

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-THIRD LEGISLATURE

---

FIFTIETH DAY

St. Paul, Minnesota, Tuesday, May 6, 2003

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

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Lonnie Titus.

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

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

The President declared a quorum present.

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

## RECESS

Senator Hottinger moved that the Senate do now recess subject to the call of the President. The motion prevailed.

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

## CALL OF THE SENATE

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

**RECESS**

Senator Hottinger moved that the Senate do now recess subject to the call of the President. The motion prevailed.

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

**CALL OF THE SENATE**

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

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 433, 515, 942 and 1071.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 2003

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 1098:** A bill for an act relating to occupational safety and health; eliminating certain responsibilities of the commissioner of health; increasing penalty limits for certain violations; amending Minnesota Statutes 2002, sections 182.65, subdivision 2; 182.656, subdivision 1; 182.66, subdivision 2; 182.666, subdivision 2.

Senate File No. 1098 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 2003

**CONCURRENCE AND REPASSAGE**

Senator Bachmann moved that the Senate concur in the amendments by the House to S.F. No. 1098 and that the bill be placed on its repassage as amended. The motion prevailed.

**S.F. No. 1098:** A bill for an act relating to occupational safety and health; eliminating certain responsibilities of the commissioner of health; increasing penalty limits for certain violations; amending Minnesota Statutes 2002, sections 182.65, subdivision 2; 182.656, subdivision 1; 182.66, subdivision 2; 182.666, subdivisions 2, 2a.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson  
Bachmann

Bakk  
Belanger

Berglin  
Betzold

Chaudhary  
Day

Dibble  
Fischbach

Foley	Kiscaden	McGinn	Pogemiller	Skoglund
Frederickson	Kleis	Metzen	Ranum	Solon
Gaither	Knutson	Michel	Reiter	Sparks
Hann	Koering	Moua	Rest	Stumpf
Higgins	Kubly	Neuville	Robling	Tomassoni
Hottinger	Larson	Nienow	Rosen	Vickerman
Johnson, D.E.	LeClair	Olson	Ruud	Wergin
Johnson, D.J.	Limmer	Ortman	Sams	Wiger
Jungbauer	Lourey	Ourada	Saxhaug	
Kelley	Marko	Pappas	Senjem	
Kierlin	Marty	Pariseau	Skoe	

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 279, 1044, 385, 471, 988, 326, 643, 414, 943 and 1244.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 5, 2003

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 279:** A bill for an act relating to health; modifying provisions for certifying a physical disability; modifying provisions for admitting a person for emergency care of mental illness or mental retardation; amending Minnesota Statutes 2002, sections 147A.09, subdivision 2; 169.345, subdivision 2a; 253B.05, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 229, now on General Orders.

**H.F. No. 1044:** A bill for an act relating to professions; providing clarification of costs and penalties that may be collected in disciplinary proceedings by the boards of nursing home administrators, optometry, chiropractic examiners, physical therapy, dietetics and nutrition practice, dentistry, podiatric medicine, pharmacy, and veterinary medicine; providing for civil penalties; amending Minnesota Statutes 2002, sections 148.10, subdivision 3; 148.603; 148.631; 150A.08, subdivision 3, by adding a subdivision; 151.06, by adding a subdivision; 153.22, subdivisions 1, 5; 156.127, subdivisions 1, 3; proposing coding for new law in Minnesota Statutes, chapters 144A; 148.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 127, now on General Orders.

**H.F. No. 385:** A bill for an act relating to judiciary; providing a gross misdemeanor penalty for fifth degree arson when the conduct results in bodily harm to a person; updating the fine amount for a misdemeanor penalty; amending Minnesota Statutes 2002, section 609.5632.

Referred to the Committee on Finance.

**H.F. No. 471:** A bill for an act relating to elections; requiring primaries in certain school district elections; amending Minnesota Statutes 2002, sections 205A.03, subdivisions 1, 3, 4; 205A.06, subdivision 1a.

Referred to the Committee on Rules and Administration.

**H.F. No. 988:** A bill for an act relating to transportation; authorizing commissioner of transportation to replace railroad lands needed for a trunk highway; amending Minnesota Statutes 2002, section 161.241, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1038, now on General Orders.

**H.F. No. 326:** A bill for an act relating to health; modifying dental practice provisions; amending Minnesota Statutes 2002, sections 150A.06, subdivisions 1a, 3, by adding a subdivision; 150A.10, subdivision 1a, by adding a subdivision; 256B.55, subdivisions 3, 4, 5.

Referred to the Committee on Finance.

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 973, now on General Orders.

**H.F. No. 414:** A bill for an act relating to natural resources; updating soil and water conservation district law; changing requirements for petitions and elections relating to soil and water conservation districts; clarifying removal provisions for soil and water conservation district supervisors; amending Minnesota Statutes 2002, sections 103A.206; 103C.005; 103C.101, subdivisions 6, 9, by adding a subdivision; 103C.201, subdivisions 1, 2, 5, 6, 7, 8; 103C.205; 103C.211; 103C.225, subdivisions 1, 3, 4, 8; 103C.305, subdivision 1; 103C.311, subdivisions 1, 2; 103C.315, subdivisions 1, 2, 4, 5; 103C.331, subdivisions 11, 12, 19, by adding a subdivision; 103C.401, subdivisions 1, 2; 351.14, subdivision 5; repealing Minnesota Statutes 2002, section 103C.301.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 392, now on General Orders.

**H.F. No. 943:** A bill for an act relating to state government; modifying practices and procedures relating to state finance; transferring state treasurer duties to the commissioner of finance; amending Minnesota Statutes 2002, sections 7.26; 15.62, subdivisions 2, 3; 16A.10, subdivisions 1, 2; 16A.11, subdivision 3; 16A.127, subdivision 4; 16A.1285, subdivision 3; 16A.129, subdivision 3; 16A.133, subdivision 1; 16A.14, subdivision 3; 16A.17, by adding a subdivision; 16A.27, subdivision 5; 16A.40; 16A.46; 16A.501; 16A.626; 16A.642, subdivision 1; 16D.09, subdivision 1; 16D.13, subdivisions 1, 2; 35.08; 35.09, subdivision 3; 49.24, subdivisions 13, 16; 84A.11; 84A.23, subdivision 4; 84A.33, subdivision 4; 84A.40; 85A.05, subdivision 2; 94.53; 115A.58, subdivision 2; 116.16, subdivision 4; 116.17, subdivision 2; 122A.21; 126C.72, subdivision 2; 127A.40; 161.05, subdivision 3; 161.07; 167.50, subdivision 2; 174.51, subdivision 2; 176.181, subdivision 2; 176.581; 190.11; 241.08, subdivision 1; 241.10; 241.13, subdivision 1; 244.19, subdivision 7; 245.697, subdivision 2a; 246.15, subdivision 1; 246.18, subdivision 1; 246.21; 276.11, subdivision 1; 280.29; 293.06; 299D.03, subdivision 5; 352.05; 352B.03, subdivision 2; 354.06, subdivision 3; 354.52, subdivision 5; 385.05; 475A.04; 475A.06, subdivision 2; 481.01; 490.123, subdivision 2; 525.161; 525.841; repealing Minnesota Statutes 2002, sections 7.21; 16A.06, subdivision 10; 16A.131, subdivision 1; 16D.03, subdivision 3; 16D.09, subdivision 2.

Referred to the Committee on Finance.

**H.F. No. 1244:** A bill for an act relating to lawful gambling; making various clarifying and technical changes; providing and modifying definitions; permitting resale of certain gambling

equipment; providing for fees, prices, and prize limits; clarifying requirements for gambling managers and employees, premises, records and reports; regulating linked bingo games; clarifying conduct of high school raffles; amending Minnesota Statutes 2002, sections 349.12, subdivisions 4, 18, 19, 25, by adding subdivisions; 349.151, subdivisions 4, 4b; 349.153; 349.155, subdivision 3; 349.161, subdivision 5; 349.163, subdivision 3; 349.166, subdivisions 1, 2; 349.167, subdivisions 4, 6, 7; 349.168, subdivisions 1, 2, 6, by adding a subdivision; 349.169, subdivisions 1, 3; 349.17, subdivisions 3, 6, 7, by adding a subdivision; 349.18, subdivision 1; 349.19, subdivision 3, by adding a subdivision; 349.191, subdivisions 1, 1a; 349.211, subdivision 1, by adding a subdivision; 609.761, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 2002, sections 349.168, subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1153, now on General Orders.

### REPORTS OF COMMITTEES

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

**Senator Hottinger from the Committee on Rules and Administration, to which was referred under Rule 21, together with the committee report thereon,**

**S.F. No. 712:** A bill for an act relating to the metropolitan mosquito control district; including the rest of Carver county in the district; restoring the property tax levy base to 1995 levels; adding a second member for Carver county; providing for pesticide application for mosquito control; clarifying the exception to prohibiting entry upon private property if objected to; making the district subject to the Minnesota Uniform Municipal Contracting Law; eliminating per diems for commissioners; making expense payments permissive rather than mandatory; making conforming changes; amending Minnesota Statutes 2002, sections 18B.07, subdivision 2; 473.253, subdivision 1; 473.702; 473.703, subdivision 1; 473.704, subdivision 17; 473.705; 473.711, subdivision 2a; 473.714, subdivision 1; repealing Minnesota Statutes 2002, sections 473.711, subdivision 2b; 473.714, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Agriculture, General Legislation and Veterans Affairs, shown in the Journal for April 9, 2003, be amended to read:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Health and Family Security and that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 712". Amendments adopted. Report adopted.

### MOTIONS AND RESOLUTIONS

Senator Sparks moved that his name be stricken as a co-author to S.F. No. 287. The motion prevailed.

Senator Murphy moved that the name of Senator Reiter be added as a co-author to S.F. No. 287. The motion prevailed.

Senator Wiger moved that the name of Senator Chaudhary be added as a co-author to S.F. No. 1323. The motion prevailed.

Senator Skoglund moved that the name of Senator Solon be added as a co-author to S.F. No. 1535. The motion prevailed.

Pursuant to Rule 26, Senator Hottinger, Chair of the Committee on Rules and Administration, designated H.F. No. 719 a Special Order to be heard immediately.

**SPECIAL ORDER**

**H.F. No. 719:** A bill for an act relating to liquor; modifying a posting provision; authorizing cities to issue licenses in addition to the number allowed by law; amending Minnesota Statutes 2002, section 340A.318, subdivision 3.

Senator Fischbach moved to amend H.F. No. 719, as amended pursuant to Rule 45, adopted by the Senate April 29, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 143.)

Page 10, after line 29, insert:

"Sec. 18. [CITY OF ST. JOSEPH; ON-SALE LICENSES.]

The city of St. Joseph may issue three on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Higgins moved to amend H.F. No. 719, as amended pursuant to Rule 45, adopted by the Senate April 29, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 143.)

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 2002, section 340A.101, is amended by adding a subdivision to read:

Subd. 27a. [THEATER.] "Theater" means a building containing an auditorium in which live dramatic, musical, dance, or literary performances are regularly presented to holders of tickets for those performances."

Page 6, after line 22, insert:

"Sec. 7. Minnesota Statutes 2002, section 340A.404, subdivision 1, is amended to read:

Subdivision 1. [CITIES.] (a) A city may issue an on-sale intoxicating liquor license to the following establishments located within its jurisdiction:

(1) hotels;

(2) restaurants;

(3) bowling centers;

(4) clubs or congressionally chartered veterans organizations with the approval of the commissioner, provided that the organization has been in existence for at least three years and liquor sales will only be to members and bona fide guests;

(5) sports facilities located on land owned by the metropolitan sports commission; and

(6) exclusive liquor stores.

(b) A city may issue an on-sale intoxicating liquor license, an on-sale wine license, or an on-sale malt liquor license to a theater within the city, notwithstanding any law, local ordinance, or charter provision. A license issued under this paragraph authorizes sales on all days of the week."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Higgins then moved to amend H.F. No. 719, as amended pursuant to Rule 45, adopted by the Senate April 29, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 143.)

Page 8, after line 26, insert:

"Sec. 8. Minnesota Statutes 2002, section 340A.504, subdivision 1, is amended to read:

Subdivision 1. [3.2 PERCENT MALT LIQUOR.] No sale of 3.2 percent malt liquor may be made between ~~1:00~~ 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between ~~1:00~~ 2:00 a.m. and ~~12:00~~ noon on Sunday, provided that an establishment located on land owned by the metropolitan sports commission, or the sports arena for which one or more licenses have been issued under section 340A.404, subdivision 2, paragraph (c), may sell 3.2 percent malt liquor between 10:00 a.m. and 12:00 noon on a Sunday on which a sports or other event is scheduled to begin at that location on or before 1:00 p.m. of that day.

Sec. 9. Minnesota Statutes 2002, section 340A.504, subdivision 2, is amended to read:

Subd. 2. [INTOXICATING LIQUOR; ON-SALE.] No sale of intoxicating liquor for consumption on the licensed premises may be made:

(1) between ~~1:00~~ 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;

(2) after ~~1:00~~ 2:00 a.m. on Sundays, except as provided by subdivision 3.

Sec. 10. Minnesota Statutes 2002, section 340A.504, subdivision 3, is amended to read:

Subd. 3. [INTOXICATING LIQUOR; SUNDAY SALES; ON-SALE.] (a) A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 12:00 noon on Sundays and ~~1:00~~ 2:00 a.m. on Mondays.

(b) The governing body of a municipality may after one public hearing by ordinance permit a restaurant, hotel, bowling center, or club to sell alcoholic beverages for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and ~~1:00~~ 2:00 a.m. on Mondays, provided that the licensee is in conformance with the Minnesota Clean Air Act.

(c) An establishment serving intoxicating liquor on Sundays must obtain a Sunday license. The license must be issued by the governing body of the municipality for a period of one year, and the fee for the license may not exceed \$200.

(d) A city may issue a Sunday intoxicating liquor license only if authorized to do so by the voters of the city voting on the question at a general or special election. A county may issue a Sunday intoxicating liquor license in a town only if authorized to do so by the voters of the town as provided in paragraph (e). A county may issue a Sunday intoxicating liquor license in unorganized territory only if authorized to do so by the voters of the election precinct that contains the licensed premises, voting on the question at a general or special election.

(e) An election conducted in a town on the question of the issuance by the county of Sunday sales licenses to establishments located in the town must be held on the day of the annual election of town officers.

(f) Voter approval is not required for licenses issued by the metropolitan airports commission

or common carrier licenses issued by the commissioner. Common carriers serving intoxicating liquor on Sunday must obtain a Sunday license from the commissioner at an annual fee of \$50, plus \$20 for each duplicate.

Sec. 11. Minnesota Statutes 2002, section 340A.504, subdivision 5, is amended to read:

Subd. 5. [BOTTLE CLUBS.] No establishment licensed under section 340A.414, may permit a person to consume or display intoxicating liquor, and no person may consume or display intoxicating liquor between ~~1:00~~ 2:00 a.m. and 12:00 noon on Sundays, and between ~~1:00~~ 2:00 a.m. and 8:00 a.m. on Monday through Saturday."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Anderson moved to amend the Higgins amendment to H.F. No. 719 as follows:

Page 3, after line 3, insert:

"Page 11, after line 27, insert:

"Sec. 25. [LICENSEES IN ST. PAUL.]

The extension of bar hours to 2:00 a.m. provided by sections 8 to 11 of this act shall not apply with respect to a licensee who is located in the city of St. Paul, unless the licensee is in the downtown business district or receives approval for the extended hours from the city council after making application to the city council."

The question was taken on the adoption of the Anderson amendment to the Higgins amendment.

The roll was called, and there were yeas 25 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Higgins	Moua	Skoglund
Berglin	Dille	Hottinger	Pappas	Solon
Betzold	Foley	Lourey	Pogemiller	Tomassoni
Chaudhary	Frederickson	Marko	Ranum	Vickerman
Cohen	Hann	Marty	Rest	Wiger

Those who voted in the negative were:

Bachmann	Jungbauer	Langseth	Neuville	Ruud
Bakk	Kelley	Larson	Nienow	Sams
Belanger	Kierlin	LeClair	Ortman	Saxhaug
Day	Kiscaden	Limmer	Ourada	Senjem
Fischbach	Kleis	McGinn	Pariseau	Skoe
Gaither	Knutson	Metzen	Reiter	Sparks
Johnson, D.E.	Koering	Michel	Robling	Stumpf
Johnson, D.J.	Kubly	Murphy	Rosen	Wergin

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

Senator Knutson moved to amend the Higgins amendment to H.F. No. 719 as follows:

Page 3, after line 3, insert:

"Page 11, after line 27, insert:

"Sec. 25. [SUNSET.]

Sections 8 to 11 expire August 1, 2005."

The question was taken on the adoption of the Knutson amendment to the Higgins amendment.



The roll was called, and there were yeas 21 and nays 44, as follows:

Those who voted in the affirmative were:

Bakk	Kiscaden	Marko	Ranum	Wiger
Chaudhary	Knutson	Marty	Rest	
Dille	Kubly	McGinn	Robling	
Frederickson	Larson	Neuville	Skoglund	
Hann	Limmer	Nienow	Vickerman	

Those who voted in the negative were:

Anderson	Foley	Kleis	Ourada	Scheid
Bachmann	Gaither	Koering	Pappas	Senjem
Belanger	Higgins	LeClair	Pariseau	Skoe
Berglin	Hottinger	Lourey	Pogemiller	Solon
Betzold	Johnson, D.E.	Metzen	Reiter	Sparks
Cohen	Johnson, D.J.	Michel	Rosen	Stumpf
Day	Jungbauer	Moua	Ruud	Tomassoni
Dibble	Kelley	Murphy	Sams	Wergin
Fischbach	Kierlin	Ortman	Saxhaug	

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

Senator Chaudhary moved to amend the Higgins amendment to H.F. No. 719 as follows:

Page 1, after line 5, insert:

"Page 1, after line 9, insert:

"ARTICLE 1"

Page 3, after line 3, insert:

"Page 11, line 29, delete "act" and insert "article"

Page 11, after line 29, insert:

"ARTICLE 2

Section 1. Minnesota Statutes 2002, section 97B.065, subdivision 1, is amended to read:

Subdivision 1. [ACTS PROHIBITED.] (a) A person may not take wild animals with a firearm or by archery:

- (1) when the person is under the influence of alcohol;
  - (2) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;
  - (3) when the person is under the influence of a combination of any two or more of the elements in clauses (1) and (2);
  - (4) when the person's alcohol concentration is ~~0.10~~ 0.08 or more;
  - (5) when the person's alcohol concentration as measured within two hours of the time of taking is ~~0.10~~ 0.08 or more; or
  - (6) 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 substantially impair the person's ability to operate a firearm or bow and arrow.
- (b) An owner or other person having charge or control of a firearm or bow may not authorize or permit an individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance, as provided under paragraph (a), to possess the firearm or bow in this state or on a boundary water of this state.

(c) A person may not possess a loaded or uncased firearm or an uncased bow afield under any of the conditions in paragraph (a).

Sec. 2. Minnesota Statutes 2002, section 97B.066, subdivision 1, is amended to read:

Subdivision 1. [MANDATORY CHEMICAL TESTING.] A person who takes wild animals with a bow or firearm in this state or on a boundary water of this state 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 97B.065, subdivision 2. Taking or submitting to the test is mandatory when requested by an officer who has probable cause to believe the person was hunting in violation of section 97B.065, subdivision 1, paragraph (a) or (c), and one of the following conditions exists:

(1) the person has been lawfully placed under arrest for violating section 97B.065, subdivision 1, paragraph (a) or (c);

(2) the person has been involved while hunting in an accident resulting in property damage, personal injury, or death;

(3) the person has refused to take the preliminary screening test provided for in section 97B.065, subdivision 3; or

(4) the screening test was administered and indicated an alcohol concentration of ~~0.10~~ 0.08 or more.

Sec. 3. Minnesota Statutes 2002, section 169A.20, subdivision 1, is amended to read:

Subdivision 1. [DRIVING WHILE IMPAIRED CRIME.] It is a crime for any person to drive, operate, or be in physical control of any motor vehicle within this state or on any boundary water of this state:

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

(2) when the person is under the influence of a controlled substance;

(3) when the person is knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the motor vehicle;

(4) when the person is under the influence of a combination of any two or more of the elements named in clauses (1), (2), and (3);

(5) when the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motor vehicle is ~~0.10~~ 0.08 or more;

(6) when the vehicle is a commercial motor vehicle and the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the commercial motor vehicle is 0.04 or more; or

(7) when the person's body contains any amount of a controlled substance listed in schedule I or II other than marijuana or tetrahydrocannabinols.

Sec. 4. Minnesota Statutes 2002, section 169A.51, subdivision 1, is amended to read:

Subdivision 1. [IMPLIED CONSENT; CONDITIONS; ELECTION OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state or on any boundary water of this state consents, subject to the provisions of sections 169A.50 to 169A.53 (implied consent law), and section 169A.20 (driving while impaired), to a chemical test of that person's blood, breath, or urine for the purpose of determining the presence of alcohol, controlled substances, or hazardous substances. The test must be administered at the direction of a peace officer.

(b) The test may be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 (driving while impaired), and one of the following conditions exist:

(1) the person has been lawfully placed under arrest for violation of section 169A.20 or an ordinance in conformity with it;

(2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death;

(3) the person has refused to take the screening test provided for by section 169A.41 (preliminary screening test); or

(4) the screening test was administered and indicated an alcohol concentration of ~~0.10~~ 0.08 or more.

(c) The test may also be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol.

Sec. 5. Minnesota Statutes 2002, section 169A.52, subdivision 2, is amended to read:

Subd. 2. [REPORTING TEST FAILURE.] If a person submits to a test, the results of that test must be reported to the commissioner and to the authority having responsibility for prosecution of impaired driving offenses for the jurisdiction in which the acts occurred, if the test results indicate:

(1) an alcohol concentration of ~~0.10~~ 0.08 or more;

(2) an alcohol concentration of 0.04 or more, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the violation; or

(3) the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols.

Sec. 6. Minnesota Statutes 2002, section 169A.52, subdivision 4, is amended to read:

Subd. 4. [TEST FAILURE; LICENSE REVOCATION.] (a) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 (driving while impaired) and that the person submitted to a test and the test results indicate an alcohol concentration of ~~0.10~~ 0.08 or more or the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, then the commissioner shall revoke the person's license or permit to drive, or nonresident operating privilege:

(1) for a period of 90 days;

(2) if the person is under the age of 21 years, for a period of six months;

(3) for a person with a qualified prior impaired driving incident within the past ten years, for a period of 180 days; or

(4) if the test results indicate an alcohol concentration of 0.20 or more, for twice the applicable period in clauses (1) to (3).

(b) On certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol and that the person submitted to a test and the test results indicated an alcohol concentration of 0.04 or more, the commissioner shall disqualify the person from operating a commercial motor vehicle under section 171.165 (commercial driver's license disqualification).

Sec. 7. Minnesota Statutes 2002, section 169A.52, subdivision 7, is amended to read:

Subd. 7. [TEST REFUSAL; DRIVING PRIVILEGE LOST.] (a) On behalf of the commissioner, a peace officer requiring a test or directing the administration of a chemical test shall serve immediate notice of intention to revoke and of revocation on a person who refuses to permit a test or on a person who submits to a test the results of which indicate an alcohol concentration of ~~0.10~~ 0.08 or more.

(b) On behalf of the commissioner, a peace officer requiring a test or directing the administration of a chemical test of a person driving, operating, or in physical control of a commercial motor vehicle shall serve immediate notice of intention to disqualify and of disqualification on a person who refuses to permit a test, or on a person who submits to a test the results of which indicate an alcohol concentration of 0.04 or more.

(c) The officer shall either:

(1) take the driver's license or permit, if any, send it to the commissioner along with the certificate required by subdivision 3 or 4, and issue a temporary license effective only for seven days; or

(2) invalidate the driver's license or permit in such a way that no identifying information is destroyed.

Sec. 8. Minnesota Statutes 2002, section 169A.53, subdivision 3, is amended to read:

Subd. 3. [HEARING; ISSUES; ORDER; APPEAL.] (a) A judicial review hearing under this section must be before a district judge in any county in the judicial district where the alleged offense occurred. The hearing is to the court and may be conducted at the same time and in the same manner as hearings upon pretrial motions in the criminal prosecution under section 169A.20 (driving while impaired), if any. The hearing must be recorded. The commissioner shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved. The hearing must be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review. The judicial district administrator shall establish procedures to ensure efficient compliance with this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the locations within the judicial district where terms of district court are held.

(b) The scope of the hearing is limited to the issues in clauses (1) to (10):

(1) Did the peace officer have probable cause to believe the person was driving, operating, or in physical control of a motor vehicle or commercial motor vehicle in violation of section 169A.20 (driving while impaired)?

(2) Was the person lawfully placed under arrest for violation of section 169A.20?

(3) Was the person involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death?

(4) Did the person refuse to take a screening test provided for by section 169A.41 (preliminary screening test)?

(5) If the screening test was administered, did the test indicate an alcohol concentration of ~~0.10~~ 0.08 or more?

(6) At the time of the request for the test, did the peace officer inform the person of the person's rights and the consequences of taking or refusing the test as required by section 169A.51, subdivision 2?

(7) Did the person refuse to permit the test?

(8) If a test was taken by a person driving, operating, or in physical control of a motor vehicle, did the test results indicate at the time of testing:

(i) an alcohol concentration of ~~0.10~~ 0.08 or more; or

(ii) the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols?

(9) If a test was taken by a person driving, operating, or in physical control of a commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or more at the time of testing?

(10) Was the testing method used valid and reliable and were the test results accurately evaluated?

(c) It is an affirmative defense for the petitioner to prove that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

(d) Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses, and certificates are admissible as substantive evidence.

(e) The court shall order that the revocation or disqualification be either rescinded or sustained and forward the order to the commissioner. The court shall file its order within 14 days following the hearing. If the revocation or disqualification is sustained, the court shall also forward the person's driver's license or permit to the commissioner for further action by the commissioner if the license or permit is not already in the commissioner's possession.

(f) Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in the rules of appellate procedure.

(g) The civil hearing under this section shall not give rise to an estoppel on any issues arising from the same set of circumstances in any criminal prosecution.

Sec. 9. Minnesota Statutes 2002, section 169A.54, subdivision 7, is amended to read:

Subd. 7. [ALCOHOL-RELATED COMMERCIAL VEHICLE DRIVING VIOLATIONS.] (a) The administrative penalties described in subdivision 1 do not apply to violations of section 169A.20, subdivision 1 (driving while impaired crime), by a person operating a commercial motor vehicle unless the person's alcohol concentration as measured at the time, or within two hours of the time, of the operation was ~~0.10~~ 0.08 or more or the person violates section 169A.20, subdivision 1, clauses (1) to (4) or (7).

(b) The commissioner shall disqualify a person from operating a commercial motor vehicle as provided under section 171.165 (commercial driver's license, disqualification), on receipt of a record of conviction for a violation of section 169A.20.

(c) A person driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol is prohibited from operating a commercial motor vehicle for 24 hours from issuance of an out-of-service order.

Sec. 10. Minnesota Statutes 2002, section 169A.76, is amended to read:

169A.76 [CIVIL ACTION; PUNITIVE DAMAGES.]

(a) In a civil action involving a motor vehicle accident, it is sufficient for the trier of fact to consider an award of punitive damages if there is evidence that the accident was caused by a driver:

(1) with an alcohol concentration of ~~0.10~~ 0.08 or more;

(2) who was under the influence of a controlled substance;

(3) who was under the influence of alcohol and refused to take a test required under section 169A.51 (chemical tests for intoxication); or

(4) who was knowingly under the influence of a hazardous substance that substantially affects the person's nervous system, brain, or muscles so as to impair the person's ability to drive or operate a motor vehicle.

(b) A criminal charge or conviction is not a prerequisite to consideration of punitive damages under this section. At the trial in an action where the trier of fact will consider an award of punitive damages, evidence that the driver has been convicted of violating section 169A.20 (driving while impaired) or 609.21 (criminal vehicular homicide and injury) is admissible into evidence.

Sec. 11. Minnesota Statutes 2002, section 192A.555, is amended to read:

192A.555 [DRIVING WHILE UNDER THE INFLUENCE OR RECKLESS DRIVING.]

Any person subject to this code who drives, operates or is in physical control of any motor vehicle or aircraft while under the influence of an alcoholic beverage or controlled substance or a combination thereof or whose blood contains ~~0.10~~ 0.08 percent or more by weight of alcohol or who operates said motor vehicle or aircraft in a reckless or wanton manner, shall be punished as a court-martial may direct.

Sec. 12. Minnesota Statutes 2002, section 609.21, is amended to read:

609.21 [CRIMINAL VEHICULAR HOMICIDE AND INJURY.]

Subdivision 1. [CRIMINAL VEHICULAR HOMICIDE.] A person is guilty of criminal vehicular homicide resulting in death and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of a human being not constituting murder or manslaughter as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
  - (i) alcohol;
  - (ii) a controlled substance; or
  - (iii) any combination of those elements;
- (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;
- (4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- (6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 2. [RESULTING IN GREAT BODILY HARM.] A person is guilty of criminal vehicular operation resulting in great bodily harm 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, if the person causes great bodily harm to another, not constituting attempted murder or assault, as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
  - (i) alcohol;
  - (ii) a controlled substance; or
  - (iii) any combination of those elements;

- (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;
- (4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- (6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 2a. [RESULTING IN SUBSTANTIAL BODILY HARM.] A person is guilty of criminal vehicular operation resulting in substantial bodily harm and may be sentenced to imprisonment of not more than three years or to payment of a fine of not more than \$10,000, or both, if the person causes substantial bodily harm to another, as a result of operating a motor vehicle;

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
  - (i) alcohol;
  - (ii) a controlled substance; or
  - (iii) any combination of those elements;
- (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;
- (4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- (6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 2b. [RESULTING IN BODILY HARM.] A person is guilty of criminal vehicular operation resulting in bodily harm and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the person causes bodily harm to another, as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
  - (i) alcohol;
  - (ii) a controlled substance; or
  - (iii) any combination of those elements;
- (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;
- (4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- (6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 3. [RESULTING IN DEATH TO AN UNBORN CHILD.] A person is guilty of criminal vehicular operation resulting in death to an unborn child and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of an unborn child as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
  - (2) in a negligent manner while under the influence of:
    - (i) alcohol;
    - (ii) a controlled substance; or
    - (iii) any combination of those elements;
  - (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;
  - (4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;
  - (5) in a negligent manner while knowingly under the influence of a hazardous substance;
  - (6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

A prosecution for or conviction of a crime under this subdivision is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

Subd. 4. [RESULTING IN INJURY TO UNBORN CHILD.] A person is guilty of criminal vehicular operation resulting in injury to an unborn child 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, if the person causes great bodily harm to an unborn child who is subsequently born alive, as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
  - (2) in a negligent manner while under the influence of:
    - (i) alcohol;
    - (ii) a controlled substance; or
    - (iii) any combination of those elements;
  - (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;
  - (4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;
  - (5) in a negligent manner while knowingly under the influence of a hazardous substance;
  - (6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.



A prosecution for or conviction of a crime under this subdivision is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

Subd. 4a. [AFFIRMATIVE DEFENSE.] It shall be an affirmative defense to a charge under subdivision 1, clause (6); 2, clause (6); 2a, clause (6); 2b, clause (6); 3, clause (6); or 4, clause (6), that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12.

Subd. 5. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) "Motor vehicle" has the meaning given in section 609.52, subdivision 1.

(b) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

(c) "Hazardous substance" means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under chapter 182.

Sec. 13. [FISCAL PROVISIONS.]

Any increased costs incurred by the attorney general as a result of this act must be absorbed internally within the attorney general's appropriations and must not be treated as a base adjustment for fiscal years 2004 and 2005.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 13 are effective August 1, 2003, and apply to offenses committed on or after that date."

Senator Higgins questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

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

The roll was called, and there were yeas 42 and nays 24, as follows:

Those who voted in the affirmative were:

Berglin	Hottinger	Larson	Ourada	Senjem
Betzold	Johnson, D.J.	LeClair	Pappas	Solon
Cohen	Jungbauer	Lourey	Pogemiller	Sparks
Day	Kelley	McGinn	Reiter	Tomassoni
Dibble	Kierlin	Metzen	Rosen	Wergin
Fischbach	Kiscaden	Michel	Ruud	Wiger
Foley	Kleis	Moua	Sams	
Gaither	Koering	Murphy	Saxhaug	
Higgins	Langseth	Ortman	Scheid	

Those who voted in the negative were:

Anderson	Dille	Kubly	Nienow	Skoe
Bachmann	Frederickson	Limmer	Pariseau	Skoglund
Bakk	Hann	Marko	Ranum	Stumpf
Belanger	Johnson, D.E.	Marty	Rest	Vickerman
Chaudhary	Knutson	Neuville	Robling	

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend H.F. No. 719, as amended pursuant to Rule 45, adopted by the Senate April 29, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 143.)

Page 9, after line 10, insert:

"Sec. 9. Minnesota Statutes 2002, section 340A.511, is amended to read:

340A.511 [CERTAIN SIZES MAY BE SOLD.]

(a) An off-sale retailer of intoxicating liquor may sell distilled spirits in bottles of 50 milliliters.

(b) An on-sale intoxicating liquor licensee whose licensed premises includes a golf course or who is a common carrier may dispense distilled spirits from 50-milliliter bottles."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Ourada moved to amend H.F. No. 719, as amended pursuant to Rule 45, adopted by the Senate April 29, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 143.)

Pages 8 and 9, delete section 8 and insert:

"Sec. 8. Minnesota Statutes 2002, section 340A.510, subdivision 1, is amended to read:

Subdivision 1. [SAMPLES FOR OTHER THAN MALT LIQUOR AUTHORIZED.] On- or off-sale licenses retail licensees and municipal liquor stores may provide, or permit a licensed manufacturer or a wholesaler or its agents to provide on the premises of the retail licensee or municipal liquor store, samples of malt liquor, wine, liqueurs, cordials, and distilled spirits which the retail licensee or municipal liquor store currently has in stock and is offering for sale to the general public without obtaining an additional license, provided the wine, liqueur, cordial, and distilled spirits samples are dispensed at no charge and consumed on the licensed premises during the permitted hours of off-sale sale in a quantity less than 100 milliliters of malt liquor per variety per customer, 50 milliliters of wine per variety per customer, 25 milliliters of liqueur or cordial, and 15 milliliters of distilled spirits per variety per customer.

Sec. 9. Minnesota Statutes 2002, section 340A.510, subdivision 2, is amended to read:

Subd. 2. [MALT LIQUOR FURNISHED FOR SAMPLING SAMPLES AUTHORIZED.] (a) Notwithstanding section 340A.308, with respect only to sampling authorized under subdivision 1, a brewer may purchase from or furnish at no cost to an off-sale a licensed retailer malt liquor the brewer manufactures if:

(1) the malt liquor is dispensed by the retailer only for tastings authorized under subdivision 1 samples in a quantity of less than 100 milliliters of malt liquor per variety per customer;

(2) where the brewer furnishes the malt liquor, the retailer makes available for return to the brewer any unused malt liquor and empty containers;

(3) the samples are dispensed by an employee of the retailer or brewer or by a sampling service retained by the retailer or brewer and not affiliated directly or indirectly with a malt liquor wholesaler;

(4) the brewer furnishes not more than three cases of malt liquor are purchased from or furnished to the retailer by the brewer for each sampling;

(5) each sampling continues for not more than eight hours;

(6) the brewer has furnished malt liquor for not more than five samplings for any retailer in any calendar year;

(7) where the brewer furnishes the malt liquor, the brewer delivers the malt liquor for the sampling to its exclusive wholesaler for that malt liquor;

(8) the brewer has at least seven days before the sampling filed with the commissioner, on a form the commissioner prescribes, written notice of intent to furnish malt liquor for the sampling, which contains (i) the name and address of the retailer conducting the sampling, (ii) the amount of malt liquor being furnished by the brewer, (iii) the number of times the brewer has furnished malt liquor to the retailer in the calendar year in which the notice is filed, (iv) the date and time of the sampling, (v) the exclusive wholesaler to whom the brewer will deliver the malt liquor, and (vi) a statement by the brewer to the effect that to the brewer's knowledge all requirements of this section have been or will be complied with; and

(9) the commissioner has not notified the brewer filing the notice under clause (8) that the commissioner disapproves the notice.

(b) For purposes of this subdivision, "licensed retailer" means a licensed on-sale or off-sale retailer of alcoholic beverages and a municipal liquor store ~~that sells at off-sale.~~

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Knutson moved to amend H.F. No. 719, as amended pursuant to Rule 45, adopted by the Senate April 29, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 143.)

Page 8, after line 10, insert:

"Sec. 7. Minnesota Statutes 2002, section 340A.411, subdivision 1, is amended to read:

Subdivision 1. [ON-SALE LICENSES.] On-sale 3.2 percent malt liquor licenses may only be issued to drugstores, restaurants, hotels, clubs, bowling centers, golf courses, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Ourada moved to amend H.F. No. 719, as amended pursuant to Rule 45, adopted by the Senate April 29, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 143.)

Page 8, after line 26, insert:

"Sec. 8. Minnesota Statutes 2002, section 340A.504, subdivision 4, is amended to read:

Subd. 4. [INTOXICATING LIQUOR; OFF-SALE.] No sale of intoxicating liquor may be made by an off-sale licensee:

(1) on Sundays;

(2) before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;

~~(3) after 10:00 p.m. on Monday through Saturday at an establishment located in a city other than a city of the first class or within a city located within 15 miles of a city of the first class in the same county;~~

~~(4) after 8:00 p.m. on Monday through Thursday and after 10:00 p.m. on Friday and Saturday at an establishment located in a city of the first class or within a city located within 15 miles of a~~

city of the first class in the same county, provided that an establishment may sell intoxicating liquor until 10:00 p.m. on December 31 and July 3, and on the day preceding Thanksgiving day, unless otherwise prohibited under clause (1);

(5) on Thanksgiving Day;

(6) (4) on Christmas Day, December 25; or

(7) (5) after 8:00 p.m. on Christmas Eve, December 24."

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 45 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kleis	Michel	Rosen
Bakk	Frederickson	Koering	Moua	Ruud
Belanger	Gaither	Kubly	Murphy	Saxhaug
Betzold	Higgins	Larson	Nienow	Scheid
Chaudhary	Hottinger	LeClair	Ourada	Senjem
Cohen	Johnson, D.J.	Lourey	Pappas	Solon
Day	Jungbauer	Marko	Pariseau	Tomassoni
Dibble	Kelley	McGinn	Pogemiller	Wergin
Fischbach	Kierlin	Metzen	Robling	Wiger

Those who voted in the negative were:

Bachmann	Johnson, D.E.	Limmer	Sams	Stumpf
Berglin	Kiscaden	Marty	Skoe	Vickerman
Dille	Knutson	Ranum	Skoglund	
Hann	Langseth	Rest	Sparks	

The motion prevailed. So the amendment was adopted.

H.F. No. 719 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 51 and nays 13, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Larson	Ourada	Senjem
Belanger	Higgins	LeClair	Pappas	Solon
Berglin	Hottinger	Lourey	Pariseau	Sparks
Betzold	Johnson, D.J.	Marko	Pogemiller	Stumpf
Chaudhary	Jungbauer	McGinn	Reiter	Tomassoni
Cohen	Kelley	Metzen	Robling	Wergin
Day	Kierlin	Michel	Rosen	Wiger
Dibble	Kiscaden	Moua	Ruud	
Fischbach	Kleis	Murphy	Sams	
Foley	Koering	Nienow	Saxhaug	
Gaither	Langseth	Ortman	Scheid	

Those who voted in the negative were:

Anderson	Frederickson	Kubly	Rest	Vickerman
Bakk	Johnson, D.E.	Marty	Skoe	
Dille	Knutson	Ranum	Skoglund	

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

**RECESS**

Senator Hottinger moved that the Senate do now recess subject to the call of the President. The motion prevailed.

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

**APPOINTMENTS**

Senator Hottinger from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 1511: Senators Pappas, Solon, Skoe, Sparks and Tomassoni.

S.F. No. 1524: Senators Ranum, Kubly, Vickerman, Saxhaug and Metzen.

Senator Hottinger moved that the foregoing appointments be approved. The motion prevailed.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Higgins moved that S.F. No. 814, No. 73 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

**MEMBERS EXCUSED**

Senator Scheid was excused from the Session of today from 9:00 to 11:45 a.m.

**ADJOURNMENT**

Senator Hottinger moved that the Senate do now adjourn until 11:00 a.m., Wednesday, May 7, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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