

environmental quality board with advice of the governor's round table on sustainable development. The office must make the planning guide available to local units of government within the state.

Subd. 3. MODEL ORDINANCE. The office of strategic and long-range planning, in consultation with appropriate and affected parties, must prepare a model ordinance to guide sustainable development.

Subd. 4. SPECIFICITY AND DISTRIBUTION. The model ordinance must specify the technical and administrative procedures to guide sustainable development. When adopted by a local unit of government, the model ordinance is the minimum regulation to guide sustainable development that may be adopted. Upon completion, the office of strategic and long-range planning must notify local units of government that the model ordinance is available, and must distribute it to interested local units.

Subd. 5. PERIODIC REVIEW. At least once every five years, the planning office must review the model ordinance and its use with local units of government to ensure its continued applicability and relevance.

#### **Sec. 2. AGENCIES' REPORTS TO BOARD.**

Each state department, agency, and board shall report to the environmental quality board by October 15, 1996, how the mission and programs of the department, agency, or board reflect and implement the state sustainable development principles, or how the mission and programs could be changed to do so.

#### **Sec. 3. REPORT TO LEGISLATURE.**

The environmental quality board shall report to the legislature by January 15, 1997, on the state agencies' review of their missions and programs in relation to the principles of sustainable development.

#### **Sec. 4. EFFECTIVE DATE.**

This act is effective the day after final enactment.

Presented to the governor April 4, 1996

Signed by the governor April 11, 1996, 11:40 a.m.

### **CHAPTER 455—S.F.No. 2702**

*An act relating to the organization and operation of state government; appropriating money to the department of transportation and other agencies; providing for speed limits and recording of speeding violations; authorizing special license plates; providing for designated parent agreements; authorizing certain tax levies for replacement transit service; providing for highway disputes between counties and municipalities; amending Minnesota Statutes 1994, sections 115A.9651, subdivision 1; 160.83, by adding a subdivision; 160.85, by adding a subdivision; 161.085; 161.14, by adding subdivisions; 161.36, subdivisions 1, 2, 3, and 4; 161.46, subdivision 3; 161.53; 162.02, subdivisions 7, 8, and by adding a subdivision; 162.07, subdivisions 1, 5, and 6; 162.08, subdivisions 4*

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and 7; 162.14, subdivision 6; 168.013, subdivision 3; 168.042, subdivision 8, and by adding a subdivision; 168.12, subdivision 2; 168.123, subdivisions 1 and 4; 168.15; 168.33, by adding a subdivision; 169.07; 169.121, subdivision 3; 169.14, subdivision 2, and by adding a subdivision; 169.82, subdivision 3; 169.85; 169.871, by adding a subdivision; 169.983; 169.99, subdivision 1b; 171.05, by adding a subdivision; 171.07, by adding a subdivision; 171.12, subdivision 6; 171.26; 173.02, subdivision 6; 173.07, subdivision 1; 174.04; 222.37, subdivision 1; 260.173, subdivision 2; 473.388, subdivision 5, and by adding a subdivision; 473.446, by adding a subdivision; and 524.5-505; Minnesota Statutes 1995 Supplement, sections 13.69, subdivision 1; 168.1296, subdivision 1; 168.16; 169.862; 171.04, subdivision 1; 221.0355, subdivisions 5 and 15; 275.065, subdivisions 3 and 6; and 473.446, subdivisions 1 and 8; Laws 1994, chapter 589, section 8; proposing coding for new law in Minnesota Statutes, chapters 161; 168; and 173; proposing coding for new law as Minnesota Statutes, chapter 257A; repealing Minnesota Statutes 1994, sections 161.086; 161.115, subdivision 262; and 169.141.

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

## ARTICLE 1

### TRANSPORTATION FUNDING

#### Section 1. TRANSPORTATION AND OTHER AGENCIES APPROPRIATIONS.

The sums in the columns headed "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified, and are added to appropriations for the fiscal years ending June 30, 1996, and June 30, 1997, in Laws 1995, chapter 265, or other named law.

#### SUMMARY BY FUND

	1996	1997
General Fund	\$ .....,0-,,...	\$ 7,640,000
Highway User Tax		
Distribution Fund	.....,0-,,...	160,000
Trunk Highway Fund	9,687,000	42,760,000
County State Aid Fund	.....,0-,,...	100,000
Sec. 2. DEPARTMENT OF		
TRANSPORTATION	9,687,000	43,290,000
(a) State Road Construction		
9,687,000	35,513,000	

The appropriations for fiscal years 1996 and 1997 are from the trunk highway fund for state road construction and are added to the

appropriations in Laws 1995, chapter 265, article 2, section 2, subdivision 7, clause (a).

(b) Design Engineering and Construction Engineering

6,267,000

This appropriation for fiscal year 1997 is from the trunk highway fund for design engineering and construction engineering and is added to the appropriations in Laws 1995, chapter 265, article 2, section 2, subdivision 7, clauses (d) and (e), as needed.

For the purpose of Laws 1995, chapter 254, article 1, section 93, paragraph (a), "contracts for highway construction or maintenance" includes contracts for design engineering and construction engineering.

(c) Greater Minnesota Transit Assistance

1,000,000

This appropriation for fiscal year 1997 is for greater Minnesota transit assistance and is added to the appropriation in Laws 1995, chapter 265, article 2, section 2, subdivision 3, clause (a). Any unencumbered balance in that clause for fiscal year 1996 does not cancel but is available for the second year.

(d) General Management

200,000

\$200,000 is appropriated from the general fund for the purpose of convening a telecommuting community dialogue process to gather information on existing telecommunication systems, conduct public opinion polls via the Internet, and develop recommendations on improving the integration and coordination of telecommunication systems. The department shall report findings and recommendations to the legislature by February 15, 1997. This appropriation is available on receipt by the commissioner of \$100,000 of matching contributions of money from non-state sources.\* **(The preceding text beginning "(d)" was vetoed by the governor.)**

## (e) Shingobee Road

100,000

\$100,000 is appropriated from the town road account in the county state-aid highway fund before the apportionment otherwise required to be made under Minnesota Statutes, section 162.081, subdivisions 2 and 3, for the purpose of making a grant to the town of Shingobee in Cass county to improve the Ah-Gwah-Ching cutoff road. The appropriation is available if the commissioner determines that the Shingobee town board has made a commitment to establish the road as a town road upon completion of the improvement.

## (f) Stone Arch Bridge

110,000

The appropriation is for the repair of the Stone Arch Bridge.

## (g) Driver Education Programs

100,000

This appropriation is for a grant to the Minnesota highway safety center at St. Cloud State University for driver education programs.

## Sec. 3. METROPOLITAN COUNCIL

6,000,000

This appropriation for fiscal year 1997 is for metropolitan transit operations and is added to the appropriation in Laws 1995, chapter 265, article 2, section 3.

Notwithstanding the limit on spending for metro mobility in Laws 1995, chapter 265, article 2, section 3, the metropolitan council may spend up to \$1,600,000 of this appropriation for metro mobility.

Of this appropriation, the council may spend up to \$625,000 in fiscal year 1997 to implement the high-speed bus demonstration project authorized in Laws 1995, chapter 265, article 2, section 3.

Sec. 4. DEPARTMENT OF PUBLIC SAFETY		1,370,000
	Summary by Fund	
General	..,-0-,...	230,000
Trunk Highway	..,-0-,...	980,000
Highway User Tax		
Distribution Fund	..,-0-,...	160,000
(a) State Patrol		
	150,000	

Of this appropriation, \$150,000 is from the trunk highway fund for four additional radio communication operators.

(b) Driver and Vehicle Services

336,000

\$14,000 from the highway user tax distribution fund and \$65,000 from the trunk highway fund are for costs related to the implementation of Minnesota Statutes, section 168.042.

\$113,000 is from the highway user tax distribution fund and is added to the appropriations in Laws 1995, chapter 265, article 2, section 5, subdivision 4. This appropriation is for costs related to driver's license and motor vehicle registration records and is available only to the extent required to comply with a law effective during fiscal year 1997 that substantially changes the data privacy status of these records.

\$111,000 is from the general fund to implement Minnesota Statutes, section 171.07, subdivision 11.

\$33,000 is from the highway user tax distribution fund for programming costs related to registration tax refunds for rental motor vehicles.

(c) Administration and Related Services

884,000

This appropriation for fiscal year 1997 is added to the appropriations in Laws 1995, chapter 265, article 2, section 5, subdivision 2.

This appropriation is for agency critical operations systems. Of this appropriation, \$765,000 is from the trunk highway fund.

(d) Critical Habitat Matching

The commissioner of public safety shall determine whether the fees collected under Minnesota Statutes, section 168.1296, for critical habitat license plates have been sufficient to cover the costs of handling and manufacturing the license plates during the biennium ending June 30, 1997. If the fees have been deficient, the amount of the deficiency is appropriated from the Minnesota critical habitat private sector matching account in the reinvest in Minnesota resources fund for transfer to the highway user tax distribution fund.

Sec. 5. Minnesota Statutes 1994, section 169.14, subdivision 2, is amended to read:

Subd. 2. **SPEED LIMITS.** (a) Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

(1) 30 miles per hour in an urban district;

(2) 65 miles per hour in other locations during the daytime on freeways and expressways, as defined in section 160.02, subdivision 16, outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;

(3) 55 miles per hour in such other locations during the nighttime other than those specified in this section;

(4) ten miles per hour in alleys; and

(5) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway.

(b) A speed limit adopted under paragraph (a), clause (5), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.

(c) "Daytime" means from a half hour before sunrise to a half hour after sunset, except at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet. "Nighttime" means at any other hour or at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet.

Sec. 6. Minnesota Statutes 1994, section 169.14, is amended by adding a subdivision to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 4a. **ESTABLISHMENT OF SPEEDS ON HIGHWAYS.** Notwithstanding subdivision 4, the commissioner may by order designate a maximum lawful speed for freeways and expressways, as defined in section 160.02, subdivision 16, with or without an engineering and traffic investigation. The order may apply to all such highways or to specific highways identified in the order.

Sec. 7. Minnesota Statutes 1994, section 169.983, is amended to read:

**169.983 SPEEDING VIOLATIONS; CREDIT CARD PAYMENT OF FINES.**

The officer who issues a citation for a violation by a person who does not reside in Minnesota of section 169.14 or ~~169.141~~ shall give the defendant the option to plead guilty to the violation upon issuance of the citation and to pay the fine to the issuing officer with a credit card.

The commissioner of public safety shall adopt rules to implement this section, including specifying the types of credit cards that may be used.

Sec. 8. Minnesota Statutes 1994, section 169.99, subdivision 1b, is amended to read:

Subd. 1b. **SPEED.** The uniform traffic ticket must provide a blank or space wherein an officer who issues a citation for a violation of section ~~169.141~~ 169.14, subdivision 2, paragraph (a), clause (3), must specify whether the speed was greater than ten miles per hour in excess of the lawful speed designated under that section.

Sec. 9. Minnesota Statutes 1994, section 171.12, subdivision 6, is amended to read:

Subd. 6. **CERTAIN CONVICTIONS NOT RECORDED.** The department shall not keep on the record of a driver any conviction for a violation of section ~~169.141~~ 169.14, subdivision 2, paragraph (a), clause (3), unless the violation consisted of a speed greater than ten miles per hour in excess of the lawful speed designated under that section.

**Sec. 10. DRIVER'S LICENSE FEES; DEPOSIT IN GENERAL FUND.**

Notwithstanding Minnesota Statutes, section 171.26, up to \$100,000 in revenues received under Minnesota Statutes, chapter 171, in fiscal year 1997 shall be deposited in the general fund. This deposit is in addition to any deposit of revenue in the general fund under Minnesota Statutes, section 171.07, subdivision 11.

**Sec. 11. REPEALER.**

Minnesota Statutes 1994, section 169.141, is repealed. Any order issued under that section is void.

**Sec. 12. EFFECTIVE DATE.**

(a) Any provision making an appropriation for fiscal year 1996 is effective the day following final enactment.

(b) Section 10 is effective July 1, 1996.

(c) Sections 5 to 9 and 11 are effective May 1, 1996.

**New language is indicated by underline, deletions by ~~strikeout~~.**

## ARTICLE 2

### TRANSPORTATION CAPITAL IMPROVEMENTS

Section 1. The sums in the column under "APPROPRIATIONS" are appropriated from the trunk highway fund to the state agencies or officials indicated, to be spent to acquire and to better public land and buildings and other public improvements of a capital nature, as specified in this article.

	APPROPRIATIONS
Sec. 2. FACILITY PROJECTS	21,639,000
<p>This appropriation is from the trunk highway fund to the commissioner of transportation for the purposes specified in paragraphs (a) and (b).</p>	
(a) Trunk Highway Facility Projects	20,454,000
(1) For construction documents, construction, furnishing, and equipping of Bemidji headquarters building to replace the existing facility. The new facility will house the district staff, support services, design, construction, right-of-way, materials engineering, maintenance, radio shop, inventory center, vehicle maintenance, vehicle storage, bridge maintenance, and building services	9,000,000
(2) Repair, replace, construct, or develop additions to chemical and salt storage buildings at 29 department of transportation locations statewide	1,000,000
(3) For schematic design, design development, construction documents, construction, furnishing, and equipping of an addition to the Rochester district office and state patrol center	1,260,000
(4) Construct, furnish, and equip a new equipment storage building on a new site in Pipestone to replace the existing facility	520,000
(5) Construct, furnish, and equip a new equipment storage building on a new site in Deer Lake to combine and replace existing operations at Togo and Effie	644,000
(6) Construct, furnish, and equip a new equipment storage building on a new site in Rushford to replace the existing facility	663,000



(7) For construction documents, construction, furnishing, and equipping of an addition to the central services building at Fort Snelling for heated storage	855,000
(8) Schematic design, design development, and construction documents for projects at Duluth, St. Cloud, Jordan, Fort Snelling, Golden Valley, and a new record building	677,000
(9) Design, construction, equipping, and furnishing of an addition to the Garrison truck station and related improvements	206,000
(10) For construction documents, construction, furnishing, and equipping of an addition to the Hastings truck station	1,362,000
(11) Construct, furnish, and equip a new equipment storage building on a new site in Gaylord to replace the existing facility	680,000
(12) Remove asbestos from various department of transportation buildings statewide	200,000
(13) Construct, furnish, and equip a new equipment storage building on a new site in Hibbing to replace the existing facility. Minnesota Statutes, section 16B.33, does not apply to this project	1,237,000
(14) Design, construction, equipping, and furnishing of an addition to the Long Prairie truck station and related improvements	215,000
(15) Design, construction, equipping, and furnishing of an addition to the Forest Lake truck station and related improvements	451,000
(16) Design, construction, equipping, and furnishing of an addition to the Erskine truck station and related improvements	300,000
(17) Design, construction, equipping, and furnishing of an addition to the Dilworth truck station and related improvements	514,000
(18) Construct, furnish, and equip class II safety rest areas in Fillmore county, Cook county, and Kanabec county	120,000
(19) Construct pole-type storage buildings at department of transportation locations throughout the state	350,000

(20) Land acquisition at Fort Snelling next to the central services complex when it is made available as surplus property by the federal government	200,000
(21) Clauses (1) to (19) are exempt from the requirements of Minnesota Statutes, section 16B.335.	
(b) Public Safety Project	1,185,000

\$1,185,000 is appropriated from the trunk highway fund for capital improvements to license exam stations, grounds, and facilities at Arden Hills, Eagan, and Plymouth.

### Sec. 3. **DESIGN-BUILD METHOD OF CONSTRUCTION.**

Beginning with the capital budget projects approved by law in 1996, the commissioner of administration or the commissioner of transportation may use a design-build method of project development and construction for projects to construct new vehicle and equipment storage or maintenance facilities. "Design-build method of project development and construction" means a project delivery system in which a single contractor is responsible for both the design and the construction of the project. The commissioner of administration or the commissioner of transportation may select the projects that will be constructed using the design-build method. Minnesota Statutes, section 16B.33, does not apply to the projects selected. The commissioners are requested to report to the legislature on the use of the design-build method, including comparative cost analysis, quality of product obtained, advantages and disadvantages of using this method, and the commissioners' recommendations for further use of the design-build method.

### Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective July 1, 1996.

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## ARTICLE 3

### HIGHWAYS AND DRIVERS' LICENSES

Section 1. Minnesota Statutes 1994, section 115A.9651, subdivision 1, is amended to read:

Subdivision 1. **PROHIBITION.** (a) Except as provided in paragraph (d), no person may distribute for sale or use in this state any ink, dye, pigment, paint, or fungicide manufactured after September 1, 1994, into which lead, cadmium, mercury, or hexavalent chromium has been intentionally introduced.

(b) For the purposes of this subdivision, "intentionally introduce" means to deliberately use a metal listed in paragraph (a) as an element during manufacture or distribution of an item listed in paragraph (a). Intentional introduction does not include the incidental presence of any of the prohibited elements.

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(c) The concentration of a listed metal in an item listed in paragraph (a) may not exceed 100 parts per million.

(d) The prohibition on the use of lead in substances utilized in marking road, street, highway, and bridge pavements does not take effect until July 1, 1998.

Sec. 2. Minnesota Statutes 1994, section 160.83, is amended by adding a subdivision to read:

Subd. 5. **LIABILITY.** A rustic road may be maintained at a level less than the minimum standards required for state-aid highways, roads, and streets, but must be maintained at the level required to serve anticipated traffic volumes. Where a road has been designated by resolution as a rustic road and speed limits have been posted under subdivision 1, the road authority with jurisdiction over the road, and its officers and employees, are exempt from liability for any tort claim for injury to person or property arising from travel on the rustic road related to its maintenance, design, or condition if:

(1) the maintenance, design, or condition is consistent with the anticipated use as described in subdivision 2; and

(2) the maintenance, design, or condition is not grossly negligent.

Nothing in this subdivision exempts a road authority from its duty to maintain bridges under chapter 165 or other applicable law.

Sec. 3. Minnesota Statutes 1994, section 160.85, is amended by adding a subdivision to read:

Subd. 3a. **INFORMATION MEETING.** Before approving or denying a development agreement, the commissioner shall hold a public information meeting in any municipality or county in which any portion of the proposed toll facility runs. The commissioner shall determine the time and place of the information meeting.

Sec. 4. Minnesota Statutes 1994, section 161.085, is amended to read:

**161.085 APPROPRIATION FROM TURNBACK ACCOUNTS.**

Moneys in the county turnback account and the municipal turnback account are hereby appropriated annually to the commissioner of transportation for the purposes of carrying out the terms of sections 161.081 to 161.086 161.084.

**Sec. 5. [161.139] HIGHWAY DESIGNATION COSTS.**

The commissioner shall not adopt a design or erect a sign to mark or memorialize a highway or bridge, pursuant to designation by the legislature on or after January 1, 1996, unless the commissioner is assured of the availability of funds from nonstate sources sufficient to pay all costs related to designing, erecting, and maintaining the signs.

Sec. 6. Minnesota Statutes 1994, section 161.14, is amended by adding a subdivision to read:

Subd. 37. **VICTORY DRIVE.** Marked trunk highway No. 22, from its intersection with marked trunk highways Nos. 14 and 60 in the city of Mankato to its intersection with marked trunk highway No. 30 in the city of Mapleton, is designated "Victory Drive." The commissioner of transportation shall adopt a suitable design for marking this highway and shall erect appropriate signs at locations the commissioner determines. The people of the community, having resolved to support and financially back the marking of this highway, shall reimburse the department for costs incurred in marking and memorializing this highway.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 7. Minnesota Statutes 1994, section 161.14, is amended by adding a subdivision to read:

Subd. 38. VETERANS MEMORIAL HIGHWAY. Marked trunk highway No. 15, from its intersection with marked trunk highway No. 60 to its intersection with the Iowa border, is designated "Veterans Memorial Highway." The commissioner of transportation shall adopt a suitable design for marking this highway and shall erect appropriate signs at locations the commissioner determines. The people of the community, having resolved to support and financially back the marking of this highway, shall reimburse the department for costs incurred in marking and memorializing this highway.

Sec. 8. Minnesota Statutes 1994, section 161.14, is amended by adding a subdivision to read:

Subd. 39. DALE WAYRYNEN MEMORIAL HIGHWAY. That segment of marked trunk highway No. 210 located within Aitkin county is designated "Dale Wayrynen Memorial Highway." The commissioner of transportation shall erect appropriate signs after adopting a marking design for the signs, which suitably commemorates Dale Wayrynen, posthumous recipient of the Congressional Medal of Honor, for heroism displayed during the Vietnam War. The people of the community, having resolved to support and financially back the marking of this highway, shall reimburse the department for costs incurred in marking and memorializing this highway.

Sec. 9. Minnesota Statutes 1994, section 161.36, subdivision 1, is amended to read:

**Subdivision 1. COMMISSIONER TO COOPERATE WITH THE U.S. GOVERNMENT.** The commissioner may cooperate with the government of the United States and any agency or department thereof in the construction, improvement, enhancement, and maintenance of roads and bridges transportation in the state of Minnesota and may comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys upon such roads and bridges.

Sec. 10. Minnesota Statutes 1994, section 161.36, subdivision 2, is amended to read:

**Subd. 2. FEDERAL AID, ACCEPTANCE; COMMISSIONER AS AGENT.** The commissioner may accept federal moneys and other moneys, either public or private, for and in behalf of the state of Minnesota or any governmental subdivision thereof, or any nonpublic organization, for the construction, improvement, enhancement, or maintenance of roads and bridges transportation upon such terms and conditions as are or may be prescribed by the laws of the United States and any rules or regulations made thereunder, and is authorized to act as an agent of any that governmental subdivision of the state of Minnesota or nonpublic organization upon the its request of such subdivision in accepting the moneys in its behalf for road or bridge transportation purposes, in acquiring right-of-way therefor, and in contracting for the construction, improvement, enhancement, or maintenance of roads or bridges transportation financed either in whole or in part by federal moneys. The governing body of any such subdivision or nonpublic organization is authorized to designate the commissioner as its agent for such purposes and to enter into an agreement with the commissioner prescribing the terms and conditions of the agency in accordance herewith and with federal laws, rules and regulations.

Sec. 11. Minnesota Statutes 1994, section 161.36, subdivision 3, is amended to read:

**Subd. 3. COMMISSIONER AS AGENT IN CERTAIN CASES.** The commissioner may act as the agent of any political subdivision of the state, or any nonpublic orga-

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nization, as provided herein, for the construction of ~~roads and bridges~~ transportation toward the construction of which no federal aid is available in the event that the construction adjoins, is connected, or in the judgment of the commissioner can be best and most economically performed in connection with construction upon which federal aid is available and upon which the commissioner is then acting as agent.

Sec. 12. Minnesota Statutes 1994, section 161.36, subdivision 4, is amended to read:

Subd. 4. **STATE LAWS TO GOVERN.** All contracts for the construction, improvement, enhancement, or maintenance of ~~roads or bridges~~ transportation made by the commissioner as the agent of any governmental subdivision, or any nonpublic organization, shall be made pursuant to the laws of the state of Minnesota governing the making of contracts for the construction, improvement, enhancement, and maintenance of ~~roads and bridges~~ transportation on the trunk highway system of the state; provided, where the construction, improvement, enhancement, or maintenance of any ~~road or bridge~~ transportation is financed wholly with federal moneys, the commissioner as the agent of ~~any~~ the governmental subdivision or nonpublic organization may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules or regulations made thereunder, notwithstanding any state law to the contrary.

Sec. 13. Minnesota Statutes 1994, section 161.46, subdivision 3, is amended to read:

Subd. 3. **LUMP SUM SETTLEMENTS.** The commissioner may enter into agreements with a utility for the relocation of utility facilities providing for the payment by the state of a lump sum based on the estimated cost of relocation when the lump sum so agreed upon does not exceed ~~\$25,000~~ \$100,000.

Sec. 14. Minnesota Statutes 1994, section 161.53, is amended to read:

#### 161.53 RESEARCH ACTIVITIES.

The commissioner may set aside ~~for transportation research~~ in each fiscal year up to ~~one~~ two percent of the total amount of all funds appropriated to the commissioner other than county state-aid and municipal state-aid highway funds for transportation research including public and private research partnerships. The commissioner shall spend this money for (1) research to improve the design, construction, maintenance, management, and environmental compatibility of transportation systems; (2) research on transportation policies that enhance energy efficiency and economic development; (3) programs for implementing and monitoring research results; and (4) development of transportation education and outreach activities. Of all funds appropriated to the commissioner other than state-aid funds, the commissioner shall spend 0.1 percent, but not exceeding \$800,000 in any fiscal year, for research and related activities performed by the center for transportation studies of the University of Minnesota. The center shall establish a technology transfer and training center for Minnesota transportation professionals.

Sec. 15. Minnesota Statutes 1994, section 162.08, subdivision 4, is amended to read:

Subd. 4. **PURPOSES; OTHER USES OF MUNICIPAL ACCOUNT ALLOCATION.** (a) Except as provided in subdivision 3, money so apportioned and allocated to each county shall be used for aid in the establishment, location, construction, reconstruction, improvement, and maintenance of the county state-aid highway system within each county, including the expense of sidewalks, commissioner-approved signals and safety devices on county state-aid highways, and systems that permit an emergency

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vehicle operator to activate a green traffic signal for the emergency vehicle; provided, that in the event of hardship, or in the event that the county state-aid highway system of any county is improved to the standards set forth in the commissioner's rules, a portion of the money apportioned other than the money allocated for expenditures within cities having a population of less than 5,000, may be used on other roads within the county with the consent and in accordance with the commissioner's rules.

(b) If the portion of the county state-aid highway system lying within cities having a population of less than 5,000 is improved to the standard set forth in the commissioner's rules, a portion of the money credited to the municipal account may be used on other county highways or other streets lying within such cities. Upon the authorization of the commissioner, a county may expend accumulated municipal account funds on county state-aid highways within the county outside of cities having a population of less than 5,000. The commissioner shall authorize the expenditure if:

(a) (1) the county submits a written request to the commissioner and holds a hearing within 30 days of the request to receive and consider any objections by the governing bodies of cities within the county having a population of less than 5,000; and

(b) (2) no written objection is filed with the commissioner by any such city within 14 days of that hearing as provided in this subdivision.

The county shall notify all of the cities of the public hearing by certified mail and shall notify the commissioner in writing of the results of the hearing and any objections to the use of the funds as requested by the county.

(c) If, within 14 days of the hearing under paragraph (b), a city having a population of less than 5,000 files a written objection with the commissioner identifying a specific county state-aid highway within the city which is requested for improvement, the commissioner shall investigate the nature of the requested improvement. Notwithstanding paragraph (b) clause (b) (2), the commissioner may authorize the expenditure requested by the county if:

(1) the identified highway is not deficient in meeting minimum state-aid street standards; or

(2) the county shows evidence that the identified highway has been programmed for construction in the county's five-year capital improvement budget in a manner consistent with the county's transportation plan; or

(3) there are conditions created by or within the city and beyond the control of the county that prohibit programming or constructing the identified highway.

(d) Notwithstanding any contrary provisions of paragraph (b) or (c), accumulated balances in excess of two years of municipal account apportionments may be spent on projects located outside of municipalities under 5,000 population when approved solely by resolution of the county board.

(e) Authorization by the commissioner for use of municipal account funds on county state-aid highways outside of cities having a population of less than 5,000 shall be applicable only to the county's accumulated and current year allocation. Future municipal account allocations shall be used as directed by law unless subsequent requests are made by the county and approved by the commissioner, or approved by resolution of the county board, as applicable, in accordance with the applicable provisions of this section.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 16. Minnesota Statutes 1994, section 162.08, subdivision 7, is amended to read:

Subd. 7. **ADVANCES OTHER THAN TO MUNICIPAL ACCOUNT.** Any county may make advances from any available funds for the purpose of expediting the construction, reconstruction, improvement and maintenance of its county state-aid highway system. ~~Total advances, together with any advances to the municipal account, as provided in subdivisions 5 and 6, shall never exceed 40 percent of the county's last apportionment preceding the first advance.~~ Advances made by any county as provided herein, other than advances made to the municipal account, shall be repaid out of subsequent apportionments to the county's maintenance or construction account in accordance with the commissioner's rules.

Sec. 17. Minnesota Statutes 1994, section 162.14, subdivision 6, is amended to read:

Subd. 6. **ADVANCES.** Any such city, ~~except cities of the first class,~~ may make advances from any funds available to it for the purpose of expediting the construction, reconstruction, improvement, or maintenance of its municipal state-aid street system; provided that such advances shall not exceed the city's total estimated apportionment for the three years following the year the advance is made. Advances made by any such city shall be repaid out of subsequent apportionments made to such city in accordance with the commissioner's rules.

Sec. 18. Minnesota Statutes 1994, section 168.013, subdivision 3, is amended to read:

Subd. 3. **APPLICATION; CANCELLATION; EXCESSIVE GROSS WEIGHTS FORBIDDEN.** The applicant for all licenses based on gross weight shall state in writing upon oath, the unloaded weight of the motor vehicle, trailer or semitrailer and the maximum load the applicant proposes to carry thereon, the sum of which shall constitute the gross weight upon which the license tax shall be paid, but in no case shall the declared gross weight upon which the tax is paid be less than 1-1/4 times the declared unloaded weight of the motor vehicle, trailer or semitrailer to be registered, except recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18 and tow trucks or towing vehicles defined in section 169.01, subdivision 52. The gross weight of a tow truck or towing vehicle is the actual weight of the tow truck or towing vehicle fully equipped, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the tow truck or towing vehicle.

The gross weight of no motor vehicle, trailer or semitrailer shall exceed the gross weight upon which the license tax has been paid by more than four percent or 1,000 pounds, whichever is greater.

The gross weight of the motor vehicle, trailer or semitrailer for which the license tax is paid shall be indicated by a distinctive character on the license plate or plates except as provided in subdivision 12 and the plate or plates shall be kept clean and clearly visible at all times.

The owner, driver, or user of a motor vehicle, trailer or semitrailer upon conviction for transporting a gross weight in excess of the gross weight for which it was registered or for operating a vehicle with an axle weight exceeding the maximum lawful axle load weight shall be guilty of a misdemeanor and be subject to increased registration or reregistration according to the following schedule:

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(1) The owner, driver or user of a motor vehicle, trailer or semitrailer upon conviction for transporting a gross weight in excess of the gross weight for which it is registered by more than four percent or 1,000 pounds, whichever is greater, but less than 25 percent or for operating or using a motor vehicle, trailer or semitrailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by more than four percent or 1,000 pounds, whichever is greater, but less than 25 percent, in addition to any penalty imposed for the misdemeanor shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight the owner, driver, or user was convicted of carrying, the increase computed for the balance of the calendar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for the vehicle under section 169.825, that additional amount shall nevertheless be paid into the highway fund, but the additional tax thus paid shall not permit the vehicle to be operated with a gross weight in excess of the maximum legal weight as provided by section 169.825. Unless the owner within 30 days after a conviction shall apply to increase the authorized weight and pay the additional tax as provided in this section, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued on that registration.

(2) The owner or driver or user of a motor vehicle, trailer or semitrailer upon conviction for transporting a gross weight in excess of the gross weight for which the motor vehicle, trailer or semitrailer was registered by 25 percent or more, or for operating or using a vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by 25 percent or more, in addition to any penalty imposed for the misdemeanor, shall have the reciprocity privileges on the vehicle involved if the vehicle is being operated under reciprocity canceled by the registrar, or if the vehicle is not being operated under reciprocity, the certificate of registration on the vehicle operated shall be canceled by the registrar and the registrar shall demand the return of the registration certificate and registration plates. The registrar may not cancel the registration or reciprocity privileges for any vehicle found in violation of seasonal load restrictions imposed under section 169.87 unless the axle weight exceeds the year-round weight limit for the highway on which the violation occurred. The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed is paid.

(3) Clause (1) does not apply to the first haul of unprocessed or raw farm products or unfinished forest products, when the registered gross weight is not exceeded by more than ten percent. For purposes of this clause, "first haul" means (1) the first, continuous transportation of unprocessed or raw farm products from the place of production or on-farm storage site to any other location within 50 miles of the place of production or on-farm storage site, or (2) the first, continuous transportation of unfinished forest products from the place of production to the place of first unloading.

(4) When the registration on a motor vehicle, trailer or semitrailer is revoked by the registrar according to provisions of this section, the vehicle shall not be operated on the highways of the state until it is registered or reregistered, as the case may be, and new plates issued, and the registration fee shall be the annual tax for the total gross weight of the vehicle at the time of violation. The reregistration pursuant to this subdivision of any

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vehicle operating under reciprocity agreements pursuant to section 168.181 or 168.187 shall be at the full annual registration fee without regard to the percentage of vehicle miles traveled in this state.

Sec. 19. Minnesota Statutes 1994, section 169.07, is amended to read:

**169.07 UNAUTHORIZED SIGNS.**

No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit, upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit (1) the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs, or (2) the temporary placement by auctioneers licensed or exempt from licensing under section 330.01, for a period of not more than eight consecutive hours, on or adjacent to the right-of-way of a highway not more than four signs directing motorists to the location of an auction. The signs must conform to standards for size, content, placement, and location for such signs promulgated by the commissioner of transportation. The rules may require a permit for each such sign but no fee may be charged for the permit.

Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over the highways is hereby empowered to remove the same, or cause it to be removed, without notice.

Sec. 20. Minnesota Statutes 1994, section 169.82, subdivision 3, is amended to read:

Subd. 3. **HITCHES; CHAINS; CABLES.** (a) Every trailer or semitrailer must be hitched to the towing motor vehicle by a device approved by the commissioner of public safety.

(b) Every trailer and semitrailer must be equipped with safety chains or cables permanently attached to the trailer except in cases where the coupling device is a regulation fifth wheel and kingpin assembly approved by the commissioner of public safety. In towing, the chains or cables must be carried through a ring on the towbar and attached to the towing attached to the vehicles near the points of bumper attachments to the chassis of each vehicle, and must be of sufficient strength to control the trailer in the event of failure of the towing device. The length of chain or cable must be no more than necessary to permit free turning of the vehicles.

(c) This subdivision does not apply to towed implements of husbandry.

No person may be charged with a violation of this section solely by reason of violating a maximum speed prescribed in section 169.145 or 169.67.

Sec. 21. Minnesota Statutes 1994, section 169.85, is amended to read:

**169.85 WEIGHING; PENALTY.**

The driver of a vehicle which has been lawfully stopped may be required by a peace officer to submit the vehicle and load to a weighing by means of portable or stationary

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scales, and the peace officer may require that the vehicle be driven to the nearest available scales if the distance to the scales is no further than five miles, or if the distance from the point where the vehicle is stopped to the vehicle's destination is not increased by more than ten miles as a result of proceeding to the nearest available scales. Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale. When a truck weight enforcement operation is conducted by means of portable or stationary scales and signs giving notice of the operation are posted within the highway right-of-way and adjacent to the roadway within two miles of the operation, the driver of a truck or combination of vehicles registered for or weighing in excess of 12,000 pounds, and the driver of a charter bus, ~~except a bus registered in Minnesota,~~ shall proceed to the scale site and submit the vehicle to weighing and inspection.

Upon weighing a vehicle and load, as provided in this section, an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under section 169.825. A suitable place is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule or ordinance. A driver may be required to unload a vehicle only if the weighing officer determines that (a) on routes subject to the provisions of section 169.825, the weight on an axle exceeds the lawful gross weight prescribed by section 169.825, by 2,000 pounds or more, or the weight on a group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight prescribed by section 169.825, by 4,000 pounds or more; or (b) on routes designated by the commissioner in section 169.832, subdivision 11, the overall weight of the vehicle or the weight on an axle or group of consecutive axles exceeds the maximum lawful gross weights prescribed by section 169.825; or (c) the weight is unlawful on an axle or group of consecutive axles on a road restricted in accordance with section 169.87. Material unloaded must be cared for by the owner or driver of the vehicle at the risk of the owner or driver.

A driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing as required in this section, or who fails or refuses, when directed by an officer upon a weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section, is guilty of a misdemeanor.

Sec. 22. Minnesota Statutes 1995 Supplement, section 169.862, is amended to read:

**169.862 PERMITS FOR WIDE LOADS OF BALED AGRICULTURAL PRODUCTS.**

The commissioner of transportation with respect to highways under the commissioner's jurisdiction, and local authorities with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying round bales of hay, straw, or cornstalks, with a total outside width of the vehicle or the load not exceeding 11-1/2 feet, to be operated on public streets and highways. The commissioner of transportation and local authorities may issue an annual permit to enable a vehicle, having a maximum width of 102 inches, carrying a first haul of square bales of straw, each bale having a minimum size of four feet by four feet by eight feet, with a total outside width of the load not exceeding 12 feet, to be operated on public streets and highways between August 1 and ~~December~~ March 1 within 35 miles of the border between this state and the state of North Dakota. The commissioner of transportation and local authorities may issue an annual

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permit to enable a vehicle carrying square bales of hay, each with an outside dimension of not less than three feet by four feet by seven feet, with a total height of the loaded vehicle not exceeding 15 feet, to be operated on those public streets and highways designated in the permit. Permits issued under this section are governed by the applicable provisions of section 169.86 except as otherwise provided herein and, in addition, carry the following restrictions:

(a) The vehicles may not be operated between sunset and sunrise, when visibility is impaired by weather, fog, or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on Sunday from noon until sunset, or on the days the following holidays are observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(b) The vehicles may not be operated on interstate highways.

(c) The vehicles may not be operated on a trunk highway with a pavement less than 24 feet wide.

(d) A vehicle operated under the permit must be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle.

(e) A vehicle operated under the permit must display red, orange, or yellow flags, 18 inches square, as markers at the front and rear and on both sides of the load. The load must be securely bound to the transporting vehicle.

(f) Farm vehicles not for hire carrying round baled hay less than 20 miles are exempt from the requirement to obtain a permit. All other requirements of this section apply to vehicles transporting round baled hay.

The fee for the permit is \$24.

Sec. 23. Minnesota Statutes 1994, section 169.871, is amended by adding a subdivision to read:

Subd. 1b. CIVIL PENALTY FOR FIRST TWO VIOLATIONS. Notwithstanding subdivision 1, clauses (a) to (e), a civil penalty under subdivision 1 for a violation in a motor vehicle in the course of a first haul as defined in section 168.013, subdivision 3, clause (3), of a weight limit imposed under sections 169.825, 169.832 to 169.851, and 169.87 that is not preceded by two or more violations of the gross weight limits in those sections in that motor vehicle within the previous 12 months, may not exceed \$150.

Sec. 24. Minnesota Statutes 1995 Supplement, section 171.04, subdivision 1, is amended to read:

Subdivision 1. **PERSONS NOT ELIGIBLE.** The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of 16 years; to any person under 18 years unless such person shall have successfully completed a course in driver education, including both classroom and behind-the-wheel instruction, approved by the state board of education for courses offered through the public schools, or, in the case of a course offered by a private, commercial driver education school or institute, by the department of public safety; except when such person has completed a course of driver education in

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another state or has a previously issued valid license from another state or country; nor to any person under 18 years unless the application of license is approved by either parent when both reside in the same household as the minor applicant, otherwise the parent or spouse of the parent having custody or with whom the minor is living in the event there is no court order for custody, or guardian having the custody of such minor, or in the event a person under the age of 18 has no living father, mother or guardian, the license shall not be issued to such person unless the application therefor is approved by the person's employer. Driver education courses offered in any public school shall be open for enrollment to persons between the ages of 15 and 18 years residing in the school district or attending school therein. Any public school offering driver education courses may charge an enrollment fee for the driver education course which shall not exceed the actual cost thereof to the public school and the school district. The approval required herein shall contain a verification of the age of the applicant;

(2) To any person who is under the age of 18 years unless the person has applied for, been issued, and possessed the appropriate instruction permit for a minimum of six months;

(3) To any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act;

~~(3)~~ (4) To any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act and if otherwise qualified;

(4) (5) To any person who is a drug dependent person as defined in section 254A.02, subdivision 5;

(5) (6) To any person who has been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, and has not been restored to capacity, unless the department is satisfied that such person is competent to operate a motor vehicle with safety to persons or property;

(6) (7) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(7) (8) To any person who is required under the provisions of the Minnesota no-fault automobile insurance act of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) (9) To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare;

(9) (10) To any person when, in the opinion of the commissioner, such person is afflicted with or suffering from such physical or mental disability or disease as will affect such person in a manner to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways; nor to a person who is unable to read and understand official signs regulating, warning, and directing traffic;

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~~(10)~~ (11) To a child for whom a court has ordered denial of driving privileges under section 260.191, subdivision 1, or 260.195, subdivision 3a, until the period of denial is completed; or

~~(11)~~ (12) To any person whose license has been canceled, during the period of cancellation.

Sec. 25. Minnesota Statutes 1994, section 171.05, is amended by adding a subdivision to read:

Subd. 2a. PERMIT FOR SIX MONTHS. An applicant who has applied for and received an instruction permit pursuant to subdivision 2 must possess the instruction permit for not less than six months before qualifying for a driver's license.

Sec. 26. Minnesota Statutes 1994, section 173.02, subdivision 6, is amended to read:

Subd. 6. **VARIOUS SIGNS AND NOTICES DEFINED.** Directional and other official signs and notices shall mean:

(a) "Official signs and notices" mean signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal or state law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local governmental agencies or nonprofit historical societies and, star city signs erected under section 173.085, and municipal identification entrance signs erected in accordance with section 173.025 may be considered official signs.

(b) "Public utility signs" mean warning signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

(c) "Service club and religious notices" mean signs and notices, not exceeding eight square feet in advertising area, whose erection is authorized by law, relating to meetings and location of nonprofit service clubs or charitable associations, or religious services.

(d) "Directional signs" means signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. To qualify for directional signs, privately owned attractions must be nationally or regionally known, and of outstanding interest to the traveling public.

(e) All definitions in this subdivision are intended to be in conformity with the national standards for directional and other official signs.

**Sec. 27. [173.025] MUNICIPAL IDENTIFICATION SIGNS.**

A local road authority may erect a municipal identification entrance sign within the right-of-way of a trunk highway with the written permission of the commissioner. Municipal identification entrance signs erected without the written permission of the commissioner are prohibited.

Sec. 28. Minnesota Statutes 1994, section 173.07, subdivision 1, is amended to read:

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Subdivision 1. **FORMS; CONTENT; IDENTIFYING NUMBER.** Application for permits or renewals thereof for the placement and maintenance of advertising devices within scenic areas shall be on forms prescribed by the commissioner and shall contain such information as the commissioner may require. No advertising device shall be placed without the consent of the owner or occupant of the land, and adequate proof of such consent shall be submitted to the commissioner at the time application is made for such permits or renewals. ~~There shall be furnished with each permit an identifying number which shall be affixed by the permit holder to the advertising device in accordance with rules of the commissioner of transportation.~~

Sec. 29. Minnesota Statutes 1994, section 174.04, is amended to read:

**174.04 FINANCIAL ASSISTANCE; APPLICATIONS; DISBURSEMENT.**

Subdivision 1. **REVIEW OF APPLICATION.** Any state agency which receives an application from a regional development commission, metropolitan council, public transit commission, airport commission, port authority or other political subdivision of the state, or any nonpublic organization, for financial assistance for transportation planning, capital expenditures or operations to any state or federal agency, shall first submit the application to the commissioner of transportation. The commissioner shall review the application to determine whether it contains matters that substantially affect the state-wide transportation plan and priorities. If the application does not contain such matters, the commissioner shall within 15 days after receipt return the application to the applicant political subdivision or nonpublic organization for forwarding to the appropriate agency. If the application contains such matters, the commissioner shall review and comment on the application as being consistent with the plan and priorities. The commissioner shall return the application together with comments within 45 days after receipt to the applicant political subdivision or nonpublic organization for forwarding with the commissioner's comments to the appropriate agency.

Subd. 2. **DESIGNATED AGENT.** A regional development commission, metropolitan council, public transit commission, airport commission, port authority, or any other political subdivision of the state, or any nonpublic organization, may designate the commissioner as its agent to receive and disburse funds by entering into an agreement with the commissioner prescribing the terms and conditions of the receipt and expenditure of the funds in accordance with federal and state laws, rules, and regulations.

Subd. 3. **EXCEPTIONS.** The provisions of this section shall not be construed as altering or amending in any way the funding procedures specified in section 161.36, 360.016 or 360.0161.

Sec. 30. Minnesota Statutes 1995 Supplement, section 221.0355, subdivision 5, is amended to read:

Subd. 5. **HAZARDOUS WASTE TRANSPORTERS.** (a) A carrier with its principal place of business in Minnesota or who designates Minnesota as its base state shall file a disclosure statement with and obtain a permit from the commissioner that specifically authorizes the transportation of hazardous waste before transporting a hazardous waste in Minnesota. A carrier that designates another participating state as its base state shall file a disclosure statement with and obtain a permit from that state that specifically authorizes the transportation of hazardous waste before transporting a hazardous waste in Minnesota. A registration is valid for one year from the date a notice of registration form is

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issued and a permit is valid for three years from the date issued or until a carrier fails to renew its registration, whichever occurs first.

(b) A disclosure statement must include the information contained in part III of the uniform application. A person who has direct management responsibility for a carrier's hazardous waste transportation operations shall submit a full set of the person's fingerprints, with the carrier's disclosure statement, for identification purposes and to enable the commissioner to determine whether the person has a criminal record. The commissioner shall send the person's fingerprints to the Federal Bureau of Investigation and shall request the bureau to conduct a check of the person's criminal record. The commissioner shall not issue a notice of registration or permit to a hazardous waste transporter who has not made a full and accurate disclosure of the required information or paid the fees required by this subdivision. Making a materially false or misleading statement in a disclosure statement is prohibited.

(c) The commissioner shall assess a carrier the actual costs incurred by the commissioner for conducting the uniform program's required investigation of the information contained in a disclosure statement.

(d) A permit under this subdivision becomes a license under section 221.035, subdivision 1, on August 1, 1996 1997, and is subject to the provisions of section 221.035 until it expires.

Sec. 31. Minnesota Statutes 1995 Supplement, section 221.0355, subdivision 15, is amended to read:

Subd. 15. **HAZARDOUS WASTE LICENSES.** (a) From October 1, 1994, until August 1, ~~1996~~ 1997, the commissioner shall not register hazardous material transporters under section ~~221.0335~~ or license hazardous waste transporters under section 221.035. A person who is licensed under section 221.035 need not obtain a permit under subdivision 4 or 5 for the transportation of hazardous waste in Minnesota, until the person's license has expired. A carrier wishing to transport hazardous waste in another participating state shall obtain a permit under the uniform program authorizing the transportation.

(b) The commissioner may refund fees paid under section 221.035, minus a proportional amount calculated on a monthly basis for each month that a hazardous waste transporter license was valid, to a person who was issued a hazardous waste transporter license after May 5, 1994, who applied for a permit authorizing the transportation of hazardous waste under subdivisions 4 and 5 before October 1, 1994, and who was subsequently issued that permit under the uniform program.

Sec. 32. Minnesota Statutes 1994, section 222.37, subdivision 1, is amended to read:

Subdivision 1. **USE REQUIREMENTS.** Any water power, telegraph, telephone, pneumatic tube, pipeline, community antenna television, cable communications or electric light, heat, ~~or~~ power company, or fire department may use public roads for the purpose of constructing, using, operating, and maintaining lines, subways, canals, ~~or~~ conduits, hydrants, or dry hydrants, for their business, but such lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along or over the same; and, in the construction and maintenance of such line, subway, canal, ~~or~~ conduit, hydrants, or dry hydrants, the company shall be subject to all reasonable regulations imposed by the governing body of any county, town or city in which such public road may

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be. If the governing body does not require the company to obtain a permit, a company shall notify the governing body of any county, town, or city having jurisdiction over a public road prior to the construction or major repair, involving extensive excavation on the road right-of-way, of the company's equipment along, over, or under the public road, unless the governing body waives the notice requirement. A waiver of the notice requirement must be renewed on an annual basis. For emergency repair a company shall notify the governing body as soon as practical after the repair is made. Nothing herein shall be construed to grant to any person any rights for the maintenance of a telegraph, telephone, pneumatic tube, community antenna television system, cable communications system, or light, heat, or power system, or hydrant system within the corporate limits of any city until such person shall have obtained the right to maintain such system within such city or for a period beyond that for which the right to operate such system is granted by such city.

Sec. 33. Laws 1994, chapter 589, section 8, is amended to read:

**Sec. 8. REPEALER.**

Minnesota Statutes 1992, section 221.033, subdivision 4, is repealed. Section 5 is repealed effective August 1, 1996 1997.

**Sec. 34. REPEALER.**

Minnesota Statutes 1994, sections 161.086; and 161.115, subdivision 262, are repealed.

**Sec. 35. EFFECTIVE DATE.**

Sections 24 and 25 are effective February 1, 1997. Sections 5 to 8 are effective the day following final enactment. Section 14 is effective July 1, 1996.

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## ARTICLE 4

### MOTOR VEHICLE REGISTRATION

Section 1. Minnesota Statutes 1994, section 168.042, subdivision 8, is amended to read:

**Subd. 8. REISSUANCE OF REGISTRATION PLATES.** (a) The commissioner shall rescind the impoundment order of a person subject to an order under this section, other than the violator, if a:

(1) the violator had a valid driver's license on the date of the violation and the person subject to an impoundment order under this section, other than the violator, files with the commissioner an acceptable sworn statement containing the following information:

(1) (i) that the person is the registered owner of the vehicle from which the plates have been impounded under this section;

(2) (ii) that the person is the current owner and possessor of the vehicle used in the violation;

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(3) (iii) the date on which the violator obtained the vehicle from the registered owner;

(4) (iv) the residence addresses of the registered owner and the violator on the date the violator obtained the vehicle from the registered owner;

(5) (v) that the person was not a passenger in the vehicle at the time of the violation; and

(6) (vi) that the person knows that the violator may not drive, operate, or be in physical control of a vehicle without a valid driver's license; or

(2) the violator did not have a valid driver's license on the date of the violation and the person made a report to law enforcement before the violation stating that the vehicle had been taken from the person's possession or was being used without permission.

(b) The commissioner may not rescind the impoundment order nor reissue registration plates to a registered owner if the owner knew or had reason to know that the violator did not have a valid driver's license on the date the violator obtained the vehicle from the owner. A person who has failed to make a report as provided in paragraph (a), clause (2), may be issued special registration plates under subdivision 12 for a period of one year from the effective date of the impoundment order. At the next registration renewal following this period, the person may apply for regular registration plates.

(c) If the order is rescinded, the owner shall receive new registration plates at no cost, if the plates were seized and destroyed.

Sec. 2. Minnesota Statutes 1994, section 168.042, is amended by adding a subdivision to read:

Subd. 13a. ACQUIRING ANOTHER VEHICLE. If during the effective period of the plate impoundment the violator applies to the commissioner for registration plates for any vehicle, the commissioner shall not issue registration plates unless the violator qualifies for special registration plates under subdivision 12 and unless the plates issued are special plates as described in subdivision 12.

Sec. 3. Minnesota Statutes 1994, section 168.12, subdivision 2, is amended to read:

**Subd. 2. AMATEUR RADIO STATION LICENSEE; SPECIAL LICENSE PLATES.** Any applicant who is an owner or joint owner of a passenger automobile, van or pickup truck, or a self-propelled recreational vehicle, and a resident of this state, and who holds an official amateur radio station license, or a citizens radio service class D license, in good standing, issued by the Federal Communications Commission shall upon compliance with all laws of this state relating to registration and the licensing of motor vehicles and drivers, be furnished with license plates for the motor vehicle, as prescribed by law, upon which, in lieu of the numbers required for identification under subdivision 1, shall be inscribed the official amateur call letters of the applicant, as assigned by the Federal Communications Commission, and the words "AMATEUR RADIO." The applicant shall pay in addition to the registration tax required by law, the sum of \$10 for the special license plates, and at the time of delivery of the special license plates the applicant shall surrender to the registrar the current license plates issued for the motor vehicle. This provision for the issue of special license plates shall apply only if the applicant's vehicle is already registered in Minnesota so that the applicant has valid regular Minnesota plates

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issued for that vehicle under which to operate it during the time that it will take to have the necessary special license plates made. If owning or jointly owning more than one motor vehicle of the type specified in this subdivision, the applicant may apply for special plates for each of not more than two vehicles, and, if each application complies with this subdivision, the registrar shall furnish the applicant with the special plates, inscribed with the official amateur call letters and other distinguishing information as the registrar considers necessary, for each of the two vehicles. And the registrar may make reasonable rules governing the use of the special license plates as will assure the full compliance by the owner and holder of the special plates, with all existing laws governing the registration of motor vehicles, the transfer and the use thereof.

Despite any contrary provision of subdivision 1, the special license plates issued under this subdivision may be transferred to another motor vehicle upon the payment of a fee of \$5. The registrar must be notified of the transfer and may prescribe a form for the notification.

Fees collected under this subdivision must be paid into the state treasury and credited to the highway user tax distribution fund.

Sec. 4. Minnesota Statutes 1994, section 168.123, subdivision 1, is amended to read:

**Subdivision 1. GENERAL REQUIREMENTS; FEES.** (a) On payment of a fee of \$10 for each set of two plates, or for a single plate in the case of a motorcycle plate, payment of the registration tax required by law, and compliance with other laws relating to the registration and licensing of a passenger automobile, pickup truck, van, self-propelled recreational equipment, or motorcycle, as applicable, the registrar shall issue:

(1) special license plates to an applicant who served in the active military service in a branch of the armed forces of the United States or of a nation or society allied with the United States in conducting a foreign war, was discharged under honorable conditions, and is an owner or joint owner of a motor vehicle included within the definition of a passenger automobile or which is, pickup truck, van, or self-propelled recreational equipment, on payment of a fee of \$10 for each set of two plates, payment of the registration tax required by law, and compliance with other laws relating to registration and licensing of motor vehicles and drivers; or

(2) a special motorcycle license plate as described in subdivision 2, paragraph (a), or another special license plate designed by the commissioner of public safety to an applicant who is a Vietnam veteran who served after July 1, 1961, and before July 1, 1978, and who served in the active military service in a branch of the armed forces of the United States in conducting a foreign war, was discharged under honorable conditions, and is an owner or joint owner of a motorcycle. Plates issued under this clause must be the same size as standard motorcycle license plates.

(b) The additional fee of \$10 is payable for each set of plates, is payable only when the plates are issued, and is not payable in a year in which tabs or stickers are issued instead of number plates. An applicant must not be issued more than two sets of plates for vehicles listed in paragraph (a) and owned or jointly owned by the applicant.

(c) The veteran shall have a certified copy of the veteran's discharge papers, indicating character of discharge, at the time of application. If an applicant served in the active military service in a branch of the armed forces of a nation or society allied with the

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United States in conducting a foreign war and is unable to obtain a record of that service and discharge status, the commissioner of veterans affairs may certify the applicant as qualified for the veterans' license plates provided under this section.

Sec. 5. Minnesota Statutes 1994, section 168.123, subdivision 4, is amended to read:

Subd. 4. **PLATE TRANSFERS.** (a) On payment of a fee of \$5, plates issued under this section subdivision 1, paragraph (a), clause (1), may be transferred to another motor vehicle passenger automobile, pickup truck, van, or self-propelled recreational equipment owned or jointly owned by the person to whom the plates were issued.

(b) On payment of a fee of \$5, a plate issued under subdivision 1, paragraph (a), clause (2), may be transferred to another motorcycle owned or jointly owned by the person to whom the plate was issued.

Sec. 6. **[168.1291] SPECIAL LICENSE PLATES; DESIGN.**

Subdivision 1. **DEFINITION.** For purposes of this section "special license plates" means license plates issued under sections 168.12, subdivisions 2b to 2e; 168.123; 168.129; 168.1292; and 168.1296.

Subd. 2. **DESIGN OF SPECIAL LICENSE PLATES.** The commissioner shall design a single special license plate that will contain a unique number and a space for a unique symbol. The commissioner shall design a unique symbol related to the purpose of each special license plate. Any provision of sections 168.12, subdivisions 2b to 2e; 168.123; 168.129; 168.1292; and 168.1296 that requires the placement of a specified letter or letters on a special license plate applies to those license plates only to the extent that the commissioner includes the letter or letters in the design. Where a law authorizing a special license plate contains a specific requirement for graphic design of that license plate, that requirement applies to the appropriate unique symbol the commissioner designs.

Subd. 3. **ISSUANCE OF SPECIAL LICENSE PLATES WITH UNIQUE SYMBOLS.** Notwithstanding section 168.12, subdivisions 2b to 2e; 168.123; 168.129; 168.1292; or 168.1296, beginning with special license plates issued in calendar year 1996 the commissioner shall issue each class of special license plates permanently marked with specific designs under those laws only until the commissioner's supply of those license plates is exhausted. Thereafter the commissioner shall issue under those laws only the license plate authorized under subdivision 2, with the appropriate unique symbol attached.

Subd. 4. **FEES.** Notwithstanding section 168.12, subdivisions 2b to 2e; 168.123; 168.129; 168.1292; or 168.1296, the commissioner shall charge a fee of \$10 for each set of license plates issued under this section.

Subd. 5. **APPLICATION.** This section does not apply to a special motorcycle license plate designed by the registrar under section 168.123, subdivision 1, clause (2).

Sec. 7. **[168.1292] OLYMPIC LICENSE PLATES.**

Subdivision 1. **GENERAL REQUIREMENTS AND PROCEDURES.** The registrar shall issue special Olympic license plates to an applicant who:

(1) is an owner or joint owner of a passenger automobile, pickup truck, or van;

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- (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;
- (4) pays the fees required under this chapter;
- (5) contributes \$15 annually to the Minnesota amateur sports commission; and
- (6) complies with laws and rules governing registration and licensing of vehicles and drivers.

Subd. 2. DESIGN. After consultation with the United States Olympic Committee, the registrar shall design the special Olympic plates.

In consultation with the registrar, the Minnesota amateur sports commission annually shall indicate the number of plates the commission anticipates will be needed.

Subd. 3. PLATE TRANSFERS. Notwithstanding section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger vehicle, pickup truck, or van owned or jointly owned by the person to whom the special plates were issued.

Subd. 4. FEES CREDITED. The fees collected under this section must be deposited in the state treasury and credited to the highway user tax distribution fund.

Subd. 5. CONTRIBUTIONS. The registrar shall issue a set of Olympic license plates under this section only to a person who presents at the time of applying for registration a receipt from the Minnesota amateur sports commission that demonstrates that the applicant has contributed at least \$15 to the commission within 90 days prior to the date of the application. After the issuance of that set of Olympic license plates, the collection of subsequent contributions during the life of that set of license plates is the responsibility of the commission.

Sec. 8. Minnesota Statutes 1995 Supplement, section 168.1296, subdivision 1, is amended to read:

Subdivision 1. **GENERAL REQUIREMENTS AND PROCEDURES.** The registrar shall issue special critical habitat license plates to an applicant who:

- (1) is an owner or joint owner of a passenger automobile, pickup truck, or van;
- (2) pays a fee ~~determined by the registrar~~ of \$10 to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;
- (4) pays the fees required under this chapter;
- (5) contributes at least \$30 annually to the Minnesota critical habitat private sector matching account established in section 84.943; and
- (6) complies with laws and rules governing registration and licensing of vehicles and drivers.

Sec. 9. Minnesota Statutes 1994, section 168.15, is amended to read:

**168.15 RIGHTS AS TO REGISTRATION CERTIFICATES AND NUMBER PLATES.**

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. TRANSFER OF OWNERSHIP. Except as provided in subdivision 3, upon the transfer of ownership, destruction, theft, dismantling as such, or the permanent removal by the owner thereof from this state of any motor vehicle registered in accordance with the provisions of this chapter, the right of the owner of such vehicle to use the registration certificate and number plates assigned such vehicle shall expire, and such certificate and any existing plates shall be, by such owner, forthwith returned, with transportation prepaid, to the registrar with a signed notice of the date and manner of termination of ownership, giving the name and post office address, with street and number, if in a city, of the person to whom transferred. No fee may be charged for a return of plates under this section. When the ownership of a motor vehicle shall be transferred to another who shall forthwith register the same in the other's name, the registrar may permit the manual delivery of such plates to the new owner of such vehicle. When seeking to become the owner by gift, trade, or purchase of any vehicle for which a registration certificate has been theretofore issued under the provisions of this chapter, a person shall join with the registered owner in transmitting with the application the registration certificate, with the assignment and notice of sale duly executed upon the reverse side thereof, or, in case of loss of such certificate, with such proof of loss by sworn statement, in writing, as shall be satisfactory to the registrar. Upon the transfer of any motor vehicle by a manufacturer or dealer, for use within the state, whether by sale, lease, or otherwise, such manufacturer or dealer shall, within seven days after such transfer, file with the registrar a notice or report containing the date of such transfer, a description of such motor vehicles, and the name, street and number of residence, if in a city, and the post office address of the transferee, and shall transmit therewith the transferee's application for registration thereof.

Subd. 2. TRANSFER OF ENGINE. Upon the transfer of any automobile engine or motor, except a new engine or motor, transferred with intent that the same be installed in a new automobile, and whether such transfer be made by a manufacturer or dealer, or otherwise, and whether by sale, lease or otherwise, the transferor shall, within two days after such transfer, file with the registrar a notice or report containing the date of such transfer and a description, together with the maker's number of the engine or motor, and the name and post office address of the purchaser, lessee, or other transferee.

Subd. 3. VEHICLES OF LESSORS; TRANSFERS. Notwithstanding subdivision 1, a motor vehicle lessor licensed under section 168.27, subdivision 2, 3, or 4, may transfer license plates issued to one rental motor vehicle owned by the lessor to another rental motor vehicle, owned by the lessor and not previously registered in Minnesota or another jurisdiction, if within ten days of the transfer the lessor registers the vehicle to which the license plates were transferred. Upon registration, the lessor must pay all taxes and fees due on the registration of the vehicle to which the license plates were transferred, plus a transfer fee of \$15. The fee must be deposited in the highway user tax distribution fund. For purposes of this subdivision, "rental motor vehicle" means a vehicle used for rentals or leases of 30 days or less.

Sec. 10. Minnesota Statutes 1995 Supplement, section 168.16, is amended to read:

**168.16 REFUNDS; APPROPRIATION.**

After the tax upon any motor vehicle shall have been paid for any year, refund shall be made for errors made in computing the tax or fees and for the error on the part of an owner who may in error have registered a motor vehicle that was not before, nor at the

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time of registration, nor at any time thereafter during the current past year, subject to tax in this state as provided by section 168.012. Unless otherwise provided in this chapter, a claim for a refund of an overpayment of registration tax must be filed within 3-1/2 years from the date of payment. The refundment shall be made from any fund in possession of the registrar and shall be deducted from the registrar's monthly report to the commissioner of finance. A detailed report of the refundment shall accompany the report. The former owner of a transferred vehicle by an assignment in writing endorsed upon the registration certificate and delivered to the registrar within the time provided herein may sell and assign to the new owner thereof the right to have the tax paid by the former owner accredited to the owner who duly registers the vehicle. Any owner at the time of such occurrence, whose vehicle shall be is permanently destroyed, or sold to the federal government, the state, or political subdivision thereof, and any owner who sells a rental motor vehicle and transfers the license plates issued to that motor vehicle under section 168.15, subdivision 3, shall upon filing a verified claim be entitled to a refund of the unused portion of the tax paid upon the vehicle, computed as follows:

(1) if the vehicle is registered under the calendar year system of registration, the refund is computed pro rata by the month, 1/12 of the annual tax paid for each month of the year remaining after the month in which the plates and certificate were returned to the registrar;

(2) in the case of a vehicle registered under the monthly series system of registration, the amount of the refund is equal to the sum of the amounts of the license fee attributable to those months remaining in the licensing period after the month in which the plates and certificate were returned to the registrar.

There is hereby appropriated to the persons entitled to a refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment. Refunds under this section to licensed motor vehicle lessors must be made annually in a manner the registrar determines.

Sec. 11. Minnesota Statutes 1994, section 168.33, is amended by adding a subdivision to read:

**Subd. 8. TEMPORARY DISABILITY PERMIT AND FEE.** The registrar shall allow deputy registrars to implement and follow procedures for processing applications and accepting and remitting fee payments for 30-day temporary disability permits issued under section 169.345, subdivision 3, paragraph (c), that are identical or substantially similar to the procedures required by rule for motor vehicle registration and titling transactions.

Sec. 12. Minnesota Statutes 1994, section 169.121, subdivision 3, is amended to read:

**Subd. 3. CRIMINAL PENALTIES.** (a) As used in this subdivision:

(1) "prior impaired driving conviction" means a prior conviction under this section; section 84.91, subdivision 1, paragraph (a); 86B.331, subdivision 1, paragraph (a); 169.129; 360.0752; 609.21, subdivision 1, clauses (2) to (4); 609.21, subdivision 2, clauses (2) to (4); 609.21, subdivision 2a, clauses (2) to (4); 609.21, subdivision 3, clauses (2) to (4); 609.21, subdivision 4, clauses (2) to (4); or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them. A prior im-

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paired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult; and

(2) "prior license revocation" means a driver's license suspension, revocation, or cancellation under this section; section 169.123; 171.04; 171.14; 171.16; 171.17; or 171.18 because of an alcohol-related incident; 609.21, subdivision 1, clauses (2) to (4); 609.21, subdivision 2, clauses (2) to (4); 609.21, subdivision 2a, clauses (2) to (4); 609.21, subdivision 3, clauses (2) to (4); or 609.21, subdivision 4, clauses (2) to (4); or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them.

(b) A person who violates subdivision 1 or 1a, or an ordinance in conformity with either of them, is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor under any of the following circumstances:

(1) the person violates subdivision 1 within five years of a prior impaired driving conviction, or within ten years of the first of two or more prior impaired driving convictions;

(2) the person violates subdivision 1a within five years of a prior license revocation, or within ten years of the first of two or more prior license revocations;

(3) the person violates section 169.26 while in violation of subdivision 1; or

(4) the person violates subdivision 1 or 1a while a child under the age of 16 is in the vehicle, if the child is more than 36 months younger than the violator.

(d) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

(e) The court must impose consecutive sentences when it sentences a person for a violation of this section or section 169.29 arising out of separate behavioral incidents. The court also must impose a consecutive sentence when it sentences a person for a violation of this section or section 169.129 and the person, at the time of sentencing, is on probation for, or serving, an executed sentence for a violation of this section or section 169.29 and the prior sentence involved a separate behavioral incident. The court also may order that the sentence imposed for a violation of this section or section 169.29 shall run consecutively to a previously imposed misdemeanor, gross misdemeanor or felony sentence for a violation other than this section or section 169.129.

(f) When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior impaired driving convictions from a court, the court must furnish the information without charge.

(g) A violation of subdivision 1a may be prosecuted either in the jurisdiction where the arresting officer observed the defendant driving, operating, or in control of the motor vehicle or in the jurisdiction where the refusal occurred.

### Sec. 13. **APPROPRIATION TO PAY INITIAL COSTS OF OLYMPIC PLATES.**

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(a) The Minnesota amateur sports commission shall pay the commissioner an amount determined by the commissioner to equal the administrative, handling, and manufacturing costs of the first production of Olympic license plates. Production of license plates must begin after the commissioner receives payment.

(b) The amount determined by the commissioner under paragraph (a) is appropriated to the commissioner of public safety to pay the costs of the first production of Olympic license plates. The sum is available until spent.

(c) The amount paid by the Minnesota amateur sports commission to the commissioner under paragraph (a) is appropriated to the Minnesota amateur sports commission from the highway user tax distribution fund. This appropriation is available to the extent that Olympic license plates are sold and receipts are credited to the highway user tax distribution fund.

#### Sec. 14. **REPORT.**

The commissioner of public safety shall report to the legislature by January 15, 1999, on the fiscal impact of sections 9 and 10. The report must include the total amount paid in refunds and collected in fees under those sections.

#### Sec. 15. **EFFECTIVE DATE.**

Section 8 is effective the day following final enactment.

Sections 9 and 10 are effective January 1, 1997, and are repealed June 30, 1999.

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## ARTICLE 5

### REPLACEMENT TRANSIT SERVICE

Section 1. Minnesota Statutes 1995 Supplement, section 275.065, subdivision 3, is amended to read:

Subd. 3. **NOTICE OF PROPOSED PROPERTY TAXES.** (a) The county auditor shall prepare and the county treasurer shall deliver after November 10 and on or before November 24 each year, by first class mail to each taxpayer at the address listed on the county's current year's assessment roll, a notice of proposed property taxes and, in the case of a town, final property taxes.

(b) The commissioner of revenue shall prescribe the form of the notice.

(c) The notice must inform taxpayers that it contains the amount of property taxes each taxing authority other than a town proposes to collect for taxes payable the following year and, for a town, the amount of its final levy. It must clearly state that each taxing authority, including regional library districts established under section 134.201, and including the metropolitan taxing districts as defined in paragraph (i), but excluding all other special taxing districts and towns, will hold a public meeting to receive public testimony on the proposed budget and proposed or final property tax levy, or, in case of a school

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district, on the current budget and proposed property tax levy. It must clearly state the time and place of each taxing authority's meeting and an address where comments will be received by mail.

(d) The notice must state for each parcel:

(1) the market value of the property as determined under section 273.11, and used for computing property taxes payable in the following year and for taxes payable in the current year; and, in the case of residential property, whether the property is classified as homestead or nonhomestead. The notice must clearly inform taxpayers of the years to which the market values apply and that the values are final values;

(2) by county, city or town, school district excess referenda levy, remaining school district levy, regional library district, if in existence, the total of the metropolitan special taxing districts as defined in paragraph (i) and the sum of the remaining special taxing districts, and as a total of the taxing authorities, including all special taxing districts, the proposed or, for a town, final net tax on the property for taxes payable the following year and the actual tax for taxes payable the current year. For the purposes of this subdivision, "school district excess referenda levy" means school district taxes for operating purposes approved at referendums, including those taxes based on net tax capacity as well as those based on market value. "School district excess referenda levy" does not include school district taxes for capital expenditures approved at referendums or school district taxes to pay for the debt service on bonds approved at referenda. In the case of the city of Minneapolis, the levy for the Minneapolis library board and the levy for Minneapolis park and recreation shall be listed separately from the remaining amount of the city's levy. In the case of a parcel where tax increment or the fiscal disparities areawide tax applies, the proposed tax levy on the captured value or the proposed tax levy on the tax capacity subject to the areawide tax must each be stated separately and not included in the sum of the special taxing districts; and

(3) the increase or decrease in the amounts in clause (2) from taxes payable in the current year to proposed or, for a town, final taxes payable the following year, expressed as a dollar amount and as a percentage.

(e) The notice must clearly state that the proposed or final taxes do not include the following:

(1) special assessments;

(2) levies approved by the voters after the date the proposed taxes are certified, including bond referenda, school district levy referenda, and levy limit increase referenda;

(3) amounts necessary to pay cleanup or other costs due to a natural disaster occurring after the date the proposed taxes are certified;

(4) amounts necessary to pay tort judgments against the taxing authority that become final after the date the proposed taxes are certified; and

(5) the contamination tax imposed on properties which received market value reductions for contamination.

(f) Except as provided in subdivision 7, failure of the county auditor to prepare or the county treasurer to deliver the notice as required in this section does not invalidate the proposed or final tax levy or the taxes payable pursuant to the tax levy.

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(g) If the notice the taxpayer receives under this section lists the property as non-homesite and the homeowner provides satisfactory documentation to the county assessor that the property is owned and has been used as the owner's homesite prior to June 1 of that year, the assessor shall reclassify the property to homesite for taxes payable in the following year.

(h) In the case of class 4 residential property used as a residence for lease or rental periods of 30 days or more, the taxpayer must either:

(1) mail or deliver a copy of the notice of proposed property taxes to each tenant, renter, or lessee; or

(2) post a copy of the notice in a conspicuous place on the premises of the property. The notice must be mailed or posted by the taxpayer by November 27 or within three days of receipt of the notice, whichever is later. A taxpayer may notify the county treasurer of the address of the taxpayer, agent, caretaker, or manager of the premises to which the notice must be mailed in order to fulfill the requirements of this paragraph.

(i) For purposes of this subdivision, subdivisions 5a and 6, "metropolitan special taxing districts" means the following taxing districts in the seven-county metropolitan area that levy a property tax for any of the specified purposes listed below:

(1) metropolitan council under section 473.132, 473.167, 473.249, 473.325, 473.446, 473.521, 473.547, or 473.834;

(2) metropolitan airports commission under section 473.667, 473.671, or 473.672; and

(3) metropolitan mosquito control commission under section 473.711.

(j) For taxes levied in 1996, payable in 1997 only, in the case of a statutory or home rule charter city or town that exercises the local levy option provided in section 473.388, subdivision 7, the notice of its proposed taxes may include a statement of the amount by which its proposed tax increases for taxes payable in 1997 is attributable to its exercise of that option, together with a statement that the levy of the metropolitan council was decreased by a similar amount because of the exercise of that option.

For purposes of this section, any levies made by the regional rail authorities in the county of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington under chapter 398A shall be included with the appropriate county's levy and shall be discussed at that county's public hearing.

Sec. 2. Minnesota Statutes 1995 Supplement, section 275.065, subdivision 6, is amended to read:

Subd. 6. PUBLIC HEARING; ADOPTION OF BUDGET AND LEVY. Between November 29 and December 20, the governing bodies of the city, county, metropolitan special taxing districts as defined in subdivision 3, paragraph (i), and regional tributary districts shall each hold a public hearing to discuss and seek public comment on its final budget and property tax levy for taxes payable in the following year, and the governing body of the school district shall hold a public hearing to review its current budget and proposed property tax levy for taxes payable in the following year. The metropolitan special taxing districts shall be required to hold only a single joint public hearing, the location of which will be determined by the affected metropolitan agencies.

At a subsequent hearing, each county, school district, city, and metropolitan special taxing district may amend its proposed property tax levy and must adopt a final property tax levy. Each county, city, and metropolitan special taxing district may also amend its proposed budget and must adopt a final budget at the subsequent hearing. A school district is not required to adopt its final budget at the subsequent hearing. The subsequent hearing of a taxing authority must be held on a date subsequent to the date of the taxing authority's initial public hearing, or subsequent to the date of its continuation hearing if a continuation hearing is held. The subsequent hearing may be held at a regularly scheduled board or council meeting or at a special meeting scheduled for the purposes of the subsequent hearing. The subsequent hearing of a taxing authority does not have to be coordinated by the county auditor to prevent a conflict with an initial hearing, a continuation hearing, or a subsequent hearing of any other taxing authority. All subsequent hearings must be held prior to five working days after December 20 of the levy year.

The time and place of the subsequent hearing must be announced at the initial public hearing or at the continuation hearing.

The property tax levy certified under section 275.07 by a city, county, metropolitan special taxing district, regional library district, or school district must not exceed the proposed levy determined under subdivision 1, except by an amount up to the sum of the following amounts:

(1) the amount of a school district levy whose voters approved a referendum to increase taxes under section 124.82, subdivision 3, 124A.03, subdivision 2, 124B.03, subdivision 2, or 136C.411, after the proposed levy was certified;

(2) the amount of a city or county levy approved by the voters after the proposed levy was certified;

(3) the amount of a levy to pay principal and interest on bonds issued or approved by the voters under section 475.58 after the proposed levy was certified;

(4) the amount of a levy to pay costs due to a natural disaster occurring after the proposed levy was certified, if that amount is approved by the commissioner of revenue under subdivision 6a;

(5) the amount of a levy to pay tort judgments against a taxing authority that become final after the proposed levy was certified, if the amount is approved by the commissioner of revenue under subdivision 6a;

(6) the amount of an increase in levy limits certified to the taxing authority by the commissioner of children, families, and learning or the commissioner of revenue after the proposed levy was certified; and

(7) the amount required under section 124.755.

At the hearing under this subdivision, the percentage increase in property taxes proposed by the taxing authority, if any, and the specific purposes for which property tax revenues are being increased must be discussed.

During the discussion, the governing body shall hear comments regarding a proposed increase and explain the reasons for the proposed increase. The public shall be allowed to speak and to ask questions. At the subsequent hearing held as provided in this

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subdivision, the governing body, other than the governing body of a school district, shall adopt its final property tax levy prior to adopting its final budget.

If the hearing is not completed on its scheduled date, the taxing authority must announce, prior to adjournment of the hearing, the date, time, and place for the continuation of the hearing. The continued hearing must be held at least five business days but no more than 14 business days after the original hearing.

The hearing must be held after 5:00 p.m. if scheduled on a day other than Saturday. No hearing may be held on a Sunday. The governing body of a county shall hold a hearing on the second Tuesday in December each year, and may hold additional hearings on other dates before December 20 if necessary for the convenience of county residents. If the county needs a continuation of its hearing, the continued hearing shall be held on the third Tuesday in December. If the third Tuesday in December falls on December 21, the county's continuation hearing shall be held on Monday, December 20. The county auditor shall provide for the coordination of hearing dates for all cities and school districts within the county.

The metropolitan special taxing districts shall hold a joint public hearing on the first Monday of December. A continuation hearing, if necessary, shall be held on the second Monday of December.

By August 10, each school board and the board of the regional library district shall certify to the county auditors of the counties in which the school district or regional library district is located the dates on which it elects to hold its hearings and any continuations. If a school board or regional library district does not certify the dates by August 10, the auditor will assign the hearing date. The dates elected or assigned must not conflict with the hearing dates of the county or the metropolitan special taxing districts. By August 20, the county auditor shall notify the clerks of the cities within the county of the dates on which school districts and regional library districts have elected to hold their hearings. At the time a city certifies its proposed levy under subdivision 1 it shall certify the dates on which it elects to hold its hearings and any continuations. The city must not select dates that conflict with the county hearing dates, metropolitan special taxing district dates, or with those elected by or assigned to the school districts or regional library district in which the city is located.

The county hearing dates and the city, metropolitan special taxing district, regional library district, and school district hearing dates must be designated on the notices required under subdivision 3. The continuation dates need not be stated on the notices.

This subdivision does not apply to towns and special taxing districts other than regional library districts and metropolitan special taxing districts.

Notwithstanding the requirements of this section, the employer is required to meet and negotiate over employee compensation as provided for in chapter 179A.

Sec. 3. Minnesota Statutes 1994, section 473.388, subdivision 5, is amended to read:

Subd. 5. **OTHER ASSISTANCE.** A city or town receiving assistance or levying a transit tax under this section may also receive assistance from the council under section 473.384. In applying for assistance under that section an applicant must describe the portion of the its available local transit funds or local transit taxes which are not obligated to subsidize its replacement transit service and which the applicant proposes to use to subsi-

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dize additional service. An applicant which has exhausted its available local transit funds or local transit taxes may use any other local subsidy funds to complete the required local share.

Sec. 4. Minnesota Statutes 1994, section 473.388, is amended by adding a subdivision to read:

**Subd. 7. LOCAL LEVY OPTION.** (a) A statutory or home rule charter city or town that is eligible for assistance under this section, in lieu of receiving the assistance, may levy a tax for payment of the operating and capital expenditures for transit and other related activities and to provide for payment of obligations issued by the municipality for such purposes, provided that the tax must be sufficient to maintain the level of transit service provided in the municipality in the previous year.

(b) The transit tax revenues derived by the municipality may not exceed:

(1) for the first transit levy year and any subsequent transit levy year immediately following a year in which the municipality declines to make the levy, the maximum available local transit funds for the municipality for taxes payable in the current year under section 473.446, calculated as if the percentage of transit tax revenues for the municipality were 88 percent instead of 90 percent, and multiplied by the municipality's market value adjustment ratio; and

(2) for taxes levied in any year that immediately follows a year in which the municipality elects to levy under this subdivision, the maximum transit tax that the municipality may have levied in the previous year under this subdivision, multiplied by the municipality's market value adjustment ratio.

The commissioner of revenue shall certify the municipality's levy limitation under this subdivision to the municipality by June 1 of the levy year. The tax must be accumulated and kept in a separate fund to be known as the "replacement transit fund."

(c) To enable the municipality to receive revenues described in clauses (2) and (3) of the definition of "tax revenues" in subdivision 4, that would otherwise be lost if the municipality's transit tax levy was not treated as a successor levy to that made by the council under section 473.446:

(1) in the first transit levy year and any subsequent transit levy year immediately following a year in which the municipality declined to make the levy, 88 percent of the council's nondebt spread levy for the current taxes payable year shall be treated as levied by the municipality, and not the council, for purposes of section 473F.08, subdivision 3, for the purpose of determining its local tax rate for the preceding year; and

(2) 88 percent of the revenues described in clause (3) of the definition of "tax revenues" in subdivision 4, payable in the first transit levy year, or payable in any subsequent transit levy year following a year in which a municipality declined to make the levy, shall be permanently transferred from the council to the municipality. If a municipality levies a tax under this subdivision in one year, but declines to levy in a subsequent year, the aid transferred under this clause shall be transferred back to the council.

(d) Any transit taxes levied under this subdivision are not subject to, or counted towards, any limit hereafter imposed by law on the levy of taxes upon taxable property within any municipality unless the law specifically includes the transit tax.

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(e) This subdivision is consistent with the transit redesign plan. Eligible municipalities opting to levy the transit tax under this subdivision shall continue to meet the regional performance standards established by the council.

(f) Within the designated Americans with Disabilities Act area, metro mobility remains the obligation of the state.

(g) For purposes of this subdivision, "transit levy year" is any year in which the municipality elects to levy under this subdivision.

(h) A municipality may not levy taxes under this subdivision in any year unless it notifies the council and the commissioner of revenue of its intent to levy before July 1 of the levy year. The notification must include the amount of the municipality's proposed transit tax for the current levy year.

Sec. 5. Minnesota Statutes 1995 Supplement, section 473.446, subdivision 1, is amended to read:

Subdivision 1. **TAXATION WITHIN TRANSIT TAXING DISTRICT.** For the purposes of sections 473.405 to 473.449 and the metropolitan transit system, except as otherwise provided in this subdivision and subdivision 1b, the council shall levy each year upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax consisting of:

(a) an amount which shall be used for payment of the expenses of operating transit and paratransit service and to provide for payment of obligations issued by the council under section 473.436, subdivision 6;

(b) an additional amount, if any, the council determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1985, to which property taxes under this section have been pledged; and

(c) an additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, including refunding bonds or other obligations issued or to be issued under section 473.39 by the council for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the council has specifically pledged tax levies under this clause.

The property tax levied by the council for general purposes under clause paragraph (a) must not exceed the following amount for the years specified:

(1) for taxes payable in 1995, the council's property tax levy limitation for general transit purposes is equal to the former regional transit board's property tax levy limitation for general transit purposes under this subdivision, for taxes payable in 1994, multiplied by an index for market valuation changes equal to the total market valuation of all taxable property located within the metropolitan transit taxing district for the current taxes payable year divided by the total market valuation of all taxable property located within the metropolitan transit taxing district for the previous taxes payable year; and

(2) for taxes payable in 1996 and subsequent years, the product of (i) the council's property tax levy limitation for general transit purposes for the previous year determined under this subdivision before reduction by the amount levied by any municipality in the

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previous year under section 473.388, subdivision 7, multiplied by (ii) an index for market valuation changes equal to the total market valuation of all taxable property located within the metropolitan transit taxing district for the current taxes payable year divided by the total market valuation of all taxable property located within the metropolitan transit taxing district for the previous taxes payable year, minus the amount levied by any municipality in the current levy year under section 473.388, subdivision 7.

The portion of the property tax levy for transit district operating purposes attributable to a municipality that has exercised a local levy option under section 473.388, subdivision 7, is the amount as determined under subdivision 1b. The portion of the property tax levy for transit district operating purposes attributable to the remaining municipalities within the transit district is found by subtracting the portions attributable to the municipalities that have exercised a local levy option under section 473.388, subdivision 7.

For the taxes payable year 1995, the index for market valuation changes shall be multiplied by an amount equal to the sum of the regional transit board's property tax levy limitation for the taxes payable year 1994 and \$160,665. The \$160,665 increase shall be a permanent adjustment to the levy limit base used in determining the regional transit board's property tax levy limitation for general purposes for subsequent taxes payable years.

For the purpose of determining the council's property tax levy limitation for general transit purposes under this subdivision, "total market valuation" means the total market valuation of all taxable property within the metropolitan transit taxing district without valuation adjustments for fiscal disparities (chapter 473F), tax increment financing (sections 469.174 to 469.179), and high voltage transmission lines (section 273.425).

The county auditor shall reduce the tax levied pursuant to this ~~subdivision~~ section and section 473.388 on all property within statutory and home rule charter cities and towns that receive full-peak service and limited off-peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.510 percent of net tax capacity on the property. The county auditor shall reduce the tax levied pursuant to this ~~subdivision~~ section and section 473.388 on all property within statutory and home rule charter cities and towns that receive limited peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.765 percent of net tax capacity on the property. The amounts so computed by the county auditor shall be submitted to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under section 275.29. Any prior year adjustments shall also be certified in the abstracts of tax lists. The commissioner shall review the certifications to determine their accuracy and may make changes in the certification as necessary or return a certification to the county auditor for corrections. The commissioner shall pay to the council and to the municipalities levying under section 473.388, subdivision 7, the amounts certified by the county auditors on the dates provided in section 273.1398, apportioned between the council and the municipality in the same proportion as the total transit levy is apportioned within the municipality. There is annually appropriated from the general fund in the state treasury to the department of revenue the amounts necessary to make these payments.

For the purposes of this subdivision, "full-peak and limited off-peak service" means peak period regular route service, plus weekday midday regular route service at intervals longer than 60 minutes on the route with the greatest frequency; and "limited peak period service" means peak period regular route service only.

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For the purposes of property taxes payable in the following year, the council shall annually determine which cities and towns qualify for the 0.510 percent or 0.765 percent tax capacity rate reduction and shall certify this list to the county auditor of the county wherein such cities and towns are located on or before September 15. No changes may be made to the annual list after September 15.

Sec. 6. Minnesota Statutes 1994, section 473.446, is amended by adding a subdivision to read:

**Subd. 1b. DEDUCTION OF LOCAL TRANSIT LEVY FOR ELIGIBLE MUNICIPALITIES.** (a) The maximum the council may levy for general purposes under subdivision 1, paragraph (a), upon taxable property within a municipality levying taxes under section 473.388, subdivision 7, is the combined transit tax levied within the municipality in the previous year under subdivision 1 and section 473.388, subdivision 7, multiplied by the municipality's market value adjustment ratio, minus the amount to be levied by the municipality under section 473.388, subdivision 7, for the current levy year.

(b) For purposes of this subdivision:

(1) "municipality" means a municipality levying taxes under section 473.388, subdivision 7, for replacement transit service;

(2) "market value adjustment ratio" means the index for market valuation changes described in this section, as applied to individual municipalities; and

(3) "tax revenues" has the meaning given the term in section 473.388, subdivision 4.

Sec. 7. Minnesota Statutes 1995 Supplement, section 473.446, subdivision 8, is amended to read:

**Subd. 8. STATE REVIEW.** The commissioner of revenue shall certify the council's levy limitation under this section to the council by August 1 of the levy year. The council must certify its proposed property tax levy under this section to the commissioner of revenue by September 1 of the levy year. The commissioner of revenue shall annually determine whether the property tax for transit purposes certified by the council for levy following the adoption of its proposed budget is within the levy limitation imposed by ~~subdivision~~ subdivisions 1 and 1b. The commissioner shall also annually determine whether the transit tax imposed on all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district is within the levy limitation imposed by subdivision 1a. The determination must be completed prior to September 10 of each year. If current information regarding market valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current market valuation within that county for purposes of making the calculations.

#### Sec. 8. APPLICATION.

This article applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

#### Sec. 9. EFFECTIVE DATE.

Sections 1 to 7 are effective for taxes levied in 1996, payable in 1997 and subsequent years.

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## ARTICLE 6

## DESIGNATED PARENTS

Section 1. Minnesota Statutes 1995 Supplement, section 13.69, subdivision 1, is amended to read:

Subdivision 1. **CLASSIFICATIONS.** (a) The following government data of the department of public safety are private data:

(1) medical data on driving instructors, licensed drivers, and applicants for parking certificates and special license plates issued to physically handicapped persons;

(2) other data on holders of a disability certificate under section 169.345, except that data that are not medical data may be released to law enforcement agencies; and

(3) social security numbers in driver's license and motor vehicle registration records, except that social security numbers must be provided to the department of revenue for purposes of tax administration and the department of labor and industry for purposes of workers' compensation administration and enforcement; and

(4) data on persons listed as designated parents under section 171.07, subdivision 11, except that the data must be released to:

(i) law enforcement agencies for the purpose of verifying that an individual is a designated parent; or

(ii) law enforcement agencies who state that the license holder is unable to communicate at that time and that the information is necessary for notifying the designated parent of the need to care for a child of the license holder.

(b) The following government data of the department of public safety are confidential data: data concerning an individual's driving ability when that data is received from a member of the individual's family.

Sec. 2. Minnesota Statutes 1994, section 171.07, is amended by adding a subdivision to read:

Subd. 11. **DESIGNATED PARENT.** (a) Upon the written request of the applicant on a form developed by the department, which contains the information specified in paragraph (b), and upon payment of an additional fee of \$3.50, the department shall issue a driver's license or Minnesota identification card bearing a symbol or other appropriate identifier indicating that the license holder has appointed an individual to serve as a designated parent under chapter 257A.

(b) The form shall provide as follows:

"...(Name of parent(s))... appoints ...(name of designated parent)... to provide care for ...(name of child or children)... when requested by the parent(s) or when the parent(s) is unable to care for the child (children) and unable to request the designated parent's assistance.

The designated parent will care for the child (children) named in this form for (choose one of the following):

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(indicate a specified period of time that is less than one year); or  
(indicate that care is to be provided for one year).

The designated parent has the powers and duties to make decisions and meet the child's (children's) needs in the areas checked or specified below:

- education .....
- health care .....
- religion .....
- day care .....
- recreation .....
- other .....

.....

.....

.....

The designated parent (choose one of the following):

is ...

is not ...

authorized to make decisions about financial issues and control financial resources provided for the child (children) by the parent.

This designated parent agreement is effective for four years following the date it is signed by the parent(s), designated parent, any child age 14 or older, and any alternate designated parent. However, the agreement may be canceled by a parent, a designated parent, or an alternate designated parent at any time before that date, upon notice to the other parties to the agreement.

(Parent(s) signature(s) and Minnesota driver's license(s) or Minnesota identification card number(s))

(Designated parent signature, Minnesota driver's license or Minnesota identification card number, address, and telephone number)

(Alternate designated parent signature, Minnesota driver's license or Minnesota identification card number, address, and telephone number)

(Child age 14 or older signature .....

Date .....

(Notarization .....)”

(c) The department shall maintain a computerized records system of all persons listed as designated parents by driver's license and identification card applicants. This data shall be released to appropriate law enforcement agencies under section 13.69. Upon a parent's request and payment of a fee of \$3.50, the department shall revise its list of designated parents and alternates to reflect a change in the appointment of a designated parent.

(d) At the request of the license or card holder, the department shall cancel the designated parent indication without additional charge. However, this paragraph does not pro-

**New language is indicated by underline, deletions by ~~strikeout~~.**

hibit a fee that may be applicable for a duplicate or replacement license or card, renewal of a license, or other service applicable to a driver's license or identification card.

(e) Notwithstanding sections 13.08, subdivision 1, and 13.69, the department and department employees are conclusively presumed to be acting in good faith when employees rely on statements made, in person or by telephone, by persons purporting to be law enforcement and subsequently release information described in paragraph (b). When acting in good faith, the department and department personnel are immune from civil liability and not subject to suit for damages resulting from the release of this information.

(f) The department and its employees:

(1) have no duty to inquire or otherwise determine whether a form submitted under this subdivision contains the signatures of all parents who have legal custody of a child; and

(2) are immune from all civil liability and not subject to suit for damages resulting from a claim that any parent with legal custody of a child has not signed the form.

(g) Of the fees received by the department under this subdivision:

(1) Up to \$111,000 received in fiscal year 1997 and up to \$61,000 received in subsequent fiscal years must be deposited in the general fund.

(2) All other fees must be deposited in the trunk highway fund.

Sec. 3. Minnesota Statutes 1994, section 171.26, is amended to read:

#### **171.26 MONEY CREDITED TO FUNDS.**

All money received under this chapter must be paid into the state treasury and credited to the trunk highway fund, except as provided in sections 171.06, subdivision 2a; 171.07, subdivision 11, paragraph (g); 171.12, subdivision 8; and 171.29, subdivision 2, paragraph (b).

#### **Sec. 4. [257A.01] DESIGNATED PARENT AGREEMENT.**

Subdivision 1. DESIGNATION IN AGREEMENT. A parent who has legal custody of a child may execute a designated parent agreement that names an adult to serve as a designated parent to care for the parent's minor child for a period of time specified in the designated parent agreement, but not to exceed one year.

Subd. 2. CONSENTS AND NOTICE REQUIRED. The agreement must be executed by all parents with physical custody of the child. The agreement becomes operative when none of the parents with physical custody is able to care for the child. As soon as practicable after executing an agreement, a copy of the agreement must be given to any noncustodial parent of the child and to every child age 14 or older to whom the agreement applies.

#### **Sec. 5. [257A.02] DESIGNATED PARENT; ALTERNATE.**

An individual acting as a designated parent is exempt in that role from any statute or administrative rule requiring a foster care license, unless the child was placed in the home of the designated parent by a child-placing agency pursuant to a voluntary placement agreement or court order, but must provide the notice required by section 257A.09 if ap-

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plicable. A parent who has named a guardian by will for the parent's children may name that guardian or another individual as a designated parent for the child. A parent who has legal custody of more than one child may appoint the same or a different designated parent for each child.

A parent may appoint an alternate designated parent who would serve if the designated parent is unwilling or unable to serve. All the provisions of this chapter dealing with a designated parent apply to an alternate designated parent.

#### Sec. 6. [257A.03] POWERS AND DUTIES OF DESIGNATED PARENT.

Subdivision 1. GENERAL. A designated parent has all the powers regarding the care, custody, and financial interests of a minor child specified in the designated parent agreement, except as otherwise provided in this section. A designated parent does not have the power to consent to marriage or adoption of the child.

Subd. 2. NOTICE TO NONCUSTODIAL PARENT; VISITATION. As soon as practicable after assuming care of a child, the designated parent shall notify any noncustodial parent that the designated parent has assumed care of the child. Court-ordered visitation rights of a noncustodial parent continue while the child is in the care of the designated parent, unless otherwise modified by the court. A designated parent agreement does not affect the right of a parent without physical custody to bring a custody motion under chapter 518.

Subd. 3. CHILD SUPPORT. A preexisting child support order is not suspended or terminated during the time a child is cared for by a designated parent, unless otherwise provided by court order. A designated parent has a cause of action for child support against an absent parent under section 256.87, subdivision 5.

#### Sec. 7. [257A.04] DURATION.

Subdivision 1. IN GENERAL. Unless canceled earlier under section 257A.07 by a parent or the designated parent, a designated parent agreement is effective for four years, after which date a new agreement may be entered. The new agreement may name the same or a different designated parent. A designated parent agreement automatically terminates as to any child when that child reaches age 18 or is lawfully married.

Subd. 2. DEATH OF A PARENT. If a parent dies while a designated parent agreement is in effect, and there is no living parent able to care for the child, the designated parent shall care for the child until a guardian appointed by will is able to take custody of the child or until a court order otherwise provides for the care of the child. However, the designated parent may cancel the agreement at any time under section 257A.07.

#### Sec. 8. [257A.05] FORM.

Subdivision 1. WRITING. A designated parent agreement must be made in writing and all signatures must be notarized.

Subd. 2. DESIGNATED PARENT INDICATION ON DRIVER'S LICENSE. A parent who wishes to have a designated parent indication placed on the parent's driver's license or identification card under section 171.07, subdivision 11, must submit a copy of the notarized designated parent agreement to the department of public safety and pay any required fee.

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**Sec. 9. [257A.06] MULTIPLE AGREEMENTS.**

If more than one otherwise valid designated parent agreement exists regarding the same child, the priority among agreements is determined as follows:

(1) an agreement that has been submitted to the department of public safety has priority over any other agreement;

(2) if one or more agreements have been submitted to the department of public safety under section 171.07, subdivision 11, the agreement with the most recent date that has been submitted to the department controls; and

(3) if multiple agreements exist, none of which has been submitted to the department of public safety, the agreement with the most recent date controls.

**Sec. 10. [257A.07] CANCELLATION.**

Subdivision 1. HOW AND BY WHOM. A parent may cancel a designated parent agreement at any time. The parent shall notify the designated parent of the cancellation. If the designated parent is caring for the child at the time of cancellation, the child must be returned to the parent immediately upon the parent's request.

A designated parent may decline to serve at any time, and the parent must cancel the agreement immediately upon request by the designated parent. If a designated parent is caring for a child when the designated parent cancels the agreement, the parent must take physical custody of the child immediately. If the parent is unable to resume physical custody at that time:

(1) the parent may name a new designated parent to care for the child who shall immediately take custody of the child; or

(2) if that is not possible, the designated parent shall contact the local social service agency, which shall assess the needs and circumstances of the child, including the likelihood of the noncustodial parent taking custody, and the need for placement and court action on behalf of the child, if necessary.

Subd. 2. NOTICE TO DEPARTMENT OF PUBLIC SAFETY. A parent who has had a designated parent indication placed on the parent's driver's license or identification card under section 171.07, subdivision 11, has the responsibility to notify the department of public safety in writing whenever a designated parent agreement is canceled or a new designated parent or alternate is chosen.

**Sec. 11. [257A.08] EXTENDING PERIOD OF CARE.**

If a parent is unable to resume caring for a child upon expiration of the period of care indicated in the designated parent agreement, the period of care may be extended for a length of time agreed by the parent and designated parent, but not to exceed one year. If a parent cannot be contacted or is unable to communicate a decision about the child's care when the agreed period of care expires, the designated parent may:

(1) petition the juvenile court to authorize continued care by the designated parent until the parent is able to resume the child's care, or for one year, whichever is sooner; or

(2) contact the local social service agency, which shall assess the needs and circumstances of the child, including the likelihood of the noncustodial parent taking custody of the child, and the need for placement and court action on behalf of the child, if necessary.

New language is indicated by underline, deletions by strikeout.

**Sec. 12. [257A.09] NOTICE TO LOCAL SOCIAL SERVICE AGENCY; INVESTIGATION.**

If a child has been in the home of a designated parent for 30 days, the designated parent shall promptly notify the local social service agency, any adult siblings of the child, and any living paternal or maternal grandparents, of the following:

(1) the child's name, home address, and the name and home address of the child's parents;

(2) that the child is in the home under a designated parent agreement; and

(3) the length of time the child is expected to remain in the designated parent's home.

The local social service agency may visit the child and the home and may continue to visit and supervise the home and the child or take other appropriate action to assure that the welfare of the child is fully protected.

**Sec. 13. [257A.10] LOCAL SOCIAL SERVICE AGENCY EVALUATION.**

When a local social service agency assumes responsibility for a child pursuant to a voluntary placement agreement or by order of the court, and the parent requests that placement be with a designated parent, the local social service agency must evaluate the appropriateness of the child's placement with the designated parent. If placement with the designated parent is deemed to be in the child's best interest, the designated parent must comply with licensure requirements under Minnesota Statutes, chapter 245A, in order to provide foster care for the child.

Sec. 14. Minnesota Statutes 1994, section 260.173, subdivision 2, is amended to read:

Subd. 2. Notwithstanding the provisions of subdivision 1, if the child had been taken into custody pursuant to section 260.165, subdivision 1, clause (a) or clause (c)(2), and is not alleged to be delinquent, the child shall be detained in the least restrictive setting consistent with the child's health and welfare and in closest proximity to the child's family as possible. Placement may be with a child's relative, a designated parent under chapter 257A, or in a shelter care facility.

Sec. 15. Minnesota Statutes 1994, section 524.5-505, is amended to read:

**524.5-505 DELEGATION OF POWERS BY PARENT OR GUARDIAN.**

A parent or a guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding six months, any powers regarding care, custody, or property of the minor or ward, except the power to consent to marriage or adoption of a minor ward. A parent of a minor child may delegate those powers for a period not exceeding one year by a designated parent agreement under chapter 257A.

**Sec. 16. EFFECTIVE DATE.**

Sections 1 to 15 are effective July 1, 1996.

New language is indicated by underline, deletions by strikeout.

## ARTICLE 7

## STATE-AID SYSTEM

Section 1. Minnesota Statutes 1994, section 162.02, subdivision 7, is amended to read:

Subd. 7. **ESTABLISHMENT IN NEW LOCATION OR OVER ESTABLISHED ROADS.** The county board of any county may establish and locate any county state-aid highway on new location where there is no existing road, or it may establish and locate the highway upon or over any established road or street or a specified portion thereof within its limits; ~~provided, that. Except as provided in subdivision 8a, no county state-aid highway shall be established or located within the corporate limits of any city without the approval of the governing body of the city, except that when a county state-aid highway is relocated the approval of the plans by the governing body shall be deemed to be a transfer of the previous location of the highway to the jurisdiction of the city. The approval shall be in the manner and form required by the commissioner.~~

Sec. 2. Minnesota Statutes 1994, section 162.02, subdivision 8, is amended to read:

Subd. 8. **APPROVAL BY CITY.** ~~Except as provided in subdivision 8a, no portion of the county state-aid highway system lying within the corporate limits of any city shall be constructed, reconstructed, or improved nor the grade thereof changed without the prior approval of the plans by the governing body of such city and the approval shall be in the manner and form required by the commissioner.~~

Sec. 3. Minnesota Statutes 1994, section 162.02, is amended by adding a subdivision to read:

Subd. 8a. **DISPUTE RESOLUTION BOARD.** If a city has failed to approve establishment, construction, reconstruction, or improvement of a county state-aid highway within its corporate limits under subdivision 7 or 8, the county board may, by resolution, request the commissioner to appoint a dispute resolution board consisting of one county commissioner, one county engineer, one city council member or city mayor, one city engineer, and one representative of the department of transportation. The board shall review the proposed change and make a recommendation to the commissioner. Notwithstanding any other law, the commissioner may approve the establishment, construction, reconstruction, or improvement of a county state-aid highway recommended by the board.

Sec. 4. Minnesota Statutes 1994, section 162.07, subdivision 1, is amended to read:

Subdivision 1. **FORMULA.** After deducting for administrative costs and for the disaster account and research account and state park roads as heretofore provided, the remainder of the total sum provided for in section 162.06, subdivision 1, shall be identified as the apportionment sum and shall be apportioned by the commissioner to the several counties on the basis of the needs of the counties as determined in accordance with the following formula:

(1) An amount equal to ten percent of the apportionment sum shall be apportioned equally among the 87 counties.

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(2) An amount equal to ten percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its motor vehicle registration for the calendar year preceding the one last past, determined by residence of registrants, bears to the total statewide motor vehicle registration.

(3) An amount equal to 30 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its total miles lane-miles of approved county state-aid highways bears to the total miles lane-miles of approved statewide county state-aid highways. In 1997 and subsequent years no county may receive, as a result of an apportionment under this clause based on lane-miles rather than miles of approved county state-aid highways, an apportionment that is less than its apportionment in 1996.

(4) An amount equal to 50 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its money needs bears to the sum of the money needs of all of the individual counties; provided, that the percentage of such amount that each county is to receive shall be adjusted so that each county shall receive in 1958 a total apportionment at least ten percent greater than its total 1956 apportionments from the state road and bridge fund; and provided further that those counties whose money needs are thus adjusted shall never receive a percentage of the apportionment sum less than the percentage that such county received in 1958.

Sec. 5. Minnesota Statutes 1994, section 162.07, subdivision 5, is amended to read:

Subd. 5. **SCREENING BOARD.** On or before September 1 of each year the county engineer of each county shall forward to the commissioner, on forms prepared by the commissioner, all information relating to the mileage, in lane-miles, of the county state-aid highway system in the county, and the money needs of the county that the commissioner deems necessary in order to apportion the county state-aid highway fund in accordance with the formula heretofore set forth. Upon receipt of the information the commissioner shall appoint a board consisting of nine the following county engineers. ~~The board shall be so selected that each county engineer appointed shall be from a different state highway construction district:~~

- (1) two county engineers from the metropolitan highway construction district;
- (2) one county engineer from each nonmetropolitan highway district; and
- (3) one additional county engineer from each county with a population of 175,000 or more.

No county engineer shall be appointed under clause (1) or (2) so as to serve consecutively for more than ~~two~~ four years. The board shall investigate and review the information submitted by each county and shall on or before the first day of November of each year submit its findings and recommendations in writing as to each county's mileage lane-mileage and money needs to the commissioner on a form prepared by the commissioner. Final determination of the mileage lane-mileage of each system and the money needs of each county shall be made by the commissioner.

Sec. 6. Minnesota Statutes 1994, section 162.07, subdivision 6, is amended to read:

**New language is indicated by underline, deletions by strikeout.**



Subd. 6. **ESTIMATES TO BE MADE IF INFORMATION NOT PROVIDED.** In the event that any county shall fail to submit the information provided for herein, the commissioner shall estimate the mileage lane-mileage and the money needs of the county. The estimate shall be used in determining the apportionment formula. The commissioner may withhold payment of the amount apportioned to the county until the information is submitted.

Presented to the governor April 4, 1996

Signed by the governor April 12, 1996, 2:33 p.m.

### CHAPTER 456—H.F.No. 2152

*An act relating to transportation; allowing highway service signs for gasoline service stations and other retail motor fuel businesses; eliminating limitation on funding advances for completing county state-aid highways in cities; prohibiting motor vehicle from closely following authorized emergency vehicle responding to emergency; authorizing use of alternative warning lights at traffic accidents; allowing limited exemption from federal hours-of-service regulation for transporting agricultural products; providing for turnbacks to local governments of legislative routes Nos. 232, 261, 300, 326, and 385; making technical and conforming changes; amending Minnesota Statutes 1994, sections 160.292, subdivisions 1, 2, 3, 4, 5, 10, and by adding subdivisions; 160.293, subdivisions 1, 2, 3, and 4; 160.294, subdivisions 1, 2, and by adding a subdivision; 160.295, subdivision 2; 160.296, subdivision 1; 160.297; 162.08, subdivision 5; 169.18, subdivision 8; 169.59, subdivision 4; 221.0314, by adding a subdivision; and 221.033, subdivision 2a.*

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

Section 1. Minnesota Statutes 1994, section 160.292, subdivision 1, is amended to read:

Subdivision 1. **SCOPE.** For the purposes of sections 160.292 to 160.296, the terms defined in this section have the meanings given them.

Sec. 2. Minnesota Statutes 1994, section 160.292, subdivision 2, is amended to read:

Subd. 2. **SPECIFIC SERVICE SIGN.** "Specific service sign" means a rectangular sign panel not greater than 1-1/2 feet by six feet displaying the name or optional business panel, or both, of a rural agricultural or tourist-oriented business, place of worship, motel, restaurant, resort, or recreational camping area, or gasoline service station or other retail motor fuel business and, where appropriate, the direction to and distance to the rural agricultural or tourist-oriented business, place of worship, recreational camping area, motel, restaurant, or resort, or gasoline service station or other retail motor fuel business.

Sec. 3. Minnesota Statutes 1994, section 160.292, subdivision 3, is amended to read:

Subd. 3. **SPECIFIC SERVICE SIGN ASSEMBLY.** "Specific service sign assembly" means a combination of specific service sign panels not to exceed four panels to be placed within the right-of-way on appropriate approaches to an intersection or interchange.

New language is indicated by underline, deletions by ~~strikeout~~.