

FIFTY-NINTH DAY

St. Paul, Minnesota, Friday, May 13, 2005

The Senate met at 9:30 a.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, Professor Anant Rambachan.

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

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

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 File, herewith transmitted: H.F. No. 2461.

Albin A. Mathiowetz, Chief Clerk, House of Representatives
Transmitted May 12, 2005

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 2461: A bill for an act relating to appropriations; appropriating money for

transportation, Metropolitan Council, and public safety activities; providing for general contingent accounts and tort claims; authorizing issuance of trunk highway bonds; increasing tax on motor fuels; modifying vehicle registration tax; modifying law and proposing amendment to Minnesota Constitution to allocate proceeds of tax on sale of motor vehicles; allocating county state-aid highway funds; allocating portion of metropolitan sales tax revenue to transit fund; modifying provisions related to state mail, state highways and bridges, county state-aid highways, county wheelage taxes, toll facilities, railroad grade crossings, traffic fine allocations, commercial motor vehicles, day activity center buses, other motor vehicles, state aviation, airport noise mitigation reporting, bridges in smaller cities, highway signs, various accounts, weight limits on highways and other traffic regulations, drivers' licenses and permits, transit facilities and operations, gasoline sales, wetland replacement near the city of Cologne, the employment status of public safety radio communications operators, the insurance verification sampling program, maximum train speeds in the city of Orr, park-and-ride lots, a restriction on ethanol requirements, deputy registrar positions in Carver and Hennepin Counties, and bicycle programs; requiring studies and reports; making technical and clarifying revisions; amending Minnesota Statutes 2004, sections 16B.49; 115A.908, subdivision 1; 160.87, by adding a subdivision; 161.14, by adding subdivisions; 161.361, subdivision 2; 162.06, subdivision 2; 162.07, subdivision 1, by adding subdivisions; 162.08, subdivision 3; 163.051; 168.011, subdivisions 3, 4, 5, 5a, 6, 7, 25, by adding subdivisions; 168.013, subdivisions 1a, 8; 168.031; 168.09, subdivision 7; 168.091, subdivision 1; 168.10, subdivision 1c; 168.105, subdivisions 2, 3, 5; 168.12; 168.123; 168.1235; 168.124; 168.125; 168.1255; 168.127, subdivision 6; 168.128; 168.129; 168.1291; 168.1293; 168.1296; 168.1297; 168.15, subdivision 1; 168.16; 168.27, subdivision 11; 168.31, subdivision 5; 168.33; 168.345, subdivisions 1, 2; 168.381; 168.54, subdivisions 4, 5; 168A.152, subdivision 2; 168A.29; 168A.31; 169.01, subdivisions 75, 76, 78; 169.09, subdivision 13; 169.18, subdivisions 4, 5, 11, as amended, if enacted; 169.448, by adding a subdivision; 169.71, subdivision 1; 169.81, subdivision 3c; 169.824, subdivision 2; 169.851, subdivision 5; 169.86, subdivision 5; 169.87, subdivision 4; 169.99, subdivision 1b; 169A.52, subdivision 3; 169A.60, subdivision 16; 171.01, subdivisions 22, 35, 47, by adding a subdivision; 171.02; 171.03; 171.04, subdivision 2; 171.05, subdivisions 1, 2; 171.06, subdivisions 2, 2a; 171.061, subdivision 4; 171.07, subdivision 11; 171.09; 171.12, subdivisions 3, 6; 171.13, subdivisions 2, 6, by adding a subdivision; 171.165, subdivisions 1, 2, 6; 171.18, subdivision 1; 171.20, subdivision 4; 171.26; 171.29, subdivision 2; 171.36; 174.03, by adding subdivisions; 174.50, by adding a subdivision; 179A.03, subdivision 7; 179A.10, subdivision 2; 192.502, subdivision 2; 197.65; 296A.07, subdivision 3; 296A.08, subdivision 2; 297A.94; 297B.09, subdivision 1; 299D.03, subdivision 5; 469.015, subdivision 4; 473.446, subdivision 3; 473.4461; 473.604, subdivision 5; 473F.08, subdivision 3b; 609.855, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 160; 168; 169; 171; 174; 190; 219; 299A; repealing Minnesota Statutes 2004, sections 168.011, subdivision 19; 168.012, subdivision 12; 168.041, subdivision 11; 168.105, subdivision 6; 168.15, subdivision 2; 168.231; 168.345, subdivisions 3, 4; 168C.01; 168C.02; 168C.03; 168C.04; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.10; 168C.11; 168C.12; 168C.13; 170.23; 171.12, subdivision 8; 171.165, subdivisions 3, 4, 4a, 4b; 171.185; 473.408, subdivision 1; Minnesota Rules, parts 7407.0100; 7407.0200; 7407.0300; 7407.0400; 7407.0500; 7407.0600; 7407.0700; 7407.0800; 7407.0900; 7407.1000; 7407.1100; 7407.1200; 7407.1300; 7503.2400; 7800.0600; 7800.3200, subpart 1; 7805.0700; 8850.6900, subpart 20; 8855.0500, subpart 1.

Senator Johnson, D.E. moved that H.F. No. 2461 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS

Senator Day introduced--

Senate Resolution No. 99: A Senate resolution honoring Roy Myers for his contributions to baseball in the Waseca community.

Referred to the Committee on Rules and Administration.

Senator Johnson, D.E. introduced--

Senate Resolution No. 100: A Senate resolution congratulating Nicholas J. Segaar for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senators Koering, Belanger, Kierlin, Murphy and Betzold introduced--

Senate Resolution No. 101: A Senate resolution congratulating Nicholas Bingham of Randall, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senators Koering, Belanger, Kierlin, Murphy and Betzold introduced--

Senate Resolution No. 102: A Senate resolution congratulating Joshua W. Wiskus of Cushing, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senators Koering, Belanger, Kierlin, Murphy and Betzold introduced--

Senate Resolution No. 103: A Senate resolution congratulating Travis John Fedor of Randall, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senators Koering, Belanger, Kierlin, Murphy and Betzold introduced--

Senate Resolution No. 104: A Senate resolution congratulating Gregory I. Wippler of Cushing, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Pogemiller introduced--

S.F. No. 2299: A bill for an act relating to retirement; Minnesota State Retirement System, authorizing a transfer of service credit from the general plan to the correctional plan.

Referred to the Committee on State and Local Government Operations.

Senators Lourey; Stumpf; Johnson, D.J.; Moua and Michel introduced--

S.F. No. 2300: A bill for an act relating to education; requiring schools to inform students about meningococcal meningitis and influenza and their vaccines; amending Minnesota Statutes 2004, section 124D.10, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 121A.

Referred to the Committee on Education.

Senators Bachmann, Reiter, Nienow and Gerlach introduced--

S.F. No. 2301: A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XIII; requiring a one-year residency in the state before receiving welfare or health care benefits.

Referred to the Committee on Health and Family Security.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Johnson, D.E. moved that H.F. No. 785 be taken from the table. The motion prevailed.

H.F. No. 785: A bill for an act relating to financing and operation of government in this state; modifying truth in taxation provisions and adding a taxpayer satisfaction survey; changing income, corporate franchise, withholding, estate, property, sales and use, mortgage registry, health care gross revenues, motor fuels, gambling, cigarette and tobacco products, occupation, net proceeds, production, liquor, insurance, and other taxes and tax-related provisions; making technical, clarifying, collection, enforcement, refund, and administrative changes to certain taxes and tax-related provisions, tax-forfeited lands, revenue recapture, unfair cigarette sales, state debt collection, sustainable forest incentive programs, and payments in lieu of taxes; changing local government aids and credits; providing for determination of population for certain purposes; updating references to the Internal Revenue Code, changing property tax exemptions, homesteads, assessment, valuation, classification, class rates, levies, deferral, review and equalization, appeals, notices and statements, and distribution provisions; changing rent constituting property taxes and property tax refunds; requiring state contracts be with vendors registered to collect use taxes; abolishing the political contribution refund; authorizing local sales taxes; extending a sales tax expiration; providing for compliance with streamlined sales tax agreement; changing the taxation of liquor and cigarettes; authorizing income tax checkoffs; requiring registration of tax shelters and providing for a voluntary compliance initiative; changing job opportunity building zones, border city development zones, biotechnology and health sciences industry zone provisions; setting minimum employee compensation for qualifying business in a JOBZ; limiting sales tax construction exemption in job zones to businesses paying prevailing wage; requiring a referendum for certain subsidies to gambling enterprises; authorizing charges for certain emergency services; imposing a franchise fee on card clubs; defining the term "tax"; regulating tax preparers; suspending appropriations or aids to public employers who prohibit certain employees from wearing a flag on a uniform; providing for training and conduct of assessors; prohibiting purchases of tax-forfeited lands by certain local officials; providing for data classification and exchange of data; establishing a tax reform commission; providing and imposing powers and duties on the commissioner of revenue and other state agencies and departments and on certain political subdivisions and certain officials; changing and imposing penalties; requiring reports; transferring funds; appropriating money; amending Minnesota Statutes 2004, sections 4A.02; 16C.03, by adding a subdivision; 16D.10; 168A.05, subdivision 1a; 190.09, subdivision 2; 240.30, by adding a subdivision; 270.02, subdivision 3; 270.11, subdivision 2; 270.16, subdivision 2; 270.30, subdivisions 1, 5, 6, 8, by adding subdivisions; 270.65; 270.67, subdivision 4; 270.69, subdivision 4; 270A.03, subdivisions 5, 7; 272.01, subdivision 2; 272.02, subdivisions 1a, 7, 47, 53, 64, by adding subdivisions; 272.0211, subdivisions 1, 2; 272.0212, subdivisions 1, 2; 272.029, subdivisions 4, 6; 273.055; 273.0755; 273.11, subdivisions 1a, 8, by adding subdivisions; 273.111, by adding a subdivision; 273.123, subdivision 7; 273.124, subdivisions 3, 6, 8, 14, 21; 273.125, subdivision 8; 273.13, subdivisions 22, 23, 25, by adding a subdivision; 273.1315; 273.1384, subdivision 1; 273.19, subdivision 1a; 273.372; 274.01, subdivision 1; 274.014, subdivisions 2, 3; 274.14; 275.025, subdivision 4; 275.065, subdivisions 1c, 3, 4, 7, by adding subdivisions; 275.07, subdivisions 1, 4; 276.04, subdivision 2; 276.112; 276A.01, subdivision 7; 282.016; 282.08; 282.15; 282.21; 282.224; 282.301; 287.04; 289A.02, subdivision 7; 289A.08, subdivisions 1, 3, 7, 13, 16; 289A.18, subdivision 1; 289A.19, subdivision 4; 289A.20, subdivision 2; 289A.31, subdivision 2; 289A.37, subdivision 5; 289A.38, subdivisions 6, 7, by adding subdivisions; 289A.40, subdivision 2, by adding subdivisions; 289A.50, subdivisions 1, 1a; 289A.56, by adding a subdivision; 289A.60, subdivisions 2a, 4, 6, 7, 11, 13, 20, by adding subdivisions; 290.01, subdivisions 6, 7, 7b, 19, as amended, 19a, 19b, 19c, 19d, 31; 290.032, subdivisions 1, 2; 290.06, subdivisions 2c, 22, by adding a subdivision; 290.067, subdivisions 1, 2a; 290.0671, subdivisions 1, 1a; 290.0672, subdivisions 1, 2; 290.0674, subdivisions 1, 2; 290.0675, subdivision 1; 290.091,

subdivisions 2, 3; 290.0922, subdivision 2; 290.191, subdivisions 2, 3; 290.92, subdivisions 1, 4b; 290A.03, subdivisions 3, 11, 13, 15, by adding subdivisions; 290A.07, by adding a subdivision; 290A.19; 290B.05, subdivision 3; 290C.05; 290C.10; 291.005, subdivision 1; 291.03, subdivision 1; 295.52, subdivision 4; 295.53, subdivision 1; 295.582; 295.60, subdivision 3; 296A.22, by adding a subdivision; 297A.61, subdivisions 3, 4, by adding a subdivision; 297A.64, subdivision 4; 297A.668, subdivisions 1, 5; 297A.67, subdivisions 2, 7, 9, 29, by adding a subdivision; 297A.68, subdivisions 2, 5, 28, 35, 37, 38, 39, by adding subdivisions; 297A.70, subdivision 10; 297A.71, subdivision 12, by adding a subdivision; 297A.72, by adding a subdivision; 297A.75, subdivision 1; 297A.87, subdivisions 2, 3; 297A.99, subdivisions 1, 3, 4, 9, by adding subdivisions; 297E.01, subdivisions 5, 7, by adding subdivisions; 297E.06, subdivision 2; 297E.07; 297F.08, subdivision 12, by adding a subdivision; 297F.09, subdivisions 1, 2; 297F.14, subdivision 4; 297G.09, by adding a subdivision; 297I.01, by adding subdivisions; 297I.05, subdivisions 4, 5, by adding a subdivision; 298.01, subdivisions 3, 4; 298.24, subdivision 1; 298.75, by adding a subdivision; 325D.33, subdivision 6; 365.43, subdivision 1; 365.431; 366.011; 366.012; 373.45, subdivision 7; 469.169, by adding a subdivision; 469.1735, subdivision 3; 469.176, subdivisions 4l, 7; 469.310, subdivision 11, by adding a subdivision; 469.315; 469.316; 469.317; 469.319, subdivision 1, by adding a subdivision; 469.320, subdivision 3; 469.330, subdivision 11; 469.335; 469.337; 469.340, subdivision 1; 473.843, subdivision 5; 473F.02, subdivisions 2, 7; 477A.011, subdivisions 3, 34, 35, 36, 38; 477A.0124, subdivisions 2, 4; 477A.013, subdivisions 8, 9, by adding a subdivision; 477A.016; 477A.03, subdivisions 2a, 2b; 477A.11, subdivision 4, by adding a subdivision; 477A.12, subdivisions 1, 2; 477A.14, subdivision 1; 645.44, by adding a subdivision; Laws 1998, chapter 389, article 3, section 42, subdivision 2, as amended; Laws 1998, chapter 389, article 8, section 43, subdivision 3; Laws 2001, First Special Session chapter 5, article 3, section 8; Laws 2001, First Special Session chapter 5, article 12, section 95, as amended; Laws 2002, chapter 377, article 3, section 4; Laws 2003, chapter 127, article 5, section 27; Laws 2003, chapter 127, article 5, section 28; Laws 2003, First Special Session chapter 21, article 5, section 13; Laws 2003, First Special Session chapter 21, article 6, section 9; Laws 2005, chapter 43, section 1; proposing coding for new law in Minnesota Statutes, chapters 15; 270; 272; 273; 275; 280; 289A; 290; 290C; 295; 297A; 297F; 373; 459; 473; repealing Minnesota Statutes 2004, sections 10A.322, subdivision 4; 16A.1522, subdivision 4; 270.85; 270.88; 272.02, subdivision 65; 273.19, subdivision 5; 273.37, subdivision 3; 274.05; 275.065, subdivisions 5a, 6, 6b, 8; 275.15; 275.61, subdivision 2; 283.07; 290.06, subdivision 23; 297E.12, subdivision 10; 469.1794, subdivision 6; 477A.08; Laws 1975, chapter 287, section 5; Laws 1998, chapter 389, article 3, section 41; Laws 2003, chapter 127, article 9, section 9, subdivision 4; Minnesota Rules, parts 8093.2000; 8093.3000; 8130.0110, subpart 4; 8130.0200, subparts 5, 6; 8130.0400, subpart 9; 8130.1200, subparts 5, 6; 8130.2900; 8130.3100, subpart 1; 8130.4000, subparts 1, 2; 8130.4200, subpart 1; 8130.4400, subpart 3; 8130.5200; 8130.5600, subpart 3; 8130.5800, subpart 5; 8130.7300, subpart 5; 8130.8800, subpart 4.

SUSPENSION OF RULES

Senator Johnson, D.E. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 785 and that the rules of the Senate be so far suspended as to give H.F. No. 785 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 785 was read the second time.

Senator Pogemiller moved to amend H.F. No. 785 as follows:

Delete everything after the enacting clause of H.F. No. 785 and insert the language after the enacting clause of S.F. No. 1209, the second engrossment; S.F. No. 1683, the second engrossment; and S.F. No. 2206, the second engrossment; and amend the title of H.F. No. 785 accordingly.

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Senator Pogemiller imposed a call of the Senate for the balance of the proceedings on H.F. No. 785. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 785 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 34 and nays 30, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 11:15 a.m. The motion prevailed.

The hour of 11:15 a.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

SPECIAL ORDERS

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

H.F. Nos. 2110, 2028, S.F. Nos. 778, 87, 834, H.F. No. 1461, S.F. No. 181, H.F. No. 1922 and S.F. No. 2259.

SPECIAL ORDER

H.F. No. 2110: A bill for an act relating to domestic abuse; returning to a safety focus when

awarding custody and parenting time in the context of a domestic abuse hearing; amending Minnesota Statutes 2004, section 518B.01, subdivision 6.

Senator Neuville moved to amend H.F. No. 2110, as amended pursuant to Rule 45, adopted by the Senate April 26, 2005, as follows:

(The text of the amended House File is identical to S.F. No. 1920.)

Page 1, line 23, before "Findings" insert "In addition to the primary safety considerations, the court may consider particular best interest factors that are found to be relevant to the temporary custody and parenting time award."

Page 1, line 24, before the period, insert "with respect to the particular best interest factors not considered by the court"

The motion prevailed. So the amendment was adopted.

H.F. No. 2110 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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 2028: A bill for an act relating to local government; providing a process for making certain offices appointive in Pope and Lac qui Parle Counties.

Senator Kubly moved to amend H.F. No. 2028, as amended pursuant to Rule 45, adopted by the Senate May 10, 2005, as follows:

(The text of the amended House File is identical to S.F. No. 1929.)

Page 1, line 9, delete everything after "of" and insert "Pope County recorder and Pope County"

Page 2, line 6, delete "county board" and insert "Pope County Board"

Page 2, line 20, delete everything after the second "of" and insert "Pope County, is filed with the Pope County"

Page 2, delete lines 25 to 28 and insert:

"Sec. 2. [LAC QUI PARLE COUNTY OFFICERS MAY BE COMBINED AND APPOINTED.]

Subdivision 1. [AUTHORITY TO MAKE OFFICE APPOINTIVE.] Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Lac qui Parle County

Board of Commissioners, the offices of Lac qui Parle County auditor and Lac qui Parle County treasurer may be combined, and the offices of Lac qui Parle County recorder and Lac qui Parle County auditor-treasurer are not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. [BOARD CONTROLS; MAY CHANGE AS LONG AS DUTIES DONE.] Upon adoption of a resolution by the Lac qui Parle County Board of Commissioners and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is combined and made appointive or is made appointive as authorized by this section must be discharged by the Board of Commissioners of Lac qui Parle County acting through a department head appointed by the board for that purpose. A reorganization, reallocation, or delegation or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. [INCUMBENTS TO COMPLETE TERM.] The person elected at the last general election to an office combined and made appointive or made appointive under this section must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. [PUBLISHING RESOLUTION; PETITION, REFERENDUM.] The Lac qui Parle County Board may provide for the combination and appointment or appointment of a county office as permitted in this section if the resolution to make the office combined and made appointive or appointive is approved by at least 80 percent of the members of the county board. Before the adoption of the resolution, the county board must publish a resolution notifying the public of its intent to consider the option once each week for two consecutive weeks in the official publication of the county. Following the publication, the county board shall provide an opportunity at its next regular meeting for public comment relating to the option, prior to formally adopting the option. The resolution may be implemented without the submission of the question to the voters of the county unless, within 30 days after the second publication of the resolution, a petition requesting a referendum, signed by at least ten percent of the registered voters of the county, is filed with the Lac qui Parle County auditor. If a petition is filed, the resolution may be implemented unless disapproved by a majority of the voters of the county voting on the question at a regular or special election.

Sec. 3. [EFFECTIVE DATE; LOCAL APPROVAL.]

Section 1 is effective the day after the governing body of Pope County and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 2 is effective the day after the governing body of Lac qui Parle County and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Amend the title as follows:

Page 1, line 2, delete "Pope County" and insert "counties"

Page 1, line 3, delete "Pope County" and insert "Pope and Lac qui Parle Counties"

The motion prevailed. So the amendment was adopted.

Senator Vickerman moved to amend H.F. No. 2028, as amended pursuant to Rule 45, adopted by the Senate May 10, 2005, as follows:

(The text of the amended House File is identical to S.F. No. 1929.)

Page 1, line 9, delete everything after "of" and insert "Pope County recorder and Pope County"

Page 2, line 6, delete "county board" and insert "Pope County Board"

Page 2, line 20, delete everything after the second "of" and insert "Pope County, is filed with the Pope County"

Page 2, delete lines 25 to 28 and insert:

"Sec. 2. [NOBLES COUNTY OFFICERS MAY BE APPOINTED.]

Subdivision 1. [AUTHORITY TO MAKE OFFICE APPOINTIVE.] Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Nobles County Board of Commissioners, the offices of Nobles County recorder and Nobles County auditor-treasurer are not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. [BOARD CONTROLS; MAY CHANGE AS LONG AS DUTIES DONE.] Upon adoption of a resolution by the Nobles County Board of Commissioners and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is made appointive as authorized by this section must be discharged by the Board of Commissioners of Nobles County acting through a department head appointed by the board for that purpose. A reorganization, reallocation, or delegation or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. [INCUMBENTS TO COMPLETE TERM.] The person elected at the last general election to an office made appointive under this section must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. [PUBLISHING RESOLUTION; PETITION, REFERENDUM.] The Nobles County Board may provide for the appointment of a county office as permitted in this section if the resolution to make the office appointive is approved by at least 80 percent of the members of the county board. Before the adoption of the resolution, the county board must publish a resolution notifying the public of its intent to consider the option once each week for two consecutive weeks in the official publication of the county. Following the publication, the county board shall provide an opportunity at its next regular meeting for public comment relating to the option, prior to formally adopting the option. The resolution may be implemented without the submission of the question to the voters of the county unless, within 30 days after the second publication of the resolution, a petition requesting a referendum, signed by at least ten percent of the registered voters of the county, is filed with the Nobles County auditor. If a petition is filed, the resolution may be implemented unless disapproved by a majority of the voters of the county voting on the question at a regular or special election.

Sec. 3. [EFFECTIVE DATE; LOCAL APPROVAL.]

Section 1 is effective the day after the governing body of Pope County and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 2 is effective the day after the governing body of Nobles County and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Amend the title as follows:

Page 1, line 2, delete "Pope County" and insert "counties"

Page 1, line 3, delete "Pope County" and insert "Pope and Nobles Counties"

The motion prevailed. So the amendment was adopted.

H.F. No. 2028 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 50 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson

Bachmann

Belanger

Berglin

Betzold

Chaudhary	Johnson, D.J.	Limmer	Olson	Scheid
Day	Jungbauer	Lourey	Ourada	Senjem
Dibble	Kelley	Marty	Pappas	Skoe
Fischbach	Kierlin	McGinn	Pariseau	Skoglund
Foley	Kiscaden	Metzen	Rest	Solon
Frederickson	Koering	Michel	Robling	Stumpf
Gaither	Kubly	Moua	Rosen	Tomassoni
Higgins	Langseth	Neuville	Ruud	Vickerman
Johnson, D.E.	Larson	Nienow	Saxhaug	Wiger

Those who voted in the negative were:

Kleis	Ortman	Reiter	Sparks	Wergin
LeClair				

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

SPECIAL ORDER

S.F. No. 778: A bill for an act relating to crimes; permitting Bureau of Criminal Apprehension to certify chemical test results directly to commissioner of public safety for driver's license action; further limiting scope of judicial review of license plate impoundment order; expanding proof of service requirement for petitioner appealing license plate impoundment or vehicle forfeiture order; clarifying conditions under which new license plates may be issued following plate impoundment; strengthening the process for assessing chemical dependency of impaired driving violators; amending Minnesota Statutes 2004, sections 169A.52, subdivision 4; 169A.60, subdivisions 10, 11; 169A.63, subdivision 8; 169A.70, subdivision 3, by adding subdivisions.

Senator Foley moved to amend S.F. No. 778 as follows:

Page 9, after line 3, insert:

"Sec. 8. [REPEALER.]

Laws 2004, chapter 283, section 14, is repealed.

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

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	LeClair	Moua	Skoglund
Belanger	Foley	Limmer	Neuville	Solon
Berglin	Frederickson	Lourey	Olson	Wiger
Betzold	Gaither	Marko	Pappas	
Chaudhary	Higgins	Marty	Pogemiller	
Day	Johnson, D.J.	McGinn	Rest	
Dibble	Kelley	Michel	Robling	

Those who voted in the negative were:

Bachmann	Kiscaden	Nienow	Ruud	Stumpf
Bakk	Kleis	Ortman	Scheid	Tomassoni
Gerlach	Koering	Ourada	Senjem	Vickerman
Jungbauer	Larson	Reiter	Skoe	Wergin
Kierlin	Metzen	Rosen	Sparks	

The motion prevailed. So the amendment was adopted.

S.F. No. 778 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 50 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kleis	Michel	Robling
Bachmann	Gaither	Koering	Moua	Rosen
Belanger	Gerlach	Larson	Nienow	Scheid
Berglin	Higgins	LeClair	Olson	Senjem
Betzold	Hottinger	Limmer	Ortman	Skoglund
Chaudhary	Johnson, D.J.	Lourey	Ourada	Solon
Day	Jungbauer	Marko	Pappas	Sparks
Dibble	Kelley	Marty	Pogemiller	Stumpf
Fischbach	Kierlin	McGinn	Reiter	Wergin
Foley	Kiscaden	Metzen	Rest	Wiger

Those who voted in the negative were:

Bakk	Ruud	Skoe	Tomassoni	Vickerman
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So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 87: A bill for an act relating to crime prevention; public safety; expanding the trespass law; amending Minnesota Statutes 2004, section 609.605, subdivisions 1, 4.

Senator Kleis moved to amend S.F. No. 87 as follows:

Page 1, line 24, after "used" insert ":

(A)"

Page 2, line 9, before the period, insert " and

(B) in clause (10), means the placement of signs that:

(I) state "no trespassing" or similar terms;

(II) display letters at least two inches high;

(III) state that Minnesota law prohibits trespassing on the property; and

(IV) are posted in a conspicuous place and at intervals of 500 feet or less"

Page 3, line 7, strike "or"

Page 3, lines 8 and 9, delete "or locked aggregate mining site"

Page 3, line 11, before the period, insert " or

(10) enters the locked or posted aggregate mining site of another without the consent of the owner or lawful possessor, unless the person is a business licensee"

The motion prevailed. So the amendment was adopted.

S.F. No. 87 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 5, as follows:

Those who voted in the affirmative were:

Anderson	Bachmann	Belanger	Berglin	Betzold
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Chaudhary	Johnson, D.J.	Marko	Pappas	Skoglund
Day	Jungbauer	Marty	Pariseau	Solon
Dibble	Kelley	Metzen	Pogemiller	Stumpf
Fischbach	Kierlin	Michel	Reiter	Vickerman
Foley	Kiscaden	Moua	Robling	Wergin
Frederickson	Kleis	Neuville	Rosen	Wiger
Gaither	Koering	Nienow	Ruud	
Gerlach	Larson	Olson	Saxhaug	
Hottinger	LeClair	Ortman	Scheid	
Johnson, D.E.	Limmer	Ourada	Senjem	

Those who voted in the negative were:

Bakk	Lourey	Skoe	Sparks	Tomassoni
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So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 834: A resolution memorializing Congress to oppose the Central American Free Trade Agreement.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 46 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Limmer	Ourada	Solon
Bachmann	Higgins	Lourey	Pappas	Stumpf
Bakk	Hottinger	Marko	Pariseau	Tomassoni
Berglin	Johnson, D.E.	Marty	Pogemiller	Vickerman
Betzold	Jungbauer	McGinn	Rosen	Wergin
Chaudhary	Kelley	Metzen	Sams	Wiger
Day	Kleis	Moua	Saxhaug	
Dibble	Koering	Neuville	Senjem	
Fischbach	Kubly	Nienow	Skoe	
Foley	Larson	Olson	Skoglund	

Those who voted in the negative were:

Belanger	Gerlach	Kierlin	Michel	Scheid
Gaither	Johnson, D.J.	LeClair	Reiter	Sparks

So the resolution passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1461: A bill for an act relating to motor vehicles; modifying and simplifying provisions related to parking for persons with disabilities; making technical and clarifying changes; amending Minnesota Statutes 2004, sections 85.052, subdivision 3; 85.053, subdivision 7; 168.011, subdivision 4, by adding a subdivision; 168.021; 168.33, subdivision 8; 169.345; 169.346, subdivisions 1, 2, 2a, 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berglin

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 181: A bill for an act relating to St. Louis County; dedicating Biauswah Bridge over the St. Louis River and Roussain Cemetery in St. Louis County; amending Minnesota Statutes 2004, section 161.14, by adding a subdivision.

Senator Lourey moved to amend S.F. No. 181 as follows:

Page 1, line 20, delete "shall" and insert "may"

Page 1, line 23, delete "shall" and insert "may"

The motion prevailed. So the amendment was adopted.

S.F. No. 181 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 1922: A bill for an act relating to state government; authorizing the commissioner of administration to transfer state surplus computers to Minnesota Computers for Schools; amending Minnesota Statutes 2004, section 16C.23, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2259: 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.

Senator Pariseau moved to amend S.F. No. 2259 as follows:

Pages 1 and 2, delete sections 2 and 3 and insert:

"Sec. 2. Minnesota Statutes 2004, section 609.66, subdivision 1d, is amended to read:

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

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

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

(d) As used in this subdivision:

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

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

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

(4) "school property" means:

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

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

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

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

(e) This subdivision does not apply to:

(1) active licensed peace officers;;

(2) military personnel; or students participating in military training, who are on-duty, performing official duties;

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

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

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

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

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

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

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

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

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

Page 3, lines 35 and 36, delete the new language

Page 4, line 1, delete the new language

Page 4, line 3, delete the new language and reinstate the stricken language

Page 4, delete lines 28 and 29 and insert "the department's standards."

Page 4, line 36, before the period, insert ", except for the changes made in paragraph (d), which are effective October 1, 2005"

Page 5, delete lines 13 to 17 and insert:

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

(4) the township or city, county, and state of all non-Minnesota residences of the applicant in the last five years, though not including specific addresses;

(5) a statement that the applicant authorizes the release"

Page 5, line 23, strike "(5)" and insert "(6)"

Page 5, line 26, strike "(4)" and insert "(5)"

Page 6, line 1, reinstate the stricken "and"

Page 6, lines 4 to 6, delete the new language

Page 8, lines 34 to 36, delete the new language

Page 9, lines 1 to 3, delete the new language

Page 9, lines 27 to 31, delete the new language

Page 9, line 36, delete the new language

Pages 10 to 14, delete sections 10 to 16 and insert:

"Sec. 9. [ADOPTION OF STANDARDS.]

By October 1, 2005, the Department of Public Safety shall adopt and publish minimum standards that organizations and government entities must meet to certify individuals as certified firearms instructors under Minnesota Statutes, section 624.714, subdivision 2a, paragraph (d).

[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

Senator Marty requested division of the Pariseau amendment.

CALL OF THE SENATE

Senator Marty imposed a call of the Senate for the balance of the proceedings on S.F. No. 2259. The Sergeant at Arms was instructed to bring in the absent members.

First portion of the Pariseau amendment:

Page 6, line 1, reinstate the stricken "and"

Page 6, lines 4 to 6, delete the new language

Senator Pariseau moved the previous question on the first portion of the Pariseau amendment. The motion did not prevail.

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

The roll was called, and there were yeas 38 and nays 27, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, D.J.	LeClair	Reiter	Skoe
Bakk	Jungbauer	Limmer	Robling	Sparks
Day	Kierlin	Murphy	Rosen	Stumpf
Fischbach	Kiscaden	Nienow	Ruud	Tomassoni
Frederickson	Koering	Olson	Sams	Vickerman
Gaither	Kubly	Ortman	Saxhaug	Wergin
Gerlach	Langseth	Ourada	Scheid	
Johnson, D.E.	Larson	Pariseau	Senjem	

Those who voted in the negative were:

Anderson	Dibble	Lourey	Moua	Skoglund
Belanger	Foley	Marko	Neuville	Solon
Berglin	Higgins	Marty	Pappas	Wiger
Betzold	Hottinger	McGinn	Pogemiller	
Chaudhary	Kelley	Metzen	Ranum	
Cohen	Kleis	Michel	Rest	

The motion prevailed. So the first portion of the amendment was adopted.

Second portion of the Pariseau amendment:

Page 5, delete lines 13 to 17 and insert:

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

(4) the township or city, county, and state of all non-Minnesota residences of the applicant in the last five years, though not including specific addresses;

(5) a statement that the applicant authorizes the release"

Page 5, line 23, strike "(5)" and insert "(6)"

Page 5, line 26, strike "(4)" and insert "(5)"

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

The roll was called, and there were yeas 36 and nays 28, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, D.J.	Limmer	Robling	Stumpf
Bakk	Jungbauer	Neuville	Rosen	Tomassoni
Day	Kierlin	Nienow	Ruud	Vickerman
Fischbach	Kleis	Olson	Sams	Wergin
Frederickson	Koering	Ortman	Saxhaug	
Gaither	Langseth	Ourada	Senjem	
Gerlach	Larson	Pariseau	Skoe	
Johnson, D.E.	LeClair	Reiter	Sparks	

Those who voted in the negative were:

Anderson	Foley	Lourey	Moua	Scheid
Belanger	Higgins	Marko	Murphy	Skoglund
Berglin	Hottinger	Marty	Pappas	Solon
Betzold	Kelley	McGinn	Pogemiller	Wiger
Cohen	Kiscaden	Metzen	Ranum	
Dibble	Kubly	Michel	Rest	

The motion prevailed. So the second portion of the amendment was adopted.

Third portion of the Pariseau amendment:

Page 8, lines 34 to 36, delete the new language

Page 9, lines 1 to 3, delete the new language

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

The roll was called, and there were yeas 34 and nays 31, as follows:

Those who voted in the affirmative were:

Bachmann	Fischbach	Gerlach	Kierlin	Langseth
Bakk	Frederickson	Johnson, D.J.	Kleis	Larson
Day	Gaither	Jungbauer	Koering	LeClair

Limmer	Ortman	Robling	Saxhaug	Stumpf
Neuville	Ourada	Rosen	Senjem	Vickerman
Nienow	Pariseau	Ruud	Skoe	Wergin
Olson	Reiter	Sams	Sparks	

Those who voted in the negative were:

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

The motion prevailed. So the third portion of the amendment was adopted.

Fourth portion of the Pariseau amendment:

Pages 1 and 2, delete sections 2 and 3 and insert:

"Sec. 2. Minnesota Statutes 2004, section 609.66, subdivision 1d, is amended to read:

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

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

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

(d) As used in this subdivision:

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

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

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

(4) "school property" means:

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

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

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

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

(e) This subdivision does not apply to:

(1) active licensed peace officers;

(2) military personnel; or students participating in military training, who are on-duty, performing official duties;

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

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

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

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

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

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

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

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

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

Page 3, lines 35 and 36, delete the new language

Page 4, line 1, delete the new language

Page 4, line 3, delete the new language and reinstate the stricken language

Page 4, delete lines 28 and 29 and insert "the department's standards."

Page 4, line 36, before the period, insert ", except for the changes made in paragraph (d), which are effective October 1, 2005"

Page 9, lines 27 to 31, delete the new language

Page 9, line 36, delete the new language

Pages 10 to 14, delete sections 10 to 16 and insert:

"Sec. 9. [ADOPTION OF STANDARDS.]

By October 1, 2005, the Department of Public Safety shall adopt and publish minimum standards that organizations and government entities must meet to certify individuals as certified firearms instructors under Minnesota Statutes, section 624.714, subdivision 2a, paragraph (d).

[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

Senator Foley moved to amend the fourth portion of the Pariseau amendment to S.F. No. 2259 as follows:

Page 1, line 2, delete "Pages 1 and 2, delete sections 2 and 3 and" and insert "Page 2, after line 18,"

Page 1, line 3, delete "2" and insert "4"

Page 3, delete lines 28 and 29

The question was taken on the adoption of the Foley amendment to the fourth portion of the Pariseau amendment.

The roll was called, and there were yeas 31 and nays 34, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Johnson, D.J.	LeClair	Pariseau	Senjem
Bakk	Jungbauer	Limmer	Reiter	Skoe
Day	Kierlin	Neuville	Robling	Sparks
Fischbach	Kleis	Nienow	Rosen	Stumpf
Frederickson	Koering	Olson	Ruud	Vickerman
Gaither	Langseth	Ortman	Sams	Wergin
Gerlach	Larson	Ourada	Saxhaug	

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

Senator Skoglund moved to amend the fourth portion of the Pariseau amendment to S.F. No. 2259 as follows:

Page 1, line 2, delete "and insert:"

Page 1, delete lines 3 to 36

Page 2, delete lines 1 to 36

Page 3, delete lines 1 to 3

Page 3, delete line 30 and insert:

"Page 10, delete section 10 and insert:"

Page 3, line 31, delete "9" and insert "8"

Page 4, after line 2, insert:

"Pages 12 to 14, delete sections 13 to 15"

The question was taken on the adoption of the Skoglund amendment to the fourth portion of the Pariseau amendment.

The roll was called, and there were yeas 28 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Lourey	Moua	Skoglund
Belanger	Foley	Marko	Murphy	Solon
Berglin	Higgins	Marty	Pappas	Tomassoni
Betzold	Hottinger	McGinn	Pogemiller	Wiger
Chaudhary	Kelley	Metzen	Ranum	
Cohen	Kleis	Michel	Rest	

Those who voted in the negative were:

Bachmann	Johnson, D.E.	Larson	Ourada	Saxhaug
Bakk	Johnson, D.J.	LeClair	Pariseau	Senjem
Day	Jungbauer	Limmer	Reiter	Skoe
Fischbach	Kierlin	Neuville	Robling	Sparks
Frederickson	Koering	Nienow	Rosen	Stumpf
Gaither	Kubly	Olson	Ruud	Vickerman
Gerlach	Langseth	Ortman	Sams	Wergin

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

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

The roll was called, and there were yeas 39 and nays 26, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, D.J.	Larson	Pariseau	Skoe
Bakk	Jungbauer	LeClair	Reiter	Sparks
Day	Kierlin	Limmer	Robling	Stumpf
Fischbach	Kiscaden	Neuville	Rosen	Tomassoni
Frederickson	Kleis	Nienow	Ruud	Vickerman
Gaither	Koering	Olson	Sams	Wergin
Gerlach	Kubly	Ortman	Saxhaug	Wiger
Johnson, D.E.	Langseth	Ourada	Senjem	

Those who voted in the negative were:

Anderson	Dibble	Marko	Murphy	Skoglund
Belanger	Foley	Marty	Pappas	Solon
Berglin	Higgins	McGinn	Pogemiller	
Betzold	Hottinger	Metzen	Ranum	
Chaudhary	Kelley	Michel	Rest	
Cohen	Lourey	Moua	Scheid	

The motion prevailed. So the fourth portion of the amendment was adopted.

Senator Rest moved to amend S.F. No. 2259 as follows:

Pages 1 and 2, delete section 2 and insert:

"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 petty 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. 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) 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.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

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.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date."

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 25 and nays 41, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Kubly	Moua	Saxhaug
Belanger	Higgins	Langseth	Neuville	Scheid
Berglin	Johnson, D.E.	Lourey	Pappas	Sparks
Betzold	Kelley	McGinn	Ranum	Tomassoni
Cohen	Kiscaden	Michel	Rest	Vickerman

Those who voted in the negative were:

Bachmann	Gerlach	Limmer	Pariseau	Skoglund
Bakk	Hottinger	Marko	Pogemiller	Solon
Chaudhary	Johnson, D.J.	Marty	Reiter	Stumpf
Day	Jungbauer	Metzen	Robling	Wergin
Dille	Kierlin	Murphy	Rosen	Wiger
Fischbach	Kleis	Nienow	Ruud	
Foley	Koering	Olson	Sams	
Frederickson	Larson	Ortman	Senjem	
Gaither	LeClair	Ourada	Skoe	

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

Senator Kelley moved to amend S.F. No. 2259 as follows:

Page 3, after line 18, insert:

"(e) A person convicted or adjudicated delinquent for a crime involving force or violence other than a crime listed in clause (4) may be denied a permit under subdivision 6, paragraph (a), clause (3)."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Lourey	Murphy	Solon
Belanger	Higgins	Marko	Pappas	Wergin
Berglin	Hottinger	Marty	Pogemiller	Wiger
Betzold	Kelley	McGinn	Ranum	
Chaudhary	Kiscaden	Metzen	Rest	
Cohen	Kleis	Michel	Scheid	
Dibble	Limmer	Moua	Skoglund	

Those who voted in the negative were:

Bachmann	Gerlach	Langseth	Ourada	Saxhaug
Bakk	Johnson, D.E.	Larson	Pariseau	Senjem
Day	Johnson, D.J.	LeClair	Reiter	Skoe
Dille	Jungbauer	Neuville	Robling	Sparks
Fischbach	Kierlin	Nienow	Rosen	Stumpf
Frederickson	Koering	Olson	Ruud	Tomassoni
Gaither	Kubly	Ortman	Sams	Vickerman

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

Senator Skoglund moved to amend S.F. No. 2259 as follows:

Page 12, after line 18, insert:

"Sec. 13. Minnesota Statutes 2004, section 624.714, is amended by adding a subdivision to read:

Subd. 24. [PERMIT HOLDERS; POSSESSION OF ILLEGAL CONTROLLED SUBSTANCES.] A permit holder who possesses an illegal controlled substance while carrying a firearm is guilty of a gross misdemeanor. In addition, the person's permit to carry is revoked for the remainder of the person's life. This criminal penalty is in addition to criminal penalties specified elsewhere in law.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date."

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 31 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Marko	Neuville	Skoglund
Belanger	Foley	Marty	Nienow	Solon
Berglin	Higgins	McGinn	Ortman	Wiger
Betzold	Hottinger	Metzen	Pappas	
Chaudhary	Kelley	Michel	Pogemiller	
Cohen	Kleis	Moua	Ranum	
Dibble	Lourey	Murphy	Rosen	

Those who voted in the negative were:

Bachmann	Johnson, D.E.	Larson	Rest	Skoe
Bakk	Johnson, D.J.	LeClair	Robling	Sparks
Day	Jungbauer	Limmer	Ruud	Stumpf
Dille	Kierlin	Olson	Sams	Tomassoni
Frederickson	Kiscaden	Ourada	Saxhaug	Vickerman
Gaither	Koering	Pariseau	Scheid	
Gerlach	Langseth	Reiter	Senjem	

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

Senator Hottinger moved to amend S.F. No. 2259 as follows:

Page 2, after line 18, insert:

"Sec. 4. Minnesota Statutes 2004, section 624.714, subdivision 1b, is amended to read:

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

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

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

(d) Upon the request of a peace officer, a permit holder shall disclose to the officer whether or not the permit holder is currently carrying a firearm."

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 42 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Larson	Murphy	Rosen
Belanger	Foley	Limmer	Neuville	Skoglund
Berglin	Frederickson	Lourey	Ortman	Solon
Betzold	Higgins	Marko	Ourada	Sparks
Chaudhary	Hottinger	Marty	Pappas	Wergin
Cohen	Johnson, D.E.	McGinn	Pogemiller	Wiger
Day	Kelley	Metzen	Ranum	
Dibble	Kiscaden	Michel	Rest	
Dille	Kleis	Moua	Robling	

Those who voted in the negative were:

Bachmann	Jungbauer	Nienow	Sams	Stumpf
Bakk	Kierlin	Olson	Saxhaug	Tomassoni
Gaither	Koering	Pariseau	Scheid	Vickerman
Gerlach	Langseth	Reiter	Senjem	
Johnson, D.J.	LeClair	Ruud	Skoe	

The motion prevailed. So the amendment was adopted.

Senator Ranum moved to amend S.F. No. 2259 as follows:

Page 6, line 15, strike "the actual and reasonable direct cost"

Page 6, line 16, strike everything before the period and insert "\$100"

Page 6, line 17, strike "\$10" and insert "\$25"

Page 7, after line 32, insert:

"Sec. 8. Minnesota Statutes 2004, section 624.714, subdivision 7, is amended to read:

Subd. 7. [PERMIT CARD CONTENTS; EXPIRATION; RENEWAL.] (a) Permits to carry must be on an official, standardized permit card adopted by the commissioner, containing only the name, residence, and driver's license number or state identification card number of the permit holder, if any.

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

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

(1) no earlier than 90 days prior to the expiration date on the permit, the permit holder may renew the permit by submitting to the appropriate sheriff the application packet described in subdivision 3 and a renewal processing fee not to exceed ~~the actual and reasonable direct cost of processing the application or \$75, whichever is less~~ \$100. Of this amount, \$5 \$25 must be submitted to the commissioner and deposited into the general fund. The sheriff must process the renewal application in accordance with subdivisions 4 and 6; and

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

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

[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 question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 42, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Lourey	Moua	Skoglund
Berglin	Dille	Marko	Murphy	Solon
Betzold	Foley	Marty	Pappas	
Chaudhary	Higgins	McGinn	Pogemiller	
Cohen	Kelley	Metzen	Ranum	

Those who voted in the negative were:

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

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

Senator Marty moved to amend S.F. No. 2259 as follows:

Page 12, after line 18, insert:

"Sec. 13. Minnesota Statutes 2004, section 624.714, is amended by adding a subdivision to read:

Subd. 24. [PROTECTIVE ORDERS.] Except when acting under the authority of other law, it is a misdemeanor to carry a pistol while subject to an order for protection or restraining order issued under section 518B.01 or 609.748 or other law whether or not the carrier possesses a permit to carry issued under this section. If an action prohibited by this subdivision is also a violation of another law, the violation may be prosecuted under either law."

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 26 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Marko	Murphy	Solon
Belanger	Higgins	Marty	Pappas	Wiger
Berglin	Hottinger	McGinn	Pogemiller	
Betzold	Kelley	Metzen	Ranum	
Cohen	Kubly	Michel	Scheid	
Dibble	Lourey	Moua	Skoglund	

Those who voted in the negative were:

Bachmann	Johnson, D.E.	Larson	Pariseau	Senjem
Bakk	Johnson, D.J.	LeClair	Reiter	Skoe
Day	Jungbauer	Limmer	Rest	Sparks
Dille	Kierlin	Neuville	Robling	Stumpf
Fischbach	Kiscaden	Nienow	Rosen	Tomassoni
Frederickson	Kleis	Olson	Ruud	Vickerman
Gaither	Koering	Ortman	Sams	Wergin
Gerlach	Langseth	Ourada	Saxhaug	

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

Senator Anderson moved to amend S.F. No. 2259 as follows:

Page 12, after line 18, insert:

"Sec. 13. Minnesota Statutes 2004, section 624.714, is amended by adding a subdivision to read:

Subd. 24. [EXCEPTIONS; PENALTY.] (a) A permit to carry issued under this section is not valid for an employee who is on the employee's work premises, unless the employer has given the employee written consent.

(b) A permit holder who possesses a pistol in a prohibited location under this subdivision is guilty of a gross misdemeanor. In addition, the person's permit is void and must be returned to the issuing authority. The person is ineligible for reissuance of a permit to carry for three years.

[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 question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Anderson	Cohen	Kelley	Michel	Scheid
Belanger	Dibble	Lourey	Moua	Skoglund
Berglin	Foley	Marko	Pappas	Solon
Betzold	Higgins	Marty	Pogemiller	Wiger
Chaudhary	Hottinger	McGinn	Ranum	

Those who voted in the negative were:

Bachmann	Johnson, D.J.	LeClair	Pariseau	Skoe
Bakk	Jungbauer	Limmer	Reiter	Sparks
Day	Kierlin	Metzen	Rest	Stumpf
Dille	Kiscaden	Murphy	Robling	Tomassoni
Fischbach	Kleis	Neuville	Rosen	Vickerman
Frederickson	Koering	Nienow	Ruud	Wergin
Gaither	Kubly	Olson	Sams	
Gerlach	Langseth	Ortman	Saxhaug	
Johnson, D.E.	Larson	Ourada	Senjem	

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

Senator Frederickson moved to amend S.F. No. 2259 as follows:

Page 8, line 4, strike "a permit"

Page 8, line 5, delete "becomes" and insert "the sheriff has knowledge that a permit is"

Page 8, line 6, delete the new language

Page 9, line 16, strike "its" and insert "the requester's"

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend S.F. No. 2259 as follows:

Page 7, line 22, after the period, insert "The sheriff must notify the chief of police if the permit to carry is issued."

The motion prevailed. So the amendment was adopted.

Senator Skoglund moved to amend S.F. No. 2259 as follows:

Page 5, lines 6 and 31, strike "only"

Page 5, line 23, strike everything after "that"

Page 5, line 24, strike everything before "the"

Page 6, strike lines 19 to 26

Page 6, line 27, strike "(h)" and insert "(g)"

Page 6, line 30, strike "(i)" and insert "(h)"

Page 6, line 36, strike "(j)" and insert "(i)"

Page 8, after line 29, insert:

"Sec. 9. Minnesota Statutes 2004, section 624.714, subdivision 12, is amended to read:

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

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

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

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

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

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

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

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

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Neuville requested division of the Skoglund amendment as follows:

First portion:

Page 8, after line 29, insert:

"Sec. 9. Minnesota Statutes 2004, section 624.714, subdivision 12, is amended to read:

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

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

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

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

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

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

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

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

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Ortman questioned whether the Skoglund amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the adoption of the first portion of the Skoglund amendment.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the first portion of the amendment was adopted.

Second portion of the Skoglund amendment:

Page 5, lines 6 and 31, strike "only"

Page 5, line 23, strike everything after "that"

Page 5, line 24, strike everything before "the"

Page 6, strike lines 19 to 26

Page 6, line 27, strike "(h)" and insert "(g)"

Page 6, line 30, strike "(i)" and insert "(h)"

Page 6, line 36, strike "(j)" and insert "(i)"

The question was taken on the adoption of the second portion of the Skoglund amendment.

The roll was called, and there were yeas 19 and nays 41, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Hottinger	Marty	Ranum
Berglin	Dibble	Kelley	Moua	Skoglund
Betzold	Foley	Lourey	Pappas	Solon
Chaudhary	Higgins	Marko	Pogemiller	

Those who voted in the negative were:

Bachmann	Johnson, D.J.	McGinn	Rest	Stumpf
Bakk	Jungbauer	Metzen	Robling	Tomassoni
Belanger	Kierlin	Michel	Ruud	Vickerman
Day	Kleis	Neuville	Sams	Wergin
Dille	Koering	Nienow	Saxhaug	Wiger
Frederickson	Langseth	Olson	Scheid	
Gaither	Larson	Ourada	Senjem	
Gerlach	LeClair	Pariseau	Skoe	
Johnson, D.E.	Limmer	Reiter	Sparks	

The motion did not prevail. So the second portion of the amendment was not adopted.

Senator Moua moved to amend S.F. No. 2259 as follows:

Page 7, after line 32, insert:

"Sec. 8. Minnesota Statutes 2004, section 624.714, subdivision 7, is amended to read:

Subd. 7. [PERMIT CARD CONTENTS; EXPIRATION; RENEWAL.] (a) Permits to carry must be on an official, standardized permit card adopted by the commissioner, containing only the name, residence, photograph, and driver's license number or state identification card number of the permit holder, if any.

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

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

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

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

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

[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 question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Anderson	Cohen	Kelley	Michel	Skoglund
Belanger	Dibble	Lourey	Moua	Solon
Berglin	Foley	Marko	Pappas	Tomassoni
Betzold	Higgins	Marty	Pogemiller	
Chaudhary	Hottinger	McGinn	Ranum	

Those who voted in the negative were:

Bachmann	Johnson, D.J.	LeClair	Pariseau	Senjem
Bakk	Jungbauer	Limmer	Reiter	Skoe
Day	Kierlin	Metzen	Rest	Sparks
Dille	Kiscaden	Murphy	Robling	Stumpf
Fischbach	Kleis	Neuville	Rosen	Vickerman
Frederickson	Koering	Nienow	Ruud	Wergin
Gaither	Kubly	Olson	Sams	Wiger
Gerlach	Langseth	Ortman	Saxhaug	
Johnson, D.E.	Larson	Ourada	Scheid	

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

Senator Kelley moved to amend S.F. No. 2259 as follows:

Page 9, line 13, strike "every entrance" and insert "the primary public entrances"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Berglin	Chaudhary	Dibble	Higgins
Belanger	Betzold	Cohen	Foley	Hottinger

Kelley	Metzen	Pogemiller	Scheid	Wiger
Kiscaden	Michel	Ranum	Senjem	
Langseth	Moua	Rest	Skoglund	
Lourey	Murphy	Rosen	Solon	
Marty	Pappas	Saxhaug	Tomassoni	

Those who voted in the negative were:

Bachmann	Gerlach	Kubly	Nienow	Skoe
Bakk	Johnson, D.E.	Larson	Olson	Sparks
Day	Johnson, D.J.	LeClair	Ortman	Stumpf
Dille	Jungbauer	Limmer	Pariseau	Vickerman
Fischbach	Kierlin	Marko	Reiter	Wergin
Frederickson	Kleis	McGinn	Ruud	
Gaither	Koering	Neuville	Sams	

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

Senator Marty moved to amend S.F. No. 2259 as follows:

Page 12, after line 18, insert:

"Sec. 13. Minnesota Statutes 2004, section 624.714, is amended by adding a subdivision to read:

Subd. 24. [EXCEPTIONS; PENALTY.] (a) A permit to carry issued under this section is not valid in a retail establishment, unless conspicuous written notice is posted at each entrance stating that permit holders are allowed to possess a pistol in the establishment.

(b) A permit holder who possesses a pistol in a prohibited location under this subdivision is guilty of a gross misdemeanor. In addition, the person's permit is void and must be returned to the issuing authority. The person is ineligible for reissuance of a permit to carry for three years.

[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 question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 47, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Hottinger	Marty	Ranum
Berglin	Dibble	Kelley	Moua	Skoglund
Betzold	Foley	Lourey	Pappas	Solon
Chaudhary	Higgins	Marko	Pogemiller	

Those who voted in the negative were:

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

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

Senator Ranum moved to amend S.F. No. 2259 as follows:

Page 9, line 4, strike "petty"

Page 9, line 5, strike everything after the first period

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Lourey	Moua	Solon
Berglin	Higgins	Marko	Murphy	Wiger
Betzold	Hottinger	Marty	Pappas	
Chaudhary	Kelley	McGinn	Ranum	
Dibble	Kleis	Michel	Skoglund	

Those who voted in the negative were:

Bachmann	Gerlach	Langseth	Ortman	Sams
Bakk	Johnson, D.E.	Larson	Ourada	Senjem
Belanger	Johnson, D.J.	LeClair	Pariseau	Skoe
Day	Jungbauer	Limmer	Reiter	Sparks
Dille	Kierlin	Metzen	Rest	Stumpf
Fischbach	Kiscaden	Neuville	Robling	Tomassoni
Frederickson	Koering	Nienow	Rosen	Vickerman
Gaither	Kubly	Olson	Ruud	Wergin

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

Senator Kelley moved to amend S.F. No. 2259 as follows:

Page 9, line 32, strike everything after "(c)"

Page 9, strike lines 33 and 34

Page 9, line 35, strike "(d)"

Page 10, line 3, strike "(e)" and insert "(d)"

Page 10, line 5, strike "(f)" and insert "(e)"

Page 10, line 10, strike "(g)" and insert "(f)"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 45, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Hottinger	Marty	Pappas
Berglin	Dibble	Kelley	Metzen	Ranum
Betzold	Foley	Lourey	Michel	Skoglund
Chaudhary	Higgins	Marko	Moua	Solon

Those who voted in the negative were:

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

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

Senator Marty moved to amend S.F. No. 2259 as follows:

Page 12, after line 18, insert:

"Sec. 13. Minnesota Statutes 2004, section 624.714, is amended by adding a subdivision to read:

Subd. 24. [PREDATORY OFFENDERS.] Except when acting under the authority of other law, it is a misdemeanor for a person required to register by section 243.166 to carry a pistol whether or not the carrier possesses a permit to carry issued under this section. If an action prohibited by this subdivision is also a violation of another law, the violation may be prosecuted under either law."

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the amendment was adopted.

Senator Solon moved to amend S.F. No. 2259 as follows:

Page 12, after line 18, insert:

"Sec. 13. Minnesota Statutes 2004, section 624.714, is amended by adding a subdivision to read:

Subd. 24. [HOSPITALS; NURSING HOMES; CARE FACILITIES.] Except when acting under the authority of other law, it is a misdemeanor to carry a pistol into a hospital, nursing home, or residential health care facility whether or not the carrier possesses a permit to carry issued under this section. If an action prohibited by this subdivision is also a violation of another law, the violation may be prosecuted under either law."

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 25 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Kiscaden	Moua	Scheid
Berglin	Foley	Lourey	Murphy	Skoglund
Betzold	Higgins	Marko	Pappas	Solon
Chaudhary	Hottinger	Marty	Pogemiller	Sparks
Cohen	Kelley	Metzen	Ranum	Wiger

Those who voted in the negative were:

Bachmann	Belanger	Dille	Frederickson	Gerlach
Bakk	Day	Fischbach	Gaither	Johnson, D.E.

Jungbauer	Larson	Nienow	Rest	Senjem
Kierlin	LeClair	Olson	Robling	Skoe
Kleis	Limmer	Ortman	Rosen	Stumpf
Koering	McGinn	Ourada	Ruud	Tomassoni
Kubly	Michel	Pariseau	Sams	Vickerman
Langseth	Neuville	Reiter	Saxhaug	Wergin

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

Senator Pariseau moved to amend S.F. No. 2259 as follows:

Page 7, delete section 7

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2259 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 44 and nays 21, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Dibble	Marko	Pappas	Solon
Berglin	Foley	Marty	Pogemiller	
Betzold	Higgins	McGinn	Ranum	
Chaudhary	Hottinger	Michel	Rest	
Cohen	Kelley	Moua	Skoglund	

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

RECONSIDERATION

Having voted on the prevailing side, Senator Pariseau moved that the vote whereby S.F. No. 2259 was passed by the Senate on May 13, 2005, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 10 and nays 55, as follows:

Those who voted in the affirmative were:

Berglin	Chaudhary	Foley	McGinn	Ranum
Betzold	Cohen	Lourey	Pappas	Skoglund

Those who voted in the negative were:

Anderson	Dibble	Gerlach	Kelley	Kubly
Bachmann	Dille	Higgins	Kierlin	Langseth
Bakk	Fischbach	Hottinger	Kiscaden	Larson
Belanger	Frederickson	Johnson, D.E.	Kleis	LeClair
Day	Gaither	Jungbauer	Koering	Limmer

Marko	Neuville	Pogemiller	Sams	Sparks
Marty	Nienow	Reiter	Saxhaug	Stumpf
Metzen	Olson	Rest	Scheid	Tomassoni
Michel	Ortman	Robling	Senjem	Vickerman
Moua	Ourada	Rosen	Skoe	Wergin
Murphy	Pariseau	Ruud	Solon	Wiger

The motion did not prevail.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

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. 1355 and 1869.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 2005

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. 314: A bill for an act relating to insurance; the Minnesota FAIR plan; regulating property and liability coverage; amending Minnesota Statutes 2004, section 65A.08, subdivision 2.

Senate File No. 314 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 2005

CONCURRENCE AND REPASSAGE

Senator Scheid moved that the Senate concur in the amendments by the House to S.F. No. 314 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 314 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Day	Hottinger	Kubly	McGinn
Bachmann	Dibble	Johnson, D.E.	Langseth	Metzen
Bakk	Dille	Jungbauer	Larson	Michel
Belanger	Fischbach	Kelley	LeClair	Moua
Berglin	Foley	Kierlin	Limmer	Murphy
Betzold	Frederickson	Kiscaden	Lourey	Neuville
Chaudhary	Gerlach	Kleis	Marko	Nienow
Cohen	Higgins	Koering	Marty	Olson

Ortman
Ourada
Pappas
Pariseau
Pogemiller

Ranum
Reiter
Rest
Robling
Rosen

Ruud
Sams
Saxhaug
Scheid
Senjem

Skoe
Skoglund
Solon
Sparks
Stumpf

Tomassoni
Wergin
Wiger

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. 868, 1109, 1748, 2156, 2133, 1507 and 1555.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 13, 2005

FIRST READING OF HOUSE BILLS

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

H.F. No. 868: A bill for an act relating to Canis latrans; providing a coyote conflict management option; proposing coding for new law in Minnesota Statutes, chapter 348.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 1109: A bill for an act relating to public safety; reviving and reenacting the board of firefighting training and education.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1578, now on General Orders.

H.F. No. 1748: A bill for an act relating to state employees; modifying grievance appeal procedures; eliminating a medical examination requirement; amending Minnesota Statutes 2004, sections 43A.33, subdivision 3; 43A.34, subdivision 3; repealing Minnesota Statutes 2004, section 43A.33, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1530, now on General Orders.

H.F. No. 2156: A bill for an act relating to civil law; changing certain powers and duties of conservators; amending Minnesota Statutes 2004, sections 524.5-417; 524.5-423.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1969, now on General Orders.

H.F. No. 2133: A bill for an act relating to state government; authorizing lease of certain state property under specified conditions.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2076, now on General Orders.

H.F. No. 1507: A bill for an act relating to health; modifying provisions for isolation and quarantine of persons exposed to or infected with a communicable disease; amending Minnesota Statutes 2004, sections 144.419, subdivision 1; 144.4195, subdivisions 1, 2, 5; Laws 2002, chapter 402, section 21, as amended; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1482, now on General Orders.

H.F. No. 1555: A bill for an act relating to health; modifying the Minnesota Emergency Health Powers Act; modifying authority of out-of-state license holders; amending Minnesota Statutes 2004, sections 12.03, subdivision 4d, by adding a subdivision; 12.22, subdivision 2a, by adding a subdivision; 12.31, subdivisions 1, 2; 12.32; 12.34, subdivision 1; 12.381; 12.39; 12.42; 13.3806, subdivision 1a; Laws 2002, chapter 402, section 21, as amended; proposing coding for new law in Minnesota Statutes, chapter 12.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1483, now on General Orders.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 762: A bill for an act relating to the environment; creating the Clean Water Legacy Act; providing authority, direction, and funding to achieve and maintain water quality standards for Minnesota's surface waters in accordance with section 303(d) of the federal Clean Water Act; modifying soil and water conservation district supervisor election procedures; appropriating money; amending Minnesota Statutes 2004, section 103C.311, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 446A; proposing coding for new law as Minnesota Statutes, chapter 114D; repealing Minnesota Statutes 2004, section 103C.311, subdivisions 1, 2.

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

Pages 1 and 2, delete section 1

Page 2, line 25, delete "42" and insert "33"

Page 3, line 18, delete "42" and insert "33"

Page 10, line 12, delete everything after "Resources"

Page 10, line 13, delete everything before "shall"

Page 10, line 15, delete "Eighteen" and insert "Nineteen"

Page 11, line 8, delete "and"

Page 11, line 10, after "governor" insert "; and

(16) one member representing the interests of tribal governments, appointed by the governor"

Page 11, line 28, delete "prepare" and insert "recommend" and after "The" insert "recommended"

Page 11, line 34, delete "implementation" and insert "recommended"

Page 11, line 35, delete "work"

Pages 13 to 18, delete section 9

Page 19, line 4, delete the second "and" and insert a comma and before "without" insert "and 446A.075,"

Page 19, delete lines 11 and 12 and insert:

"(1) money transferred to the account; and"

Page 20, line 14, delete the second "or"

Page 20, line 16, after "grant" insert ", or the grantee made improvements to a wastewater treatment facility on or after March 28, 2000, that include infrastructure to reduce the discharge of total phosphorus to one milligram per liter or less"

Pages 24 and 25, delete section 13 and insert:

"Sec. 11. Laws 2005, chapter 20, article 1, section 39, is amended to read:

Sec. 39. [446A.073] [TOTAL MAXIMUM DAILY LOAD GRANTS.]

Subdivision 1. [PROGRAM ESTABLISHED.] The authority must make grants to municipalities to cover up to one-half the cost of wastewater treatment or stormwater projects made necessary by wasteload reductions under total maximum daily load plans required by section 303(d) of the federal Clean Water Act, United States Code, title 33, section 1313(d).

Subd. 2. [GRANT APPLICATION.] Application for a grant must be made to the authority on forms prescribed by the authority for the total maximum daily load grant program, with additional information as required by the authority. In accordance with section 116.182, the Pollution Control Agency shall:

(1) calculate the essential project component percentage, which must be multiplied by the total project cost to determine the eligible project cost; and

(2) review and certify approved projects to the authority.

Subd. 3. [PROJECT PRIORITIES.] When money is appropriated for grants under this program, the authority shall reserve money for projects in the order that their total maximum daily load plan was approved by the United States Environmental Protection Agency and in an amount based on their most recent cost estimates submitted to the authority or the as-bid costs, whichever is less.

Subd. 4. [GRANT APPROVAL.] The authority must make a grant to a municipality, as defined in section 116.182, subdivision 1, only after:

(1) the commissioner of the Minnesota Pollution Control Agency has certified to the United States Environmental Protection Agency a total maximum daily load plan for identified waters of this state that includes a point source wasteload allocation;

(2) the Environmental Protection Agency has approved the plan;

(3) a municipality affected by the plan has estimated the cost to it of wastewater treatment projects necessary to comply with the point source wasteload allocation;

(4) the Pollution Control Agency has approved the cost estimate; and

(5) the authority has determined that the additional financing necessary to complete the project has been committed from other sources.

Subd. 5. [GRANT DISBURSEMENT.] Disbursement of a grant must be made for eligible project costs as incurred by the municipality and in accordance with a project financing agreement and applicable state and federal laws and rules governing the payments."

Page 26, delete lines 6 to 10

Page 26, line 11, delete "3" and insert "2"

Page 26, delete lines 14 to 18

Page 26, line 19, delete "(2) \$1,860,000" and insert "(1) \$4,125,000" and delete "\$4,125,000" and insert "\$1,669,000"

Page 26, line 21, delete "\$1,010,000" and insert "\$1,960,000"

Page 26, line 22, delete "\$1,960,000" and insert "\$793,000"

Page 26, line 25, delete "(3) \$1,900,000" and insert "(2) \$3,290,000" and delete "\$3,290,000" and insert "\$1,331,000"

Page 26, line 28, delete "\$384,950" and insert "\$1,119,000"

Page 26, line 29, delete "\$1,118,750" and insert "\$453,000"

Page 26, line 31, delete "4" and insert "3"

Page 26, line 34, delete "\$250,000" and insert "\$2,300,000" and delete everything after "2006"

Page 26, line 35, delete "year 2007 are" and insert "is"

Page 26, line 36, delete "these"

Page 27, line 1, delete "amounts" and insert "this amount" and delete "\$200,000 in fiscal year 2006 and"

Page 27, line 2, delete "2007 are" and insert "2006 is"

Page 27, line 4, delete "\$350,000" and insert "\$800,000" and delete everything after "2006"

Page 27, line 5, delete "year 2007 are" and insert "is"

Page 27, line 10, delete "these amounts" and insert "this amount" and delete "\$50,000 in fiscal"

Page 27, line 11, delete "year 2006 and" and delete "2007 are" and insert "2006 is"

Page 27, line 14, delete "\$100,000 in fiscal year 2006 and"

Page 27, line 15, delete "2007 are" and insert "2006 is"

Page 27, line 17, delete "these amounts" and insert "this amount" and delete "2007" and insert "2006"

Page 27, line 21, delete "5" and insert "4"

Page 27, line 26, delete "\$450,000" and insert "\$1,807,000" and delete everything after "2006"

Page 27, line 27, delete "year 2007 are" and insert "is"

Page 27, line 28, delete "these amounts" and insert "this amount" and delete "\$450,000" and insert "\$1,713,000"

Page 27, line 29, delete "and \$5,450,000 in fiscal year 2007 are" and insert "is"

Page 27, line 33, delete "\$412,000" and insert "\$1,085,000" and delete everything after "2006"

Page 27, line 34, delete "year 2007 are" and insert "is"

Page 27, line 35, delete "these amounts" and insert "this amount"

Page 27, line 36, delete "\$412,000" and insert "\$1,022,000" and delete everything after "2006"

Page 28, line 1, delete "are" and insert "is"

Page 28, line 4, delete "\$200,000" and insert "\$63,000" and delete "2007" and insert "2006"

Page 28, line 6, delete "\$2,400,000" and insert "\$755,000" and delete "2007" and insert "2006"

Page 28, line 11, delete "\$300,000" and insert "\$471,000" and delete everything after "2006"

Page 28, line 12, delete "year 2007 are" and insert "is"

Page 28, line 17, delete "\$2,400,000" and insert "\$755,000" and delete "2007" and insert "2006"

Page 28, delete lines 22 to 33

Page 28, line 34, delete "7" and insert "5" and delete "\$4,400,000" and insert "\$15,249,000"

Page 28, line 35, delete everything after "2006" and insert "is"

Page 28, line 36, delete "these"

Page 29, line 1, delete "amounts" and insert "this amount" and delete "\$4,400,000" and insert "\$6,131,000" and delete everything after "2006"

Page 29, line 2, delete "fiscal year 2007 are" and insert "is"

Page 29, line 4, delete "\$4,582,000" and insert "\$1,441,000" and delete "2007" and insert "2006"

Page 29, line 6, delete everything after the semicolon

Page 29, delete line 7

Page 29, line 8, delete "446A.075;" and delete "\$22,433,000" and insert "\$7,677,000" and delete "2007" and insert "2006"

Page 29, delete section 15 and insert:

"Sec. 13. [REVISOR'S INSTRUCTION.]

The revisor of statutes shall renumber the section coded as Minnesota Statutes, section 446A.073, as Minnesota Statutes, section 446A.075."

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 7

Page 1, line 8, delete everything before "appropriating"

Page 1, line 9, delete everything after "amending" and insert "Laws 2005, chapter 20, article 1, section 39;"

Page 1, line 10, delete everything before "proposing"

Page 1, line 12, delete "; repealing" and insert a period

Page 1, delete lines 13 and 14

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was referred

H.F. No. 823: A bill for an act relating to natural resources; modifying designations of forest roads; modifying terms of timber sales on tax-forfeited lands; modifying the State Timber Act; modifying standard measurements for wood; amending Minnesota Statutes 2004, sections 89.71, subdivision 1; 90.01, by adding subdivisions; 90.041, subdivision 5; 90.042; 90.101, subdivision 2; 90.121; 90.172; 90.173; 90.195; 90.211; 90.301, subdivision 4; 239.33; 282.04, subdivision 1; repealing Minnesota Statutes 2004, sections 90.01, subdivision 9; 90.041, subdivisions 3, 4.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 89.71, subdivision 1, is amended to read:

Subdivision 1. [DESIGNATION, INVENTORY, RECORDING.] Forest roads, bridges, and other improvements administered under section 89.002, subdivision 3, are designated as state forest roads to the width of the actual use including ditches, backslopes, fills, and maintained right-of-way, unless otherwise specified in a prior easement of record. The commissioner may shall designate forest roads by written order published in the State Register. Designated forest roads, bridges, and other improvements administered under section 89.002, subdivision 3, are designated to the width of the actual use including ditches, backslopes, fills, and maintained right-of-way, unless otherwise specified in a prior easement of record. The commissioner may undesignate, by written order published in the State Register, all or part of a state forest road that is not needed to carry out forest resource management policy. Designations and undesignations are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner shall maintain and keep current an inventory listing and describing roads in which the state claims a right or property interest for state forest road purposes. The commissioner may file for record with a county recorder or registrar of titles appropriate documents setting forth the state's interest in all or part of any state forest road.

Sec. 2. Minnesota Statutes 2004, section 90.01, is amended by adding a subdivision to read:

Subd. 11. [EFFECTIVE PERMIT.] "Effective permit" means a permit for which the commissioner has on file full or partial surety as required by section 90.161, 90.162, 90.163, or 90.173 or, in the case of permits issued according to section 90.191 or 90.195, the commissioner has received a down payment equal to the full appraised value.

Sec. 3. Minnesota Statutes 2004, section 90.01, is amended by adding a subdivision to read:

Subd. 12. [RESPONSIBLE BIDDER.] "Responsible bidder" means a person who is financially responsible; demonstrates the judgment, skill, ability, capacity, and integrity requisite and necessary to perform according to the terms of a permit issued under this chapter; and is not currently debarred by another government entity for any cause.

Sec. 4. Minnesota Statutes 2004, section 90.041, subdivision 5, is amended to read:

Subd. 5. [FOREST IMPROVEMENT CONTRACTS.] The commissioner may contract as part of the timber sale with the purchaser of state timber at either informal or auction sale for the following forest improvement work to be done on the land included within the sale area: preparation of the site for seeding or planting of seedlings or trees, seeding or planting of seedlings or trees, and other activities relating to forest regeneration. A contract issued under this subdivision is not subject to the competitive bidding provisions of chapter 16C and is exempt from the contract approval provisions of section 16C.05, subdivision 2.

Sec. 5. Minnesota Statutes 2004, section 90.042, is amended to read:

90.042 [PUBLIC INVOLVEMENT PROCESS.]

Subdivision 1. [REPORT TO LEGISLATURE.] By July 1 each year, the commissioner must provide a complete description of the public involvement process for timber harvest plans to the chairs of the legislative committees with jurisdiction over natural resources policy and finance. The process must provide public notice and public input in affected areas of proposed annual harvest plans.

Subd. 2. [PUBLIC MEETINGS.] By May 1 each year, the commissioner shall hold one or more public meetings in the forested area of the state to inform the public of the manner in which the proposed annual harvest plan for the next fiscal year is proposed to be allocated between informal, intermediate, and regular auction sales. The public shall be afforded an opportunity to provide written and oral comments concerning the proposed allocation.

Sec. 6. Minnesota Statutes 2004, section 90.101, subdivision 2, is amended to read:

Subd. 2. [SALE LIST AND NOTICE.] At least 30 days before the date of sale, the commissioner shall compile a list containing a description of each tract of land upon which any timber to be offered is situated and a statement of the estimated quantity of timber and of the appraised price of each kind of timber thereon as shown by the report of the state appraiser. ~~The commissioner may also list the estimated quantity of timber of doubtful market value and the appraised price of each kind of such timber within the permit area that may be cut at the discretion of the purchaser. Optional timber will not be considered a part of the sale contract until the permit holder has advised the commissioner in writing of an intent to cut such timber.~~ No description shall be added after the list is posted and no timber shall be sold from land not described in the list. Copies of the list shall be furnished to all interested applicants. A copy of the list shall be conspicuously posted in the forest office or other public facility most accessible to potential bidders at least 30 days prior to the date of sale. The commissioner shall cause a notice to be published once not less than one week before the date of sale in a legal newspaper in the county or counties where the land is situated. The notice shall state the time and place of the sale and the location at which further information regarding the sale may be obtained. The commissioner may give other published or posted notice as the commissioner deems proper to reach prospective bidders.

Sec. 7. Minnesota Statutes 2004, section 90.121, is amended to read:

90.121 [INTERMEDIATE AUCTION SALES; MAXIMUM LOTS OF 3,000 CORDS.]

(a) The commissioner may sell the timber on any tract of state land in lots not exceeding 3,000 cords in volume, in the same manner as timber sold at public auction under section 90.101, and related laws, subject to the following special exceptions and limitations:

(1) the commissioner shall offer all tracts authorized for sale by this section separately from the sale of tracts of state timber made pursuant to section 90.101;

(2) no bidder may be awarded more than 25 percent of the total tracts offered at the first round of bidding unless fewer than four tracts are offered, in which case not more than one tract shall be awarded to one bidder. Any tract not sold at public auction may be offered for private sale as authorized by section 90.101, subdivision 1, to persons eligible under this section at the appraised value; and

(3) no sale may be made to a person having more than 20 employees. For the purposes of this subdivision, "employee" means an individual working for salary or wages on a full-time or part-time basis.

(b) The auction sale procedure set forth in this section constitutes an additional alternative timber sale procedure available to the commissioner and is not intended to replace other authority possessed by the commissioner to sell timber in lots of 3,000 cords or less.

Sec. 8. Minnesota Statutes 2004, section 90.172, is amended to read:

90.172 [ANNUAL ~~REPORT~~ REPORTS.]

Subdivision 1. [REPORT TO LEGISLATURE.] The commissioner shall file an annual report on or before September 30 of each year with the Legislative Reference Library providing detailed information on all auctions and informal sales made in the previous fiscal year. The report shall include but not be limited to the names and addresses of all purchasers, volumes of timber purchased, species, appraised value and sale price. The commissioner shall make copies of the report available to the public upon request.

Subd. 2. [REPORT TO EXECUTIVE COUNCIL.] The commissioner shall report on or before September 30 of each year or more frequently, as required, to the state Executive Council concerning the status of the state timber sales and timber management program, including any special problems or changes occurring since the previous report.

Sec. 9. Minnesota Statutes 2004, section 90.173, is amended to read:

90.173 [PURCHASER'S OR ASSIGNEE'S CASH DEPOSIT IN LIEU OF BOND.]

(a) In lieu of filing the bond required by section 90.161 or 90.171, as security for the issuance or assignment of a timber permit, the person required to file the bond may deposit with the commissioner of finance cash; a certified check; a cashier's check; a personal check; a postal, bank, or express money order; assignable bonds or notes of the United States, or an assignment of a bank savings account or investment certificate; or an irrevocable bank letter of credit, in the same amount as would be required for a bond. If securities listed in this section are deposited, the par value of the securities shall be not less than the amount required for the timber sale bond, and the person required to file the timber sale bond shall submit an agreement authorizing the commissioner to sell or otherwise take possession of the security in the event of default under the timber sale. All of the conditions of the timber sale bond shall equally apply to the deposit with the commissioner of finance the alternatives in lieu of bond. In the event of a default the state may take from the deposit the sum of money to which it is entitled; the remainder, if any, shall be returned to the person making the deposit. When cash is deposited for a bond, it shall be applied to the amount due when a statement is prepared and transmitted to the permit holder pursuant to section 90.181. Any balance due to the state shall be shown on the statement and shall be paid as provided in section 90.181. Any amount of the deposit in excess of the amount determined to be due pursuant to section 90.181 shall be returned to the permit holder when a final statement is transmitted pursuant to that section. All or part of a cash bond may be withheld from application to an amount due on a nonfinal statement if it appears that the total amount due on the permit will exceed the bid price.

(b) If an irrevocable bank letter of credit is provided as security under paragraph (a), at the written request of the permittee the state shall annually allow the amount of the bank letter of credit to be reduced by an amount proportionate to the value of timber that has been harvested and for which the state has received payment under the timber permit. The remaining amount of the bank letter of credit after a reduction under this paragraph must not be less than the value of the timber remaining to be harvested under the timber permit.

(c) If cash; a certified check; a cashier's check; a personal check; or a postal, bank, or express money order is provided as security under paragraph (a) and no cutting of state timber has taken place on the permit, the commissioner may credit the security provided, less any deposit required by sections 90.14 and 90.163, to any other permit to which the permit holder requests in writing that it be credited.

Sec. 10. Minnesota Statutes 2004, section 90.211, is amended to read:

90.211 [PURCHASE MONEY, WHEN FORFEITED.]

If the purchaser of any timber or the purchaser's assignee holder of an effective permit fails to cut any part thereof before the expiration of the permit, the purchaser or assignee permit holder shall nevertheless pay the price therefor; but under no circumstances shall timber be cut after the expiration of the permit or extension thereof.

Sec. 11. Minnesota Statutes 2004, section 90.301, subdivision 4, is amended to read:

Subd. 4. [APPREHENSION OF TRESPASSERS; REWARD.] The following rewards shall commissioner may offer a reward to be paid to any a person giving to the proper authorities any information which shall lead that leads to the detection and conviction of any persons a person violating any of the provisions of this chapter: \$25 reward, if the value of the timber so unlawfully cut or removed shall not exceed the sum of \$25; \$50 reward, if the value of the timber shall not exceed \$50; and \$100 reward, if the value of the timber shall exceed the sum of \$100; and the court before whom the person so violating the provisions of this chapter shall have been tried, shall, upon application of any person claiming to be entitled to such reward, examine the claim in a summary manner and determine whether or not the person claiming the reward is entitled to the same and, if it should appear to the satisfaction of the court that the person claiming the reward is entitled to the same, a certificate of such facts shall be made by the court and delivered to the

~~person, which shall be deemed evidence of a right to the reward. The reward is limited to the greater of \$100 or ten percent of the single stumpage value of any timber unlawfully cut or removed. The Executive Council commissioner shall pay the same reward from any funds appropriated for its expenses that purpose or from receipts from the sale of state timber. A reward shall not be paid to salaried forest officers, conservation officers, or licensed peace officers.~~

Sec. 12. Minnesota Statutes 2004, section 239.33, is amended to read:

239.33 [STANDARD MEASUREMENTS OF WOOD.]

In all contracts for sale of wood the term "cord" shall mean 128 cubic feet of wood, bark, and air, if cut in four-foot lengths; and if the sale is of "sawed wood," a cord shall mean 110 cubic feet when ranked, or 160 cubic feet when thrown irregularly or loosely into a conveyance for delivery to the purchaser; and if the sale is of "sawed and split wood," a cord shall mean 120 cubic feet, when ranked, and 175 cubic feet when thrown irregularly and loosely into a conveyance for delivery. ~~If a measurement is made by weight, the term "cord" or any other term used to describe freshly cut green aspen in 100-inch or pole lengths containing 133-1/3 cubic feet of loosely or irregularly piled wood for transportation constitutes 4,300 pounds during the period of May 1 through October 31 and 4,500 pounds during the period of November 1 through April 30. Specified weights are~~ wood shall be based on 74 79 cubic feet of solid wood content per cord. ~~The weight per cord may vary by species or species group. In case of any dispute when the parties have not otherwise agreed in writing to the weight per cord by species or species group, the weight most recently established by the commissioner of natural resources prevails.~~

In all contracts for sale of wood, the term "board foot" means 144 cubic inches of wood measured in any combination of length, thickness, and width. If a measurement or scale is made of logs, Scribner's decimal C rule is the standard rule for determining board feet log scale. When measuring or scaling logs, each log must be scaled individually by the largest number of even feet in its length above eight and under 24 feet. All logs of 24 feet or more in length must be scaled as two or more logs. This section does not apply to finished lumber measured in nominal dimensions.

Sec. 13. Minnesota Statutes 2004, section 282.04, subdivision 1, is amended to read:

Subdivision 1. [TIMBER SALES; LAND LEASES AND USES.] (a) The county auditor may sell timber upon any tract that may be approved by the natural resources commissioner. The sale of timber shall be made for cash at not less than the appraised value determined by the county board to the highest bidder after not less than one week's published notice in an official paper within the county. Any timber offered at the public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof, until the time as the county board may withdraw the timber from sale. The appraised value of the timber and the forestry practices to be followed in the cutting of said timber shall be approved by the commissioner of natural resources.

(b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be made in cash at the time of the timber sale, except in the case of oral or sealed bid auction sales, the down payment shall be no less than 15 percent of the appraised value, and the balance shall be paid prior to entry. In the case of auction sales that are partitioned and sold as a single sale with predetermined cutting blocks, the down payment shall be no less than 15 percent of the appraised price of the entire timber sale which may be held until the satisfactory completion of the sale or applied in whole or in part to the final cutting block. The value of each separate block must be paid in full before any cutting may begin in that block. With the permission of the county contract administrator the purchaser may enter unpaid blocks and cut necessary timber incidental to developing logging roads as may be needed to log other blocks provided that no timber may be removed from an unpaid block until separately scaled and paid for. If payment is provided as specified in this paragraph as security under paragraph (a) and no cutting has taken place on the contract, the county auditor may credit the security provided, less any down payment required for an auction sale under this paragraph, to any other contract issued to the contract holder by the county under this chapter to which the contract holder requests in writing that it be credited, provided the request and transfer is made within the same calendar year as the security was received.

(c) The county board may require final settlement on the basis of a scale of cut products. Any parcels of land from which timber is to be sold by scale of cut products shall be so designated in the published notice of sale under paragraph (a), in which case the notice shall contain a description of the parcels, a statement of the estimated quantity of each species of timber, and the appraised price of each species of timber for 1,000 feet, per cord or per piece, as the case may be. In those cases any bids offered over and above the appraised prices shall be by percentage, the percent bid to be added to the appraised price of each of the different species of timber advertised on the land. The purchaser of timber from the parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the notice of sale as estimated to be standing on the land, and in addition shall pay at the same rate for any additional amounts which the final scale shows to have been cut or was available for cutting on the land at the time of sale under the terms of the sale. Where the final scale of cut products shows that less timber was cut or was available for cutting under terms of the sale than was originally paid for, the excess payment shall be refunded from the forfeited tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board as in case of other claims against the county. No timber, except hardwood pulpwood, may be removed from the parcels of land or other designated landings until scaled by a person or persons designated by the county board and approved by the commissioner of natural resources. Landings other than the parcel of land from which timber is cut may be designated for scaling by the county board by written agreement with the purchaser of the timber. The county board may, by written agreement with the purchaser and with a consumer designated by the purchaser when the timber is sold by the county auditor, and with the approval of the commissioner of natural resources, accept the consumer's scale of cut products delivered at the consumer's landing. No timber shall be removed until fully paid for in cash. Small amounts of timber not exceeding \$3,000 in appraised valuation may be sold for not less than the full appraised value at private sale to individual persons without first publishing notice of sale or calling for bids, provided that in case of a sale involving a total appraised value of more than \$200 the sale shall be made subject to final settlement on the basis of a scale of cut products in the manner above provided and not more than two of the sales, directly or indirectly to any individual shall be in effect at one time.

(d) As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations or organized subdivisions of the state at public or private sale, and at the prices and under the terms as the county board may prescribe, for use as cottage and camp sites and for agricultural purposes and for the purpose of taking and removing of hay, stumpage, sand, gravel, clay, rock, marl, and black dirt from the land, and for garden sites and other temporary uses provided that no leases shall be for a period to exceed ten years; provided, further that any leases involving a consideration of more than \$12,000 per year, except to an organized subdivision of the state shall first be offered at public sale in the manner provided herein for sale of timber. Upon the sale of any leased land, it shall remain subject to the lease for not to exceed one year from the beginning of the term of the lease. Any rent paid by the lessee for the portion of the term cut off by the cancellation shall be refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and allowed by the county board as in case of other claims against the county.

(e) As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations, or organized subdivisions of the state at public or private sale, at the prices and under the terms as the county board may prescribe, for the purpose of taking and removing for use for road construction and other purposes tax-forfeited stockpiled iron-bearing material. The county auditor must determine that the material is needed and suitable for use in the construction or maintenance of a road, tailings basin, settling basin, dike, dam, bank fill, or other works on public or private property, and that the use would be in the best interests of the public. No lease shall exceed ten years. The use of a stockpile for these purposes must first be approved by the commissioner of natural resources. The request shall be deemed approved unless the requesting county is notified to the contrary by the commissioner of natural resources within six months after receipt of a request for approval for use of a stockpile. Once use of a stockpile has been approved, the county may continue to lease it for these purposes until approval is withdrawn by the commissioner of natural resources.

(f) The county auditor, with the approval of the county board is authorized to grant permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores, tailings, or waste products from mines or ore milling plants, upon the conditions and for the consideration and

for the period of time, not exceeding 15 years, as the county board may determine. The permits, licenses, or leases are subject to approval by the commissioner of natural resources.

(g) Any person who removes any timber from tax-forfeited land before said timber has been scaled and fully paid for as provided in this subdivision is guilty of a misdemeanor.

(h) The county auditor may, with the approval of the county board, and without first offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of peat from tax-forfeited lands upon the terms and conditions as the county board may prescribe. Any lease for the removal of peat from tax-forfeited lands must first be reviewed and approved by the commissioner of natural resources if the lease covers 320 or more acres. No lease for the removal of peat shall be made by the county auditor pursuant to this section without first holding a public hearing on the auditor's intention to lease. One printed notice in a legal newspaper in the county at least ten days before the hearing, and posted notice in the courthouse at least 20 days before the hearing shall be given of the hearing.

(i) Notwithstanding any provision of paragraph (c) to the contrary, the St. Louis County auditor may, at the discretion of the county board, sell timber to the party who bids the highest price for all the several kinds of timber, as provided for sales by the commissioner of natural resources under section 90.14. Bids offered over and above the appraised price need not be applied proportionately to the appraised price of each of the different species of timber.

(j) In lieu of any payment or deposit required in paragraph (b), as directed by the county board and under terms set by the county board, the county auditor may accept an irrevocable bank letter of credit in the amount equal to the amount otherwise determined in paragraph (b), ~~exclusive of the down payment required for an auction sale in paragraph (b).~~ If an irrevocable bank letter of credit is provided under this paragraph, at the written request of the purchaser, the county may periodically allow the bank letter of credit to be reduced by an amount proportionate to the value of timber that has been harvested and for which the county has received payment. The remaining amount of the bank letter of credit after a reduction under this paragraph must not be less than 20 percent of the value of the timber purchased. If an irrevocable bank letter of credit or cash deposit is provided for the down payment required in paragraph (b), and no cutting of timber has taken place on the contract for which a letter of credit has been provided, the county may allow the transfer of the letter of credit to any other contract issued to the contract holder by the county under this chapter to which the contract holder requests in writing that it be credited.

Sec. 14. [REPEALER.]

Minnesota Statutes 2004, sections 90.01, subdivision 9; and 90.041, subdivisions 3 and 4, are repealed.

Sec. 15. [EFFECTIVE DATE.]

This act is effective July 1, 2005."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying the State Timber Act; modifying timber sale requirements on tax-forfeited land; clarifying state forest road designation; modifying standard measurements for wood; amending Minnesota Statutes 2004, sections 89.71, subdivision 1; 90.01, by adding subdivisions; 90.041, subdivision 5; 90.042; 90.101, subdivision 2; 90.121; 90.172; 90.173; 90.211; 90.301, subdivision 4; 239.33; 282.04, subdivision 1; repealing Minnesota Statutes 2004, sections 90.01, subdivision 9; 90.041, subdivisions 3, 4."

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 762 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 823 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Kleis moved that S.F. No. 2058 be withdrawn from the Committee on State and Local Government Operations and returned to its author. The motion prevailed.

RECESS

Senator Johnson, D.E. 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 Johnson, D.E. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 902: Senators Bakk, Sams, Anderson, Frederickson and Kubly.

Senator Johnson, D.E. moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Senator Hann was excused from the Session of today. Senator Ortman was excused from the Session of today from 9:30 to 10:00 a.m. Senator Sams was excused from the Session of today from 9:30 a.m. to 1:00 p.m. Senator Bakk was excused from the Session of today from 11:15 to 11:45 a.m. and from 12:00 noon to 12:30 p.m. Senator Murphy was excused from the Session of today from 11:15 a.m. to 12:10 p.m. Senator Ranum was excused from the Session of today from 11:15 a.m. to 12:15 p.m. Senator Cohen was excused from the Session of today from 11:15 a.m. to 12:30 p.m. Senator Dille was excused from the Session of today from 11:15 a.m. to 2:20 p.m. Senator Bachmann was excused from the Session of today from 11:30 a.m. to 11:40 a.m. Senator Gerlach was excused from the Session of today from 11:40 to 11:50 a.m. Senator Saxhaug was excused from the Session of today from 11:45 to 11:55 a.m. Senator Rosen was excused from the Session of today from 3:30 to 4:00 p.m. Senator Johnson, D.J. was excused from the Session of today at 4:30 p.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 11:00 a.m., Monday, May 16, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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