

CHAPTER 234—S.F.No. 3213

An act relating to state government; modifying membership of the Indian Affairs Council; modifying state-aid road provisions; modifying regulation of motor carriers; conveying land; authorizing an agreement related to Trunk Highway 60 construction; removing routes from state highway system; eliminating requirement to distribute certain rules; amending Minnesota Statutes 2004, sections 3.922, subdivision 1; 162.07, subdivision 5; 221.033, by adding a subdivision; repealing Minnesota Statutes 2004, sections 161.115, subdivisions 173, 225; 360.015, subdivision 16.

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

Section 1. Minnesota Statutes 2004, section 3.922, subdivision 1, is amended to read:

Subdivision 1. **Creation, membership.** The state Indian Affairs Council is created to consist of the following ex officio members:

- the governor or a member of the governor's official staff designated by the governor,
- the commissioner of education,
- the commissioner of human services,
- the commissioner of natural resources,
- the commissioner of human rights,
- the commissioner of employment and economic development,
- the commissioner of corrections,
- the commissioner of the Minnesota Housing Finance Agency,
- the commissioner of Iron Range resources and rehabilitation,
- the commissioner of health,
- the commissioner of transportation,
- the commissioner of administration,

each of whom may designate a staff member to serve instead, and

three members of the house of representatives appointed by the speaker, and three members of the senate appointed by its Subcommittee on Committees.

Voting members of the council are the elected tribal chair of:

- the Fond du Lac Reservation Business Committee;
- the Grand Portage Reservation Business Committee;
- the Mille Lacs Reservation Business Committee;
- the White Earth Reservation Business Committee;

the Bois Forte (Nett Lake) Reservation Business Committee;
the Leech Lake Reservation Business Committee;
the Red Lake Tribal Council;
the Upper Sioux board of trustees;
the Lower Sioux Tribal Council;
the Shakopee-Mdewankanton General Council;
the Prairie Island Tribal Council; and
two members to be selected under subdivision 2.

The chairs of the Indian committees, trusts, or councils may designate in writing a member who has been elected at large to an office in the committee, trust, or council, to serve instead. Members appointed to represent the house of representatives, the senate or tribal governments shall no longer serve on the council when they are no longer members of the bodies which they represent and their offices shall be vacant. A member who is a designee of a tribal chair shall cease to be a member at the end of the term of the designating tribal chair. Ex officio members or their designees on the council shall not vote.

Sec. 2. Minnesota Statutes 2004, 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~~ does not expire.

Sec. 3. Minnesota Statutes 2004, section 221.033, is amended by adding a subdivision to read:

Subd. 2d. **Age of driver under federal materials-of-trade regulation.** A driver of a self-propelled or towed motor vehicle transporting no hazardous material other than materials of trade, as defined in Code of Federal Regulations, title 49, section 171.8, must be at least 18 years of age. This subdivision does not apply unless the transportation conforms to the requirements of Code of Federal Regulations, title 49, section 173.6.

Sec. 4. **CONVEYANCE OF STATE INTEREST IN REAL PROPERTY TO UNITED STATES FISH AND WILDLIFE SERVICE.**

Notwithstanding Minnesota Statutes, section 16B.281, 16B.282, 92.45, or any other law to the contrary, the commissioner of transportation shall convey to the United States Fish and Wildlife Service all right, title, and interest of the state of Minnesota, in the land located in Houston County, known as the Four Seasons Wetland and Boots Bog:

(a) The Four Seasons Wetland is located along marked Trunk Highway 26 at mile point 20.4 on the west side of the roadway. The majority of the site is in the Southwest Quarter of the Southeast Quarter of Section 27, Township 104 North, Range 4 West. There are small parts of the site in the Northwest Quarter of the Southeast Quarter and also the Southeast Quarter of the Southeast Quarter. The overall site is approximately 15 acres.

(b) Boots Bog is located along marked Trunk Highway 16 at mile point 284.2 on the south side of the roadway. The majority of the site is that part of the approximate western two-thirds of the Southwest Quarter of the Northwest Quarter of Section 28, Township 104 North, Range 4 West, that lies south of marked Trunk Highway 16. There is a small part of the site in the extreme Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 29, Township 104 North, Range 4 West, that lies south of marked Trunk Highway 16. The overall site is approximately 15 acres.

Sec. 5. CONVEYANCE OF STATE INTEREST IN REAL PROPERTY TO CITY OF MONTEVIDEO.

(a) Notwithstanding Minnesota Statutes, section 94.09 or 94.10, the commissioner of natural resources and the commissioner of transportation may convey to the city of Montevideo, for no consideration, the surplus land described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Montevideo ceases using the land for public purposes. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be conveyed is located in Lac Qui Parle County and is described as follows:

Tract A:

That part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 117 North, Range 41 West, Lac Qui Parle County, Minnesota, described as follows: Beginning at a point 462.00 feet south of the northeast corner of the Northwest Quarter of said Section 24 and running thence south on the east line of said Northwest Quarter of said section, 792.00 feet; thence west at right angles to said east line of said Northwest Quarter, 550.00 feet; thence north parallel with said east line of said Northwest Quarter of said section, 792.00 feet; thence east, 550.00 feet to the place of beginning, containing 10 acres of land; Also a strip of land one (1) chain in width extending from the south line of the above described ten-acre tract to the south line of the Northwest Quarter of said section, the east line of said strip being the east line of the Northwest Quarter of said section, and the west line being parallel therewith, and one (1) chain distant therefrom.

Tract B:

A strip of land over and across the Northeast Quarter of the Northwest Quarter of Section 24, Township 117 North, Range 41 West, Lac Qui Parle County, Minnesota, said strip being all that part of said Northeast Quarter of the Northwest Quarter which lies within a distance of 50 feet on each side of the centerline of Trunk Highway marked 212 (formerly Trunk Highway marked 12) as located and established prior to January 1, 1928, said centerline being described as follows: Beginning at the northwest corner of said Section 24; thence run in an easterly direction along the north line of said Section 24 for a distance of 1472.3 feet; thence deflect to the right on a 04 degree 00 minute curve with a delta angle of 24 degrees 34 minutes for a distance of 614.2 feet; thence on

a tangent to said curve for a distance of 600 feet and there terminating; together with that part of said Northeast Quarter of the Northwest Quarter which lies northerly of the first described strip; also together with that part of said Northeast Quarter of the Northwest Quarter which lies southwesterly of the first described strip, easterly of a line run parallel to and distant 549.78 feet westerly of the east line of said Northeast Quarter of the Northwest Quarter and northerly of a line run parallel to and distant 462 feet south of the north line of said Northeast Quarter of the Northwest Quarter; excepting therefrom all that part of the above described strips and tracts which lies within the right-of-way of existing highway located in said subdivision prior to January 1, 1928;

which lies southerly of Line 1 described below:

Line 1:

Commencing at the north quarter corner of said Section 24; thence south on an azimuth of 182 degrees 18 minutes 03 seconds along the north and south quarter line thereof for 477.45 feet to the point of beginning of Line 1 to be described; thence northwesterly on an azimuth of 296 degrees 44 minutes 12 seconds for 310.65 feet; thence deflect to the left on a tangential curve having a radius 2191.83 feet and a delta angle of 07 degrees 27 minutes 47 seconds for 285.50 feet to the west line of Tract B hereinbefore described;

Subject to the following restriction:

Access is not permitted to Trunk Highway marked 212 from the lands herein conveyed, except that access is permitted on the easterly 66 feet thereof.

(d) The city of Montevideo shall consult with the State Historic Preservation Office of the Minnesota Historical Society for review and approval before any proposed action that may affect the historical, cultural, or archeological integrity of the site, which is also known as the Camp Release State Monument and is listed on the National Register of Historic Places. Any earth-disturbing activity or any action beyond traveled way maintenance, mowing, and routine grounds maintenance must be considered to potentially affect the integrity of the site and requires consultation.

Sec. 6. **TRUNK HIGHWAY 60 CONSTRUCTION.**

Notwithstanding Minnesota Statutes, section 161.261, or any other law, the commissioner of transportation may enter into an agreement with an adjoining state to construct a connector highway with a length not to exceed four miles, and to erect detour signs at appropriate locations, for the construction of Marked Trunk Highway 60 to include the Bigelow Bypass.

Sec. 7. **CONVEYANCE OF SURPLUS STATE LAND AT BRAINERD REGIONAL TREATMENT CENTER.**

(a) Notwithstanding Minnesota Statutes, sections 16B.281 to 16B.287, or any other law, administrative rule, or commissioner's order to the contrary, the commissioner of administration may convey to a local unit of government for no consideration all or part of the real property at the Brainerd Regional Treatment Center for public purposes. The conveyance must be in a form approved by the attorney general and subject to Minnesota Statutes, section 16A.695.

(b) The commissioner may require the local unit of government to reimburse the state for all or part of any campus redevelopment funded and completed by the state.

(c) Notwithstanding Minnesota Statutes, section 16C.23, the commissioner of administration may convey to one or more local units of government for no consideration all or part of the personal property determined by the commissioner of human services to be no longer needed for human services operations.

(d) If a local unit of government sells any property conveyed under this section to a private entity, the sale must be at fair market value.

Sec. 8. **REPEALERS; HIGHWAY CHANGES; REVISOR INSTRUCTIONS.**

Subdivision 1. **Legislative Route No. 242 removed.** (a) Minnesota Statutes 2004, section 161.115, subdivision 173, is repealed effective the day after the commissioner of transportation receives a copy of the agreement between the commissioner and the Anoka County Board transferring jurisdiction of Legislative Route No. 242 and notifies the revisor of statutes under paragraph (b).

(b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota Statutes when the commissioner of transportation sends notice to the revisor in writing that the conditions required to transfer the route are satisfied.

Subd. 2. **Legislative Route No. 294 removed.** (a) Minnesota Statutes 2004, section 161.115, subdivision 225, is repealed effective the day after the commissioner of transportation receives a copy of the agreement between the commissioner and the Willmar City Council transferring jurisdiction of Legislative Route No. 294 and notifies the revisor of statutes under paragraph (b).

(b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota Statutes when the commissioner of transportation sends notice to the revisor in writing that the conditions required to transfer the route are satisfied.

Sec. 9. **REPEALER.**

Minnesota Statutes 2004, section 360.015, subdivision 16, is repealed.

Presented to the governor May 22, 2006

Signed by the governor May 31, 2006, 10:50 p.m.