

1 A bill for an act

2 relating to environment; enacting the Minnesota
3 Electronics Recycling Act of 2005; authorizing
4 rulemaking; providing penalties; amending Minnesota
5 Statutes 2004, section 16C.03, by adding a
6 subdivision; proposing coding for new law in Minnesota
7 Statutes, chapter 116F.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

9 Section 1. Minnesota Statutes 2004, section 16C.03, is
10 amended by adding a subdivision to read:

11 Subd. 18. [CONTRACTS WITH RETAILERS.] (a) For the purposes
12 of this subdivision, the definitions in section 116F.505 have
13 the meanings given.

14 (b) A public entity, as defined in section 16B.122, may not
15 contract for the purchase or lease of a covered electronic
16 device from a retailer or manufacturer which has not registered
17 to collect the fee imposed under chapter 116F on its sales in
18 Minnesota or to a destination in Minnesota.

19 (c) Beginning on or after September 1, 2005, each retailer
20 or manufacturer that is offered a contract to sell or lease a
21 covered electronic device subject to a fee under chapter 116F to
22 a public entity must submit to the public entity certification
23 that the retailer or manufacturer is registered to collect fees
24 and acknowledging that the contract may be declared void if the
25 certification is false.

26 (d) The commissioner of administration must ensure that

1 acquisitions of covered electronic devices are certified by the
2 vendor to be in compliance with this subdivision.

3 (e) The bid solicitation documents must specify that the
4 prospective bidder is required to cooperate fully in providing
5 reasonable access to its records and documents that evidence
6 compliance with this subdivision.

7 (f) Any person awarded a contract for purchase or lease of
8 covered electronic devices that is found to be in violation of
9 this subdivision is subject to the following sanctions:

10 (1) the contract must be voided;

11 (2) the contractor is ineligible to bid on any state
12 contract for a period of three years; and

13 (3) if the attorney general establishes that any money,
14 property, or benefit was obtained by a contractor as a result of
15 violating this subdivision, the court may, in addition to any
16 other remedy, order the disgorgement of the unlawfully obtained
17 money, property, or benefit.

18 [EFFECTIVE DATE.] This section is effective for all
19 contracts entered into on or after September 1, 2005.

20 Sec. 2. [116F.505] [DEFINITIONS.]

21 Subdivision 1. [SCOPE.] For the purposes of sections
22 116F.505 to 116F.593, the following terms have the meanings
23 given.

24 Subd. 2. [COMPUTER.] "Computer" means an electronic,
25 magnetic, optical, electrochemical, or other high speed data
26 processing device performing logical, arithmetic, or storage
27 functions, but does not include an automated typewriter or
28 typesetter, a portable handheld calculator or device, or other
29 similar device.

30 Subd. 3. [CONSUMER.] "Consumer" means a person who
31 purchases a covered electronic device in a transaction that is a
32 sale.

33 Subd. 4. [CORPORATION.] "Corporation" means the
34 not-for-profit organization established under section 116F.540.

35 Subd. 5. [COVERED ELECTRONIC DEVICE.] "Covered electronic
36 device" means a desktop or personal computer, computer monitor,

1 portable computer, desktop printer, television, or video display
2 device. Covered electronic device does not include those items
3 when they are:

4 (1) part of a motor vehicle, or any component part of a
5 motor vehicle assembled by or for a vehicle manufacturer or
6 franchised dealer, including replacement parts for use in a
7 motor vehicle;

8 (2) part of a piece of industrial, commercial, or medical
9 equipment, including monitoring or control equipment; or

10 (3) contained within a clothes washer, clothes dryer,
11 refrigerator, refrigerator and freezer, microwave oven,
12 conventional oven or range, dishwasher, room air conditioner,
13 dehumidifier, or air purifier.

14 Subd. 6. [MANUFACTURER.] "Manufacturer" means any person
15 that:

16 (1) manufactures a covered electronic device under its own
17 brand;

18 (2) manufactures a covered electronic device without
19 affixing a brand;

20 (3) resells a covered electronic device produced by other
21 suppliers under its own brand and label; or

22 (4) imports a covered electronic device into the United
23 States.

24 Subd. 7. [MONITOR.] "Monitor" means a separate visual
25 display component of a computer, whether sold separately or
26 together with a computer central processing unit or computer
27 box, and includes a cathode ray tube, liquid crystal display,
28 gas plasma, digital light processing, or other image projection
29 technology, greater than nine inches when measured diagonally;
30 its case; interior wires and circuitry; cable to the central
31 processing unit; and power cord.

32 Subd. 8. [OFFICE.] "Office" means the Office of
33 Environmental Assistance.

34 Subd. 9. [PORTABLE COMPUTER.] "Portable computer" means a
35 computer and video display that can be carried by an individual.

36 Subd. 10. [PURCHASE.] "Purchase" means the taking, by

1 sale, of title or of the right to use.

2 Subd. 11. [RECYCLING.] "Recycling" has the meaning given
3 in section 115A.03.

4 Subd. 12. [RETAILER.] "Retailer" means a person who owns
5 or operates a business that sells new covered electronic devices.

6 Subd. 13. [REUSE.] "Reuse" means an operation by which a
7 covered electronic device changes ownership to be used for the
8 same purpose for which it was originally put on the market
9 without additional processing or remanufacturing.

10 Subd. 14. [SELL OR SALE.] "Sell" or "sale" means any
11 transfer for consideration of title or of the right to use to a
12 consumer, by lease or sales contract, including, but not limited
13 to, transactions conducted through sales outlets, catalogs, or
14 the Internet, or any other similar electronic means, and
15 excluding wholesale transactions with distributors or dealers.

16 Subd. 15. [TELEVISION.] "Television" means a stand-alone
17 display system having a viewable area greater than nine inches
18 when measured diagonally and able to adhere to any standard
19 consumer video formats such as PAL, SECAM, NTSC, and HDTV and
20 has the capability of selecting different broadcast channels and
21 support sound capability.

22 Subd. 16. [VIDEO DISPLAY DEVICE.] "Video display device"
23 means a device with an output surface having a viewable area
24 greater than nine inches when measured diagonally that displays
25 moving graphical images or a visual representation of image
26 sequences or pictures, showing a number of quickly changing
27 images on a screen in fast succession to create the illusion of
28 motion, including, if applicable, a device that is an integral
29 part of the display, and cannot be easily removed from the
30 display by the consumer, that produces the moving image on the
31 screen. Displays typically use a cathode ray tube, liquid
32 crystal display, gas plasma, digital light processing, or other
33 image projection technology.

34 Sec. 3. [116F.515] [FEE; EXPENDITURE OF PROCEEDS.]

35 (a) Beginning on September 1, 2005, a fee of \$10 is imposed
36 upon every sale to a consumer in Minnesota of a new covered

1 electronic device as required by section 116F.530.

2 (b) A retailer that sells a new covered electronic device
3 must collect at the time of sale the fee imposed under paragraph
4 (a) for each new covered electronic device sold to a consumer in
5 the state.

6 (c) A retailer shall transmit all fees collected under this
7 section, minus three percent of total fee revenues which may be
8 retained by the retailer for administrative costs associated
9 with collecting the fee, to the corporation on or before the
10 last day of the month following each quarter, accompanied by any
11 forms prescribed by the corporation. If a covered electronic
12 device for which the fee has been paid is returned to a retailer
13 under warranty, the fee may be refunded, and the retailer may
14 deduct the amount of the returned fee from the remittance to the
15 corporation.

16 (d) Fees collected by the corporation must be used only for
17 the administrative cost of the corporation to perform its
18 responsibilities under section 116F.540; to fund collection,
19 transportation, and recycling of covered electronic devices; and
20 to promote the collection and recycling of covered electronic
21 devices and market development. Fees may not be used to pay for
22 activities associated with refurbishment and reuse of covered
23 electronic devices, or for the collection, transportation, or
24 recycling of covered electronic devices that are refurbished and
25 reused.

26 (e) The fee imposed under this section must be clearly
27 identified separately on sales documents from the product price
28 and is not included in the price for purposes of sales taxes.

29 Sec. 4. [116F.520] [OFFICE RESPONSIBILITIES.]

30 (a) Beginning on July 1, 2007, the office shall report to
31 the legislature on a biennial basis regarding the progress on
32 the implementation of sections 116F.505 to 116F.593, including
33 recommendations for changes to sections 116F.505 to 116F.593
34 that will ensure the most effective collection of electronic
35 product recycling fees and whether the cap on the fee imposed
36 under section 116F.515 should be adjusted.

1 (b) The report must include the following:

2 (1) a list of all parties participating in the system;

3 (2) current collection, transportation, and recycling costs
4 of covered electronic devices;

5 (3) projected sales of covered electronic devices;

6 (4) projected volume of returns of covered electronic
7 devices;

8 (5) actual collection rates during the previous 12-month
9 period plus a yearly growth projection;

10 (6) the total weight of covered electronic devices received
11 during the preceding year by product category, together with the
12 total weight of the products recycled in each product category;
13 and

14 (7) any surplus funds carried forward.

15 (c) The report due on July 1, 2007, shall include an
16 assessment of the ratio of discarded CRTs to other discarded
17 covered electronic devices. The office shall also publish on
18 the office's Web site its assessment and evaluation of covered
19 electronic device collection, transportation, and reuse,
20 refurbish, or recycling programs in the state.

21 (d) In addition to the report described in this section,
22 the director shall evaluate in each odd-numbered year beginning
23 in 2007, the amount and composition of other household
24 electronic wastes such as computer central processing units, and
25 shall recommend the addition or deletion of products to be
26 covered under sections 116F.505 to 116F.593.

27 Sec. 5. [116F.525] [PROHIBITIONS.]

28 (a) A person who is receiving reimbursement from the
29 corporation under sections 116F.505 to 116F.593 must not impose
30 a drop-off or other fee for the collection, transportation, and
31 recycling of covered electronic devices. Sections 116F.505 to
32 116F.593 do not apply to end-of-life fees in effect for products
33 not covered by those sections.

34 (b) Retailers and manufacturers of covered electronic
35 devices are prohibited from selling covered electronic devices
36 in Minnesota unless they have registered with the corporation

1 and they collect and remit the fees for covered electronic
2 devices required by section 116F.515.

3 Sec. 6. [116F.530] [NOT-FOR-PROFIT CORPORATION.]

4 A corporation must be established by the office as a
5 nonprofit corporation organized under chapter 317A that
6 qualifies for tax exempt status under United States Code, title
7 26, section 501(c)(3), to administer collected fee proceeds from
8 the retail sale of covered electronic devices. Retailers of
9 covered electronic devices to consumers in Minnesota are
10 considered to have consented to be members of the not-for-profit
11 corporation. The corporation shall submit a budget annually to
12 the office and spend no more than five percent of the total fees
13 collected under section 116F.515 for administrative expenses.

14 Sec. 7. [116F.540] [CORPORATION RESPONSIBILITIES AND
15 STRUCTURE.]

16 Subdivision 1. [RESPONSIBILITIES.] (a) The corporation
17 must be governed and operated by a multistakeholder board for
18 fulfilling the responsibility for management of a collection,
19 transportation, and recycling system for covered electronic
20 devices.

21 (b) The corporation must serve, to the extent feasible, all
22 consumers in the state. The corporation must also rely
23 primarily on existing collection and consolidation
24 infrastructure for handling covered electronic devices to the
25 extent this infrastructure is cost effective and meets the
26 environmentally sound management requirements of section
27 116F.545.

28 (c) The corporation must receive funds collected by the
29 retailers and administer the system for reimbursement of
30 collectors and recyclers.

31 (d) The corporation shall organize and coordinate public
32 outreach. The corporation shall utilize local and regional
33 authorities to reach local residents and determine appropriate
34 methods for education.

35 Subd. 2. [STRUCTURE.] (a) The corporation shall use the
36 funding for the sole purpose of carrying out the duties of

1 sections 116F.505 to 116F.593. In the event that expenses from
2 collection, transportation, and recycling activities exceed
3 revenues, the corporation may borrow up to ten percent of the
4 projected annual net fee funds from outside sources. Borrowed
5 funds must be repaid within two years.

6 (b) On April 1 of each year, the office shall report to the
7 legislature on the implementation of the system during the
8 previous year. The report must identify the total weight of
9 covered electronic devices received during the preceding year by
10 product category, together with the total weight of products
11 recycled in each product category. The report must also include
12 a list of all parties participating in the system.

13 (c) The corporation must have a board of directors
14 consisting of 11 members appointed by the director. The board
15 members shall be appointed for two-year terms, except that for
16 the initial term, three members shall be appointed to one-year
17 terms and four members shall be appointed to two-year terms.
18 The director shall appoint a replacement if any vacancy occurs.
19 The board shall consist of representatives from:

- 20 (1) five manufacturers of covered electronic devices;
21 (2) two retailers of covered electronic devices;
22 (3) one environmental not-for-profit organization with
23 experience in the recycling of covered electronic devices;
24 (4) one for-profit organization with experience in the
25 recycling of covered electronic devices; and
26 (5) two government representatives, including one from
27 local government who shall be compensated pursuant to section
28 15.059, subdivision 3.

29 (d) The board shall hire a director who shall run the
30 day-to-day operations of the corporation and report to the board
31 at least once a year.

32 Subd. 3. [COORDINATING CONTRACTS.] The corporation shall
33 encourage collectors, transporters, and recyclers of covered
34 electronic devices to coordinate their efforts in order to
35 minimize costs. All contracts issued by the corporation for
36 recyclers must be competitively bid under a process created by

1 the corporation and may not prohibit or affect any contract,
2 franchise, permit, or other arrangement regarding the collection
3 or recycling of other solid or household hazardous waste.

4 Subd. 4. [REPORTING.] By February 1, 2007, and each year
5 thereafter, the corporation must provide information to the
6 office that specifies the following information regarding
7 covered electronic devices from Minnesota households:

8 (1) the total number and pounds of covered electronic
9 devices collected during the preceding year, together with the
10 total number and pounds of covered electronic devices reused or
11 refurbished for reuse, and the total number and pounds of
12 covered electronic devices recycled or resold; and

13 (2) a general description of the processes and methods used
14 to recycle, refurbish, or reuse the covered electronic devices
15 and any disassembly, physical recovery operation, or other
16 operation that was used, the location where these activities
17 occurred, and whether these activities were conducted in
18 accordance with applicable rules, standards, and requirements
19 for the environmentally sound management of covered electronic
20 devices.

21 Sec. 8. [116F.545] [PERFORMANCE REQUIREMENTS.]

22 (a) The corporation shall establish performance
23 requirements for recyclers eligible to receive funds from the
24 corporation. Recyclers shall, at a minimum, demonstrate
25 compliance with the United States Environmental Protection
26 Agency's Guidance on Environmentally Sound Management of
27 Electronic Products as issued and available on the office's Web
28 site in addition to any other requirements mandated by state law.

29 (b) The office shall keep on file and update a list of
30 recyclers approved to recycle covered electronic devices. A
31 copy of the list, including all changes to the list since the
32 previous year, must be sent to the corporation annually for use
33 in fulfilling its requirements under section 116F.540.

34 (c) The office is authorized to remove from the list any
35 recycler, who, as the result of an audit by the corporation or
36 the office, has failed to meet the criteria established under

1 section 116F.591 or who has been convicted of violating any
2 federal, state, or local law related to the collection,
3 transport, or processing of covered electronic products.

4 (d) The corporation and its board may not be held
5 financially liable for any violation of a federal, state, or
6 local law by a recycler appearing on the list created and
7 updated by the office.

8 Sec. 9. [116F.550] [LEVEL PLAYING FIELD PENALTIES.]

9 (a) Beginning September 1, 2005, a manufacturer may not
10 offer for sale in Minnesota a covered electronic device unless a
11 visible, permanent label clearly identifying the brand or
12 manufacturer of that device is affixed to it and, if the
13 manufacturer is also a retailer, the fee under section 116F.515
14 is collected.

15 (b) By July 15, 2005, manufacturers of covered electronic
16 devices must notify retailers that the covered electronic device
17 is subject to the fee in section 116F.515.

18 (c) A violation of this section is subject to a civil
19 penalty in the amount of \$1,000 per violation.

20 (d) The money collected and distributed shall be used to
21 offset enforcement expenses.

22 (e) Manufacturers and retailers, upon providing 60-day
23 notice to the attorney general and to a retailer who is not
24 collecting and remitting the fee in section 116F.515, or a
25 manufacturer who is not complying with this section, have the
26 right to sue that manufacturer or retailer for failure to
27 collect or remit the fee to the corporation. During the 60-day
28 notice period, if the attorney general initiates action against
29 the manufacturer or retailer, then the ability of the
30 manufacturer to sue is extinguished. The money collected by the
31 attorney general must be used to offset enforcement expenses.
32 Money in excess of the enforcement expenses shall be deposited
33 with the corporation. Manufacturers and retailers that
34 successfully challenge a noncompliant manufacturer or retailer
35 are entitled to receive their litigation costs as well as double
36 the penalties assessed under paragraph (c).

1 Sec. 10. [116F.560] [MARKET DEVELOPMENT.]

2 The corporation shall establish a market development
3 program to enhance existing and develop new end markets for
4 remanufactured products and recycled materials. No more than
5 one percent of corporation funds may be spent on this program.

6 Sec. 11. [116F.575] [MANUFACTURERS DUTIES.]

7 (a) Beginning September 1, 2005, a manufacturer must:

8 (1) collect and remit the fee in section 116F.515 on all
9 sales in which the manufacturer acts as a retailer;

10 (2) make information available to consumers describing
11 where and how to return, recycle, and dispose of covered
12 electronic devices through the use of product operation manuals,
13 industry or manufacturer Web sites, product labels, packaging
14 inserts, or toll-free telephone numbers; and

15 (3) provide recyclers with information on the type and
16 location of hazardous substances in the covered products.

17 (b) Beginning January 1, 2007, a manufacturer must not
18 offer for sale in the state any product or electronic device
19 that is prohibited from being sold or offered for sale in the
20 European Union on or after its date of manufacture, to the
21 extent that Directive 2002/95/EC adopted by the European
22 Parliament on January 27, 2003, and as amended thereafter by the
23 Commission of European Communities, prohibits the sale due to
24 the presence of heavy metals. This prohibition does not include
25 any product that contains a substance that is used to comply
26 with consumer health or safety requirements that are required by
27 Underwriters Laboratories, the federal government, or the state.

28 (c) Beginning July 1, 2008, and annually thereafter,
29 manufacturers shall make available to the public upon request a
30 report that contains:

31 (1) the total estimated amounts of lead, mercury,
32 hexavalent chromium, cadmium, and polybrominated biphenyls
33 (PBBs) contained in products sold within the state in the
34 previous year;

35 (2) the total estimated amounts of recyclable materials
36 contained in covered electronic devices sold within the state in

1 the previous year, and increases the use of those materials over
2 previous years; and

3 (3) any efforts to design covered electronic devices for
4 recycling and goals or plans for further increasing design for
5 recycling.

6 (d) In lieu of an individual report, manufacturers may
7 submit the information in a collated report submitted via a
8 trade association provided that information about an individual
9 company can be made available to the office upon written request
10 by the office. The office may only make such a request for
11 auditing purposes and not more than once during a five-year
12 period. The office may not make public any confidential
13 business information claimed by the manufacturer in the report.

14 (e) A report submitted to another state or to the federal
15 government that contains the same information as required in
16 this section must be accepted by the office in lieu of a
17 separate report for the state.

18 Sec. 12. [116F.580] [PROCEDURES; RULES.]

19 Subdivision 1. [REGISTRATION PROCEDURES.] The office shall
20 by November 1, 2005, establish procedures for registering with
21 the corporation and maintaining fee collection registrations and
22 the means for making registration information easily available
23 on a Web site to manufacturers, distributors, retailers, and
24 members of the public.

25 Subd. 2. [RULES.] The office may adopt rules for the
26 purpose of administering sections 116F.505 to 116F.593.

27 Sec. 13. [116F.590] [PROGRAM REVIEW.]

28 On or after January 1, 2014, the office shall convene a
29 stakeholder group to evaluate the program and make
30 recommendations to the legislature by January 1, 2015, as to
31 whether to:

32 (1) continue or modify the fee under section 116F.515;

33 (2) implement another financing alternative; or

34 (3) determine that no outside financing mechanism is

35 required to ensure that the system is financially solvent.

36 Sec. 14. [116F.591] [REGULATION OF COVERED ELECTRONIC

1 DEVICES.]

2 Covered electronic devices must be recycled, refurbished,
3 or reused in compliance with all applicable federal, state, and
4 local laws, regulations, and ordinances, and must not be
5 exported for disposal in a manner that poses a significant risk
6 to the public health or environment.

7 Sec. 15. [116F.592] [ENFORCEMENT.]

8 Sections 116F.505 to 116F.591 may be enforced under
9 sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072.

10 Sec. 16. [116F.593] [TERMINATION.]

11 The requirements under sections 116F.505 to 116F.592 shall
12 terminate 30 days after the director publishes a notice in the
13 State Register that a national program for effectively
14 collecting, transporting, and reusing or recycling waste covered
15 electronic devices is established and implemented throughout the
16 state.

17 Sec. 17. [EFFECTIVE DATE.]

18 Except as otherwise specified, sections 1 to 16 are
19 effective July 1, 2005.

Senators Hann and LeClair introduced--
S.F. No. 631: Referred to the Committee on Judiciary.

1 A bill for an act

2 relating to civil actions; prohibiting actions against

3 certain persons for weight gain as a result of

4 consuming certain foods; proposing coding for new law

5 in Minnesota Statutes, chapter 604.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

7 Section 1. [604.17] [ACTIONS ALLEGING WEIGHT GAIN OR

8 OBESITY FROM FOOD CONSUMPTION.]

9 Subdivision 1. [ACTIONS PROHIBITED.] An action may not be

10 brought against a manufacturer or seller of a food or a trade

11 association for a food to recover damages or obtain injunctive

12 relief for alleged injury resulting from consumption of food and

13 weight gain, obesity, or any health condition associated with

14 weight gain or obesity.

15 Subd. 2. [ACTIONS PERMITTED.] Subdivision 1 does not

16 prohibit an action:

17 (1) against a manufacturer or seller of a food that

18 knowingly and willfully violated a state law applicable to the

19 manufacturing, marketing, distribution, advertisement, labeling,

20 or sale of the food, and the violation was a proximate cause of

21 injury related to a person's weight gain, obesity, or any health

22 condition associated with a person's weight gain or obesity; or

23 (2) an action for breach of express contract or express

24 warranty in connection with the purchase of food.

25 Subd. 3. [PLEADINGS.] In an action described in

1 subdivision 2, the complaint must state with particularity each
2 and every state statute that was violated and the facts that
3 caused the alleged injuries.

4 Subd. 4. [DISCOVERY IN CERTAIN ACTIONS.] (a) In an action
5 described in subdivision 2, discovery and other proceedings must
6 be stayed during the pendency of a motion to dismiss unless the
7 court finds on motion of a party that particularized discovery
8 is necessary to preserve evidence or prevent undue prejudice to
9 that party.

10 (b) During the pendency of a stay of discovery under this
11 subdivision, unless otherwise ordered by the court, a party to
12 the action with actual notice of the allegations contained in
13 the complaint shall treat every tangible object or document in
14 that party's control or custody that is relevant to the
15 allegations as if the object or document was the subject of a
16 continuing request for production of documents from any opposing
17 party under the Rules of Civil Procedure. "Document" includes
18 any written or electronically recorded or stored compilation of
19 data.

20 (c) A party aggrieved by the failure of another party to
21 comply with this subdivision may apply to the court for an order
22 awarding appropriate sanctions.

23 Sec. 2. [EFFECTIVE DATE.]

24 Section 1 is effective August 1, 2005, and applies to
25 actions commenced on or after that date.

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

3 S.F. No. 2259: A bill for an act relating to public
4 safety; reenacting the Minnesota Citizens' Personal Protection
5 Act of 2003; recognizing the inherent right of law-abiding
6 citizens to self-protection through the lawful use of
7 self-defense; providing a system under which responsible,
8 competent adults can exercise their right to self-protection by
9 authorizing them to obtain a permit to carry a pistol; providing
10 criminal penalties; amending Minnesota Statutes 2004, section
11 624.714, subdivision 17, as reenacted.

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

14 Delete everything after the enacting clause and insert:

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

16 Laws 2003, chapter 28, articles 2 and 3, are reenacted
17 effective retroactively and without interruption from April 28,
18 2003.

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

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

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

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

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

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

41 Subd. 3. [DEFINITION.] For purposes of subdivision

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

6 Sec. 4. Minnesota Statutes 2004, section 624.714,
7 subdivision 2, is amended to read:

8 Subd. 2. [WHERE APPLICATION MADE; AUTHORITY TO ISSUE
9 PERMIT; CRITERIA; SCOPE.] (a) Applications by Minnesota
10 residents for permits to carry shall be made to the county
11 sheriff where the applicant resides. Nonresidents, as defined
12 in section 171.01, subdivision 42, may apply to any sheriff.

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

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

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

19 (3) completes an application for a permit;

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

22 (i) 518B.01, subdivision 14;

23 (ii) 609.224, subdivision 3;

24 (iii) 609.2242, subdivision 3;

25 (iv) 609.749, subdivision 8;

26 (v) 624.713;

27 (vi) 624.719;

28 (vii) 629.715, subdivision 2; or

29 (viii) 629.72, subdivision 2; or

30 (ix) any federal law; and

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

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

36 (d) A sheriff may contract with a police chief to process

1 permit applications under this section. If a sheriff contracts
2 with a police chief, the sheriff remains the issuing authority
3 and the police chief acts as the sheriff's agent. If a sheriff
4 contracts with a police chief, all of the provisions of this
5 section will apply.

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

8 Sec. 5. Minnesota Statutes 2004, section 624.714,
9 subdivision 2a, is amended to read:

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

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

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

20 (b) Basic training must include:

21 (1) instruction in the fundamentals of pistol use;

22 (2) instruction in methods for preventing another person
23 from taking the pistol away;

24 (3) successful completion of an actual shooting
25 qualification exercise; and

26 ~~(4)~~ (4) instruction in the fundamental legal aspects of
27 pistol possession, carry, and use, including self-defense and
28 the restrictions on the use of deadly force.

29 (c) The certified instructor must issue a certificate to a
30 person who has completed a firearms safety or training course
31 described in paragraph (b). The certificate must be signed by
32 the instructor and attest that the person attended and completed
33 the course.

34 (d) A person qualifies as a certified instructor if the
35 person is certified as a firearms instructor within the past
36 five years by:

1 ~~{1}-the-Bureau-of-Criminal-Apprehension,-Training-and~~
2 ~~Development-Section;~~

3 ~~{2}-the-Minnesota-Association-of-Law-Enforcement-Firearms~~
4 ~~Instructors;~~

5 ~~{3}-the-National-Rifle-Association;~~

6 ~~{4}-the-American-Association-of-Certified-Firearms~~
7 ~~Instructors;~~

8 ~~{5}-the-Peace-Officer-Standards-and-Training-Board-of-this~~
9 ~~state-or-a-similar-agency-of-another-state-that-certifies~~
10 ~~firearms-instructors;-or~~

11 ~~{6}-the-Department-of-Public-Safety-of-this-state-or-a~~
12 ~~similar-agency-of-another-state-that-certifies-firearms~~
13 ~~instructors~~ an organization or government entity that has been
14 approved by the Department of Public Safety in accordance with
15 standards to be adopted by the department through expedited
16 rulemaking as described in section 14.389.

17 ~~{d}~~ (e) A sheriff must accept the training described in
18 this subdivision as meeting the requirement in subdivision 2,
19 paragraph (b), for training in the safe use of a pistol. A
20 sheriff may also accept other satisfactory evidence of training
21 in the safe use of a pistol.

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

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

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

30 (1) the applicant's name, residence, telephone number, if
31 any, and driver's license number or state identification card
32 number;

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

36 (3) the township or statutory city or home rule charter

1 city, and county, of all states-of-residence residences of the
2 applicant in the last ~~ten~~ five years, ~~though-not~~ including
3 specific addresses;

4 (4) a statement that the applicant authorizes the release
5 to the sheriff of commitment information about the applicant
6 maintained by the commissioner of human services or any similar
7 agency or department of another state where the applicant has
8 resided, to the extent that the information relates to the
9 applicant's eligibility to possess a firearm; and

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

13 (b) The statement under paragraph (a), clause (4), must
14 comply with any applicable requirements of Code of Federal
15 Regulations, title 42, sections 2.31 to 2.35, with respect to
16 consent to disclosure of alcohol or drug abuse patient records.

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

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

21 (2) an accurate photocopy of a the certificate, affidavit,
22 or other document described in subdivision 2a, paragraph (c),
23 that is submitted as the applicant's evidence of training in the
24 safe use of a pistol; and

25 (3) an accurate photocopy of the applicant's current
26 driver's license, state identification card, or the photo page
27 of the applicant's passport; and

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

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

36 (e) Applications must be submitted in person.

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

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

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

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

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

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

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

30 Subd. 4. [INVESTIGATION.] (a) The sheriff must check~~7-by~~
31 ~~means-of-electronic-data-transfer~~₇ criminal records, histories,
32 and warrant information on each applicant through the Minnesota
33 Crime Information System and, to the extent necessary, the
34 National Instant Check System. The sheriff shall also make a
35 reasonable effort to check other available and relevant federal,
36 state, or local record-keeping systems. The sheriff must obtain

1 commitment information from the commissioner of human services
2 as provided in section 245.041 or, if the information is
3 reasonably available, as provided by a similar statute from
4 another state.

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

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

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

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

22 Subd. 8. [PERMIT TO CARRY VOIDED.] (a) The permit to carry
23 is void ~~and-must-be-revoked~~ at the time that the holder becomes
24 prohibited by law from possessing a firearm, in which event the
25 holder must return the permit card to the issuing sheriff within
26 five business days after the holder knows or should know that
27 the holder is a prohibited person. If a permit is
28 revoked becomes void under this subdivision paragraph, the
29 sheriff, if aware of this, must give notice to the permit holder
30 in writing in the same manner as a denial. Failure of the
31 holder to return the permit within the five days is a gross
32 misdemeanor unless the court finds that the circumstances or the
33 physical or mental condition of the permit holder prevented the
34 holder from complying with the return requirement.

35 (b) When a permit holder is convicted of an offense that
36 prohibits the permit holder from possessing a firearm, the court

1 ~~must revoke the permit and, if it is available,~~ take possession
2 of ~~it~~ the permit, if it is available, and send it to the issuing
3 sheriff.

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

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

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

17 Sec. 9. Minnesota Statutes 2004, section 624.714,
18 subdivision 17, as reenacted by section 1, is amended to read:

19 Subd. 17. [POSTING; TRESPASS.] (a) A person carrying a
20 firearm on or about his or her person or clothes under a permit
21 or otherwise who remains at a private establishment or in a
22 building or park owned, leased, or controlled by a local unit of
23 government knowing that the operator of the establishment or its
24 agent or the local unit of government has made a reasonable
25 request that firearms not be brought into the establishment or
26 property may be ordered to leave the premises. A person who
27 fails to leave when so requested is guilty of a petty
28 misdemeanor. The fine for a first offense must not exceed \$25.
29 Notwithstanding section 609.531, a firearm carried in violation
30 of this subdivision is not subject to forfeiture.

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

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

35 (i) the requester has prominently posted a conspicuous sign
36 at every entrance to the establishment containing the following

1 language: "(INDICATE IDENTITY OF OPERATOR) BANS GUNS IN THESE
2 PREMISES."; and or

3 (ii) the requester or its agent personally informs the
4 person ~~of-the-posted-request~~ that guns are prohibited in the
5 premises and demands compliance.

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

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

12 (4) "Private establishment" means a building, structure, or
13 portion thereof that is owned, leased, controlled, or operated
14 by a nongovernmental entity for a nongovernmental purpose. The
15 term does not include religious entities.

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

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

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

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

28 (f) Notwithstanding any inconsistent provisions in section
29 609.605, this subdivision sets forth the exclusive criteria to
30 notify a permit holder when otherwise lawful firearm possession
31 is not allowed in a private establishment and sets forth the
32 exclusive penalty for such activity.

33 (g) This subdivision does not apply to:

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

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

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

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

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

10 Sec. 11. Minnesota Statutes 2004, section 624.714,
 11 subdivision 18, is amended to read:

12 ~~Subd. 18. [EMPLOYERS, PUBLIC COLLEGES AND UNIVERSITIES.]~~

13 (a) An employer, whether public or private, may establish
 14 policies that restrict the carry or possession of firearms by
 15 its employees while acting in the course and scope of
 16 employment. Employment related civil sanctions may be invoked
 17 for a violation.

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

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

27 Sec. 12. Minnesota Statutes 2004, section 624.714, is
 28 amended by adding a subdivision to read:

29 Subd. 18a. [POSSESSION OF DANGEROUS WEAPONS ON SCHOOL
 30 PROPERTY; PENALTIES.] (a) Whoever possesses, stores, or keeps a
 31 dangerous weapon or uses or brandishes a replica firearm or BB
 32 gun while knowingly on school property or youth organization
 33 property, except as provided in paragraph (c), is guilty of a
 34 felony and may be sentenced to imprisonment for not more than
 35 two years or to payment of a fine of not more than \$5,000, or
 36 both.

1 (b) As used in this subdivision:

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

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

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

8 (4) "school property" means:

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

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

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

16 (iv) any public or private university or college;

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

27 (c) This subdivision does not apply to:

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

31 (2) active licensed peace officers;

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

35 (4) firearms safety or marksmanship programs conducted on
36 school or youth organization property, or students participating

1 in military training with the written permission of the school's
 2 principal; and

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

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

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

11 (1) when the person is under the influence of a controlled
 12 substance, as defined in section 152.01, subdivision 4;

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

15 (3) when the person is knowingly under the influence of any
 16 chemical compound or combination of chemical compounds that is
 17 listed as a hazardous substance in rules adopted under section
 18 182.655 and that affects the nervous system, brain, or muscles
 19 of the person so as to impair the person's clearness of
 20 intellect or physical control;

21 (4) when the person is under the influence of alcohol;

22 (5) when the person's alcohol concentration is 0.10 or
 23 more; or

24 (6) when ~~the person's alcohol concentration is less than~~
 25 ~~0.10, but more than 0.04~~ there is physical evidence of the
 26 consumption of alcohol present in the person's body.

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

29 Subdivision 1. [MANDATORY CHEMICAL TESTING.] A person who
 30 carries a pistol in a public place on or about the person's
 31 clothes or person is required, subject to the provisions of this
 32 section, to take or submit to a test of the person's blood,
 33 breath, or urine for the purpose of determining the presence and
 34 amount of alcohol or a controlled substance. The test shall be
 35 administered at the direction of an officer authorized to make
 36 arrests under section 624.7142. Taking or submitting to the

1 test is mandatory when requested by an officer who has probable
2 cause to believe the person was carrying a pistol in violation
3 of section 624.7142, and one of the following conditions exists:

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

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

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

11 (4) the screening test was administered and indicated an
12 ~~alcohol-concentration-of-0.04-or-more~~ the presence of alcohol in
13 the person's body.

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

16 Subd. 2. [PENALTIES; REFUSAL; REVOCATION.] (a) If a person
17 refuses to take a test required under subdivision 1, none must
18 be given but the officer shall report the refusal to the sheriff
19 and to the authority having responsibility for prosecution of
20 misdemeanor offenses for the jurisdiction in which the incident
21 occurred that gave rise to the test demand and refusal. On
22 certification by the officer that probable cause existed to
23 believe the person had been carrying a pistol on or about the
24 person's clothes or person in a public place ~~while-under-the~~
25 ~~influence-of-alcohol-or-a-controlled-substance~~ in violation of
26 section 624.7142, and that the person refused to submit to
27 testing, a court may impose a civil penalty of \$500 and may
28 revoke the person's authority to carry a pistol in a public
29 place on or about the person's clothes or person under the
30 provisions of a permit or otherwise for a period of one year
31 from the date of the refusal. The person shall be accorded
32 notice and an opportunity to be heard prior to imposition of the
33 civil penalty or the revocation.

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

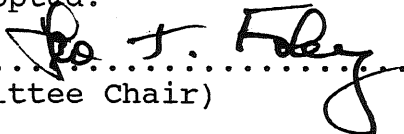
36 Sec. 16. [REPEALER.]

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

3 Delete the title and insert:

4 "A bill for an act relating to public safety; reenacting
5 the Minnesota Citizens' Personal Protection Act of 2003 with
6 certain amendments; recognizing the inherent right of
7 law-abiding citizens to self-protection through the lawful use
8 of self-defense; providing a system under which responsible,
9 competent adults can exercise their right to self-protection by
10 authorizing them to obtain a permit to carry a pistol; providing
11 criminal penalties; amending Minnesota Statutes 2004, sections
12 609.28, subdivision 3, by adding a subdivision; 624.714,
13 subdivisions 2, 2a, 3, 4, 8, 17, as reenacted, 18, by adding
14 subdivisions; 624.7142, subdivision 1; 624.7143, subdivisions 1,
15 2; repealing Minnesota Statutes 2004, sections 609.66,
16 subdivision 1d."

17 And when so amended the bill be re-referred to the
18 Committee on Rules and Administration without recommendation.
19 Amendments adopted. Report adopted.

20
21 
22 (Committee Chair)

23 May 2, 2005.....
24 (Date of Committee recommendation)

**Pursuant to J.R. 2.03, the Bill was Referred to
the Committee on Rules and Administration**

Senators Pariseau, Ruud, Sams, Wergin and Bakk introduced--

S.F. No. 2259: Referred to the Committee on Crime Prevention and Public Safety.

A bill for an act

1
2 relating to public safety; reenacting the Minnesota
3 Citizens' Personal Protection Act of 2003; recognizing
4 the inherent right of law-abiding citizens to
5 self-protection through the lawful use of
6 self-defense; providing a system under which
7 responsible, competent adults can exercise their right
8 to self-protection by authorizing them to obtain a
9 permit to carry a pistol; providing criminal
10 penalties; amending Minnesota Statutes 2004, section
11 624.714, subdivision 17, as reenacted.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

13 Section 1. [REENACTMENT OF PERSONAL PROTECTION ACT IF
14 FOUND UNCONSTITUTIONAL FOR ENACTMENT PROCESS DEFECT.]

15 If Laws 2003, chapter 28, is found to be unconstitutional
16 by an appellate court due to a title defect, then Laws 2003,
17 chapter 28, article 2, sections 1 to 30 and 32 to 36, are
18 reenacted effective retroactively and without interruption from
19 April 28, 2003, including reenactment of sections codified in
20 Minnesota Statutes 2004, sections 13.871, subdivision 9; 609.66,
21 subdivision 1d; 624.712, subdivision 11; 624.714, subdivisions
22 1a, 1b, 2, 2a, 3, 4, 6, 7, 7a, 8, 8a, 10, 11a, 12, 12a, 14, 15,
23 16, 17, 18, 19, 20, 21, 22, and 23; 624.7142; and 624.7143.

24 Sec. 2. Minnesota Statutes 2004, section 624.714,
25 subdivision 17, as reenacted by section 1, is amended to read:

26 Subd. 17. [POSTING; TRESPASS.] (a) A person carrying a
27 firearm on or about his or her person or clothes under a permit
28 or otherwise who remains at a private establishment knowing that

1 the operator of the establishment or its agent has made a
2 reasonable request that firearms not be brought into the
3 establishment may be ordered to leave the premises. A person
4 who fails to leave when so requested is guilty of a petty
5 misdemeanor. The fine for a first offense must not exceed \$25.
6 Notwithstanding section 609.531, a firearm carried in violation
7 of this subdivision is not subject to forfeiture.

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

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

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

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

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

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

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

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

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

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

35 (f) Notwithstanding any inconsistent provisions in section
36 609.605, this subdivision sets forth the exclusive criteria to

1 notify a permit holder when otherwise lawful firearm possession
2 is not allowed in a private establishment and sets forth the
3 exclusive penalty for such activity.

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

Senators Stumpf, Skoe, Anderson and Langseth introduced—

S. F. No. 834 Referred to the Committee on Rules & Administration

1 A resolution

2 memorializing Congress to oppose the Central American
3 Free Trade Agreement.

4

5 WHEREAS, the United States government has negotiated a
6 Central American Free Trade Agreement (CAFTA) to expand the
7 North American Free Trade Agreement (NAFTA) model throughout the
8 Western Hemisphere; and

9 WHEREAS, CAFTA will be submitted to Congress for approval
10 this year; and

11 WHEREAS, the provisions of CAFTA could substantially harm
12 Minnesota's \$2 billion per year sugar beet industry, which
13 provides 34,000 direct and indirect jobs; and

14 WHEREAS, Minnesota has suffered the loss of thousands of
15 manufacturing jobs under NAFTA; and

16 WHEREAS, CAFTA does not contain comprehensive and
17 enforceable protections for workers, the environment, and our
18 democratic process; and

19 WHEREAS, without setting enforceable standards for minimum
20 labor and environmental protections, CAFTA would escalate a race
21 to the bottom in which nations compete for foreign investment by
22 offering the lowest wages and most lax labor and environmental
23 protections to the detriment of their populations, thus causing
24 further loss of Minnesota manufacturing jobs; and

1 WHEREAS, CAFTA includes subsidies rules that potentially
2 conflict with state or local lawmaking to promote economic
3 development; and

4 WHEREAS, the investment provisions of CAFTA give foreign
5 investors greater rights than investors from Minnesota and other
6 parts of the United States; and

7 WHEREAS, the investment provisions of CAFTA potentially
8 conflict with traditional local land-use decision-making ability
9 and negatively affect state and local powers; and

10 WHEREAS, the investment provisions of CAFTA could be used
11 to undermine Minnesota's protection of our environment; NOW,
12 THEREFORE,

13 BE IT RESOLVED by the Legislature of the State of Minnesota
14 that it requests the Minnesota Congressional Delegation to
15 oppose the Central American Free Trade Agreement.

16 BE IT FURTHER RESOLVED that the Secretary of State of the
17 State of Minnesota is directed to prepare copies of this
18 memorial and transmit them to the Speaker and the Clerk of the
19 United States House of Representatives, the President and the
20 Secretary of the United States Senate, the United States
21 Secretary of State, the United States Trade Representative, the
22 presiding officers of both houses of the legislatures of each of
23 the other states in the Union, and Minnesota's Senators and
24 Representatives in Congress.

1 A senate resolution
2 recognizing May 5, 2005, as a Day of Prayer in
3 Minnesota.

4

5 WHEREAS, the citizens of the state of Minnesota have roots
6 in many cultures, with nearly every nationality represented, and
7 honor a variety of religious traditions; and

8 WHEREAS, the history of our state is replete with leaders
9 who voluntarily called upon God, whether the need was great or
10 small; and

11 WHEREAS, civic and national days of prayer have a long and
12 venerable history in our constitutional republic, dating back to
13 the First Continental Congress in 1775; and

14 WHEREAS, the Declaration of Independence, our first
15 statement as Americans of national purpose and identity, made
16 "the laws of Nature and of Nature's God" the foundation of our
17 United States of America and asserted that people have
18 inalienable rights that are God-given; and

19 WHEREAS, in 1988, legislation setting aside the first
20 Thursday in May in each year as a National Day of Prayer was
21 passed unanimously by both houses of Congress and signed by the
22 President; and

23 WHEREAS, the National Day of Prayer is an opportunity for
24 Americans of all faiths to join in united prayer to acknowledge

1 our dependence on God's grace, to give thanks for blessings
2 received, to request healing for wounds endured, and to ask God
3 to guide our leaders, bless our troops, and bring wholeness to
4 the United States and its citizens; and

5 WHEREAS, May 5, 2005, marks the fifty-fourth consecutive
6 observance of the National Day of Prayer in cities and towns
7 throughout the United States and provides us with a powerful
8 opportunity to humble ourselves; and

9 WHEREAS, this year it is fitting that we pray especially
10 for American armed services members serving in Iraq,
11 Afghanistan, Bosnia, Kosovo, and other parts of the world, or
12 supporting those who serve there; and

13 WHEREAS, the citizens of Minnesota have the opportunity to
14 gather on this day to pray in their own way; NOW, THEREFORE,

15 BE IT RESOLVED by the Senate of the State of Minnesota that
16 it recognizes May 5, 2005, as a Day of Prayer in the state of
17 Minnesota and commends this observance to all citizens.

18 BE IT FURTHER RESOLVED that the Secretary of the Senate is
19 directed to prepare an enrolled copy of this resolution, to be
20 authenticated by his signature and that of the Senate Majority
21 Leader, and transmit it to the National Prayer Committee.

RECEIVED

FEB 18 2005

SECRETARY OF THE
MINNESOTA SENATE

**Proposal for
Professional Auditing Services
for**

Minnesota State Senate

**Years Ending
June 30, 2004 through 2006**



**Virchow Krause
& company**

7900 Xerxes Avenue South, Suite 2400
Minneapolis, MN 55431-1115
Phone 952.835.1344
Fax 952.835.5845
www.virchowkrause.com

Daryl DeKam, CPA, Partner

February 21, 2005

MINNESOTA STATE SENATE

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**Virchow Krause
& company**

February 21, 2005

Mr. Patrick E. Flahaven
Secretary of the Senate
Minnesota State Senate
231 State Capitol
St. Paul, MN 55155

Dear Mr. Flahaven:

Virchow, Krause & Company, LLP is pleased to submit a proposal to provide audit services for the Minnesota State Senate. Selecting an audit firm that provides quality service and understands the public sector is important to the future success of your organization. We not only provide auditing services, but will serve as a resource to assist you in the financial management of your operation. Our proposal is based on the Request for Proposal, our discussion with you, and our prior experience with Minnesota Legislative Coordinating Commission and hundreds of other government entities in the Midwest.

Understanding Your Needs

Based on the request for proposal, we understand that the Minnesota State Senate would like us to perform audit services that determine whether:

- The financial statements of the Minnesota State Senate for the fiscal years ended June 30, 2004, 2005 and 2006, respectively, present fairly the financial position and the results of operations in accordance with generally accepted accounting principals and government auditing standards.
- Expenditures by the Senate are in accordance with the appropriation laws and with the financial operating rules, resolutions, motions, and orders of the Senate that may have a material effect upon the financial statements.
- An adequate control structure exists over the Senate's financial operations to the extent required by generally accepted government auditing standards. The purpose of the evaluation is to gain a sufficient understanding of the internal control structure to plan the audit and determine the nature, timing and extent of tests to be performed.

As you evaluate our proposal, there are several important factors to consider which distinguish Virchow, Krause & Company, LLP from other firms:

Commitment

Virchow, Krause & Company, LLP has a long standing tradition and solid reputation for providing high quality auditing, accounting, and consulting services to governmental entities. To illustrate that commitment, we have established a separate practice group devoted entirely to serving more than 200 municipalities, 260 municipal utilities, 70 school districts and 20 counties in the Midwest.

Experience

We understand the needs and pressures facing the public sector. Our continuing relationship with hundreds of public sector clients provides a strong foundation to meet the Senate's needs. Our staff comes ready with the experience and creativity to find practical solutions. We have previously worked with the Minnesota Legislative Coordinating Commission and are well versed in the MAPS and SEMA4 systems through our audit work with other state entities (including MnSCU).

Independence

We believe the audited financial statements and the audit process provide valuable information for you to use when managing your organization's financial operations. As a CPA firm, we are required to maintain complete independence. We will recommend solutions that are in the best interest of your organization.

Depth of Resources

The members of the project team have extensive prior public sector experience. Your staff will not need to spend time explaining governmental accounting to us. All of our project team members, including the partners, are available at anytime for consultation. As a team, we believe we can help you meet your financial goals.

Efficiency

We are sensitive to the financial constraints of our clients. Our policy is to provide top quality people and service at competitive prices. We strive to complete fieldwork efficiently and effectively.

Complete and Timely Services

We pride ourselves in being on time, or early, with the delivery of reports. This stems from careful engagement planning and control in addition to a strong commitment to client service. Based on the timetable specified in the request for bids, we are committed to meeting the established completion date.

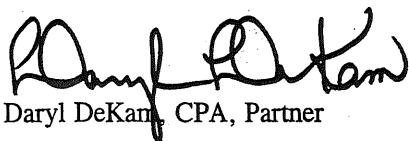
We believe that the selection of our firm will provide the Minnesota State Senate with the best possible team to serve you. Our firm is large enough to assure you of top quality professional service, yet still offer personalized service responsive to your unique needs.

VK's philosophy and desire is to build long-term relationships with our clients. By taking the time to learn and understand your organization and its needs, our goal is to provide valuable service and contribute to your success *by serving as your most valued advisor*. We hope that our client service philosophy, expertise, and reputation for quality will be major factors you consider when evaluating our firm.

We appreciate the opportunity to submit this proposal and welcome the opportunity to discuss any specific aspects. If you have any questions, or need additional information, please contact me at 952.351.4714 or by email at ddekam@virchowkrause.com. We look forward to working with you on this engagement.

Sincerely,

VIRCHOW, KRAUSE & COMPANY, LLP



Daryl DeKam, CPA, Partner

Form of Proposal for Contract Work


Gentlemen:

1. The Undersigned, being familiar with the local conditions affecting the cost of the work and with the specifications and general conditions, hereby propose and agree, if this proposal is accepted, to furnish services to the Minnesota State Senate promptly, correctly, and in the most professional manner, in accordance with the provisions of the specifications attached to this proposal, for the prices set forth in the attached Contractor's Statement of Qualifications, subject to a maximum price (Total Cost), including travel and out-of-pocket costs, of:
\$16,580.00 for fiscal year 2004 and:
\$16,600.00 for fiscal year 2005 and:
\$17,100.00 for fiscal year 2006.
2. In submitting this bid it is understood that the right is reserved by the Minnesota State Senate to reject any and all bids and it is agreed that this bid may not be withdrawn for a period of 30 days after the date of filing it.
3. If a Corporation, what is the State of Incorporation:
N/A
4. If a Partnership, state full name of the managing partner:
Timothy L. Christen
5. Conditional Proposals will not be accepted, and no changes of these forms are permitted.

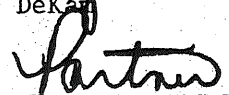
Firm Name and Address:

Virchow Krause & Company LLP
7900 Xerxes Avenue South, Suite 2400
Minneapolis, MN 55431

By


Daryl DeKam

Title


Partner

Bidder's Statement of Qualifications

MANAGEMENT SUMMARY

Virchow, Krause & Company, LLP is a regional firm conveniently located in Bloomington, Minnesota with headquarters in Madison, Wisconsin. Virchow, Krause & Company, LLP originated in 1931 with a commitment to deliver innovative financial solutions and solid business strategies to our clients. Virchow, Krause & Company, LLP has over 1,000 employees in 14 offices throughout Minnesota, Wisconsin, Illinois and Michigan. The Bloomington office has approximately 200 employees.

See attached Firm Profile and Qualifications.

The reports to be delivered are those described in the Request for Proposal. Our proposed effort is described below in our work plan.

WORK PLAN

We will perform the financial and compliance audit in accordance with generally accepted auditing standards and government auditing standards issued by the Comptroller of the United States. We will also determine whether expenditures by the Senate are in accordance with the appropriation laws and with the financial operating rules, resolutions, motions, and orders of the Commission. As part of the audit, we will evaluate the Senate's internal control structure as required by generally accepted auditing standards.

Our work plan includes the following identifiable phases: planning, interim audit work, year-end audit work and reporting. When practicable, interim and year-end audit work phases are combined as an integrated unit.

PLANNING

During this phase, we will establish a proper basis for the audit to maximize audit effectiveness and minimize audit costs. The phase will commence with discussions between Virchow, Krause & Company, LLP and the Senate. This meeting is important to ensure a coordinated audit and will cover these matters:

- ◆ Initial audit concerns
- ◆ Our preliminary plan for conducting the audit to meet the Senate's timing requirements
- ◆ Management suggestions for areas requiring special attention or emphasis
- ◆ Reporting issues

Analytical review procedures to be performed during planning include examination of ratios, trends, budget comparisons and other available data. These focus subsequent audit procedures on critical areas. We expect to perform the following tests:

- ◆ Comparing financial statement amounts for the current year with those of the previous year
- ◆ Comparing current year actual amounts with budgeted amounts

Planning will also include review, evaluation, and documentation of the Commission's internal control structure, which will include a review of the general and specific controls within the data processing function. The final step of the planning phase will be development of a tailored audit program to fit your organization.

YEAR-END AUDIT WORK

This phase will commence when the Senate has prepared a trial balance of its year-end general ledger accounts of the various funds and completed the workpapers agreed upon during planning. This phase will primarily involve testing of the Senate's internal control and compliance with laws and regulations and the performance of substantive procedures. The purpose of substantive tests will be to provide reasonable assurance of the validity of account balances as produced by the accounting system. These tests involve obtaining or examining evidence to verify the propriety of such balances.

REPORTING

The final phase involves review of the financial statements and supplementary data Senate staff have prepared for inclusion in the audit report and a report on compliance and on internal control over financial reporting. Our report will state that our audit was made in accordance with generally accepted auditing standards and government auditing standards. We will also provide letters to the Senate covering reportable conditions relating to the internal control structure, if any, and other matters as appropriate.

PRIOR EXPERIENCE

Virchow, Krause & Company, LLP performs audits of numerous governmental entities (e.g., approximately 200 municipalities, 260 municipal utilities, 70 school districts and 20 counties). Examples of existing clients include Minnesota Legislative Coordinating Commission, City of Rosemount, MN, City of Jackson, MN, City of New Richmond, WI, Shakopee Public Schools, Minnesota River Valley Special Education Cooperative, St. Louis Park Public Schools and several of the MnSCU Colleges. The Firm's Public Sector Group has over 140 employees including approximately 20 in Bloomington.

References are attached.

PERSONNEL

The Firm expects that a minimum of five professionals will be involved in the engagement including myself as the engagement partner, a manager, two senior/staff accountants, and a cold reviewer. All personnel tentatively scheduled to work on the engagement are members of our public sector group and specialize in providing not-for-profit organizations and governmental units with audit, tax, and consulting services.

We are proud to say that we have an experienced staff available to serve you. A significant reason why many of our clients stay with us for many years comes down to our people.

We care about our clients' business, and it shows in our people. In order to insure that our staff meet your expectations, our firm requires all professional staff to obtain a minimum of 120 continuing professional education credits (CPE) every three years with no less than 20 credits in any given year. All public sector staff attend courses in the accounting and auditing areas dealing with governmental topics, including the single audit area.

You should be aware that all governmental auditors are required to meet the continuing professional education requirements of *Government Auditing Standards* which require 24 governmental CPE credits every two years. We are meeting those requirements.

Resumes are attached.

Firm Profile and Qualifications

At Virchow, Krause & Company, LLP, our goal is to help clients succeed both today and in the future. As a full service accounting and consulting firm, we have a long history of commitment to our clients and strive to ensure your complete satisfaction. Our staff responds to your needs by carefully listening and evaluating your particular situation. We go beyond the services of a traditional CPA firm to find innovative solutions and offer useful suggestions to strengthen your organization. Truly, our mission is to serve as ***your most valued advisor.***

Virchow, Krause & Company, LLP is one of the Midwest's oldest and largest certified public accounting and consulting firms. Founded in 1931 by Mr. E. D. Virchow, our firm now includes approximately 139 partners among approximately 1,000 total associates in 14 offices throughout Wisconsin, Minnesota, Illinois and Michigan. We are ranked as the 13th largest CPA firm in the United States.

We are one of the few CPA firms with a public sector services department, consisting of over 100 professionals, *dedicated entirely to serving public sector clients.* Because of this specialized focus, our staff understands the issues the public sector faces and have the experience to find effective solutions. Our Public Sector Services Department was created in 1969 and today provides services to more than 200 municipalities, 260 municipal utilities, 70 school districts, and 20 counties.

Services provided to our clients include accounting and auditing, operational analysis, human resources consulting, information systems analysis, and utility consulting among others. In all engagements, our clients are welcome to consult with all levels of staff, as well as partners.

Our devotion to the public sector is illustrated by our commitment to inform and instruct our clients about important public sector issues. Annually, we speak at accounting, financial, and management seminars and workshops. In addition, we author two newsletters, *Municipal Lines* and *Utility Lines*, which provide clients timely information on relevant topics.

As a certified public accounting firm, we are required to maintain complete independence. This assures our evaluation will be fair, objective, and intended to serve the best interest of your organization and its taxpayers. As a member of the Securities Exchange Commission (SEC) Practice Section of the American Institute of Certified Public Accountants, we have successfully passed all peer reviews. In every case, we have received a "clean" opinion, the highest level of assurance obtainable with respect to our audit practice. Our ongoing internal quality control program is a critical component associated with our ability to continue to provide the highest quality services to our clients. You can be confident that our methods and practices uphold the highest ethical standards and ensure complete independence.

In the final analysis, our philosophy and reputation of providing exceptional service should be a major contributing factor in your evaluation of our proposal. Virchow, Krause & Company, LLP is large enough to provide you with continuity of service and depth of experience, yet still offer personal service responsive to your unique needs.

REFERENCES

Mr. Chad Thuet, Assistant Director
Minnesota Legislative Coordinating Commission
St. Paul, MN
Phone: 651.296.1121

Mr. Jeffrey A. May, Finance Director
City of Rosemount, MN
Phone: 651.423.4411

Mr. Dean Albrecht, City Administrator
City of Jackson, MN
Phone: 507.847.4410

Mr. Jon McBroom, Superintendent
Shakopee Public Schools
Shakopee, Minnesota
Phone: 952.496.5011

Mr. Jeff Priess, Finance Director
St. Louis Park Public Schools
St. Louis Park, Minnesota
Phone: 952.928.6000

Resumes

DARYL D. DEKAM



**Daryl D. DeKam, CPA
Partner**

952.351.4714
ddekam@virchowkrause.com

Daryl DeKam has been in the accounting industry since 1972. A Partner in the Public Sector Practice Group of Virchow, Krause & Company, LLP, he specializes in serving not-for-profit organizations, colleges/universities, and public sector entities. He has extensive experience in financial auditing and accounting as well as providing a variety of financial consulting services.

SPECIFIC EXPERIENCE

- Partner-in-charge of accounting and financial auditing engagements for not-for-profit organizations as well as governmental entities and educational institutions.
- Provides single audit services to various entities as required by various governmental audit standards.
- Consults with various entities on OMB A-133, FASB, and GASB technical issues.
- Helps clients implement new accounting standards including Governmental Accounting Standards Board No. 34 (GASB No. 34).
- Provides consulting services to commercial and non-for-profit businesses regarding merger/acquisition and planning/strategy issues.
- Assists with bond and/or stock offering financing arrangements.

INDUSTRY INVOLVEMENT

- AICPA - American Institute of Certified Public Accountants
- MNCPA - Minnesota Society of Certified Public Accountants
- MASBO - Minnesota Association of School Business Officials
- GFOA - Government Finance Officers Association
- NACUBO - National Association of College and University Business Officials
- Former member of the AICPA - SECPS Peer Review Committee; the AICPA oversight board for the peer review engagements of all SEC firms throughout the United States.
- Speaks to various organizations on fund accounting related issues and has presented seminars on internal controls and the "Yellow Book" for the U.S. Department of Agriculture.
- Member of the firm's Public Sector Accounting and Auditing Committee.
- Member of the firm's Quality Control Committee.

EDUCATION

Dordt College
Bachelor of Arts in Business Administration

RELEVANT CONTINUING EDUCATION

- Numerous GASB No. 34 Training Sessions
- Not-for-Profits Conference
- Virchow Krause Governmental Auditing Update
- Virchow Krause College Update
- MNCPA School District Audits
- GFOA Governmental Accounting Update
- MNCPA Local Government Audit Conference
- Minnesota Local Government Auditing & Accounting Update
- MNCPA Not-for-Profit Audit Conference



**Virchow Krause
& company**

Professional Resume

JAMES R. MURRAY

James Murray, Partner in the Public Sector Practice Group, has been with Virchow, Krause & Company, LLP since 1983. He specializes in providing financial auditing, accounting, and consulting services to public sector entities. Jim has extensive experience in providing financial audits of municipalities, counties, utilities, and educational institutions.



**James R. Murray, CPA
Partner**

715.833.1717 ext. 15
jmurray@virchowkrause.com

SPECIFIC EXPERIENCE

- Manages financial auditing and consulting services for municipalities, water, wastewater, electric utilities, school districts, and colleges.
- Develops rate studies for electric, water, and wastewater utilities.
- Assists communities with developing formal budget procedures, preparing annual budgets, and designing and implementing financial systems.
- Provides financial auditing services to school districts and colleges and universities.
- Works with tax incremental financing (TIF) districts providing accounting system development, projections, and compliance services.
- Helps clients implement new accounting standards including Governmental Accounting Standards Board No. 34 (GASB No. 34).
- Provides A-133 compliance audits of federally funded programs for municipalities, counties, and school districts.
- Provides federal and state aid program audits.
- Reviews and prepares Comprehensive Annual Financial Reports which have been awarded a Certificate of Achievement for Excellence in Financial Reporting.

INDUSTRY INVOLVEMENT

- AICPA - American Institute of Certified Public Accountants
- Member of various state institutes of certified public accountants.
- GFOA - Government Finance Officers Association
- Reviewer for the GFOA Certificate of Achievement for excellence in Financial Reporting Program.
- Instructs and speaks at industry conferences as well as at Virchow Krause sponsored seminars.

EDUCATION

University of Wisconsin - Eau Claire
Bachelor of Business Administration in Accounting

RELEVANT CONTINUING EDUCATION

- Numerous Single Audit Training Sessions
- Virchow Krause Essentials of Utility Financial Management
- Higher Education Accounting Workshop
- WICPA School District Auditor Workshop
- GRATE Advanced Governmental Accounting Seminar
- Virchow Krause Governmental Auditing Update
- Minnesota Local Government Auditing and Accounting Update
- GFOA Annual Update
- Numerous GASB No. 34 Training Sessions



**VirchowKrause
& company**

Professional Resume

SUSAN B. HOOPER

Susan Hooper, Manager in the Public Sector Practice Group of Virchow, Krause & Company, LLP, has been with the firm since 2002. She specializes in serving not-for-profit, educational, and governmental organizations. She has extensive experience in performing financial and compliance audits.



Susan B. Hooper, CPA
Manager

952.351.4711
shooper@virchowkrause.com

SPECIFIC EXPERIENCE

- Manages financial audits and reviews for numerous private colleges, universities, and other not-for-profit organizations.
- Performs single audits in accordance with OMB Circular A-133 and State Single Audit Guidelines.
- Performs financial audits of school districts.
- Provides accounting assistance.
- Helps governmental clients interpret and implement Governmental Accounting Standards including GASB No. 34.
- Prepares federal tax forms 990 and 990-T for private colleges, universities, and other not-for-profit organizations.
- Performs financial audits of pension plans.

INDUSTRY INVOLVEMENT

- AICPA - American Institute of Certified Public Accountants
- MNCPA - Minnesota Society of Certified Public Accountants
- MACPA - Michigan Association of Certified Public Accountants
- IMA - Institute of Management Accountants

EDUCATION

Northern Michigan University
Bachelor of Science in Accounting

RELEVANT CONTINUING EDUCATION

- Higher Education Accounting Workshop
- Virchow Krause College Update Video Teleconference
- Virchow Krause GAO Independence Rules
- MNCPA Local Government Audits Conference (annually)
- MNCPA Not-for-Profit Conference (annually)
- Virchow Krause IRS Audits: Interest Rate Swaps
- MNCPA Fraud & Financial Statement Audit Session
- MNCPA A&A Update & Ethics



VirchowKrause
& company

Professional Resume

BRANDI M. SUDA

Brandi Suda, Senior Accountant in the Public Sector Practice Group, has been with Virchow, Krause & Company, LLP since 2001. She is involved in providing financial audits of municipalities, utilities, counties, not-for-profit organizations, and educational institutions.



Brandi M. Suda, CPA
Senior Accountant

715.833.1717 ext. 25
bsuda@virchowkrause.com

SPECIFIC EXPERIENCE

- Assists with audits of governmental units including counties, cities, towns, and villages.
- Performs financial and single audits of school districts.
- Prepares A-133 single audits of counties and cities.
- Assists with financial audits and A-133 single audits of private colleges and other not-for-profit organizations.
- Helps clients implement new accounting standards including Governmental Accounting Standards Board No. 34 (GASB No. 34).
- Prepares financial reports.

INDUSTRY INVOLVEMENT

- WICPA - Wisconsin Institute of Certified Public Accountants
- AICPA - American Institute of Certified Public Accountants

EDUCATION

University of Wisconsin - Green Bay
Bachelor of Science in Accounting and Finance

RELEVANT CONTINUING EDUCATION

- Numerous GASB No. 34 Training Sessions
- Virchow Krause Utility Staff Training
- GAO Governmental Auditor Independence Teleconference
- Higher Education Accounting Workshop
- WICPA School District Auditors Workshop
- Student Financial Aid Audit Seminar
- GRATE Advanced Governmental Accounting Update
- GFOA Annual Update



VirchowKrause
& company

Professional Resume

RYAN L. ENGELSTAD

Ryan Engelstad, Accountant in the Public Sector Practice Group, has been with Virchow, Krause & Company, LLP since 2003. He specializes in performing financial audits for not-for-profit organizations including private colleges and universities and school districts.



Ryan L. Engelstad
Accountant

952.351.4613
rengelstad@virchowkrause.com

SPECIFIC EXPERIENCE

- Assists with financial audits of not-for-profit organizations including private colleges and universities and school districts.
- Helps clients implement new accounting standards including Governmental Accounting Standards Board No. 34 (GASB No. 34).
- Assists with financial statement preparation.

EDUCATION

University of Minnesota - Twin Cities
Bachelor of Science in Accounting

RELEVANT CONTINUING EDUCATION

- Virchow Krause Governmental Auditing Update



VirchowKrause
& company

MINNESOTA STATE SENATE

COST AND PRICE ANALYSIS

A. Personnel Costs:

	<u>Partner</u>	<u>Manager</u>	<u>Senior/Staff</u>	<u>Total</u>
Estimated hours	16.00	16.00	88.00	<u>120.00</u>
Rate per hour	\$ <u>225.00</u>	\$ <u>180.00</u>	\$ <u>125.00</u>	
Total Personnel Cost	\$ <u>3,600.00</u>	\$ <u>2,880.00</u>	\$ <u>11,000.00</u>	\$ 17,480.00

B. Cost of supplies and materials: Report production

500.00

C. Indirect costs: None

D. Travel and subsistence costs: Travel

100.00

Less courtesy discount

(1,500.00)

E. Total cost for 2004 audit

\$ 16,580.00

Estimated fees for the 2005 and 2006 audits are based on the above hours plus an increase in fee amounts for inflation:

2005	<u>\$ 16,600.00</u>
2006	<u>\$ 17,100.00</u>



**Virchow Krause
& company**

Virchow, Krause & Company, LLP
7900 Xerxes Avenue South, Suite 2400
Bloomington, MN 55431-1115
952.835.1344

Email: ddekam@virchowkrause.com
Internet: www.virchowkrause.com

Daryl DeKam, CPA, Partner

February 21, 2005

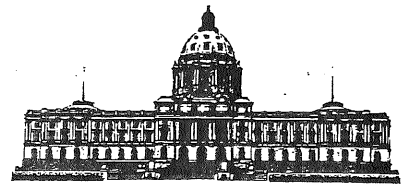
TO: Ernie Palmsten

FROM: Linda Gorski, Payroll Supervisor

LEGISLATIVE BUYBACK
TIME CERTIFIED
March 23, 2005

NAME	DAILY RATE	PERMANENT APPT	TEMPORARY
Nicholas Thompson	\$70.52	1/03/05	1/29/02-5/20/02 12/02/02-5/29/03 6/26/03-1/02/05 (610 DAYS)

APPROXIMATE COST: \$1,720.69



Senate

State of Minnesota

TO: Ernie Palmsten

FROM: Linda Gorski, Payroll Supervisor

LEGISLATIVE BUYBACK
TIME CERTIFIED
March 1, 2005

NAME	DAILY RATE	PERMANENT APPT	TEMPORARY
Eileen M. Lunzer	\$159.67	7/01/86	1/14/74-3/29/74 1/06/75-5/19/75 3/05/84-5/02/84 11/13/84-7/19/85 1/27/86-4/11/86 4/26/86-5/09/86 5/10/86-6/30/86 (622 DAYS)

APPROXIMATE COST: \$3,972.59

Corey Coverston	\$95.46	7/01/00	1/31/00-06/30/00 (151 DAYS)
-----------------	---------	---------	--------------------------------

APPROXIMATE COST: \$576.58



RULES & ADMINISTRATION COMMITTEE

May 2, 2005

_____ moves to amend the rosters of the Senate employees as follows:

REGULAR ROSTER

Alice Carlson, Committee Page (temporary) changed to Legislative Assistant III (Job Share), effective 5/2/05, at an annual salary of \$15,837.

Kristopher Jensen, Legislative Assistant I, effective 4/25/05, at an annual salary of \$27,944.

Lucas Nesse, Legislative Assistant I, effective 4/8/05, at an annual salary of \$27,531.

Emily Skidmore, Legislative Assistant I, effective 4/6/05, at an annual salary of \$27,531.

Kent Hartwig, Legislative Assistant III changed to Researcher II, effective 3/31/05, at an annual salary of \$35,634.

Amanda Muehlhausen, Committee Page (temporary) changed to Legislative Assistant III, effective 3/30/05, at an annual salary of \$31,675.

TEMPORARY ROSTER

Sarah Garvey, Messenger, effective 4/18/05, at an annual salary of \$25,116.

Tara DaPra, Committee Page (Job Share), effective 4/4/05, at an annual salary of \$12,584.

Alexander Valen, Committee Page (Job Share), effective 4/4/05, at an annual salary of \$12,584.

John Krapek, Legislative Clerk II, effective 3/28/05, at an annual salary of \$25,116.

1 Senator Johnson, D.E. from the Committee on Rules and
2 Administration, to which was referred

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

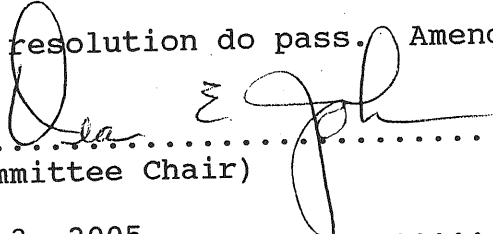
5 Reports the same back with the recommendation that the
6 resolution be amended as follows:

7 Page 2, line 21, delete the second "the"

8 Page 2, delete line 22

9 Page 2, line 23, delete everything before the first "and"

10 And when so amended the resolution do pass. Amendments
11 adopted. Report adopted.



.....
(Committee Chair)

May 3, 2005.....
(Date of Committee recommendation)

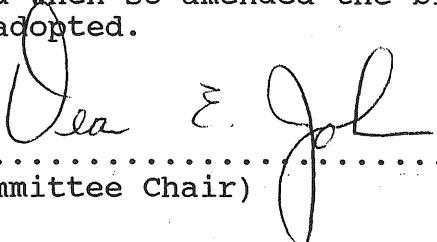
1 Senator Johnson, D.E. from the Committee on Rules and
2 Administration, to which was referred under Rule 21, together
3 with the committee report thereon,

4 S.F. No. 631: A bill for an act relating to civil actions;
5 prohibiting actions against certain persons for weight gain as a
6 result of consuming certain foods; proposing coding for new law
7 in Minnesota Statutes, chapter 604.

8 Reports the same back with the recommendation that the
9 report from the Committee on Judiciary, shown in the Journal for
10 April 21, 2005, be adopted; that committee recommendation being:

11 "the bill be amended and when so amended the bill do pass".
12 Amendments adopted. Report adopted.

13



14
15
16
17
18

.....
(Committee Chair)

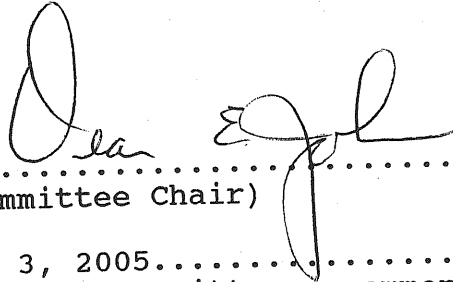
May 3, 2005.....
(Date of Committee recommendation)

1 Senator Johnson, D.E. from the Committee on Rules and
2 Administration, to which was referred

3 Senate Resolution No. 92: A Senate resolution recognizing
4 May 5, 2005, as a Day of Prayer in Minnesota.

5 Reports the same back with the recommendation that the
6 resolution do pass. Report adopted.

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(Committee Chair)

May 3, 2005.....
(Date of Committee recommendation)

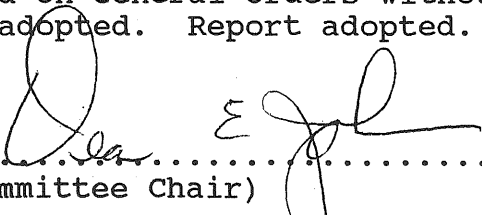
1 Senator Johnson, D.E. from the Committee on Rules and
2 Administration, to which was referred under Joint Rule 2.03,
3 together with the committee report thereon,

4 S.F. No. 2259: A bill for an act relating to public
5 safety; reenacting the Minnesota Citizens' Personal Protection
6 Act of 2003; recognizing the inherent right of law-abiding
7 citizens to self-protection through the lawful use of
8 self-defense; providing a system under which responsible,
9 competent adults can exercise their right to self-protection by
10 authorizing them to obtain a permit to carry a pistol; providing
11 criminal penalties; amending Minnesota Statutes 2004, section
12 624.714, subdivision 17, as reenacted.

13 Reports the same back with the recommendation that the
14 report from the Committee on Crime Prevention and Public Safety,
15 shown in the Journal for May 2, 2005, be amended to read:

16 "the bill be amended and when so amended the bill be given
17 its second reading and placed on General Orders without
18 recommendation". Amendments adopted. Report adopted.

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(Committee Chair)

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May 3, 2005.....
(Date of Committee recommendation)