

where the documents shall be maintained until the commissioner adopts rules for implementing statewide rigorous core academic standards in science and social studies under Minnesota Statutes, section 120B.021, subdivision 3. The revisor must determine that the rules are identical to the documents deposited with the revisor under this section before the revisor approves the form of the rules. In approving the form of the rules, the revisor may make any needed grammatical and form changes.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

#### Sec. 4. K-12 SOCIAL STUDIES STANDARDS RULES.

(a) Beginning no later than July 1, 2004, the education commissioner shall adopt the K-12 academic social studies standards incorporated by reference under this act using the expedited process under Minnesota Statutes, section 14.389.

(b) In addition to technical changes, corrections, clarifications, and similarly needed revisions, the revisor shall modify the K-12 academic social studies standards to allow school districts to place the standards in the following grade bands: K-3, 4-8, 9-12 to accommodate their particular curriculum. The standards should be mastered by the end of the highest grade in the band.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Presented to the governor May 18, 2004

Signed by the governor May 26, 2004, 3:10 p.m.

### CHAPTER 295—S.F.No. 2263

*An act relating to transportation; providing for cost-sharing agreements with tribal authorities; authorizing commissioner of transportation to require electronic bids for highway contracts valued at \$5,000,000 or more; providing for or changing expiration of certain transportation-related committees; authorizing local governments to designate roads for transporting permitted weights; providing for seasonal load restrictions on gravel roads; modifying bond requirements for certain vehicle dealers; modifying gross vehicle weight restrictions; setting a permit fee for certain vehicles; modifying interstate vehicle registration provisions; providing for certain license endorsement background checks; modifying driver's license fee provisions; defining agency for purposes of certain forfeitures; modifying highway rest area and land management provisions; making technical changes; amending Minnesota Statutes 2002, sections 160.08, subdivision 7; 160.276; 160.277; 160.278; 160.28; 161.23, subdivision 3; 161.32, subdivision 1b; 161.433, subdivision 2; 161.434; 162.021, subdivision 5; 162.07, subdivision 5; 162.09, subdivision 2; 162.13, subdivision 3; 168.187, by adding a subdivision; 168.27, subdivision 24; 169.832, by adding a subdivision; 174.52, subdivision 3; 609.531, subdivision 1; Minnesota Statutes 2003 Supplement, sections 161.368; 162.02, subdivision 2; 169.86, subdivision 5; 171.20, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 160; 169; 171; repealing Minnesota Statutes 2002, section 174.55, as amended.*

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

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## ARTICLE 1

## TRANSPORTATION MISCELLANEOUS

Section 1. Minnesota Statutes 2003 Supplement, section 161.368, is amended to read:

**161.368 HIGHWAY CONTRACTS WITH TRIBAL AUTHORITIES.**

On behalf of the state, the commissioner may enter into cost-sharing agreements with Indian tribal authorities for the purpose of providing maintenance, design, and construction to highways on tribal lands. These agreements may include (1) a provision for waiver of immunity from suit by a party to the contract on the part of the tribal authority with respect to any controversy arising out of the contract and (2) a provision conferring jurisdiction on state district courts to hear such a controversy.

Sec. 2. Minnesota Statutes 2002, section 161.32, subdivision 1b, is amended to read:

Subd. 1b. **LOWEST RESPONSIBLE BIDDER.** Bidders may submit bids electronically in a form and manner required by the commissioner; however, the commissioner may require that all bids of \$5,000,000 and over for trunk highway contracts must be submitted electronically. Trunk highway construction contracts, including design-build contracts, must be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the call for bids. The commissioner may decide which is the lowest responsible bidder for all contracts and may use the principles of life-cycle costing, when appropriate, in determining the lowest overall bid. Any or all bids may be rejected. When competitive bids are required and all bids are rejected, new bids, if solicited, must be called for as in the first instance, unless otherwise provided by law.

Sec. 3. Minnesota Statutes 2003 Supplement, section 162.02, subdivision 2, is amended to read:

Subd. 2. **RULES; ADVISORY COMMITTEE.** (a) The rules shall be made and promulgated by the commissioner acting with the advice of a committee which shall be selected by the several county boards acting through the officers of the statewide association of county commissioners. The committee shall be composed of nine members so selected that each member shall be from a different state highway construction district. Not more than five of the nine members of the committee shall be county commissioners. The remaining members shall be county highway engineers. ~~The committee expires as provided in section 15.059, subdivision 5.~~ In the event that agreement cannot be reached on any rule, the commissioner's determination shall be final. The rules shall be printed and copies thereof shall be forwarded to the county engineers of the several counties.

(b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

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

Sec. 4. Minnesota Statutes 2002, section 162.021, subdivision 5, is amended to read:

Subd. 5. **DESIGNATION.** (a) The commissioner may designate a county state-aid highway as a natural preservation route only on petition of the county board of the county having jurisdiction over the road. Within 60 days after a county board receives a written request to designate a county state-aid highway as a natural preservation route, the county board shall act on the request.

(b) ~~The commissioner shall appoint an advisory committee for each construction district consisting of seven members: one member of the Department of Natural Resources, one county commissioner, one county highway engineer, one representative of a recognized environmental organization, and three members of the public. The commissioner shall refer each petition received under this subdivision to the appropriate advisory committee. The advisory committee shall consider the petition for designation and make a recommendation to the commissioner. Following receipt of the committee's recommendation, the commissioner may designate the highway as a natural preservation route.~~

Sec. 5. Minnesota Statutes 2002, section 162.07, subdivision 5, is amended to read:

Subd. 5. **SCREENING BOARD.** (a) 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 the following county engineers:

- (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 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 lane-mileage and money needs to the commissioner on a form prepared by the commissioner. Final determination of the lane-mileage of each system and the money needs of each county shall be made by the commissioner.

(b) Notwithstanding section 15.059, subdivision 5, the committee expires June 30, 2006.

Sec. 6. Minnesota Statutes 2002, section 162.09, subdivision 2, is amended to read:

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Subd. 2. **RULES; ADVISORY COMMITTEE.** (a) The rules shall be made and promulgated by the commissioner acting with the advice of a committee which shall be selected by the governing bodies of such cities, acting through the officers of the statewide association of municipal officials. The committee shall be composed of 12 members, so selected that there shall be one member from each state highway construction district and in addition one member from each city of the first class. Not more than six members of the committee shall be elected officials of the cities. The remaining members of the committee shall be city engineers. ~~The committee expires as provided in section 15.059, subdivision 5.~~ In the event that agreement cannot be reached on any rule the commissioner's determination shall be final. The rules shall be printed and copies thereof shall be forwarded to the clerks and engineers of the cities.

(b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

Sec. 7. Minnesota Statutes 2002, section 162.13, subdivision 3, is amended to read:

Subd. 3. **SCREENING COMMITTEE.** (a) On or before September 1 of each year, the engineer of each city having a population of 5,000 or more shall forward to the commissioner on forms prepared by the commissioner, all information relating to the money needs of the city that the commissioner deems necessary in order to apportion the municipal state-aid street fund in accordance with the apportionment formula heretofore set forth. Upon receipt of the information the commissioner shall appoint a board of city engineers. The board shall be composed of one engineer from each state highway construction district, and in addition thereto, one engineer from each city of the first class. The board shall investigate and review the information submitted by each city. On or before November 1 of each year, the board shall submit its findings and recommendations in writing as to each city's money needs to the commissioner on a form prepared by the commissioner. Final determination of the money needs of each city shall be made by the commissioner. In the event that any city shall fail to submit the information provided for herein, the commissioner shall estimate the money needs of the city. The estimate shall be used in solving the apportionment formula. The commissioner may withhold payment of the amount apportioned to the city until the information is submitted.

(b) Notwithstanding section 15.059, subdivision 5, the board does not expire.

Sec. 8. Minnesota Statutes 2002, section 168.187, is amended by adding a subdivision to read:

Subd. 27. **PROHIBITED OPERATION.** The commissioner of public safety shall refuse to issue a vehicle registration, license plate, or permit to a vehicle licensed under this section if the vehicle is assigned to a commercial motor carrier who has been prohibited from operating in interstate commerce by a federal agency with authority to do so under federal law.

The commissioner of public safety may revoke the registration of a vehicle licensed under this section if the vehicle is assigned to a commercial motor carrier who has been prohibited from operating in interstate commerce by a federal agency with authority to do so under federal law.

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If the prohibition by the federal agency is rescinded, the commissioner of public safety may reinstate a vehicle registration under this section if registration taxes and fees have been paid.

Sec. 9. Minnesota Statutes 2002, section 168.27, subdivision 24, is amended to read:

Subd. 24. **BONDS.** (a) Except as otherwise provided in this subdivision, all persons licensed according to this section shall keep in full force and effect a bond with a corporate surety to be approved by the registrar of motor vehicles in the following amounts; in the case of boat trailer, snowmobile trailer, horse trailer or motorized bicycle dealers, or dealers in trailers with a manufacturer's rated carrying capacity under 15,000 pounds designed to transport small construction or farm equipment, in the amount of \$5,000; and as to all other persons in the amount of \$50,000. The bond must be conditioned on the faithful performance by the licensee of the obligations imposed on persons engaged in motor vehicle transactions by the laws of this state, including the conduct required of a licensee by this section and other sections governing the sale or transfer of motor vehicles, and the payment of all taxes, license fees, and penalties. The bond must be for the benefit of the state of Minnesota and any transferor, seller, or purchaser of a motor vehicle for any monetary loss caused by failure of the licensee to meet the obligations enumerated above. Proceedings on the forfeiture of the bonds must be commenced in the district court of the county wherein the business of the licensed person was carried on, or if in more than one county, the county in which the offense occurred. This subdivision does not apply to a used vehicle parts dealer or a scrap metal processor.

(b) This subdivision does not apply to:

(1) a dealer in new trailers designed to transport small construction or farm equipment in any year following a year in which the dealer had less than \$500,000 in gross receipts from the sale of such trailers; or

(2) a dealer in new trailers designed to transport small construction or farm equipment who has been a dealer in such trailers for less than one year and who the department reasonably determines will have gross receipts of less than \$500,000 during the first year of business.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 10. [169.8261] **GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.**

A vehicle or combination of vehicles hauling raw or unfinished forest products, including wood chips, by the most direct route to the nearest highway that has been designated under section 169.832, subdivision 11, may be operated on any highway with gross weights permitted under sections 169.822 to 169.829 without regard to load restrictions imposed on that highway, except that such vehicles must:

(1) comply with seasonal load restrictions in effect between the dates set by the commissioner under section 169.87, subdivision 2;

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- (2) comply with bridge load limits posted under section 169.84;
- (3) be equipped and operated with six axles and brakes;
- (4) not exceed 90,000 pounds gross weight, or 98,000 pounds gross weight during the time when seasonal increases are authorized under section 169.826;
- (5) not be operated on interstate and defense highways;
- (6) obtain an annual permit from the commissioner of transportation; and
- (7) obey all road postings.

Sec. 11. Minnesota Statutes 2002, section 169.832, is amended by adding a subdivision to read:

**Subd. 11a. WEIGHT-LIMITATION ROUTE DESIGNATION BY LOCAL GOVERNMENT.** Notwithstanding subdivision 11, the governing body of a county, statutory or home rule charter city, or town may designate any street or highway under its jurisdiction that has been designed and built to carry such weights to carry weight permitted under sections 169.822 to 169.829. Designations by the governing body of a county, statutory or home rule charter city, or town under this subdivision are not subject to the approval of the commissioner.

Sec. 12. Minnesota Statutes 2003 Supplement, section 169.86, subdivision 5, is amended to read:

**Subd. 5. FEE; PROCEEDS TO TRUNK HIGHWAY FUND.** The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

- (a) \$15 for each single trip permit.
- (b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.
- (c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:
  - (1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;
  - (2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;
  - (3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;
  - (4) special pulpwood vehicles described in section 169.863;
  - (5) motor vehicles bearing snowplow blades not exceeding ten feet in width; and

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(6) noncommercial transportation of a boat by the owner or user of the boat.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes;

(4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);

(5) double-deck buses;

(6) commercial boat hauling.

(e) For vehicles which have axle weights exceeding the weight limitations of sections 169.822 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

#### Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limitations on axles	Cost Per Mile For Each Group Of:		
	Two consec- utive axles spaced within 8 feet or less	Three consec- utive axles spaced within 9 feet or less	Four consec- utive axles spaced within 14 feet or less
0-2,000	.12	.05	.04
2,001-4,000	.14	.06	.05
4,001-6,000	.18	.07	.06
6,001-8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum

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weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828, subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

(1) the total width of the transporting vehicle, including load, does not exceed 14 feet;

(2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;

(3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;

(4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and

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(5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways.

(j) \$300 for a motor vehicle described in section 169.8261. The fee under this paragraph must be deposited as follows:

(1) in fiscal years 2005 through 2010:

(i) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund for costs related to administering the permit program and inspecting and posting bridges;

(ii) all remaining money in each fiscal year must be deposited in a bridge inspection and signing account in the special revenue fund. Money in the account is appropriated to the commissioner for:

(A) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and

(B) erection of weight posting signs on local bridges; and

(2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway fund.

Sec. 13. Minnesota Statutes 2003 Supplement, section 171.20, subdivision 4, is amended to read:

Subd. 4. **REINSTATEMENT FEE.** (a) Before the license is reinstated, (1) a person whose driver's license has been suspended under section 171.16, subdivision 2; 171.18, except subdivision 1, clause (10); or 171.182, or who has been disqualified from holding a commercial driver's license under section 171.165, and (2) a person whose driver's license has been suspended under section 171.186 and who is not exempt from such a fee, must pay a fee of \$20.

(b) Before the license is reinstated, a person whose license has been suspended or revoked under sections 169.791 to 169.798 must pay a \$20 reinstatement fee.

(c) When fees are collected by a licensing agent appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fee and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4.

(d) A suspension may be rescinded without fee for good cause.

Sec. 14. **[171.324] HAZARDOUS MATERIALS LICENSE ENDORSEMENT BACKGROUND CHECKS.**

Subdivision 1. ENDORSEMENT; FEE; ACCOUNT; APPROPRIATION. (a) Before being issued or renewing a class C, class B, or class A driver's license with a hazardous materials endorsement, an applicant must comply with the federal regulations incorporated in this section.

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(b) The commissioner may charge the applicant a fee of up to \$100 to cover the department's actual costs of conducting the required background check of persons applying for a Minnesota driver's license with a hazardous materials endorsement. The proceeds of the fee must be deposited in an account in the special revenue fund. Money in the account is annually appropriated to the commissioner to pay the actual costs associated with conducting the required background checks.

**Subd. 2. ADOPTION OF FEDERAL REGULATIONS.** Public Law 107-56, section 1012, as implemented in Code of Federal Regulations, title 49, part 1572, is incorporated by reference except for sections 1572.9 and 1572.11.

**Subd. 3. RULES.** The commissioner may adopt rules pursuant to section 14.388, subdivision 1, clause (1), in order to implement this section.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 15. Minnesota Statutes 2002, section 174.52, subdivision 3, is amended to read:

**Subd. 3. ADVISORY COMMITTEE.** (a) The commissioner shall establish an advisory committee consisting of five members, including:

(1) one county commissioner;

(2) one county engineer;

(3) one city engineer;

(4) one city council member or city administrator representing a city with a population over 5,000; and

(5) one city council member or city administrator representing a city with a population under 5,000. The advisory committee shall provide recommendations to the commissioner regarding expenditures from the trunk highway corridor projects account.

(b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

Sec. 16. Minnesota Statutes 2002, section 609.531, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

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(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Minnesota Division of Driver and Vehicle Services, the Minnesota State Patrol, a county sheriff's department, the Suburban Hennepin Regional Park District park rangers, the Department of Natural Resources Division of Enforcement, the University of Minnesota Police Department, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152, or chapter 624;

(2) for driver's license or identification card transactions: any violation of section 171.22; and

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

**Sec. 17. REPEALER.**

Minnesota Statutes 2002, section 174.55, as amended by Laws 2003, First Special Session chapter 19, article 2, section 45, is repealed.

**Sec. 18. EFFECTIVE DATE.**

Sections 3, 5, 6, 7, 15, and 17, are effective retroactively from July 1, 2003.

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**ARTICLE 2**

**HIGHWAY SAFETY REST AREAS**

Section 1. Minnesota Statutes 2002, section 160.08, subdivision 7, is amended to read:

**Subd. 7. NO COMMERCIAL ESTABLISHMENT WITHIN RIGHT-OF-WAY.** No commercial establishment, including but not limited to automotive service

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stations, for serving motor vehicle users shall be constructed or located within the right-of-way of, or on publicly owned or publicly leased land acquired or used for or in connection with, a controlled access highway; except that (1) structures may be built within safety rest and ~~tourist~~ travel information center areas; (2) space within state-owned buildings in those areas may be leased for the purpose of providing information to travelers through ~~commercial and public service~~ advertising under franchise agreements as provided in sections ~~section 160.276 to 160.278~~; (3) advertising signs may be erected within the right-of-way of interstate or controlled-access trunk highways by franchise agreements under section 160.80; and (4) vending machines may be placed in rest areas, ~~tourist~~ travel information centers, or weigh stations constructed or located within trunk highway rights-of-way; and (5) acknowledgment signs may be erected under sections 160.272 and 160.2735.

**Sec. 2. [160.272] SAFETY REST AREA AND TRAVEL INFORMATION CENTER LEASES.**

**Subdivision 1. LEASE AGREEMENTS.** (a) Except as provided in subdivision 3, and notwithstanding any other law to the contrary, the commissioner may enter into lease agreements through negotiations with public or not-for-profit entities or through best value, as defined in section 16C.02, subdivision 4, with private entities relating to the use of safety rest areas and travel information centers.

For purposes of this section, "private entity" means a chamber of commerce, a tourist and visitors bureau, or other organization that exists to promote tourism and economic development.

(b) A lease under this subdivision may:

(1) with the approval of the commissioner of administration, prescribe a lease term length of up to 20 years, with options for renewal;

(2) allow the lessee to operate a safety rest area facility in whole or in part;

(3) allow the lessee to offer for sale products or services under section 160.2725;  
and

(4) allow the lessee to add leasehold improvements to the site after approval by the commissioner.

(c) A lease agreement for a safety rest area is subject to section 160.28, subdivision 2, regarding vending at safety rest areas.

(d) A lease agreement must include terms that promote and encourage the employment of needy elderly persons according to section 160.282.

(e) The commissioner may publicly acknowledge the lessee and may erect signs adjacent to the main travel lanes of a highway acknowledging the lessee. Acknowledgement on the mainline may consist of placement of up to one sign for each direction of traffic served. The placement of signs shall only be allowed (1) as approved through the Manual on Uniform Traffic Control Devices process for experimentation, (2) in accordance with federal standards and policies, and (3) so that no sign exceeds 100

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square feet. No more than three acknowledgment signs or displays may be placed at any one rest area, in addition to the mainline signs.

Subd. 2. REVENUES DEPOSITED. The commissioner shall deposit revenues from leases authorized under this section into the safety rest area account established in section 160.2745.

Subd. 3. APPLICATION TO OTHER LAW. Nothing in this section affects existing contracts under section 248.07 or their renewal.

**Sec. 3. [160.2725] SALES AT SAFETY REST AREAS.**

Subdivision 1. SALES AUTHORIZED. Notwithstanding section 160.08, the commissioner may sell travel and tourism-related publications and maps and travel and tourism-related merchandise and services. The commissioner may rent or sell items for the convenience of persons using safety rest areas, including local attraction tickets, and permits and licenses issued by units of government. Notwithstanding section 16A.1285, the commissioner of transportation may collect a service fee for the sale of lottery tickets, local attraction tickets, and permits and licenses.

Merchandise that competes with vending machine sales authorized under section 160.28, subdivision 2, is subject to the provisions of subdivision 5. Food and beverage sales are limited to those items that are sold from vending machines.

Subd. 2. ADVERTISING. The commissioner may advertise the availability of a program or item offered under this section.

Subd. 3. SOFTWARE SALES. Notwithstanding section 16B.405 or 160.08, the commissioner may sell or license intellectual property and software products or services developed by a government unit or custom-developed by a vendor for a government unit.

Subd. 4. REVENUES DEPOSITED. Money received by the commissioner under this section must be deposited in the safety rest area account established in section 160.2745.

Subd. 5. COMPETING MERCHANDISE. The commissioner and the designated state licensing agency authorized under United States Code, title 20, sections 107 to 107e, shall enter into an interagency agreement before rest areas are leased or before nonvending machine sales occur at rest areas. The interagency agreement must identify what constitutes competing merchandise and establish policies and procedures related to the sale of competing merchandise at rest areas.

**Sec. 4. [160.2735] SPONSORSHIP OF SAFETY REST AREAS.**

Subdivision 1. SPONSORSHIP PROGRAM. The commissioner may enter into agreements for public or private sponsorship of highway safety rest areas by transportation and tourism-related entities. The commissioner may publicly acknowledge sponsors and may erect signs adjacent to the main travel lanes of a highway acknowledging the sponsors. Acknowledgement on the mainline may consist of placement of up to one sign for each direction of traffic served. The placement of signs

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shall only be allowed (1) as approved through the Manual on Uniform Traffic Control Devices process for experimentation, (2) in accordance with federal standards and policies, and (3) so that no sign exceeds 100 square feet. No more than three acknowledgment signs or displays may be placed at any one rest area, in addition to the mainline signs.

Subd. 2. **REVENUE.** The commissioner shall deposit revenue from the sponsorship program to the safety rest area account established in section 160.2745.

Subd. 3. **PROHIBITION.** The commissioner shall take no action under this section that would result in the loss of federal highway funds or require the payment of highway funds to the federal government.

**Sec. 5. [160.274] SALE OF SURPLUS REST AREA PROPERTY.**

Subdivision 1. **RECONVEYANCE OF LAND.** The commissioner may reconvey land no longer needed for safety rest area purposes, subject to section 161.44.

Subd. 2. **PROCEEDS DEPOSITED; APPROPRIATION.** Proceeds from the sale of real estate and buildings under this section must be paid into the safety rest area account established in section 160.2745 and are appropriated to the commissioner (1) for the actual cost of selling the real estate or buildings, (2) for the fees required to be paid under sections 161.23 and 161.44, and (3) as provided in section 160.2745.

Subd. 3. **PROHIBITION.** The commissioner shall take no action under this section that would result in the loss of federal highway funds or require the payment of highway funds to the federal government.

**Sec. 6. [160.2745] SAFETY REST AREA ACCOUNT.**

Subdivision 1. **ACCOUNT ESTABLISHED.** A safety rest area account is established in the trunk highway fund. Funds in the account are available until expended.

Subd. 2. **DEPOSITS.** The commissioner shall deposit in the safety rest area account revenue received from leasing or sponsoring safety rest areas, advertising at safety rest areas, selling safety rest area property and lands, and other revenue generated with respect to safety rest areas.

Subd. 3. **EXPENDITURES.** Money in the account is appropriated to the commissioner. The commissioner may spend proceeds of the account for safety rest areas, including program administration, maintenance and operations, development and improvements, and services to customers.

Sec. 7. Minnesota Statutes 2002, section 160.276, is amended to read:

**160.276 TRAVEL INFORMATION FRANCHISE ADVERTISING PROGRAM.**

Subdivision 1. **ESTABLISHED LEASING ADVERTISING SPACE.** The commissioner of transportation shall establish a franchise program to may lease advertising space within tourist travel information centers and safety rest areas for the

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purpose of providing information to travelers through travel-related commercial and public service advertising.

Subd. 2. **INITIAL PHASE.** The program may, in its initial phase, utilize space within existing publicly owned buildings and shelters in safety rest areas and tourist information centers. This phase shall be operational by May 1, 1981. Franchises for this phase shall be ready to let by January 1, 1981.

Subd. 3. **INFORMATION FACILITIES.** The program commissioner may also include franchises for the construction, operation and maintenance of contract to permit a vendor to construct, operate, and maintain additional information structures by and at the expense of the franchisee vendor on state-owned lands within safety rest areas or tourist travel information center areas. All structures constructed by the franchisee shall vendor must meet or exceed specifications prescribed by the commissioner of transportation and shall must satisfy the requirements of the State Building Code for accessibility by the physically handicapped. The vendor shall design all structures shall be designed to enhance their the site and shall be aesthetically compatible surroundings in a manner harmonious with the natural environment as determined by the commissioner.

Subd. 4. **SITES; ADVERTISING.** The commissioner shall determine the sites to be included in this program and shall also determine if the advertising display at each site is to be inside or outside of any buildings or shelters the extent and location of space available for advertising in each facility.

Subd. 5. **OFFICE OF TOURISM.** The commissioner shall provide space free of charge to the Office of Tourism for travel information centers. The commissioner shall not charge the Office of Tourism for any regular expenses associated with the operation of the travel information centers. The commissioner shall provide highway maps free of charge for use and distribution through the travel information centers.

Sec. 8. Minnesota Statutes 2002, section 160.277, is amended to read:

**160.277 COMMISSIONER TO GRANT FRANCHISES MAKE AGREEMENTS.**

Subdivision 1. **PROCEDURE; AGREEMENT.** The commissioner of transportation, by public negotiation or bid, shall grant franchises enter into agreements for the purposes of section 160.276. Each franchise agreement shall include the safety rest areas and tourist information centers in a geographical area comprising approximately one-quarter of the land area of the state. The franchise agreement shall insure that the franchisee provide services throughout the area in as many tourist information centers and safety rest areas as are reasonably necessary for the convenience of travelers.

Subd. 2. **INSURANCE.** The commissioner of transportation shall require the franchisee vendor to obtain liability insurance in an amount prescribed by the commissioner jointly insuring the state and the franchisee vendor against any and all liability for claims for damage occurring wholly or partly because of the existence of the franchise vendor contract.

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Subd. 3. **REVENUE.** The franchise agreement may provide that the vendor pay a percentage portion of the gross revenues derived from advertising ~~shall~~. These revenues must be paid to the state for deposit in the trunk highway fund safety rest area account established in section 160.2745. The commissioner of transportation and director of the Office of Tourism may enter into an interagency agreement to define the distribution of the revenues generated in this section.

Sec. 9. Minnesota Statutes 2002, section 160.278, is amended to read:

**160.278 ADDITIONAL FRANCHISE VENDOR PROVISIONS.**

Subdivision 1. **AGREEMENT REQUIREMENTS.** Each franchise vendor agreement shall must contain the following provisions:

(a) (1) that the franchisee vendor shall comply with Code of Federal Regulations, title 23, ~~section 252~~ 752 and subsequent revisions pertaining to privately operated information systems;

(b) (2) that at least 40 percent of the commercial advertising space shall must be offered initially for a reasonable period of time to local advertisers who provide services for travelers within a 60-mile radius of the safety rest area or tourist travel information center;

(c) (3) that the franchisee vendor shall make appropriate marketing efforts in an attempt to lease at least 40 percent of the commercial advertising space to local advertisers; and

(d) (4) reasonable performance standards, and maintenance standards for structures constructed by the franchisee vendor; and

Subd. 2. **ADVERTISING SPACE LIMITATIONS.** The franchise agreement shall impose (5) limitations on advertising space within state-owned buildings or on state-owned property in safety rest areas and tourist travel information centers.

Subd. 3. **2. REASONABLE TERMS AND CONDITIONS.** The commissioner of transportation may require additional reasonable terms and conditions to be included in the franchise vendor agreement, including but not limited to, provisions governing the renewal and termination of the agreement; and, in the event of termination, the rights of the state and the franchisee vendor in advertising contracts and in buildings constructed by the franchisee vendor.

Sec. 10. Minnesota Statutes 2002, section 160.28, is amended to read:

**160.28 PLANS FOR PUBLIC TRAVEL FACILITIES.**

Subdivision 1. **SAFETY REST AREAS; TOURIST TRAVEL INFORMATION CENTERS; WEIGH STATIONS.** Any other law to the contrary notwithstanding, the commissioner of transportation is hereby authorized to ~~cause to be prepared~~ may have plans and, specifications, and detailed designs prepared for the construction of buildings and facilities for highway safety rest areas, tourist travel information centers in combination with rest areas, and weigh stations when the commissioner

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deems these buildings and facilities to be necessary in the interest of safety and convenient public travel on highways.

Subd. 2. **VENDING MACHINES.** Any other law to the contrary notwithstanding, the commissioner may contract for or authorize the placement of vending machines dispensing food, nonalcoholic beverages, ~~or~~ milk, or other items the commissioner deems appropriate and desirable in highway safety rest areas, tourist travel information centers, and weigh stations on marked interstate highways and primary trunk highways. The commissioner shall only place vending machines operated under United States Code, title 20, sections 107 to 107e and as provided in section 248.07.

Sec. 11. Minnesota Statutes 2002, section 161.23, subdivision 3, is amended to read:

Subd. 3. **LEASING.** The commissioner may lease for the term between the acquisition and sale thereof and for a fair rental rate and upon such terms and conditions as the commissioner deems proper, any excess real estate acquired under this section, and any real estate acquired in fee for trunk highway purposes and not presently needed for those purposes. All rents received from the leases must be paid into the state treasury. Seventy percent of the rents must be credited to the trunk highway fund. The remaining 30 percent must be paid to the county treasurer where the real estate is located, and distributed in the same manner as real estate taxes. This subdivision does not apply to real estate leased for the purpose of providing commercial and public service advertising pursuant to franchise agreements as provided in sections ~~160.276~~ 160.272 to 160.278 or to fees collected under section 174.70, subdivision 2.

Sec. 12. Minnesota Statutes 2002, section 161.433, subdivision 2, is amended to read:

Subd. 2. **CONSIDERATION FOR USE.** The consideration paid for the use of airspace or subsurface areas shall be determined by the commissioner, but in no event shall it be less than a fair rental rate, and shall include costs for the erection and maintenance of any facilities or other costs occasioned by that use. All moneys received shall be paid into the trunk highway fund. This subdivision does not apply to real estate leased for the purpose of providing commercial and public service advertising pursuant to franchise agreements as provided in sections ~~160.276~~ 160.272 to 160.278.

Sec. 13. Minnesota Statutes 2002, section 161.434, is amended to read:

**161.434 INTERSTATE AND TRUNK HIGHWAY RIGHTS-OF-WAY; LIMITED USE.**

The commissioner may also make such arrangements and agreements as the commissioner deems necessary in the public interest for the limited use of land owned as interstate or trunk highway right-of-way, which use shall be for highway purposes, including aesthetic purposes, but not including the erection of permanent buildings, except buildings or structures erected for the purpose of providing information to

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travelers through commercial and public service advertising pursuant to franchise agreements as provided in sections ~~160.276~~ 160.272 to 160.278. The commissioner shall secure the approval of the appropriate federal agency where such approval is required.

**Sec. 14. COMMISSIONER OF TRANSPORTATION; HIGHWAY REST AREAS.**

Until July 1, 2005, the commissioner of transportation may not close any trunk highway or interstate highway safety rest area that was open on January 1, 2004, or substantially reduce the hours of operation of such a rest area below the hours of operation in effect on January 1, 2004.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

**Sec. 15. INSTRUCTION TO REVISOR.**

The revisor of statutes shall renumber each section or subdivision of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
<u>160.27, subdivision 5</u>	<u>160.2715</u>
<u>160.277, subdivision 1</u>	<u>160.276, subdivision 2a</u>
<u>160.277, subdivision 2</u>	<u>160.276, subdivision 3a</u>
<u>160.277, subdivision 3</u>	<u>160.276, subdivision 8</u>
<u>160.278, subdivision 1</u>	<u>160.276, subdivision 6</u>
<u>160.278, subdivision 3</u>	<u>160.276, subdivision 7</u>
<u>160.28, subdivision 2</u>	<u>160.273</u>

Presented to the governor May 18, 2004

Signed by the governor May 29, 2004, 11:15 a.m.

**CHAPTER 296—S.F.No. 1866**

*An act relating to state employment; ratifying certain labor agreements and compensation plans.*

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

**Section 1. LABOR AGREEMENTS AND COMPENSATION PLANS.**

Subdivision 1. AFSCME. The labor agreement between the state of Minnesota and the American Federation of State, County, and Municipal Employees, units 2, 3, 4, 6, and 7, approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on November 17, 2003, is ratified.

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