

HOUSE RESEARCH

Bill Summary

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Overview

Article 1

This bill contains the Minnesota Anti-terrorism Act of 2002. The bill denounces terrorism and terrorists and states the need to empower state and local law enforcement and public safety personnel with the tools necessary to fight and respond to terrorism. The bill expands and clarifies the governor's authority during emergencies; requires the commissioner of health to establish a biological agents registry; restricts public access to certain meetings; prohibits providing false information regarding regulation of pesticide, fertilizers, agricultural chemicals, and genetically engineered organisms; requires background checks for aerial applicators; requires certain truck drivers to report their USDOT number at the time of registration and to make the number available upon request by law enforcement; establishes new requirements for proof of residency; amends license and identification photograph use provisions; limits the length of time that a visa-holder's Minnesota driver's license or identification card is effective to the time period the individual's visa is valid or four years, whichever is shorter; requires the state to comply with federal background check requirements for hazardous materials drivers; and amends the registration fee payment requirements for hazardous materials carriers.

The bill also amends the law regarding access to juvenile records; enhances the authority of chemical assessment teams (CAT); clarifies the state's obligation to reimburse CAT teams; requires additional collection of biological specimens for DNA testing of certain convicted felons and adjudicated delinquents; extends existing forfeiture and asset freezing provisions to terrorists; increases the penalties for falsely reporting a crime and terroristic threats and expands the crime of first degree murder to include murder during an act of terrorism; creates the crimes of trespass on utility property, introducing pathogens to animals, furthering terroristic activity (forgery), terrorism, hindering apprehension or prosecution of terrorism, solicitation to commit terrorism, using hazardous material in an act of terrorism, intentional placement of explosive or incendiary devices, and use of real and simulated weapons of mass destruction.

The bill amends the wiretap statute to allow law enforcement to obtain, more easily, a roving wiretap and to permit access to voice mail; expands the list of crimes that wiretaps may be used to investigate; provides for emergency disclosure of certain communications to protect life and limb; and clarifies law enforcement's power to access stored communications. The bill requires the commissioner of public safety to undertake a study of foreign student monitoring.

Article 2

Article 2 appropriates money for training and equipment aimed at preventing, investigating, and responding to terrorism. It also transfers funds and reduces funding for certain programs to provide for the appropriations.

Section

Article 1: Policy

1 **Minnesota Anti-Terrorism Act of 2002.**

Subd. 1. Short title. Minnesota Anti-Terrorism Act of 2002.

Subd. 1a. Purpose. Condemns the terrorist acts of September 11, 2001. Identifies the need for the state and local governments to supplement federal anti-terrorism laws and initiatives and demands that terrorists who commit acts of terrorism in Minnesota be punished accordingly pursuant to Minnesota law. Calls for equal enforcement of the laws to all ethnic, religious, and racial groups. Calls for adequate funding for public safety officials to prevent, train and prepare for, investigate, and respond to acts of terrorism.

2 **Emergency management.** Adds emergency waste and debris management and disposal to the list of functions the governor may perform during management of emergencies.

3 **General authority.** Permits the governor to assume direct operational control over all or any part of the emergency management functions during a peacetime emergency.

4 **Cooperation.** Expands the list of entities that the governor may cooperate with in managing an emergency to include tribal governments.

5 **Specific authority.** Expands the list of entities that the governor may enter into mutual aid arrangements or cooperative agreements with while managing an emergency to include tribal governments.

Adds a sub-paragraph (12) authorizing the commissioner of the pollution control agency to suspend the operation of its statutes, rules, permits, and agreements to allow expedited management and disposal of debris and waste during management of an emergency and 90 days following "closure" of the emergency. The commissioner must notify the legislature when the commissioner exercises this authority.

6 **Offers of aid, political subdivisions or persons.** Grants immunity to the state and political subdivisions during a peacetime emergency for damages caused to real property that a citizen offered to the government to help respond to the peacetime emergency.

7 **Declaration of peacetime emergency.** Expands the circumstances where the governor may declare a peacetime emergency. Presently, the governor may only declare a peacetime emergency when an incident endangers life and property. This section authorizes the governor to declare a peacetime emergency when an incident endangers life, property, or the environment.

8 **Governor's orders and rules, effect.** Grants the effect of law to orders and rules promulgated by the governor during a peacetime emergency. Existing law does the same thing during national security and energy supply emergencies.

- 9 **Emergency powers.** Authorizes the governor to compel citizens to perform services for emergency management purposes and to commandeer any motor vehicle, tools, appliances, or personal property and any facilities during a peacetime emergency.
- 10 **Governor may contract.** Permits the governor to enter into contracts during an emergency or disaster in order to protect the environment. Currently, the governor may only enter into contracts to protect the health and safety of persons and the safety of property.
- 11 **Biological agents registry.** Adds subdivision 3(a) to section 13.381, "health regulatory data coded elsewhere." Adds a cross-reference in the Data Practices Act to provisions in section 19 that govern the classification and release of data on the biological agents registry. This section is effective July 1, 2002.
- 12 **Open meetings.** Allows closure of meetings where security systems, emergency response procedures (if they are unrelated to medical treatment, vaccination, medical testing, health surveillance, isolation, or quarantine of individuals) and issues of security deficiencies in public services, infrastructure and facilities are discussed, if disclosure of the information discussed would pose a clear danger to public safety. However, any discussion of finances related to these topics must remain open to the public. Meetings closed under this section must be recorded and the tapes saved for two years. After two years, the tapes must be destroyed.
- 13 **False statement or record.** Prohibits a person from making or offering a false statement or record in conjunction with an application, record, report, or investigation related to pesticide control (18B), fertilizers (18C), agricultural chemicals (18D), and genetically engineered organisms (18F).
- 14 **Aerial applicator license background check.** Requires background checks for all persons applying for new aerial applicator licenses.
- 15 **Food handler reinspection account; appropriation.** Requires that costs awarded under section 31.05 be deposited in the food handler reinspection account. Section 31.05 addresses embargoes and condemnations of adulterated foods.
- 16 **Embargoes and condemnations.** Permits the commissioner of agriculture to place an embargo on a geographical area of the state limiting food or consumer commodity movement during a governor-declared emergency.
- 17 **Embargoes and condemnations.** Requires the district court to order a defendant convicted of adulteration, terroristic threats, terrorism, use of weapons of mass destruction, or a violation of section 31.02 (adulterated food) to pay the commissioner's costs associated with investigating and disposing of food as result of the defendant's criminal acts.
- 18 **Quarantine zones.** Limits quarantine zones of control for humans, machinery, and personal property, excluding livestock products to infected premises. The size of a quarantine zone of control for livestock and livestock products will depend on the weather conditions, type of farms affected, time of year, species affected, and geography of the area affected.
- 19 **Biological agents registry.** Adds section 144.1208. Establishes the registry, defines the term biological agent, classifies data but allows its release in certain circumstances, requires cooperation with the CDC and state and federal law enforcement agencies, establishes a fine for violations of this section, and exempts clinical laboratories from these requirements. This section is effective July 1, 2002.
- Subd. 1. Registry established.** Directs the commissioner of health to establish a biological agents registry of all entities, including state agencies, that possess or maintain a biological agent. Requires the registry to list the agents possessed and the purposes for which they are used.
- Subd. 2. Definition.** Defines biological agent by referring to the definitions used in the federal

rules for select agent and two other substances used in federal rules. In part, these federal rules require registration of entities that transfer or receive select agents.

Subd. 3. Registration required; other report. Paragraph (a) requires any entity that possesses or maintains a biological agent to register with the commissioner within seven days of obtaining the agent. Paragraph (b) requires a registered entity to report to the commissioner within 24 hours if an unauthorized individual accesses or attempts to access a biological agent.

Subd. 4. Data practices. Classifies data collected or maintained in the registry as private data on individuals or nonpublic data. Allows the commissioner to release registry data: (1) to help or conduct an epidemiologic investigation, (2) to the CDC to investigate the release, theft, or loss of a biological agent, or (3) to state and federal law enforcement agencies to investigate the release, theft, or loss or suspected or attempted misuse of a biological agent.

Subd. 5. Cooperation. Directs the commissioner to cooperate with the CDC and state and federal law enforcement agencies in investigations involving the release, theft, or loss of a biological agent.

Subd. 6. Penalty. Requires the commissioner to impose a fine of up to \$1,000 on any person who willfully or knowingly violates this section.

Subd. 7. Exemption. Exempts clinical laboratories from the registration and reporting requirements of this section as long as the laboratory discards the agent within 14 days of its use or the confirmation testing. Clinical laboratories are also exempt from the federal registration and reporting requirements.

20 **Motor carrier USDOT numbers.** Requires motor carriers to report to the department of public safety the USDOT carrier number for each truck over 10,000 pounds that the carrier registers. Authorizes suspension of registration for failure to file the number. Delays the effective date for certain agricultural fertilizer or agricultural chemical retailers until October 1, 2003.

21 **Proof of residency required for driver's license and ID card.** Requires proof of residency on applications for instruction permits, driver's licenses, or Minnesota ID cards.

Subd. 1. Initial application. Requires proof of residency at time of application for an initial driver's license or permit or Minnesota ID card. Requires an applicant to attest to a residence address in Minnesota and demonstrate proof of citizenship, permanent resident status, or authorization for short-term admission to the U.S.

Subd. 2. Renewal. Requires proof of residency at renewal of an instruction permit, driver's license, or Minnesota ID card. Requires persons with citizenship or permanent U.S. resident status to attest to a residence address in Minnesota. Requires persons with lawful short-term admission to the U.S. to attest to a residence address in Minnesota and provide proof of lawful short-term admission to the U.S.

Subd. 3. Certain documents not sufficient. Makes an instruction permit, driver's license, or ID card from another state unacceptable proof of citizenship, permanent resident status, or authorization for short-term admission to the U.S.

Subd. 4. Documents proving residency. Requires an applicant to attest to a Minnesota residence address on the application form and present (1) a birth certificate, (2) certification of naturalization, (3) a document evidencing lawful short-term admission to the U.S., or (4) a Minnesota instruction permit, driver's license, or ID card that is current or expired within the past 5 years.

Subd. 5. Evidence required when name changed. Requires a person whose name is changed from the name on the presented document to present evidence of change of name.

Subd. 6. Lawful short-term admission. Prohibits the department of public safety from issuing a driving permit, driver's license, or ID card if an individual has no lawful short-term admission

status to the U.S. or if the admission period expires in 30 days or less.

Subd. 7. Rules; variance. Authorizes the department of public safety to adopt rules, standards, and procedures to implement this section. Permits variances under the administrative procedure act.

22 **License photos.** Makes technical amendments regarding the classification and use of driver license photos on file with the department of public safety.

23 **Expiration date for ID cards.** Provides that the expiration date for a Minnesota ID card issued to a person who is lawfully in the U.S. as a result of an authorizing document issued by the U.S. immigration and naturalization service is the date when that authorization expires, or four years after issuance of the card, whichever is earlier. Provides that the expiration date for an under-21 ID card to such a person is the person's 21st birthday or the expiration of the authorization, whichever is earlier.

Requires such an ID card to be (1) marked in a distinguishing color, (2) plainly marked "nonrenewable," and (3) marked in code on the back for law enforcement purposes. The code may not be in a print size that is any larger than other information contained on the back of the card.

24 **Expiration date for driver's licenses.** Provides that the expiration date of a driver's license issued to a person who is lawfully in the U.S. as a result of an authorizing document issued by the U.S. immigration and naturalization service is the date when that authorization expires, or four years after issuance of the license, whichever is earlier.

Provides that the expiration date for an under-21 license to such a person is the person's 21st birthday or the expiration of the authorization, whichever is earlier.

Provides that the expiration date of a provisional driver's license to such a person is two years after issuance of the license or expiration of the authorization, whichever is earlier.

Requires all such licenses to be (1) marked in a distinguishing color, (2) plainly marked "nonrenewable," and (3) marked in code on the back for law enforcement purposes. The code may not be in a print size that is any larger than other information contained on the back of the license.

25 **Qualifications of hazardous materials drivers.** Requires applicants for a class C, B, or A driver's license with a hazardous materials endorsement to comply with federal regulations adopted under the USA-PATRIOT Act (2001 federal anti-terrorism act). Authorizes the department of public safety to adopt rules to implement this section.

- **Registration of certain carriers of hazardous materials.** Provides that a motor carrier
272627 registered with MnDOT as a carrier of hazardous materials, who only offers designated hazardous materials for shipment in vehicles that the carrier controls or operates, and who does not offer hazardous material to other for-hire or private carriers, need not also register as a shipper with the department.

28 **Records required to be kept.** Requires the juvenile court to disclose juvenile records to requesting law enforcement agencies, probation officers, corrections agents, and prosecuting authorities. Prohibits disclosure of psychological or mental health reports unless disclosure serves public safety or is in the best interest of the child. The changes made in this section will permit more information to be included on CrimNet.

29 **Chemical assessment team.** Empowers chemical assessment teams to "mitigate" a hazardous materials incident. Presently, chemical assessment teams are only charged with the responsibility of evaluating a hazardous materials incident and making recommendations on how to control the incident.

30 **Hazardous materials.** Adds chemical and biological substances to the definition of hazardous

materials.

- 31 **Expense Reimbursement.** Requires that the division of emergency management's duty officer activate a bomb disposal unit prior to the unit responding to an incident as a condition of receiving reimbursement from the state. Permits the commissioner to authorize operations outside of the state under certain circumstances.
- 32 **Additional collection of biological specimens for DNA testing.** Requires collection of biological specimens from certain felony offenders upon their sentencing or release, and from certain out-of-state felony offenders incarcerated in Minnesota, for use in future DNA testing. The collection period runs from July 1, 2002 to June 30, 2003.
- 33 **Murder in the first degree.** Adds causing death of a human being while committing a felony involving terrorism to the list of acts that constitute murder in the first degree. Murder in the first degree carries a mandatory sentence of life imprisonment.
- 34 **Falsely reporting a crime.** Increases the penalty for falsely reporting a crime from a misdemeanor to a gross misdemeanor. A subsequent offense is a five-year felony.
- 35 **Forfeiture of terrorists' assets.** Permits forfeiture of terrorists' assets by adding the crime of terrorism and related offenses to the definition of "designated offense" in the forfeiture section.
- 36 **Freezing of terrorists' assets.** Permits a court to freeze the assets of a person charged with murder, attempted murder, conspiracy to commit murder, or improper use of explosive or incendiary devices, use of weapons of mass destruction, terroristic threats, or a crime involving terrorism.
- 37 **Trespass on utility property.** Creates the crime of trespass on utility property.
- Subd. 1. Penalties.** If a person trespasses upon any non-public portion of real property containing a critical public service facility, utility or pipeline, and does so:
- (1) with intent to tamper, damage, or otherwise disrupt either the safe operation of the pipeline or utility equipment or facility or provision of services by a critical public service facility, it is a five-year felony; or
 - (2) without claim of right or consent of one who has the right to give consent to be on the property, it is a gross misdemeanor.
- Subd. 2. Detention authority; liability.** Permits utility employees to detain trespassers. Extends civil and criminal immunity to employees who act under this subdivision based on a reasonable suspicion.
- Subd. 3. Arrest authority.** Permits peace officers to arrest violators of this section even if the alleged violation did not occur in the officer's presence.
- Subd. 4. Definitions.** Defines critical public service facility, pipeline, and utility. Expressly excludes application of this section to most railroad tracks and to real property beneath or above power or telecommunications lines.
- 38 **Aggravated forgery - furthering terroristic activity.** Adds a subdivision to the section of law regarding aggravated forgery. Paragraph (a) of the new subdivision makes it a crime to assist another in terroristic activity through forgery (609.63) or by a violation of 171.22, subd. 1 (fraudulent drivers licenses). Violation of this subdivision carries a penalty of up to ten years in prison and up to a \$20,000 fine.
- Paragraph (b) permits fines levied under this subdivision to be distributed as restitution.
- 39 **Intentional placement of explosive or incendiary devices or simulated explosive or incendiary devices.** Creates two new crimes. Intentional placement of explosive or incendiary devices with intent to destroy or injure property is a 20-year felony and carries a fine of up to \$100,000. Intentional placement of a simulated explosive or incendiary device with intent to

cause another person to fear destruction of property or injury is a ten-year felony and carries a fine of up to \$20,000.

40 **Weapons of mass destruction; simulated weapons of mass destruction.** Creates the crime of manufacture, possession, and use of weapons of mass destruction.

Subd. 1. Definitions. Defines weapon of mass destruction and simulated weapon of mass destruction.

Subd. 2. Manufacture, possession, or use of a weapon of mass destruction. Makes it a crime, punishable by a 30-year felony and \$100,000 fine, for anyone who intentionally manufactures or possesses, sells, delivers, displays, uses, threatens to use, or who makes readily accessible to others, a weapon of mass destruction with intent to injure.

Subd. 3. Simulated weapon of mass destruction. Makes it a crime for any person who manufactures, possesses, sells, delivers, displays, uses, threatens to use, or who makes readily accessible to others, a simulated weapon of mass destruction with the intent to cause fear in another person of death, great bodily harm, serious bodily injury, or significant damage to property or the environment. Violation of this subdivision is a 20-year felony and carries a fine of up to \$40,000.

Subd. 4. Limited exceptions. Exempts those who lawfully possess a weapon of mass destruction from the penalties in subdivisions 2 and 3, if the person is in compliance with all state and federal laws and acting within the scope of their employment.

Subd. 5. Civil action to recover. Allows for those who incur damage due to a violation of subdivision 2 or 3 to file a civil suit against the defendant.

41 **Terroristic threats.** Increases the penalty for certain terroristic threats.

42 **Terroristic threats.** Adds a provision to the terroristic threats section explaining that prosecution under this chapter is not a bar to prosecution under the terrorism provisions.

43 **Introduction of pathogen to farm animals and wild deer.**

Subd. 1. Livestock, captive cervidae, and poultry. Creates a ten-year felony for the intentional introduction of an organism pathogenic to livestock, captive cervidae, or poultry. Provides a gross misdemeanor penalty for the threat of introduction of such an organism.

Subd. 2. Wild deer. Creates a ten-year felony for the intentional introduction of an organism pathogenic to wild deer. Provides a gross misdemeanor penalty for the threat of introduction of such an organism.

Subd. 3. Penalty. Subjects a person convicted of intentional introduction of a pathogen to imprisonment for up to ten years and a fine of up to \$20,000. Subjects a person convicted of threatening to introduce a pathogen to a gross misdemeanor.

Subd. 4. Civil action. Permits victims to seek civil damages from the defendant.

44 **Terrorism.** Creates the crime of terrorism.

Subd. 1. Terrorism. A person is guilty of the crime of terrorism if the person commits a crime of violence, as defined in subdivision 2, which is intended to terrorize, or in reckless disregard of causing such terror to, a considerable number of members of the public, excluding those directly affected, or who would have been directly affected, by the crime of violence.

Subd. 2. Crime of violence. Defines crime of violence for use in this section.

Subd. 3. Penalty. Imposes a mandatory five-year minimum sentence, and up to 30 years, for commission of the crime of terrorism. The maximum fine is \$100,000. Cross-references the new section of law that establishes death caused during terrorism as first-degree murder.

45 **Hindering apprehension or prosecution for terrorism.** Creates the crime of hindering apprehension or prosecution for terrorism. Under this section, a person may not "hinder the

detention, apprehension, investigation, prosecution, conviction, or punishment of another who has committed an act of terrorism..." Violation of this provision subjects the defendant to a ten-year felony and up to a \$20,000 fine. If violation of this section results in a death, the defendant may be charged with murder in the first degree and thereby subject to life imprisonment.

46 **Solicitation to commit terrorism.** Creates the crime of solicitation to commit terrorism. A person who aids terrorism through financial contributions, or provides material support or resources knowing that they will be used to further an act of terrorism or who solicits another to commit an act of terrorism is guilty of a crime. Violation of this provision subjects the defendant to a ten-year felony and up to a \$20,000 fine.

47 **Using hazardous material for act of terrorism.**

Subd. 1. Definition. Defines hazardous materials.

Subd. 2. Crime to tamper with terroristic intent. Creates the crime of tampering with terroristic intent. A person cannot tamper with any vehicle or equipment being used for the containment, storage, or transportation of hazardous material with the intent to aid or commit an act of terrorism.

Subd. 3. Penalty; restitution. Imposes up to a ten-year felony and a fine of up to \$100,000 for violation of subdivision 2. Fines may be distributed as restitution.

48 **Crime of violence.** Adds terrorism to the definition of crime of violence in section 624.712.

49 **Wire communications.** Amends the definition of wire communications by striking language.

50 **Electronic communications system.** Adds transmission of wire communications to the definition of electronic communications system. This change and the one in the preceding section are necessary to permit law enforcement's access to stored voice mail.

51 **Offenses for which interception of wire or oral communication may be authorized.**

Expands the list of crimes that law enforcement may seek judicial approval to use wiretaps to investigate. The added offenses are terrorism, computer crimes, weapons of mass destruction crimes, and intentional placement of explosives or incendiary devices.

52 **Requirements inapplicable.** Clarifies that roving wiretaps are permitted only if the federal wiretap statute permits states to use roving wiretaps.

53 **Requirements inapplicable.** Lowers the standard for obtaining a roving wiretap. A roving wiretap enables law enforcement to track all of the communications of an individual and not just communications from a single device that an individual uses. Accordingly, a roving wiretap will allow more complete surveillance of a suspect who frequently uses multiple communication devices (*e.g.*, multiple cellular phones). A new minimization requirement is also added to the roving wiretap section in order to limit the scope of law enforcement's surveillance.

54 **Motion to quash order.** Makes a conforming amendment to reflect changes to the roving wiretap language.

55 **Voluntary disclosure of customer communications or records.**

Subd. 1. Prohibitions. Amends existing law to expressly prohibit an Internet services provider ("ISP") from voluntarily disclosing customer records to the government.

Subd. 2. Exceptions for disclosure of communications. Amends existing law to allow an ISP to make emergency disclosures of customer electronic communications to governmental entities to protect life and limb.

Subd. 3. Exceptions for disclosure of customer records. Creates a new subdivision identifying the circumstances under which an ISP may disclose customer records. The circumstances include: (1) authorization by statute, (2) lawful consent of customer, (3) necessary to rendition of services, and (4) to protect life and limb.

- 56 **Required disclosure of customer communications or records.** Amends existing law to permit law enforcement to access stored voice-mails. This change causes voice-mail messages to be treated like other forms of stored communications with regard to governmental access. Limits an ISP's immunity when it shares customer records or communications with the government. If a customer can show that an ISP disclosed the customer's communications or records in bad faith or with a malicious or fraudulent intent, the ISP is not entitled to immunity.
- 57 **Records concerning electronic communication service or remote computing service.** Clarifies the scope of the government's authority to compel an ISP to disclose customer records.
- 58 **Study.** Requires the commissioner of public safety to study the best way to exchange data with the federal government with respect to foreign students. Mandates that the commissioner report the results of the study to the legislature by January 15, 2003.
- 59 **Sunset.** Establishes June 30, 2005, as the sunset date for the restrictions on open meetings. Establishes June 30, 2006, as the sunset date for most of the changes to chapter 626A (Privacy of Communications), except sections 53 and 58.

Article 2: Appropriations

- 1 **Funding.** Transfers \$22,000,000 from the tobacco use prevention fund to the general fund. Provides that those funds will reduce grants available for statewide tobacco use prevention initiatives aimed at youth.
- 2 **Public safety.**
- Subd. 1. General.** Appropriates \$21,902,000 to the commissioner of public safety for anti-terrorism initiatives. Defines local response unit.
- Subd. 2. Equipment.** Appropriates \$9,021,000 for equipment grants to local first response units. This is a one-time appropriation.
- Subd. 3. Training.** Appropriates \$11,500,000 to the department's emergency management division and local first response units for training. 20% of the funds dedicated to local first response units must be used to fund regional public safety training centers throughout Minnesota. This is a one-time appropriation, except the base for fiscal years 2004 and 2005 shall be \$96,000 each year for the additional personnel.
- Subd. 4. Bomb disposal squads.** Appropriates \$500,000 for equipment, response costs, and training for bomb disposal squads.
- Subd. 5. Hazardous materials emergency response teams.** Appropriates \$240,000 to convert the Rochester, Moorhead, and Duluth chemical assessment teams to combination emergency response/chemical assessment teams.
- Subd. 6. Chemical assessment teams.** Appropriates \$105,000 to ensure that up to five members per chemical assessment team are available to respond to emergencies.
- Subd. 7. On-scene response communication package.** Appropriates \$36,000 for the purchase of specialized radio units that permit secure communications among the various agencies that respond to emergencies. This is a one-time appropriation.
- Subd. 8. Domestic preparedness response information technology.** Appropriates \$121,000 for the development of a statewide, Internet-based database of all terrorism response related resources. This is a one-time appropriation.
- Subd. 9. Capitol security.** Appropriates \$196,000 to increase security at the capitol complex, including hiring additional state troopers. The funds may not be used to fund the governor's security detail. Provides a base of \$245,000 in 2004 and 2005.
- Subd. 10. Additional collection of biological specimens for DNA testing.** Appropriates \$150,000 for the increased costs associated with the additional collection of biological

specimens for DNA testing. This is a one-time appropriation.

Subd. 11. Color-coded driver licenses and identification cards. Appropriates \$23,000 to pay the costs of issuing color-coded driver's licenses to qualified non-citizens.

Subd. 12. Study. Appropriates \$10,000 to study the feasibility and cost of requiring tagging of explosives and to study the issue of structural building collapse. This is a one-time appropriation.

Subd. 13. Federal funds. Authorizes the terrorism preparedness advisory council to determine how federal anti-terrorism grants to Minnesota are to be spent in the absence of a mandate from the federal government. When allocating federal funds, the council must dedicate 70% to local needs and 30% to state needs.

Subd. 14. Reporting. Requires the commissioner to report to the legislature on how the funds appropriated in this section are expended. The commissioner must report on February 1, 2003 and 2004.

3 **Department of health.** Appropriates \$98,000 to establish the biological agents registry. Provides a base of \$40,000 in 2004 and 2005.

4 **Corrections.** Reduces the base budget by \$798,000 in 2004 and 2005 for EJJ grants. This reduction and the reduction in section 5 balance the appropriations in this act for 2004 and 2005.

5 **Ombudsman for corrections.** Reduces the base budget by \$168,000 (to zero) in 2004 and 2005 for the corrections ombudsman.

6 **Office abolished.** Abolishes the office of corrections ombudsman.

7 **Repealer.** Repeals statutes pertaining to the corrections ombudsman.

8 **File and data transfer.** Transfers corrections ombudsman files and data to the historical society.

9 **Effective date.** Establishes July 1, 2003, as the effective date for sections 6 and 7.