

FIFTH DAY

St. Paul, Minnesota, Tuesday, January 16, 2007

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Pastor Susan Tjornehoj.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

Anderson	Fischbach	Larson	Ortman	Skoe
Bakk	Foley	Latz	Pappas	Skogen
Berglin	Frederickson	Limmer	Pariseau	Sparks
Betzold	Gerlach	Lourey	Pogemiller	Stumpf
Bonoff	Gimse	Lynch	Prettner Solon	Tomassoni
Carlson	Hann	Marty	Rest	Torres Ray
Chaudhary	Higgins	Metzen	Robling	Vandever
Clark	Ingebrigtsen	Michel	Rummel	Vickerman
Cohen	Johnson	Moua	Saltzman	Wergin
Day	Jungbauer	Murphy	Saxhaug	Wiger
Dibble	Koch	Neuville	Scheid	
Dille	Koering	Olseen	Senjem	
Doll	Kubly	Olson, G.	Sheran	
Erickson Ropes	Langseth	Olson, M.	Sieben	

The President declared a quorum present.

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

REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 16: A bill for an act relating to traffic regulations; making seat belt violation a primary

offense in all seating positions regardless of age; increasing the fine for seat belt violations; making technical changes; amending Minnesota Statutes 2006, sections 169.686, subdivision 1; 171.05, subdivision 2b; 171.055, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 169.686, subdivision 1, is amended to read:

Subdivision 1. **Seat belt requirement.** (a) A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

- (1) the driver and passengers of a passenger vehicle or commercial motor vehicle;
- (2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and
- (3) a passenger riding in any seat of a passenger vehicle who is older than three but younger than 11 years of age.

(b) A person who is 15 years of age or older and who violates paragraph (a), ~~clause (1) or (2)~~, is subject to a fine of \$25. The driver of the ~~passenger vehicle or commercial motor vehicle~~ in which the violation occurred is subject to a \$25 fine for a each violation of paragraph (a), clause (2) or (3), by the driver or by a child of the driver passenger under the age of 15 or any child under the age of 11. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment, but the court may not impose more than one surcharge under section 357.021, subdivision 6, on the driver. The Department of Public Safety shall not record a violation of this subdivision on a person's driving record.

Sec. 2. Minnesota Statutes 2006, section 171.05, subdivision 2b, is amended to read:

Subd. 2b. **Instruction permit use by person under age 18.** (a) This subdivision applies to persons who have applied for and received an instruction permit under subdivision 2.

(b) The permit holder may, with the permit in possession, operate a motor vehicle, but must be accompanied by and be under the supervision of a certified driver education instructor, the permit holder's parent or guardian, or another licensed driver age 21 or older. The supervisor must occupy the seat beside the permit holder.

~~(c) The permit holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of \$25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04, subdivision 1. The commissioner shall not record a violation of this paragraph on a person's driving record.~~

~~(d) The permit holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The permit holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger. Violation of this paragraph is a petty~~

misdemeanor subject to section 169.89, subdivision 2.

~~(e)~~ (d) The permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If the permit holder drives a motor vehicle in violation of the law, the commissioner shall suspend, cancel, or revoke the permit in accordance with the statutory section violated.

Sec. 3. Minnesota Statutes 2006, section 171.055, subdivision 2, is amended to read:

Subd. 2. Use of provisional license. ~~(a) A provisional license holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of \$25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04. The commissioner shall not record a violation of this paragraph on a person's driving record.~~

~~(b)~~ A provisional license holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The provisional license holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger. Violation of this paragraph is a petty misdemeanor subject to section 169.89, subdivision 2.

~~(e)~~ (b) If the holder of a provisional license during the period of provisional licensing incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more than one conviction for a moving violation that is not crash related, the person may not be issued a driver's license until 12 consecutive months have expired since the date of the conviction or until the person reaches the age of 18 years, whichever occurs first.

Sec. 4. Minnesota Statutes 2006, section 357.021, subdivision 6, is amended to read:

Subd. 6. Surcharges on criminal and traffic offenders. (a) Except as provided in this paragraph, the court shall impose and the court administrator shall collect a \$72 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking, for which there shall be a \$4 surcharge, and other than a violation of section 169.686, for which there shall be a \$20 surcharge. In the Second Judicial District, the court shall impose, and the court administrator shall collect, an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge, and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon

a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

(d) The court administrator or other entity collecting a surcharge shall forward it to the commissioner of finance.

(e) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the commissioner of finance."

Delete the title and insert:

"A bill for an act relating to traffic regulations; making seat belt violation a primary offense in all seating positions regardless of age; making technical changes; providing for surcharge; amending Minnesota Statutes 2006, sections 169.686, subdivision 1; 171.05, subdivision 2b; 171.055, subdivision 2; 357.021, subdivision 6."

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Senator Pogemiller, from the Committee on Rules and Administration, to which was referred

H.F. No. 8 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
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and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. No. 8 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Cohen moved that the name of Senator Rummel be added as a co-author to S.F. No. 9. The motion prevailed.

Senator Cohen moved that the name of Senator Bonoff be added as a co-author to S.F. No. 25. The motion prevailed.

Senator Clark moved that S.F. No. 3 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

Senator Scheid introduced –

Senate Resolution No. 21: A Senate resolution congratulating Joseph E. Haeg of Brooklyn Center, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Wiger, Larson, Rest and Scheid introduced–

S.F. No. 81: A bill for an act relating to metropolitan government; providing for the election of the Metropolitan Council; amending Minnesota Statutes 2006, sections 10A.01, subdivision 10; 10A.09, subdivision 6a; 10A.25, subdivision 2; 10A.27, subdivision 1; 10A.315; 10A.323; 10A.324, subdivision 1; 15.0597, subdivision 1; 204B.06, subdivision 4a; 204B.09, subdivisions 1, 1a; 204B.11; 204B.135, subdivision 2; 204B.32, subdivision 2; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.27, by adding a subdivision; 209.02, subdivision 1; 211A.01, subdivision 3; 211B.01, subdivision 3; 353D.01, subdivision 2; 375.09, subdivision 1; 473.123, subdivisions 1, 4, 7, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 10A; 204D; 473; repealing Minnesota Statutes 2006, section 473.123, subdivisions 2a, 3, 3a; Laws 1994, chapter 628, article 1, section 8.

Referred to the Committee on State and Local Government Operations and Oversight.

Senators Berglin and Torres Ray introduced–

S.F. No. 82: A bill for an act relating to human services; appropriating money for the new chance program.

Referred to the Committee on Finance.

Senators Tomassoni, Bakk, Saxhaug, Pogemiller and Cohen introduced–

S.F. No. 83: A bill for an act relating to state government; appropriating money to the Minnesota minerals 21st century fund to restore previously unallotted money.

Referred to the Committee on Finance.

Senator Betzold, by request, introduced–

S.F. No. 84: A bill for an act relating to retirement; adding definitions for disability for police and fire fund and local government correctional retirement plan members; modifying disability and survivor benefits; amending Minnesota Statutes 2006, sections 353.01, subdivision 37, by adding

subdivisions; 353.651, subdivision 4; 353.656, subdivisions 1, 1a, 3, 4, 5a, 6a, 10, by adding a subdivision; 353.657, subdivisions 1, 2, 2a, 3; 353E.06, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapter 353E.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Betzold introduced—

S.F. No. 85: A bill for an act relating to retirement; modifying procedures for determining eligibility for disability benefits; amending Minnesota Statutes 2006, sections 353.33, subdivisions 1, 2, 4, 6, 7a; 353.656, subdivision 8; 353B.08, subdivision 11; 353E.06, subdivisions 4, 8; proposing coding for new law in Minnesota Statutes, chapter 353; repealing Minnesota Statutes 2006, sections 353.33, subdivisions 6a, 6b, 8; 353.656, subdivisions 5, 9, 11, 12.

Referred to the Committee on State and Local Government Operations and Oversight.

Senators Fischbach, Dille and Clark introduced—

S.F. No. 86: A bill for an act relating to education finance; appropriating money to Eden Valley-Watkins school district to recover the cost of remediating an environmental hazard.

Referred to the Committee on Finance.

Senators Fischbach, Murphy, Dille and Vickerman introduced—

S.F. No. 87: A bill for an act relating to agriculture; modifying the definition of farming for the purposes of the Minnesota Agricultural Development Act; amending Minnesota Statutes 2006, section 41C.02, subdivision 10.

Referred to the Committee on Agriculture and Veterans.

Senators Fischbach, Pariseau and Bakk introduced—

S.F. No. 88: A bill for an act relating to game and fish; modifying bear baiting restrictions; amending Minnesota Statutes 2006, section 97B.425.

Referred to the Committee on Environment and Natural Resources.

Senators Limmer, Foley, Scheid and Koch introduced—

S.F. No. 89: A bill for an act relating to highways; appropriating money to match federal funds to complete segment of highway 610 as four-lane freeway.

Referred to the Committee on Finance.

Senators Wergin, Koering, Dille and Ingebrigtsen introduced—

S.F. No. 90: A bill for an act relating to taxation; providing an income and corporate franchise tax credit for qualifying investment in dairy operations; amending Minnesota Statutes 2006, section 290.06, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Saxhaug, Bakk and Olson, M. introduced–

S.F. No. 91: A bill for an act relating to natural resources; requiring a local economic impact statement for lands withdrawn from timber harvesting; proposing coding for new law in Minnesota Statutes, chapter 89.

Referred to the Committee on Environment and Natural Resources.

Senators Bonoff, Clark, Robling, Saltzman and Olson, G. introduced–

S.F. No. 92: A bill for an act relating to early childhood education; establishing an advisory school readiness board to make recommendations to the governor and the legislature on developing a coordinated, efficient, and cost-effective system for delivering early childhood programs throughout the state; proposing coding for new law in Minnesota Statutes, chapter 124D.

Referred to the Committee on Education.

Senators Dille and Langseth introduced–

S.F. No. 93: A bill for an act relating to capital improvements; natural resources; appropriating money for paving the Luce Line Trail; authorizing issuance and sale of state bonds.

Referred to the Committee on Finance.

Senator Koch introduced–

S.F. No. 94: A bill for an act relating to local government; Hennepin and Wright Counties; authorizing the Hennepin County Board and the Wright County Board to initiate a process for the change of county boundaries by resolution.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Day introduced–

S.F. No. 95: A bill for an act relating to taxation; exempting cities, counties, and townships from sales tax; amending Minnesota Statutes 2006, section 297A.70, subdivision 2.

Referred to the Committee on Taxes.

Senator Day introduced–

S.F. No. 96: A bill for an act relating to appropriations; appropriating money for a grant to the Paradise Center for the Arts in Faribault.

Referred to the Committee on Finance.

Senator Day introduced–

S.F. No. 97: A bill for an act relating to highways; appropriating money for reconstruction of marked Trunk Highway 14 between Dodge Center and Owatonna.

Referred to the Committee on Finance.

Senator Dille introduced–

S.F. No. 98: A bill for an act relating to bonds; authorizing the city of Winsted to issue bonds under Minnesota Statutes, chapter 475, to finance the acquisition and betterment of a facility consisting of a city hall, community center, and police station.

Referred to the Committee on Taxes.

Senators Higgins, Moua, Neuville, Berglin and Olson, M. introduced–

S.F. No. 99: A bill for an act relating to corrections; authorizing a grant for mentoring children of incarcerated parents; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Finance.

Senators Cohen, Sieben and Latz introduced–

S.F. No. 100: A bill for an act relating to health; establishing state policy for stem cell research; providing criminal penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 137; 145.

Referred to the Committee on Health, Housing and Family Security.

Senators Metzen, Pogemiller, Fischbach, Day and Clark introduced–

S.F. No. 101: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 12; removing references to legislative days.

Referred to the Committee on Rules and Administration.

Senators Marty, Erickson Ropes, Prettner Solon, Lourey and Sheran introduced–

S.F. No. 102: A bill for an act relating to health; providing for a universal health care system that provides affordable access to high quality medical care for all Minnesotans; requiring a focus on preventive care and early intervention; providing comprehensive benefits; reducing costs through prevention, efficiency, and elimination of bureaucracy; directing the commissioner of health to prepare a plan to be implemented by 2010; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health, Housing and Family Security.

Senator Higgins introduced—

S.F. No. 103: A bill for an act relating to finance; authorizing transfer of appropriations within the Help America Vote Act account; amending Laws 2005, chapter 162, section 34, subdivision 6.

Referred to the Committee on Finance.

Senator Betzold introduced—

S.F. No. 104: A bill for an act relating to retiree health insurance coverage; providing for the inclusion of certain former University of Minnesota steam plant employees in the state health insurance group; amending Minnesota Statutes 2006, section 43A.27, subdivision 3.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Betzold introduced—

S.F. No. 105: A bill for an act relating to natural resources; requiring the commissioner of natural resources to remove certain wild animals from urban areas; amending Minnesota Statutes 2006, section 97A.045, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Senator Betzold introduced—

S.F. No. 106: A bill for an act relating to the legislature; changing the timing for payment of compensation to legislators; authorizing payments for additional travel during special sessions; amending Minnesota Statutes 2006, sections 3.099, subdivision 1; 3.103.

Referred to the Committee on Rules and Administration.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Wednesday, January 17, 2007. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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