firearms safety or training course described in paragraph (b). The certificate must be signed by the instructor and attest that the person attended and completed the course.

(d) 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 an organization or government entity that has been approved by the Department of Public Safety in accordance with standards to be adopted by the department through expedited rulemaking as described in section 14.389.~~

~~(d)~~ (e) 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.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 6. Minnesota Statutes 2004, section 624.714, subdivision 3, is amended to read:

Subd. 3. [FORM AND CONTENTS OF APPLICATION.] (a) Applications for permits to carry 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 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;

(3) the township or statutory city or home rule charter city, and county, of all states of residence residences of the applicant in the last ten five years, ~~though not~~ including specific addresses;

(4) a statement that the applicant authorizes the release to the 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 firearm; and

(5) a statement by the applicant that, to the best of the applicant's knowledge and belief, the applicant is not prohibited by law from possessing a firearm.

(b) The statement under paragraph (a), clause (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 the certificate, affidavit, or other document described in subdivision 2a, paragraph (c), 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; and

(4) two clear and legible sets of the applicant's fingerprints.

(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 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 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.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 7. Minnesota Statutes 2004, section 624.714, subdivision 4, is amended to read:

Subd. 4. **[INVESTIGATION.]** (a) The sheriff must check, ~~by means of electronic data transfer,~~ criminal records, histories, and warrant information on each applicant through the Minnesota Crime Information System 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.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 8. Minnesota Statutes 2004, section 624.714, subdivision 8, is amended to read:

Subd. 8. **[PERMIT TO CARRY VOIDED.]** (a) The permit to carry is void ~~and must be~~ revoked at the time that the holder becomes prohibited by law from possessing a firearm, in which event the holder must return the permit card to the issuing sheriff within five business days after the holder knows or should know that the holder is a prohibited person. If a permit ~~is revoked~~ becomes void under this subdivision paragraph, the sheriff, if aware of this, 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 the permit, if it is available, 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.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 9. Minnesota Statutes 2004, section 624.714, subdivision 17, as reenacted by section 1, is amended 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 or in a building or park owned, leased, or controlled by a local unit of government knowing that the operator of the establishment or its agent or the local unit of government has made a reasonable request that firearms not be brought into the establishment or property 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~~ or

(ii) the requester or its agent personally informs the person of the posted request that guns are prohibited in the premises 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. The term does not include religious entities.

(5) "Religious entity" includes religious institutions, religious assemblies, religious organizations, and religious establishments.

(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 or religious entities. 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:

(1) an ~~on-duty~~ active licensed peace officer; or

(2) a security guard acting in the course and scope of employment.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 10. Minnesota Statutes 2004, section 624.714, is amended by adding a subdivision to read:

Subd. 17a. [PERMIT NOT VALID IN CERTAIN SITUATIONS.] A permit to carry issued under this section is not valid when the permit holder is consuming alcohol or an illegal controlled substance. A permit holder who violates this subdivision is guilty of a gross misdemeanor.

Sec. 11. Minnesota Statutes 2004, section 624.714, subdivision 18, is amended 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.~~

~~(e) Notwithstanding paragraphs paragraph (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. 12. Minnesota Statutes 2004, section 624.714, is amended by adding a subdivision to read:

Subd. 18a. ~~[POSSESSION OF DANGEROUS WEAPONS ON SCHOOL PROPERTY; PENALTIES.]~~ (a) Whoever possesses, stores, or keeps a dangerous weapon or uses or brandishes a replica firearm or BB gun while knowingly on school property or youth organization property, except as provided in paragraph (c), 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) As used in this subdivision:

(1) "BB gun" means a device that fires, ejects, or tosses a shot or projectile measuring .18 inches or less in diameter;

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

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

(4) "school property" means:

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

(ii) the area within a school bus when that bus is being used to transport any school student;

(iii) a licensed or unlicensed day care, preschool, church school, or nursery; and

(iv) any public or private university or college;

(5) "youth organization property" means the property of a nonpublic service organization that provides occasional services to minors, such as youth sports organizations; YMCA; YWCA; scouting organizations, boys' or girls' clubs; programs providing friends, counselors, or role models for minors; youth theater; dance, music, or artistic organizations; agricultural organizations for minors, including 4-H clubs; and other youth organizations. The term refers only to the property of the youth organization that is being used for providing services to minors.

(c) This subdivision does not apply to:

(1) military personnel or uniformed private security guards as defined by section 626.88, subdivision 1, paragraph (c), who are performing official duties;

(2) active licensed peace officers;

(3) persons who keep or store firearms in a motor vehicle if the firearm is unloaded and contained in a closed and fastened case, gunbox, or securely tied package;

(4) firearms safety or marksmanship programs conducted on school or youth organization property, or students participating in military training with the written permission of the school's principal; and

(5) possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard for programming officially sanctioned by the school.

Sec. 13. Minnesota Statutes 2004, section 624.7142, subdivision 1, is amended to read:

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 there is physical evidence of the consumption of alcohol present in the person's body.

Sec. 14. Minnesota Statutes 2004, section 624.7143, subdivision 1, is amended to read:

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 the presence of alcohol in the person's body.

Sec. 15. Minnesota Statutes 2004, section 624.7143, subdivision 2, is amended to read:

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 in violation of section 624.7142~~, 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.

Sec. 16. [REPEALER.]

Minnesota Statutes 2004, section 609.66, subdivision 1d, is repealed."

Delete the title and insert:

"A bill for an act relating to public safety; reenacting the Minnesota Citizens' Personal Protection Act of 2003 with certain amendments; recognizing the inherent right of law-abiding citizens to self-protection through the lawful use of self-defense; providing a system under which responsible, competent adults can exercise their right to self-protection by authorizing them to obtain a permit to carry a pistol; providing criminal penalties; amending Minnesota Statutes 2004, sections 609.28, subdivision 3, by adding a subdivision; 624.714, subdivisions 2, 2a, 3, 4, 8, 17, as reenacted, 18, by adding subdivisions; 624.7142, subdivision 1; 624.7143, subdivisions 1, 2; repealing Minnesota Statutes 2004, section 609.66, subdivision 1d."

And when so amended the bill be re-referred to the Committee on Rules and Administration without recommendation.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

MEMBERS EXCUSED

Senators Johnson, D.J. and Murphy were excused from the Session of today. Senator Scheid was excused from the Session of today from 3:00 to 3:20 p.m. Senator Marko was excused from the Session of today from 3:10 to 4:05 p.m. Senator Ortman was excused from the Session of today from 4:45 to 4:55 p.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 9:00 a.m., Tuesday, May 3, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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