

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

UNITY CHURCH OF ST. PAUL and WHITE
BEAR UNITARIAN UNIVERSALIST CHURCH,

Plaintiffs,

and

ADATH JESHURUN CONGREGATION; BETH
EL SYNAGOGUE; BETH JACOB
CONGREGATION; ECKANKAR; FIRST
UNITARIAN SOCIETY OF MINNEAPOLIS;
FIRST UNITARIAN UNIVERSALIST CHURCH;
FIRST UNITED CHURCH OF CHRIST; GLORIA
DEI LUTHERAN CHURCH; GRACE
UNIVERSITY LUTHERAN CHURCH;
LUTHERAN CHURCH OF CHRIST THE
REDEEMER; MINNEHAHA UNITED CHURCH
OF CHRIST; PEACE UNITED CHURCH OF
CHRIST; ROBBINSDALE UNITED CHURCH OF
CHRIST; SHIR TIKVAH SYNAGOGUE; SPIRIT
OF THE LAKES ECUMENICAL COMMUNITY
CHURCH; ST. JOHN THE BAPTIST EPISCOPAL
CHURCH; ST. JOHN THE EVANGELIST
EPISCOPAL CHURCH; ST. PAUL-
REFORMATION LUTHERAN CHURCH; ST.
PAUL'S EPISCOPAL CHURCH; ST. STEPHEN'S
CATHOLIC COMMUNITY; SISTERS OF SAINT
JOSEPH OF CARONDELET, ST. PAUL
PROVINCE; TEMPLE ISRAEL; TRINITY
EPISCOPAL CHURCH; UNIVERSITY
LUTHERAN CHURCH OF HOPE; ZION
UNITED CHURCH OF CHRIST; THE
MINNESOTA ANNUAL CONFERENCE OF THE
UNITED METHODIST CHURCH; and THE
MINNESOTA CONFERENCE OF THE UNITED
CHURCH OF CHRIST;

Intervening Plaintiffs,

And

THE CITY OF MINNEAPOLIS,

Court File No. C9-03-9570

Judge John T. Finley

Case Type: Other Civil

CITY OF MINNEAPOLIS
INTERVENORS' COMPLAINT

Intervening Plaintiff,

v.

STATE OF MINNESOTA,

Defendant.

Intervening Plaintiff City of Minneapolis (“City”), for its complaint in intervention against Defendant State of Minnesota (“State”), states and alleges as follows:

1. This is an action for declaratory and equitable relief challenging a law passed in 2003 by the state legislature – S.F. 842 – which included the Minnesota Citizens’ Personal Protection Act of 2003 (“the Act”). The Act was part of S.F. 842, which included, *inter alia*, legislation relating to approval of state park fees; modifying the Department of Natural Resources Commissioner’s authority relating to employees, gifts, and grants; modifying provisions of the state parks working capital fund; modifying application provisions for certain Department of Natural Resources licenses; providing for reciprocity of certain Department of Natural Resources safety courses; modifying certain country reimbursement provisions, modifying identification provisions for fish and dark houses; and modifying littering prohibitions. A copy of S.F. 842 is attached as Exhibit A.

2. On April 28, 2003, the Minnesota Legislature passed, and the Governor signed into law, S.F. 842, which included the Act. The Act took effect on May 28, 2003.

3. The Act regulates the carrying of firearms in “private establishments,” defined as “a building, structure, or portion thereof that is owned, leased, controlled or operated by a nongovernmental entity for a nongovernmental purpose.” The Act prevents local governments such as the City from promulgating any regulations interfering with, in any way whatsoever, a permitted person’s possession of firearms on government-owned or on property where

governmental functions are taking place. The Act prevents local governments and owners of private establishments from prohibiting firearms, including firearms of employees, in parking areas. The Act further prohibits landlords from restricting the lawful carry or possession of firearms by tenants or their guests. The Act further provides that the owner of a private establishment may order a person carrying a firearm “under a permit or otherwise” to leave only after making a “reasonable request” that firearms not be brought into the private establishment. The Act provides that a “reasonable request” means the prominent posting of a conspicuous sign with specific words at all entrances “and” personally informing the person of the posted request and demanding compliance. A person with a firearm who fails to leave is guilty of a petty misdemeanor. Under Minnesota law, a petty misdemeanor is not a crime.

4. The City has prohibited firearms (except those carried by peace officers on official business), whether carried pursuant to permit or otherwise, from its real property.

5. The City has numerous parking areas and its prohibition of firearms from its real property includes its parking areas.

6. The City acts as a landlord in many situations including, but not limited to, ownership and leasing of the Target Center and the Minneapolis Convention Center. The City’s prohibition of firearms from its real property includes its tenant space. The City wishes to enter into lease amendments with its tenants to prohibit the carrying of firearms by tenants and their guests.

7. The City is an employer. The City’s prohibition of firearms from its workplace includes possession of firearms by employees in parking areas.

8. The City, as an employer, and owner and operator of parking areas, as a landlord, and as an employer has been injured by the Act.

9. The City has numerous operations in City Hall, which is owned by the Municipal Building Commission. City Hall contains a jail facility and numerous courtrooms. City Hall also houses the chambers of the City Council and many of the City's regulatory enforcement staff. Proceedings relating to one or more of those City functions are often extremely contentious and often adversely affect citizens' livelihoods and freedom.

10. There are conflicting state laws that purport to allow local government regulation of possession of weapons in certain areas of government buildings such as jails, lockups and courthouses.

Count One – Law Embracing More Than One Subject

11. Article IV, Section 17 of the Minnesota Constitution provides that no law shall embrace more than one subject, which shall be expressed in its title.

12. The Minnesota Senate passed S.F. 842, which did not contain the Act, on March 24, 2003, by a vote of 65-0. Two committees of the Minnesota House of Representatives then considered S.F. 842. Only on the floor of the House was S.F. 842 amended to include the Act. The House passed S.F. 842, including the Act, on April 23, 2003, by a vote of 88-46. By a vote of 36-31 on April 28, 2003, the Senate concurred in the House amendments to S.F. 842. No amendments to the Act were allowed on the Senate floor. The Governor signed the bill within hours.

13. S.F. 842 embraces more than one subject.

14. Accordingly, S.F. 842, including the Act, violates Article IV, Section 17 of the Minnesota Constitution.

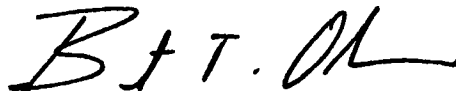
15. The City has been injured by S.F. 842, which includes the Act, and has standing to challenge it as being part of a law embracing more than one subject.

Wherefore, the City requests that the Court issue an order:

1. Declaring that S.F. 842, including the Act, is unconstitutional as having been part of a law embracing more than one subject passed in violation of the Minnesota Constitution;
2. Declaring that the City may prohibit the possession of firearms in all of its facilities, including facilities that City employees occupy or conduct public business at, including its parking areas;
3. Declaring that the City may, by contract, prohibit the possession of firearms in their leased space;
4. Declaring that the City may communicate their prohibition on the possession of firearms on its property, including facilities that City employees occupy or conduct public business at, by such words, and by such methods, as private residents;
5. Enjoining the State of Minnesota from enforcing the Act as against the City;
6. Awarding the City its attorneys' fees, expenses, and costs; and
7. Granting such other and further relief as is just and proper.

Dated: November 20, 2003

JAY M. HEFFERN
City Attorney
By



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