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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **3369**

03/05/2018 Authored by Runbeck; Koznick; Petersburg; Barr, R., and Wills
The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy
03/26/2018 Adoption of Report: Amended and re-referred to the Committee on Transportation Finance

1.1 A bill for an act

1.2 relating to transportation; governing various provisions relating to transportation

1.3 policy and finance; amending governance related to the Metropolitan Council;

1.4 amending Minnesota Statutes 2016, sections 3.8841, subdivision 9; 160.295,

1.5 subdivision 5; 168A.151, subdivision 1; 169.011, subdivisions 5, 9, 60; 169.18,

1.6 subdivision 3; 169.222, subdivisions 1, 4; 169.26, subdivision 1; 169.28; 169.29;

1.7 169.345, subdivision 2; 169.71, subdivision 4; 169.92, subdivision 4; 171.041;

1.8 171.16, subdivisions 2, 3; 171.18, subdivision 1; 174.03, by adding a subdivision;

1.9 174.66; 221.036, subdivisions 1, 3; 221.122, subdivision 1; 221.161, subdivision

1.10 1, by adding a subdivision; 221.171, subdivision 1; 473.123; 473.13, subdivisions

1.11 1, 4, by adding subdivisions; 473.146, subdivisions 1, 3, 4; 473.375, by adding a

1.12 subdivision; 473.3994, subdivision 9, by adding a subdivision; 473.4051,

1.13 subdivision 3; Minnesota Statutes 2017 Supplement, sections 3.972, subdivision

1.14 4; 15A.0815, subdivision 3; 160.02, subdivision 1a; 160.262, subdivisions 1, 3;

1.15 160.266, subdivisions 3, 5; 174.38, subdivision 5; proposing coding for new law

1.16 in Minnesota Statutes, chapter 161; repealing Minnesota Statutes 2016, section

1.17 221.161, subdivisions 2, 3, 4; Laws 1994, chapter 628, article 1, section 8.

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

1.19 **ARTICLE 1**

1.20 **TRANSPORTATION POLICY**

1.21 Section 1. Minnesota Statutes 2017 Supplement, section 3.972, subdivision 4, is amended

1.22 to read:

1.23 Subd. 4. **Certain transit financial activity reporting.** (a) The legislative auditor must

1.24 perform a transit financial activity review of financial information for the Metropolitan

1.25 Council's Transportation Division ~~and the joint powers board under section 297A.992.~~

1.26 ~~Within 14 days of the end of each fiscal quarter,~~ two times each year. The first report, due

1.27 April 1, must include the quarters ending on September 30 and December 31 of the previous

1.28 calendar year. The second report, due October 1, must include the quarters ending on March

2.1 31 and June 30 of the current year. The legislative auditor must submit the review to the
2.2 Legislative Audit Commission and the chairs and ranking minority members of the legislative
2.3 committees with jurisdiction over transportation policy and finance, finance, and ways and
2.4 means.

2.5 (b) At a minimum, each transit financial activity review must include:

2.6 (1) a summary of monthly financial statements, including balance sheets and operating
2.7 statements, that shows income, expenditures, and fund balance;

2.8 (2) a list of any obligations and agreements entered into related to transit purposes,
2.9 whether for capital or operating, including but not limited to bonds, notes, grants, and future
2.10 funding commitments;

2.11 (3) the amount of funds in clause (2) that has been committed;

2.12 (4) independent analysis by the fiscal oversight officer of the fiscal viability of revenues
2.13 and fund balance compared to expenditures, taking into account:

2.14 (i) all expenditure commitments;

2.15 (ii) cash flow;

2.16 (iii) sufficiency of estimated funds; and

2.17 (iv) financial solvency of anticipated transit projects; and

2.18 (5) a notification concerning whether the requirements under paragraph (c) have been
2.19 met.

2.20 (c) The Metropolitan Council ~~and the joint powers board under section 297A.992~~ must
2.21 produce monthly financial statements as necessary for the review under paragraph (b),
2.22 clause (1), and provide timely information as requested by the legislative auditor.

2.23 (d) This subdivision expires on April 15, 2023.

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

2.25 Sec. 2. Minnesota Statutes 2017 Supplement, section 160.02, subdivision 1a, is amended
2.26 to read:

2.27 Subd. 1a. **Bikeway.** "Bikeway" ~~means a bicycle lane, bicycle path, shared use path,~~
2.28 ~~bicycle route, or similar bicycle facility, regardless of whether designed for the exclusive~~
2.29 ~~use of bicycles or for shared use with other transportation modes~~ has the meaning given in
2.30 section 169.011, subdivision 9.

3.1 Sec. 3. Minnesota Statutes 2017 Supplement, section 160.262, subdivision 1, is amended
3.2 to read:

3.3 Subdivision 1. **Bikeways; powers and duties; design guidelines.** (a) The legislature
3.4 determines that it is in the interests of the public health, safety and welfare, to provide for
3.5 the addition of bikeways to proposed and existing public highways. The commissioner of
3.6 transportation is authorized to (1) plan, design, establish, and maintain bikeways on the
3.7 right-of-way of any trunk highway. ~~The commissioner is responsible for the design and~~
3.8 ~~construction of all bikeway projects within the right-of-way of any trunk highway, and (2)~~
3.9 identify, plan, design, and assist in development of bikeways throughout the state.

3.10 (b) The commissioner must consider the development of bikeways during the planning,
3.11 design, construction, reconstruction, or improvement of any trunk highway, or allow the
3.12 establishment of such bikeways within trunk highway right-of-way.

3.13 ~~(b)~~ (c) The commissioner must maintain bikeway design guidelines consistent with the
3.14 state transportation goals in section 174.01.

3.15 ~~(e)~~ (d) The commissioner must compile and maintain a map of bikeways in the state and
3.16 must publish and distribute the map's information at least once every two years in a form
3.17 and manner suitable to assist persons wishing to use the bikeways.

3.18 ~~(d)~~ (e) The commissioner is responsible to design and construct all bikeway projects
3.19 within the right-of-way of any trunk highway. The commissioner must maintain bikeways
3.20 within the limits of trunk highway right-of-way unless a written agreement or limited use
3.21 permit provides otherwise.

3.22 Sec. 4. Minnesota Statutes 2017 Supplement, section 160.262, subdivision 3, is amended
3.23 to read:

3.24 Subd. 3. **Cooperation among agencies and governments.** (a) The commissioner must
3.25 cooperate with road and trail authorities, including the commissioner of natural resources,
3.26 the commissioner of employment and economic development, and any other state agency
3.27 the commissioner deems necessary, to identify, plan, design, and assist in developing
3.28 bikeways throughout the state.

3.29 (b) The departments and agencies on the nonmotorized transportation advisory committee
3.30 identified in section 174.37 must provide information and advice for the bikeway design
3.31 guidelines maintained by the commissioner of transportation.

3.32 (c) The commissioner may cooperate with and enter into agreements with the United
3.33 States government, any department of the state of Minnesota, any unit of local government,

4.1 any tribal government, or any public or private corporation in order to effect the purposes
4.2 of this section.

4.3 Sec. 5. Minnesota Statutes 2017 Supplement, section 160.266, subdivision 3, is amended
4.4 to read:

4.5 Subd. 3. **Connections with other bikeways.** (a) The commissioner, in cooperation with
4.6 road and trail authorities including the commissioner of natural resources, must:

4.7 (1) identify existing bikeways of regional significance that are in reasonable proximity
4.8 but not connected to the state bicycle routes established under this section; and

4.9 (2) support development of linkages (i) between state bicycle routes and bikeways under
4.10 the jurisdiction of other road and trail authorities, and (ii) among state bicycle routes
4.11 established under this section.

4.12 (b) The requirements of this subdivision are a secondary priority for use of funds available
4.13 under this section following establishment and enhancement of state bicycle routes under
4.14 this section.

4.15 Sec. 6. Minnesota Statutes 2017 Supplement, section 160.266, subdivision 5, is amended
4.16 to read:

4.17 Subd. 5. **Funding.** Shared use paths included within state bicycle routes and not
4.18 administered by the commissioner of natural resources are eligible for funding from the
4.19 environment and natural resources trust fund under chapter 116P, from the parks and trails
4.20 grant program under section 85.535, from the local recreation grants program under section
4.21 85.019, subdivision 4b, from the active transportation program under section 174.38, and
4.22 from other sources.

4.23 Sec. 7. Minnesota Statutes 2016, section 160.295, subdivision 5, is amended to read:

4.24 Subd. 5. **Rural agricultural business or tourist-oriented business.** (a) A rural
4.25 agricultural or tourist-oriented business serviced by a specific service sign must be open a
4.26 minimum of eight hours per day, six days per week, and 12 months per year. ~~However,~~

4.27 (b) A seasonal business ~~may qualify if it is~~ serviced by a specific service sign must be
4.28 open eight hours per day and six days per week during the normal seasonal period.

4.29 (c) A farm winery serviced by a specific service sign must:

4.30 (1) be licensed under section 340A.315;

5.1 (2) be licensed by the Department of Health under section 157.16;

5.2 (3) provide continuous, staffed food service operation; and

5.3 (4) be open at least four hours per day and two days per week.

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

5.5 Sec. 8. **[161.126] WEIGH STATIONS.**

5.6 (a) The commissioner must establish a minimum design length of 2,500 feet for the
5.7 entrance ramp from a fixed weigh station where the ramp merges into the left-hand lane of
5.8 a trunk highway.

5.9 (b) The commissioners of transportation and public safety may operate a fixed weigh
5.10 station only if the requirements of this section are met.

5.11 **EFFECTIVE DATE.** This section is effective November 1, 2018.

5.12 Sec. 9. Minnesota Statutes 2016, section 168A.151, subdivision 1, is amended to read:

5.13 Subdivision 1. **Salvage titles.** (a) When an insurer, licensed to conduct business in
5.14 Minnesota, acquires ownership of a ~~late-model or high-value~~ vehicle through payment of
5.15 damages, the insurer shall immediately apply for a salvage certificate of title or shall stamp
5.16 the existing certificate of title with the legend "SALVAGE CERTIFICATE OF TITLE" in
5.17 a manner prescribed by the department. Within ten days of obtaining the title of a vehicle
5.18 through payment of damages, an insurer must notify the department in a manner prescribed
5.19 by the department.

5.20 (b) A person shall immediately apply for a salvage certificate of title if the person acquires
5.21 a damaged ~~late-model or high-value~~ vehicle with an out-of-state title and the vehicle:

5.22 (1) is a vehicle that was acquired by an insurer through payment of damages;

5.23 (2) is a vehicle for which the cost of repairs exceeds the value of the damaged vehicle;

5.24 or

5.25 (3) has an out-of-state salvage certificate of title as proof of ownership.

5.26 (c) A self-insured owner of a late-model or high-value vehicle that sustains damage by
5.27 collision or other occurrence which exceeds 80 percent of its actual cash value shall
5.28 immediately apply for a salvage certificate of title.

6.1 Sec. 10. Minnesota Statutes 2016, section 169.011, subdivision 5, is amended to read:

6.2 Subd. 5. **Bicycle lane.** "Bicycle lane" means a portion of a roadway ~~or shoulder~~ designed
6.3 for exclusive or preferential use by persons using bicycles. Bicycle lanes are to be
6.4 distinguished from the portion of the roadway ~~or shoulder~~ used for motor vehicle traffic by
6.5 physical barrier, striping, marking, or other similar device.

6.6 Sec. 11. Minnesota Statutes 2016, section 169.011, subdivision 9, is amended to read:

6.7 Subd. 9. **Bikeway.** "Bikeway" means a bicycle lane, bicycle path, ~~or bicycle route,~~ shared
6.8 use path, or similar bicycle facility, regardless of whether it is designed for the exclusive
6.9 use of bicycles or ~~is to be~~ for shared use with other transportation modes.

6.10 Sec. 12. Minnesota Statutes 2016, section 169.011, subdivision 60, is amended to read:

6.11 Subd. 60. **Railroad train.** "Railroad train" means a steam engine, electric or other motor,
6.12 with or without cars coupled thereto, operated upon rails, except streetcars. Railroad train
6.13 includes on-track equipment or other rolling stock operated upon rails, whether self-propelled
6.14 or coupled to another device.

6.15 Sec. 13. Minnesota Statutes 2016, section 169.18, subdivision 3, is amended to read:

6.16 Subd. 3. **Passing.** ~~The following rules shall govern the overtaking and passing of vehicles~~
6.17 ~~proceeding in the same direction, subject to the limitations, exceptions, and special rules~~
6.18 ~~hereinafter stated:~~

6.19 ~~(1) (a)~~ (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction
6.20 ~~shall~~ must pass to the left ~~thereof~~ of the other vehicle at a safe distance and ~~shall not again~~
6.21 ~~drive~~ is prohibited from returning to the right side of the roadway until safely clear of the
6.22 overtaken vehicle;

6.23 ~~(2) (b)~~ (b) Except when overtaking and passing on the right is permitted, the driver of an
6.24 overtaken vehicle ~~shall~~ must give way to the right in favor of the overtaking vehicle ~~on~~
6.25 ~~audible warning,~~ and ~~shall~~ must not increase the speed of the overtaken vehicle until
6.26 completely passed by the overtaking vehicle; ~~and.~~

6.27 ~~(3) (c)~~ (c) The operator of a motor vehicle overtaking a bicycle or individual proceeding in
6.28 the same direction on the roadway ~~shall leave~~ or shoulder must:

6.29 (1) either (i) maintain a safe clearance distance while passing, but in no case less than
6.30 three feet clearance, when passing the bicycle or individual or one-half the width of the

7.1 motor vehicle, whichever is greater; or (ii) completely enter another lane of the roadway
 7.2 while passing; and shall

7.3 (2) maintain clearance until the motor vehicle has safely past passed the overtaken bicycle
 7.4 or individual.

7.5 Sec. 14. Minnesota Statutes 2016, section 169.222, subdivision 1, is amended to read:

7.6 Subdivision 1. **Traffic laws apply.** (a) Every person operating a bicycle shall have has
 7.7 all of the rights and duties applicable to the driver of any other vehicle by this chapter,
 7.8 except in respect to those provisions in this chapter relating expressly to bicycles and in
 7.9 respect to those provisions of this chapter which by their nature cannot reasonably be applied
 7.10 to bicycles. This subdivision applies to a bicycle operating on the shoulder of a roadway.

7.11 (b) A person lawfully operating a bicycle (1) on a sidewalk, or (2) across a roadway or
 7.12 shoulder on a crosswalk, has all the rights and duties applicable to a pedestrian under the
 7.13 same circumstances.

7.14 Sec. 15. Minnesota Statutes 2016, section 169.222, subdivision 4, is amended to read:

7.15 Subd. 4. **Riding rules.** (a) Every person operating a bicycle upon a roadway shall on a
 7.16 road must ride as close as practicable to the right-hand curb or edge of the roadway except
 7.17 under any of the following situations road as the bicycle operator determines is safe. A
 7.18 person operating a bicycle is not required to ride as close to the right-hand curb when:

7.19 (1) ~~when~~ overtaking and passing another vehicle proceeding in the same direction;

7.20 (2) ~~when~~ preparing for a left turn at an intersection or into a private road or driveway;

7.21 (3) ~~when~~ reasonably necessary to avoid conditions that make it unsafe to continue along
 7.22 the right-hand curb or edge, including fixed or moving objects, vehicles, pedestrians, animals,
 7.23 surface hazards, or narrow width lanes, ~~that make it unsafe to continue along the right-hand~~
 7.24 ~~curb or edge; or~~

7.25 (4) ~~when~~ operating on the shoulder of a roadway or in a bicycle lane; or

7.26 (5) operating in a right-hand turn lane prior to entering an intersection.

7.27 (b) If a bicycle is traveling on a shoulder of a roadway, the bicycle ~~shall~~ operator must
 7.28 travel in the same direction as adjacent vehicular traffic.

7.29 (c) Persons riding bicycles upon a roadway or shoulder shall not ride more than two
 7.30 abreast and shall not impede the normal and reasonable movement of traffic and, on a laned
 7.31 roadway, shall ride within a single lane.

8.1 (d) A person operating a bicycle upon a sidewalk, or across a roadway or shoulder on a
8.2 crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal
8.3 when necessary before overtaking and passing any pedestrian. No person shall ride a bicycle
8.4 upon a sidewalk within a business district unless permitted by local authorities. Local
8.5 authorities may prohibit the operation of bicycles on any sidewalk or crosswalk under their
8.6 jurisdiction.

8.7 (e) An individual operating a bicycle or other vehicle on a bikeway shall leave a safe
8.8 distance when overtaking a bicycle or individual proceeding in the same direction on the
8.9 bikeway, and shall maintain clearance until safely past the overtaken bicycle or individual.

8.10 ~~(f) A person lawfully operating a bicycle on a sidewalk, or across a roadway or shoulder~~
8.11 ~~on a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same~~
8.12 ~~circumstances.~~

8.13 ~~(g)~~ (f) A person may operate an electric-assisted bicycle on the shoulder of a roadway,
8.14 on a bikeway, or on a bicycle trail if not otherwise prohibited under section 85.015,
8.15 subdivision 1d; 85.018, subdivision 2, paragraph (d); or 160.263, subdivision 2, paragraph
8.16 (b), as applicable.

8.17 (g) Notwithstanding section 169.06, subdivision 4, a bicycle operator may cross an
8.18 intersection proceeding from a dedicated right-hand turn lane without turning right.

8.19 Sec. 16. Minnesota Statutes 2016, section 169.26, subdivision 1, is amended to read:

8.20 Subdivision 1. **Requirements.** (a) Except as provided in section 169.28, subdivision 1,
8.21 when any person driving a vehicle approaches a railroad grade crossing under any of the
8.22 circumstances stated in this paragraph, the driver shall stop the vehicle not less than ten feet
8.23 from the nearest railroad track and shall not proceed until safe to do so and until the roadway
8.24 is clear of traffic so that the vehicle can proceed without stopping until the rear of the vehicle
8.25 is at least ten feet past the farthest railroad track. These requirements apply when:

8.26 (1) a clearly visible electric or mechanical signal device warns of the immediate approach
8.27 of a railroad train; or

8.28 (2) an approaching railroad train is plainly visible and is in hazardous proximity.

8.29 (b) The fact that a moving railroad train approaching a railroad grade crossing is visible
8.30 from the crossing is prima facie evidence that it is not safe to proceed.

8.31 (c) The driver of a vehicle shall stop and remain stopped and not traverse the grade
8.32 crossing when a human flagger signals the approach or passage of a railroad train or when

9.1 a crossing gate is lowered warning of the immediate approach or passage of a railroad train.
9.2 No person may drive a vehicle past a flagger at a railroad crossing until the flagger signals
9.3 that the way is clear to proceed or drive a vehicle past a lowered crossing gate.

9.4 Sec. 17. Minnesota Statutes 2016, section 169.28, is amended to read:

9.5 **169.28 CERTAIN VEHICLES TO STOP AT RAILROAD CROSSING.**

9.6 Subdivision 1. **Requirements.** (a) The driver of any motor vehicle carrying passengers
9.7 for hire, or of any school bus whether carrying passengers or not, or of any Head Start bus
9.8 whether carrying passengers or not, or of any vehicle that is required to stop at railroad
9.9 grade crossings under Code of Federal Regulations, title 49, section 392.10, before crossing
9.10 at grade any track or tracks of a railroad, shall stop the vehicle not less than 15 feet nor more
9.11 than 50 feet from the nearest rail of the railroad and while so stopped shall listen and look
9.12 in both directions along the track for any approaching railroad train, and for signals indicating
9.13 the approach of a railroad train, except as ~~hereinafter~~ otherwise provided, and in this section.
9.14 The driver shall not proceed until safe to do so and until the roadway is clear of traffic so
9.15 that the vehicle can proceed without stopping until the rear of the vehicle is at least ten feet
9.16 past the farthest railroad track. The driver must not shift gears while crossing the railroad
9.17 tracks.

9.18 (b) A school bus or Head Start bus shall not be flagged across railroad grade crossings
9.19 except at those railroad grade crossings that the local school administrative officer may
9.20 designate.

9.21 (c) A type III vehicle, as defined in section 169.011, is exempt from the requirement of
9.22 school buses to stop at railroad grade crossings.

9.23 (d) The requirements of this subdivision do not apply to the crossing of light rail vehicle
9.24 track or tracks that are located in a public street when:

9.25 (1) the crossing occurs within the intersection of two or more public streets;

9.26 (2) the intersection is controlled by a traffic-control signal; and

9.27 (3) the intersection is marked with signs indicating to drivers that the requirements of
9.28 this subdivision do not apply. Notwithstanding any other provision of law, the owner or
9.29 operator of the track or tracks is authorized to place, maintain, and display the signs upon
9.30 and in the view of the public street or streets.

9.31 Subd. 2. **Exempt crossing.** (a) The commissioner may designate a crossing as an exempt
9.32 crossing:

- 10.1 (1) if the crossing is on a rail line on which service has been abandoned;
- 10.2 (2) if the crossing is on a rail line that carries fewer than five trains each year, traveling
10.3 at speeds of ten miles per hour or less; or
- 10.4 (3) as agreed to by the operating railroad and the Department of Transportation, following
10.5 a diagnostic review of the crossing.
- 10.6 (b) The commissioner shall direct the railroad to erect at the crossing signs bearing the
10.7 word "Exempt" that conform to section 169.06. The installation or presence of an exempt
10.8 sign does not relieve a driver of the duty to use due care.
- 10.9 (c) A railroad train must not proceed across an exempt crossing unless a police officer
10.10 is present to direct traffic or a railroad employee is on the ground to warn traffic until the
10.11 railroad train enters the crossing.
- 10.12 ~~(e)~~ (d) A vehicle that must stop at grade crossings under subdivision 1 is not required
10.13 to stop at a marked exempt crossing unless directed otherwise by a police officer or a railroad
10.14 employee.

10.15 Sec. 18. Minnesota Statutes 2016, section 169.29, is amended to read:

10.16 **169.29 CROSSING RAILROAD TRACKS WITH CERTAIN EQUIPMENT.**

- 10.17 (a) No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller,
10.18 or any equipment or structure having a normal operating speed of six or less miles per hour
10.19 or a vertical body or load clearance of less than nine inches above the level surface of a
10.20 roadway upon or across any tracks at a railroad grade crossing without first complying with
10.21 this section.
- 10.22 (b) Before making any crossing, the person operating or moving any vehicle or equipment
10.23 set forth in this section shall first stop the same not less than ten, nor more than 50, feet
10.24 from the nearest rail of the railway, and while so stopped shall listen and look in both
10.25 directions along the track for any approaching railroad train and for signals indicating the
10.26 approach of a railroad train, and shall not proceed until the crossing can be made safely.
- 10.27 (c) No crossing shall be made when warning is given by automatic signal or crossing
10.28 gates or a flagger or otherwise of the immediate approach of a railroad train or car.
- 10.29 (d) No stop need be made at a crossing on a rail line on which service has been abandoned
10.30 and where a sign erected in conformance with section 169.06 and bearing the word "Exempt"
10.31 has been installed, unless directed otherwise by a flagger. The installation or presence of
10.32 an exempt sign shall not relieve any driver of the duty to use due care.

11.1 Sec. 19. Minnesota Statutes 2016, section 169.345, subdivision 2, is amended to read:

11.2 Subd. 2. **Definitions.** (a) For the purpose of section 168.021 and this section, the following
11.3 terms have the meanings given them in this subdivision.

11.4 (b) "Health professional" means a licensed physician, licensed physician assistant,
11.5 advanced practice registered nurse, licensed physical therapist, or licensed chiropractor.

11.6 (c) "Long-term certificate" means a certificate issued for a period greater than 12 months
11.7 but not greater than 71 months.

11.8 (d) "Organization certificate" means a certificate issued to an entity other than a natural
11.9 person for a period of three years.

11.10 (e) "Permit" refers to a permit that is issued for a period of 30 days, in lieu of the
11.11 certificate referred to in subdivision 3, while the application is being processed.

11.12 (f) "Physically disabled person" means a person who:

11.13 (1) because of disability cannot walk without significant risk of falling;

11.14 (2) because of disability cannot walk 200 feet without stopping to rest;

11.15 (3) because of disability cannot walk without the aid of another person, a walker, a cane,
11.16 crutches, braces, a prosthetic device, or a wheelchair;

11.17 (4) is restricted by a respiratory disease to such an extent that the person's forced
11.18 (respiratory) expiratory volume for one second, when measured by spirometry, is less than
11.19 one liter;

11.20 (5) has an arterial oxygen tension (PaO₂) of less than 60 mm/Hg on room air at rest;

11.21 (6) uses portable oxygen;

11.22 (7) has a cardiac condition to the extent that the person's functional limitations are
11.23 classified in severity as class III or class IV according to standards set by the American
11.24 Heart Association;

11.25 (8) has lost an arm or a leg and does not have or cannot use an artificial limb; or

11.26 (9) has a disability that would be aggravated by walking 200 feet under normal
11.27 environmental conditions to an extent that would be life threatening.

11.28 (g) "Short-term certificate" means a certificate issued for a period greater than six months
11.29 but not greater than 12 months.

11.30 (h) "Six-year certificate" means a certificate issued for a period of six years.

12.1 (i) "Temporary certificate" means a certificate issued for a period not greater than six
12.2 months.

12.3 Sec. 20. Minnesota Statutes 2016, section 169.71, subdivision 4, is amended to read:

12.4 Subd. 4. **Glazing material; prohibitions and exceptions.** (a) No person shall drive or
12.5 operate any motor vehicle required to be registered in the state of Minnesota upon any street
12.6 or highway under the following conditions:

12.7 (1) when the windshield is composed of, covered by, or treated with any material which
12.8 has the effect of making the windshield more reflective or in any other way reducing light
12.9 transmittance through the windshield;

12.10 (2) when any window on the vehicle is composed of, covered by, or treated with any
12.11 material that has a highly reflective or mirrored appearance;

12.12 (3) when any side window or rear window is composed of or treated with any material
12.13 so as to obstruct or substantially reduce the driver's clear view through the window or has
12.14 a light transmittance of less than 50 percent plus or minus three percent in the visible light
12.15 range or a luminous reflectance of more than 20 percent plus or minus three percent; or

12.16 (4) when any material has been applied after August 1, 1985, to any motor vehicle
12.17 window without an accompanying permanent marking which indicates the percent of
12.18 transmittance and the percent of reflectance afforded by the material. The marking must be
12.19 in a manner so as not to obscure vision and be readable when installed on the vehicle.

12.20 (b) This subdivision does not apply to glazing materials which:

12.21 (1) have not been modified since the original installation, nor to original replacement
12.22 windows and windshields, that were originally installed or replaced in conformance with
12.23 Federal Motor Vehicle Safety Standard 205;

12.24 (2) are required to satisfy prescription or medical needs of the driver of the vehicle or a
12.25 passenger if:

12.26 (i) the driver or passenger is in possession of the prescription or a physician's statement
12.27 of medical need;

12.28 (ii) the prescription or statement specifically states the minimum percentage that light
12.29 transmittance may be reduced to satisfy the prescription or medical needs of the patient;
12.30 and

12.31 (iii) the prescription or statement contains an expiration date, which must be no more
12.32 than two years after the date the prescription or statement was issued; or

13.1 (3) are applied to:

13.2 (i) the rear windows of a pickup truck as defined in section 168.002, subdivision 26;

13.3 (ii) the rear windows or the side windows on either side behind the driver's seat of a van
13.4 as defined in section 168.002, subdivision 40;

13.5 (iii) the side and rear windows of a vehicle used to transport human remains by a funeral
13.6 establishment holding a license under section 149A.50;

13.7 (iv) the side and rear windows of a limousine as defined in section 168.002, subdivision
13.8 15, that is registered in compliance with the requirements of section 168.128; or

13.9 (v) the rear and side windows of a police vehicle.

13.10 Sec. 21. Minnesota Statutes 2016, section 169.92, subdivision 4, is amended to read:

13.11 Subd. 4. **Suspension of driver's license.** (a) Upon receiving a report from the court, or
13.12 from the driver licensing authority of a state, district, territory, or possession of the United
13.13 States or a province of a foreign country which has an agreement in effect with this state
13.14 pursuant to section 169.91, that a resident of this state or a person licensed as a driver in
13.15 this state did not appear in court in compliance with the terms of a citation, the commissioner
13.16 of public safety shall notify the driver that the driver's license will be suspended unless the
13.17 commissioner receives notice within 30 days that the driver has appeared in the appropriate
13.18 court ~~or, if the offense is a petty misdemeanor for which a guilty plea was entered under~~
13.19 ~~section 609.491, that the person has paid any fine imposed by the court.~~ If the commissioner
13.20 does not receive notice of the appearance in the appropriate court ~~or payment of the fine~~
13.21 within 30 days of the date of the commissioner's notice to the driver, the commissioner may
13.22 suspend the driver's license, subject to the notice requirements of section 171.18, subdivision
13.23 2. Notwithstanding the requirements in this section, the commissioner is prohibited from
13.24 suspending the driver's license of a person based solely on the fact that the person did not
13.25 appear in court in compliance with the terms of a citation for a petty misdemeanor or for a
13.26 violation of section 171.24, subdivision 1.

13.27 (b) The order of suspension shall indicate the reason for the order and shall notify the
13.28 driver that the driver's license shall remain suspended until the driver has furnished evidence,
13.29 satisfactory to the commissioner, of compliance with any order entered by the court.

13.30 (c) Suspension shall be ordered under this subdivision only when the report clearly
13.31 identifies the person arrested; describes the violation, specifying the section of the traffic
13.32 law, ordinance or rule violated; indicates the location and date of the offense; and describes
13.33 the vehicle involved and its registration number.

14.1 Sec. 22. Minnesota Statutes 2016, section 171.041, is amended to read:

14.2 **171.041 RESTRICTED LICENSE FOR FARM WORK.**

14.3 (a) Notwithstanding any provisions of section 171.04 relating to the age of an applicant
14.4 to the contrary, the commissioner may issue a restricted farm work license to operate a
14.5 motor vehicle to a person who has attained the age of 15 years and who, except for age, is
14.6 qualified to hold a driver's license. The applicant is not required to comply with the six-month
14.7 instruction permit possession provisions of sections 171.04, subdivision 1, clause (2), and
14.8 171.05, subdivision 2a, or with the 12-month provisional license possession provision of
14.9 section 171.04, subdivision 1, clause (1), item (i).

14.10 (b) The restricted license ~~shall~~ must be issued solely for the purpose of authorizing the
14.11 person to whom the restricted license is issued to assist the person's parents or guardians
14.12 with farm work. Any entity authorized to farm under section 500.24 may perform farm
14.13 work under the restricted license. A person holding this restricted license may operate a
14.14 motor vehicle only during daylight hours and only within a radius of ~~20~~ 40 miles of the
14.15 parent's or guardian's farmhouse; however, in no case may a person holding the restricted
14.16 license operate a motor vehicle in a city of the first class.

14.17 (c) An applicant for a restricted license shall apply to the commissioner for the license
14.18 on forms prescribed by the commissioner. The application ~~shall~~ must be accompanied by:

14.19 (1) a copy of a property tax statement showing that the applicant's parent or guardian
14.20 owns land that is classified as agricultural land or a copy of a rental statement or agreement
14.21 showing that the applicant's parent or guardian rents land classified as agricultural land; and

14.22 (2) a written verified statement by the applicant's parent or guardian setting forth the
14.23 necessity for the license.

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

14.25 Sec. 23. Minnesota Statutes 2016, section 171.16, subdivision 2, is amended to read:

14.26 Subd. 2. **Commissioner shall suspend.** (a) The court may recommend the suspension
14.27 of the driver's license of the person so convicted, and the commissioner shall suspend such
14.28 license as recommended by the court, without a hearing ~~as provided herein.~~

14.29 (b) The commissioner is prohibited from suspending a person's driver's license if the
14.30 person was convicted only under section 171.24, subdivision 1 or 2.

15.1 Sec. 24. Minnesota Statutes 2016, section 171.16, subdivision 3, is amended to read:

15.2 Subd. 3. ~~Subd. 3. **Suspension for Failure to pay fine.** When any court reports to The~~
15.3 commissioner must not suspend a person's driver's license based solely on the fact that a
15.4 person: (1) has been convicted of violating a law of this state or an ordinance of a political
15.5 subdivision which regulates the operation or parking of motor vehicles, (2) has been
15.6 sentenced to the payment of a fine or had a surcharge levied against that person, or sentenced
15.7 to a fine upon which a surcharge was levied, and (3) has refused or failed to comply with
15.8 that sentence or to pay the surcharge, ~~notwithstanding the fact that the court has determined~~
15.9 ~~that the person has the ability to pay the fine or surcharge, the commissioner shall suspend~~
15.10 ~~the driver's license of such person for 30 days for a refusal or failure to pay or until notified~~
15.11 ~~by the court that the fine or surcharge, or both if a fine and surcharge were not paid, has~~
15.12 ~~been paid.~~

15.13 Sec. 25. Minnesota Statutes 2016, section 171.18, subdivision 1, is amended to read:

15.14 Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver
15.15 without preliminary hearing upon a showing by department records or other sufficient
15.16 evidence that the licensee:

15.17 (1) has committed an offense for which mandatory revocation of license is required upon
15.18 conviction;

15.19 (2) has been convicted by a court for violating a provision of chapter 169 or an ordinance
15.20 regulating traffic, other than a conviction for a petty misdemeanor, and department records
15.21 show that the violation contributed in causing an accident resulting in the death or personal
15.22 injury of another, or serious property damage;

15.23 (3) is an habitually reckless or negligent driver of a motor vehicle;

15.24 (4) is an habitual violator of the traffic laws;

15.25 (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

15.26 (6) has permitted an unlawful or fraudulent use of the license;

15.27 (7) has committed an offense in another state that, if committed in this state, would be
15.28 grounds for suspension;

15.29 (8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within
15.30 five years of a prior conviction under that section;

16.1 (9) has committed a violation of section 171.22, except that the commissioner may not
16.2 suspend a person's driver's license based solely on the fact that the person possessed a
16.3 fictitious or fraudulently altered Minnesota identification card;

16.4 (10) has failed to appear in court as provided in section 169.92, subdivision 4;

16.5 (11) has failed to report a medical condition that, if reported, would have resulted in
16.6 cancellation of driving privileges;

16.7 (12) has been found to have committed an offense under section 169A.33; or

16.8 (13) has paid or attempted to pay a fee required under this chapter for a license or permit
16.9 by means of a dishonored check issued to the state or a driver's license agent, which must
16.10 be continued until the registrar determines or is informed by the agent that the dishonored
16.11 check has been paid in full.

16.12 However, an action taken by the commissioner under clause (2) or (5) must conform to the
16.13 recommendation of the court when made in connection with the prosecution of the licensee.

16.14 (b) The commissioner ~~may not suspend~~ is prohibited from suspending the driver's license
16.15 of an individual under paragraph (a) who was convicted of a violation of section 171.24,
16.16 subdivision 1, ~~whose license was under suspension at the time solely because of the~~
16.17 ~~individual's failure to appear in court or failure to pay a fine or 2.~~

16.18 Sec. 26. Minnesota Statutes 2016, section 174.03, is amended by adding a subdivision to
16.19 read:

16.20 Subd. 12. **Trunk highway performance implementation plan.** (a) The commissioner
16.21 must develop and implement a performance implementation plan for the trunk highway
16.22 system to improve the condition of the existing infrastructure and enhance the efficiency
16.23 and effectiveness of the transportation system. The plan must include strategies to achieve
16.24 the state transportation goals for the trunk highway system established in section 174.01,
16.25 comply with all other applicable state and federal law, and include all transportation modes
16.26 and all infrastructure assets within trunk highway rights-of-way.

16.27 (b) At a minimum, the plan must include:

16.28 (1) an inventory of assets, including but not limited to bridge, pavement, geotechnical,
16.29 pedestrian, bicycle, and transit assets;

16.30 (2) predictive and consequential performance measures and annual performance targets
16.31 for each asset type, identified in collaboration with the public and to be achieved by each
16.32 district of the department;

17.1 (3) gap identification and an explanation of the difference between performance targets
17.2 and current status;

17.3 (4) life cycle and risk assessments for programs in each district of the department; and

17.4 (5) an annual investment plan for each district of the department based on funding
17.5 expected during the next ten years.

17.6 (c) Annually by December 15, the commissioner must submit the trunk highway
17.7 performance implementation plan, including information detailing the department's progress
17.8 on implementing the plan, to the chairs and ranking minority members of the legislative
17.9 committees having jurisdiction over transportation policy and finance. The plan must be
17.10 signed by a professional engineer licensed in Minnesota.

17.11 **EFFECTIVE DATE.** This section is effective July 1, 2018. The initial performance
17.12 implementation plan under this section is due December 15, 2019.

17.13 Sec. 27. Minnesota Statutes 2017 Supplement, section 174.38, subdivision 5, is amended
17.14 to read:

17.15 Subd. 5. **Eligibility.** Eligible recipients of financial assistance under this section are:

17.16 (1) a political subdivision; ~~and~~

17.17 (2) a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code, as
17.18 amended; and

17.19 (3) the state.

17.20 Sec. 28. Minnesota Statutes 2016, section 174.66, is amended to read:

17.21 **174.66 CONTINUATION OF CARRIER RULES.**

17.22 (a) Orders and directives in force, issued, or promulgated under authority of chapters
17.23 174A, 216A, 218, 219, 221, and 222 remain and continue in force and effect until repealed,
17.24 modified, or superseded by duly authorized orders or directives of the commissioner of
17.25 transportation. To the extent allowed under federal law or regulation, rules adopted under
17.26 authority of the following sections are transferred to the commissioner of transportation
17.27 and continue in force and effect until repealed, modified, or superseded by duly authorized
17.28 rules of the commissioner:

17.29 (1) section 218.041 except rules related to the form and manner of filing railroad rates,
17.30 railroad accounting rules, and safety rules;

18.1 (2) section 219.40;

18.2 (3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits
18.3 under section 221.031, subdivision 1; and

18.4 ~~(4) rules relating to rates, charges, and practices under section 221.161, subdivision 4;~~
18.5 ~~and~~

18.6 ~~(5) rules relating to rates, tariffs, or the granting, limiting, or modifying of permits under~~
18.7 ~~section 221.121.~~

18.8 (b) The commissioner shall review the transferred rules, orders, and directives and, when
18.9 appropriate, develop and adopt new rules, orders, or directives.

18.10 Sec. 29. Minnesota Statutes 2016, section 221.036, subdivision 1, is amended to read:

18.11 Subdivision 1. **Order.** The commissioner may issue an order requiring violations to be
18.12 corrected and administratively assessing monetary penalties for a violation of (1) section
18.13 221.021; (2) section 221.033, subdivision 2b; (3) section 221.171; (4) section 221.141; (5)
18.14 a federal, state, or local law, regulation, rule, or ordinance pertaining to railroad-highway
18.15 grade crossings; or (6) rules of the commissioner relating to the transportation of hazardous
18.16 waste, motor carrier operations, or insurance, ~~or tariffs and accounting~~. An order must be
18.17 issued as provided in this section.

18.18 Sec. 30. Minnesota Statutes 2016, section 221.036, subdivision 3, is amended to read:

18.19 Subd. 3. **Amount of penalty; considerations.** (a) The commissioner may issue an order
18.20 assessing a penalty of up to \$5,000 for all violations identified during a single audit or
18.21 investigation of (1) section 221.021¹, 221.141², or 221.171, or (2) rules of the commissioner
18.22 relating to motor carrier operations; or insurance, ~~or tariffs and accounting~~, identified during
18.23 ~~a single inspection, audit, or investigation.~~

18.24 (b) The commissioner may issue an order assessing a penalty up to a maximum of
18.25 \$10,000 for all violations of section 221.033, subdivision 2b, identified during a single
18.26 inspection or audit.

18.27 (c) In determining the amount of a penalty, the commissioner shall consider:

18.28 (1) the willfulness of the violation;

18.29 (2) the gravity of the violation, including damage to humans, animals, air, water, land,
18.30 or other natural resources of the state;

19.1 (3) the history of past violations, including the similarity of the most recent violation
 19.2 and the violation to be penalized, the time elapsed since the last violation, the number of
 19.3 previous violations, and the response of the person to the most recent violation identified;

19.4 (4) the economic benefit gained by the person by allowing or committing the violation;
 19.5 and

19.6 (5) other factors as justice may require, if the commissioner specifically identifies the
 19.7 additional factors in the commissioner's order.

19.8 (d) The commissioner shall assess a penalty in accordance with Code of Federal
 19.9 Regulations, title 49, section 383.53, against:

19.10 (1) a driver who is convicted of a violation of an out-of-service order;

19.11 (2) an employer who knowingly allows or requires an employee to operate a commercial
 19.12 motor vehicle in violation of an out-of-service order; or

19.13 (3) an employer who knowingly allows or requires an employee to operate a commercial
 19.14 motor vehicle in violation of a federal, state, or local law or regulation pertaining to
 19.15 railroad-highway grade crossings.

19.16 Sec. 31. Minnesota Statutes 2016, section 221.122, subdivision 1, is amended to read:

19.17 Subdivision 1. **Registration, insurance, and filing requirements.** (a) An order issued
 19.18 by the commissioner which grants a certificate or permit must contain a service date.

19.19 (b) The person to whom the order granting the certificate or permit is issued shall do
 19.20 the following within 45 days from the service date of the order:

19.21 (1) register vehicles which will be used to provide transportation under the permit or
 19.22 certificate with the commissioner and pay the vehicle registration fees required by law; and

19.23 (2) file and maintain insurance or bond as required by section 221.141 and rules of the
 19.24 commissioner; and

19.25 ~~(3) file rates and tariffs as required by section 221.161 and rules of the commissioner.~~

19.26 Sec. 32. Minnesota Statutes 2016, section 221.161, subdivision 1, is amended to read:

19.27 Subdivision 1. ~~Filing; hearing upon commissioner initiative~~ Tariff maintenance and
 19.28 contents. A household goods carrier shall file and mover must maintain with the
 19.29 ~~commissioner~~ a tariff showing rates and charges for transporting household goods. Tariffs
 19.30 ~~must be prepared and filed in accordance with the rules of the commissioner. When tariffs~~

20.1 ~~are filed in accordance with the rules and accepted by the commissioner, the filing constitutes~~
 20.2 ~~notice to the public and interested parties of the contents of the tariffs. The commissioner~~
 20.3 ~~shall not accept for filing tariffs that are unjust, unreasonable, unjustly discriminatory,~~
 20.4 ~~unduly preferential or prejudicial, or otherwise in violation of this section or rules adopted~~
 20.5 ~~under this section. If the tariffs appear to be unjust, unreasonable, unjustly discriminatory,~~
 20.6 ~~unduly preferential or prejudicial, or otherwise in violation of this section or rules adopted~~
 20.7 ~~under this section, after notification and investigation by the department, the commissioner~~
 20.8 ~~may suspend and postpone the effective date of the tariffs and assign the tariffs for hearing~~
 20.9 ~~upon notice to the household goods carrier filing the proposed tariffs and to other interested~~
 20.10 ~~parties, including users of the service and competitive carriers by motor vehicle and rail.~~
 20.11 ~~At the hearing, the burden of proof is on the household goods carrier filing the proposed~~
 20.12 ~~tariff to sustain the validity of the proposed schedule of rates and charges. The tariffs and~~
 20.13 ~~subsequent supplements to them or reissues of them must state the effective date, which~~
 20.14 ~~may not be less than ten days following the date of filing, unless the period of time is reduced~~
 20.15 ~~by special permission of the commissioner. A household goods mover must prepare a tariff~~
 20.16 ~~under this section in accordance with Code of Federal Regulations, title 49, part 1310.3,~~
 20.17 ~~which is incorporated by reference.~~

20.18 Sec. 33. Minnesota Statutes 2016, section 221.161, is amended by adding a subdivision
 20.19 to read:

20.20 Subd. 5. **Tariff availability.** (a) A household goods mover subject to this section must
 20.21 maintain all of its effective tariffs at its principal place of business and at each of its terminal
 20.22 locations, and must make the tariffs available to the public for inspection at all times the
 20.23 household goods mover is open for business. Any publication referred to in a tariff must be
 20.24 maintained with that tariff.

20.25 (b) Upon request, a household goods mover must provide copies of tariffs, specific tariff
 20.26 provisions, or tariff subscriptions to the commissioner or any interested person.

20.27 Sec. 34. Minnesota Statutes 2016, section 221.171, subdivision 1, is amended to read:

20.28 Subdivision 1. **Compensation fixed by schedule on file.** ~~No~~ A household goods carrier
 20.29 ~~shall~~ mover must not charge or receive a greater, lesser, or different compensation for the
 20.30 transportation of persons or property or for related service; provided than the rates and
 20.31 charges named in the carrier's schedule on file and in effect with the commissioner including
 20.32 ~~any rate fixed by the commissioner~~ specified in the tariff under section 221.161; ~~nor shall.~~
 20.33 A household goods carrier mover must not refund or remit in any manner or by any device,

21.1 directly or indirectly, the rates and charges required to be collected by the carrier mover
 21.2 under the carrier's mover's schedules ~~or under the rates, if any, fixed by the commissioner.~~

21.3 Sec. 35. Minnesota Statutes 2016, section 473.13, subdivision 1, is amended to read:

21.4 Subdivision 1. **Budget.** (a) Except as provided in paragraph (b), on or before December
 21.5 20 of each year, the council shall adopt a final budget covering its anticipated receipts and
 21.6 disbursements for the ensuing year and shall decide upon the total amount necessary to be
 21.7 raised from ad valorem tax levies to meet its budget. The budget ~~shall~~ must state in detail
 21.8 the expenditures for each program to be undertaken, including the expenses for salaries,
 21.9 consultant services, overhead, travel, ~~printing,~~ and other items. The budget ~~shall~~ must state
 21.10 in detail the council's nontransportation capital expenditures ~~of the council~~ for the budget
 21.11 year, based on a five-year capital program adopted by the council and transmitted to the
 21.12 legislature. After adoption of the budget and no later than five working days after December
 21.13 20, the council shall certify to the auditor of each metropolitan county the share of the tax
 21.14 to be levied within that county, which must be an amount bearing the same proportion to
 21.15 the total levy agreed on by the council as the net tax capacity of the county bears to the net
 21.16 tax capacity of the metropolitan area. The maximum amount of any levy made for the
 21.17 purpose of this chapter may not exceed the limits set by the statute authorizing the levy.

21.18 (b) For the transportation components of the council's budgeting, each fiscal year starts
 21.19 July 1 and ends the following June 30. On or before June 15 of each year, the council must
 21.20 adopt a final budget for the transportation components that identifies its anticipated receipts
 21.21 and disbursements for the next fiscal year. The budget must state in detail the expenditures
 21.22 to be undertaken for each program, including the expenses for salaries, consultant services,
 21.23 overhead, travel, and other items. The budget must state in detail the council's transportation
 21.24 capital expenditures for the budget year, based on a five-year capital program adopted by
 21.25 the council and transmitted to the legislature.

21.26 ~~(b)~~ (c) As part of the budget under paragraph (b) in each even-numbered year, the council
 21.27 ~~shall~~ must prepare for its transit programs a financial plan for the succeeding three ~~calendar~~
 21.28 ~~years, in half-year segments.~~ The financial plan must contain schedules of user charges and
 21.29 any changes in user charges planned or anticipated by the council during the period of the
 21.30 plan. The financial plan must contain a proposed request for state financial assistance for
 21.31 the succeeding biennium.

21.32 ~~(e)~~ (d) In addition, ~~the~~ each budget under paragraphs (a) and (b) must show for each
 21.33 year:

22.1 (1) the estimated operating revenues from all sources including funds on hand at the
 22.2 beginning of the year, and estimated expenditures for costs of operation, administration,
 22.3 maintenance, and debt service;

22.4 (2) capital improvement funds estimated to be on hand at the beginning of the year and
 22.5 estimated to be received during the year from all sources and estimated cost of capital
 22.6 improvements to be paid out or expended during the year, all in such detail and form as the
 22.7 council may prescribe; and

22.8 (3) the estimated source and use of pass-through funds.

22.9 **EFFECTIVE DATE; APPLICATION.** This section is effective beginning with the
 22.10 transportation budget period under paragraph (b) that starts July 1, 2019, and applies in the
 22.11 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

22.12 Sec. 36. Minnesota Statutes 2016, section 473.13, is amended by adding a subdivision to
 22.13 read:

22.14 **Subd. 1d. Budget amendments.** In conjunction with the adoption of any amendment
 22.15 to a budget under subdivision 1, the council must submit a summary of the budget changes
 22.16 and a copy of the amended budget to the members and staff of the legislative committees
 22.17 with jurisdiction over transportation policy and finance and to the Legislative Commission
 22.18 on Metropolitan Government.

22.19 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
 22.20 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
 22.21 Scott, and Washington.

22.22 Sec. 37. Minnesota Statutes 2016, section 473.13, subdivision 4, is amended to read:

22.23 **Subd. 4. Accounts; accounting system; controls; audits.** (a) The council shall keep
 22.24 an accurate account of its receipts and disbursements. For the transportation components
 22.25 of the council's financial activity, the council must use the state accounting system maintained
 22.26 by the commissioner of management and budget under sections 16A.14 and 16A.15.

22.27 (b) Disbursements of council money must be made by check or by electronic funds
 22.28 transfer, signed or authorized by the chair or vice-chair of the council, and countersigned
 22.29 or authorized by its regional administrator or designee after whatever auditing and approval
 22.30 of the expenditure may be required by the council.

22.31 (c) The state auditor shall audit the books and accounts of the council once each year,
 22.32 or as often as funds and personnel of the state auditor permit. The council shall pay to the

23.1 state the total cost and expenses of the examination, including the salaries paid to the auditors
23.2 while actually engaged in making the examination. The general fund must be credited with
23.3 all collections made for any examination.

23.4 **EFFECTIVE DATE; APPLICATION.** This section is effective July 1, 2019, for the
23.5 transportation budget period that starts on that date and applies in the counties of Anoka,
23.6 Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

23.7 Sec. 38. Minnesota Statutes 2016, section 473.13, is amended by adding a subdivision to
23.8 read:

23.9 Subd. 6. **Overview of revenues and expenditures; forecast.** (a) In cooperation with
23.10 the Department of Management and Budget and as required by section 16A.103, the council
23.11 must prepare in February and November of each year a financial overview and forecast of
23.12 revenues and expenditures for the transportation components of the council's budget.

23.13 (b) At a minimum, the financial overview and forecast must identify:

23.14 (1) actual revenues, expenditures, transfers, reserves, and balances for each of the previous
23.15 four budget years;

23.16 (2) budgeted and forecasted revenues, expenditures, transfers, reserves, and balances
23.17 for each year within the state forecast period; and

23.18 (3) a comparison of the information under clause (2) to the prior forecast, including any
23.19 changes made.

23.20 (c) The information under paragraph (b), clauses (1) and (2), must include:

23.21 (1) a breakdown for each transportation operating budget category established by the
23.22 council, including but not limited to bus, light rail transit, commuter rail, planning, special
23.23 transportation service under section 473.386, and assistance to replacement service providers
23.24 under section 473.388;

23.25 (2) data for both transportation operating and capital expenditures; and

23.26 (3) fund balances for each replacement service provider under section 473.388.

23.27 (d) The financial overview and forecast must summarize reserve policies, identify the
23.28 methodology for cost allocation, and review revenue assumptions and variables affecting
23.29 the assumptions.

23.30 (e) The council must review the financial overview and forecast information with the
23.31 chairs, ranking minority members, and staff of the legislative committees with jurisdiction

24.1 over finance, ways and means, and transportation finance no later than two weeks following
 24.2 the release of the forecast.

24.3 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
 24.4 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
 24.5 Scott, and Washington.

24.6 Sec. 39. Minnesota Statutes 2016, section 473.146, subdivision 1, is amended to read:

24.7 Subdivision 1. **Requirement.** The council ~~shall~~ must adopt a long-range comprehensive
 24.8 policy ~~plan~~ plans for transportation and wastewater treatment. ~~The plans~~ Each policy plan
 24.9 must substantially conform to all policy statements, purposes, goals, standards, and maps
 24.10 in the development guide developed and adopted by the council under section 473.145 and
 24.11 this chapter. Each policy plan must include, to the extent appropriate to the functions,
 24.12 services, and systems covered, the following:

24.13 (1) forecasts of changes in the general levels and distribution of population, households,
 24.14 employment, land uses, and other relevant matters, for the metropolitan area and appropriate
 24.15 subareas;

24.16 (2) a statement of issues, problems, needs, and opportunities with respect to the functions,
 24.17 services, and systems covered;

24.18 (3) a statement of the council's goals, objectives, and priorities with respect to the
 24.19 functions, services, and systems covered, addressing areas and populations to be served,
 24.20 the levels, distribution, and staging of services; a general description of the facility systems
 24.21 required to support the services; the estimated cost of improvements required to achieve
 24.22 the council's goals for the regional systems, including an analysis of what portion of the
 24.23 funding for each improvement is proposed to come from the state, Metropolitan Council
 24.24 levies, and cities, counties, and towns in the metropolitan area, respectively, and other
 24.25 similar matters;

24.26 (4) a statement of policies to effectuate the council's goals, objectives, and priorities;

24.27 (5) a statement of the fiscal implications of the council's plan, including a statement of:
 24.28 (i) the resources available under existing fiscal policy; (ii) the adequacy of resources under
 24.29 existing fiscal policy and any shortfalls and unattended needs; (iii) additional resources, if
 24.30 any, that are or may be required to effectuate the council's goals, objectives, and priorities;
 24.31 and (iv) any changes in existing fiscal policy, on regional revenues and intergovernmental
 24.32 aids respectively, that are expected or that the council has recommended or may recommend;

25.1 (6) a statement of the relationship of the policy plan to other policy plans and ~~chapters~~
25.2 relevant portions of the ~~Metropolitan~~ development guide;

25.3 (7) a statement of the relationships to local comprehensive plans prepared under sections
25.4 473.851 to 473.871; and

25.5 (8) additional general information as may be necessary to develop the policy plan or as
25.6 may be required by the laws relating to the metropolitan agency and function covered by
25.7 the policy plan.

25.8 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
25.9 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
25.10 Scott, and Washington.

25.11 Sec. 40. Minnesota Statutes 2016, section 473.146, subdivision 3, is amended to read:

25.12 Subd. 3. ~~Development guide: Transportation policy plan.~~ (a) The transportation
25.13 ~~chapter~~ policy plan must include policies relating to all transportation forms and be designed
25.14 to promote the legislative determinations, policies, and goals set forth in section 473.371.

25.15 (b) In addition to the requirements regarding the contents of the policy plan under
25.16 subdivision 1, the plan must include:

25.17 (1) a fully constrained scenario that assumes no revenue increase from current law and
25.18 no inflationary increases;

25.19 (2) a partially constrained scenario that assumes no revenue increase from current law
25.20 but includes reasonable inflationary increases; and

25.21 (3) an envisioned revenue scenario that identifies a revenue increase in an amount that
25.22 accommodates transportation system maintenance, improvements, and expansion, including
25.23 for state and local roads, regular route bus service, busways, and guideways.

25.24 (c) The estimates under each scenario in paragraph (b) must identify anticipated long-term
25.25 transit system impacts, including unfunded costs for each transit mode and any reductions
25.26 in regular route bus service hours.

25.27 (d) In addition to the requirements of subdivision 1 regarding the contents of the policy
25.28 plan, the nontransit ~~element~~ portion of the ~~transportation chapter~~ plan must include the
25.29 following:

25.30 (1) a statement of the needs and problems of the metropolitan area with respect to the
25.31 functions covered, including the present and prospective demand for and constraints on

26.1 access to regional business concentrations and other major activity centers and the constraints
 26.2 on and acceptable levels of development and vehicular trip generation at such centers;

26.3 (2) the objectives of and the policies to be forwarded by the policy plan;

26.4 (3) a general description of the physical facilities and services to be developed;

26.5 (4) a statement as to the general location of physical facilities and service areas;

26.6 (5) a general statement of timing and priorities in the development of those physical
 26.7 facilities and service areas;

26.8 (6) a detailed statement, updated every two years, of timing and priorities for
 26.9 improvements and expenditures needed on the metropolitan highway system;

26.10 (7) a general statement on the level of public expenditure appropriate to the facilities;
 26.11 and

26.12 (8) a long-range assessment of air transportation trends and factors that may affect airport
 26.13 development in the metropolitan area and policies and strategies that will ensure a
 26.14 comprehensive, coordinated, and timely investigation and evaluation of alternatives for
 26.15 airport development.

26.16 (e) The council shall develop the nontransit ~~element~~ portion in consultation with the
 26.17 transportation advisory board and the Metropolitan Airports Commission and cities having
 26.18 an airport located within or adjacent to its corporate boundaries. The council shall also take
 26.19 into consideration the airport development and operations plans and activities of the
 26.20 commission. The council shall transmit the results to the state Department of Transportation.

26.21 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
 26.22 final enactment, applies for the next regular update to the transportation policy plan, and
 26.23 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

26.24 Sec. 41. Minnesota Statutes 2016, section 473.375, is amended by adding a subdivision
 26.25 to read:

26.26 Subd. 19. Expenditure of funds for capital costs. (a) The council is prohibited from
 26.27 expending funds for transit capital costs, including capital maintenance, from the following
 26.28 sources:

26.29 (1) state appropriations from the general fund; and

26.30 (2) operating budget reserves.

26.31 (b) The expenditure prohibition under this subdivision does not apply to federal funds.

27.1 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
27.2 final enactment for appropriations and reserves encumbered on or after that date and applies
27.3 in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

27.4 Sec. 42. Minnesota Statutes 2016, section 473.3994, subdivision 9, is amended to read:

27.5 Subd. 9. **Light rail transit operating costs.** (a) Before submitting an application for
27.6 federal assistance for light rail transit facilities in the metropolitan area, the Metropolitan
27.7 Council must prepare an estimate of the amount of operating subsidy which will be required
27.8 to operate light rail transit in the corridor to which the federal assistance would be applied.
27.9 The estimate must indicate the amount of operating subsidy estimated to be required in each
27.10 of the first ten years of operation of the light rail transit facility. If the commissioner of
27.11 transportation is the responsible authority, the commissioner must provide information
27.12 requested by the council that is necessary to make the estimate.

27.13 (b) The council must review and evaluate the estimate developed under paragraph (a)
27.14 with regard to the effect of operating the light rail transit facility on the currently available
27.15 mechanisms for financing transit in the metropolitan area.

27.16 (c) For purposes of this subdivision, operating costs consist of the costs associated with
27.17 light rail system daily operations and the maintenance costs associated with keeping light
27.18 rail services and facilities operating. Operating costs do not include costs incurred to construct
27.19 new buildings or facilities, purchase new vehicles, or make technology improvements.

27.20 Sec. 43. Minnesota Statutes 2016, section 473.3994, is amended by adding a subdivision
27.21 to read:

27.22 Subd. 15. **Rail colocation prohibition.** The responsible authority is prohibited from
27.23 constructing a light rail transit line or extension in a shared use rail corridor for freight rail
27.24 and light rail transit.

27.25 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
27.26 final enactment. The portion of this section applicable to the Metropolitan Council applies
27.27 in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

27.28 Sec. 44. Minnesota Statutes 2016, section 473.4051, subdivision 3, is amended to read:

27.29 Subd. 3. **Capital costs.** State money ~~may~~ must not be used ~~to pay more than ten percent~~
27.30 ~~of~~ for the total capital cost of a light rail transit project.

28.1 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
28.2 final enactment for appropriations encumbered on or after that date and applies in the
28.3 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

28.4 Sec. 45. **TEMPORARY MOTOR VEHICLE PERMITS.**

28.5 (a) Notwithstanding Minnesota Statutes, sections 168.09, subdivision 7; 168.091,
28.6 subdivision 1; and 168.092, subdivision 1, a temporary permit under any of those sections
28.7 may be issued for a period of up to 180 days, in consultation with the commissioner of
28.8 public safety.

28.9 (b) A temporary permit may only be issued under this section due to inability of the
28.10 driver and vehicle information system to complete a motor vehicle transaction in a timely
28.11 manner.

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

28.13 Sec. 46. **RETROACTIVE LICENSE REINSTATEMENT.**

28.14 (a) The commissioner of public safety must make an individual's driver's license eligible
28.15 for reinstatement if the license is solely suspended pursuant to:

28.16 (1) Minnesota Statutes 2016, section 171.16, subdivision 2, if the person was convicted
28.17 only under Minnesota Statutes, section 171.24, subdivision 1 or 2;

28.18 (2) Minnesota Statutes 2016, section 171.16, subdivision 3; or

28.19 (3) both clauses (1) and (2).

28.20 (b) By December 1, 2018, the commissioner must provide written notice to individuals
28.21 whose license has been made eligible for reinstatement under paragraph (a), addressed to
28.22 the licensee at the licensee's last known address.

28.23 (c) Before the license is reinstated, an individual whose driver's license is eligible for
28.24 reinstatement under paragraph (a) must pay the reinstatement fee under Minnesota Statutes,
28.25 section 171.20, subdivision 4.

28.26 (d) The following applies to an individual who is eligible for reinstatement under
28.27 paragraph (a), clause (1), (2), or (3), and whose license was suspended, revoked, or canceled
28.28 under any other provision in Minnesota Statutes:

28.29 (1) the suspension, revocation, or cancellation under any other provision in Minnesota
28.30 Statutes remains in effect;

29.1 (2) subject to clause (1), the individual may become eligible for reinstatement under
29.2 paragraph (a), clause (1), (2), or (3); and

29.3 (3) the commissioner is not required to send the notice described in paragraph (b).

29.4 (e) Paragraph (a) applies notwithstanding Minnesota Statutes 2016, sections 169.92,
29.5 subdivision 4; 171.16, subdivision 2 or 3; or any other law to the contrary.

29.6 **Sec. 47. CONGESTION REDUCTION PRIORITIZATION.**

29.7 (a) By September 30, 2019, the commissioner of transportation must adopt a revised
29.8 20-year statewide highway investment plan under Minnesota Statutes, section 174.03,
29.9 subdivision 1c, that:

29.10 (1) establishes mobility in the Department of Transportation's metropolitan district as a
29.11 high-priority investment category;

29.12 (2) allocates sufficient funds to achieve an appreciable reduction in congestion compared
29.13 to anticipated congestion levels under the most recent statewide highway investment plan;
29.14 and

29.15 (3) prioritizes general purpose lanes or dynamic shoulder lanes over lanes for which a
29.16 user fee is imposed.

29.17 (b) The commissioner must revise the statewide multimodal transportation plan under
29.18 Minnesota Statutes, section 174.03, subdivision 1a, or other plans as necessary to conform
29.19 with the requirements under paragraph (a).

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

29.21 **Sec. 48. NORTHSTAR COMMUTER RAIL OPERATING COSTS; EXCEPTION.**

29.22 Minnesota Statutes, section 398A.10, subdivision 2, does not apply to the Anoka County
29.23 Regional Railroad Authority with respect to the use of funds to pay operating and
29.24 maintenance costs of Northstar Commuter Rail.

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

29.26 **Sec. 49. NONFIXED GUIDEWAY TRANSIT SYSTEM DEVELOPMENT**
29.27 **IMPLEMENTATION PLAN.**

29.28 Subdivision 1. **Implementation plan required.** (a) By August 1, 2020, the Metropolitan
29.29 Council must adopt an implementation plan for nonfixed guideway transit system
29.30 development in the metropolitan area that meets the requirements of this section.

30.1 (b) In developing the implementation plan, the Metropolitan Council must review and
30.2 evaluate peer transit systems in other states.

30.3 (c) Upon adoption, the council must submit a copy of the implementation plan to the
30.4 members and staff of the legislative committees with jurisdiction over transportation policy
30.5 and finance.

30.6 **Subd. 2. Implementation plan contents.** At a minimum, the implementation plan must:

30.7 (1) establish a comprehensive system design for transit enhancement, expansion,
30.8 cost-effectiveness, and performance;

30.9 (2) propose an implementation schedule or timeline;

30.10 (3) incorporate goals and objectives from the transportation policy plan under Minnesota
30.11 Statutes, section 473.146, with priority given to:

30.12 (i) increasing transit ridership at a rate or to a level specified in the plan;

30.13 (ii) improving accessibility and mobility for transit-dependent and historically underserved
30.14 or under-represented populations;

30.15 (iii) improving customer experience through improvements in transit service, travel time,
30.16 facilities, services, and amenities;

30.17 (iv) congestion relief; and

30.18 (v) safety;

30.19 (4) identify corridors and preliminary routing for expansion of:

30.20 (i) arterial bus rapid transit;

30.21 (ii) highway bus rapid transit; and

30.22 (iii) express bus service;

30.23 (5) address transit facility modernization, capital expansion, and ongoing system
30.24 operations and maintenance;

30.25 (6) identify technology solutions that improve transit passenger services and reduce
30.26 operating costs, including but not limited to real-time schedule information, increased and
30.27 improved bus shelters and stations, low-floor buses, fare payment system improvements,
30.28 traffic management techniques to reduce travel time, and fleet management system
30.29 improvements;

31.1 (7) contain no light rail transit, commuter rail, or streetcar project development or
 31.2 construction, except as provided in clause (9);

31.3 (8) provide financial information, which must:

31.4 (i) identify estimated revenue, estimated expenditures, the amount of any additional
 31.5 revenue necessary to implement the plan, and a funding strategy or proposal for any identified
 31.6 revenue gap;

31.7 (ii) detail revenue sources;

31.8 (iii) detail operating and capital expenditures; and

31.9 (iv) summarize financial data for each corridor identified under clause (4), including
 31.10 estimated capital costs and annual operations and maintenance costs based on the available
 31.11 level of detail; and

31.12 (9) compare for each existing light rail transit line and all light rail transit lines in project
 31.13 development prior to the effective date of this section the annual and total revenue and
 31.14 expenditures, including operating, capital, and capital maintenance, in (i) the implementation
 31.15 plan, with (ii) the current transportation policy plan.

31.16 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
 31.17 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
 31.18 Scott, and Washington.

31.19 Sec. 50. **REVISOR INSTRUCTION.**

31.20 The revisor of statutes shall renumber Minnesota Statutes, section 160.02, subdivision
 31.21 27a, as Minnesota Statutes, section 169.011, subdivision 73a. The revisor shall correct any
 31.22 cross-references made necessary by this renumbering.

31.23 Sec. 51. **REPEALER.**

31.24 Minnesota Statutes 2016, section 221.161, subdivisions 2, 3, and 4, are repealed.

31.25 **ARTICLE 2**

31.26 **METROPOLITAN COUNCIL GOVERNANCE**

31.27 Section 1. Minnesota Statutes 2016, section 3.8841, subdivision 9, is amended to read:

31.28 Subd. 9. **Powers; duties; Metropolitan Council appointments oversight.** The
 31.29 commission must monitor appointments to the Metropolitan Council and may make
 31.30 recommendations on appointments ~~to the nominating committee under section 473.123,~~

32.1 ~~subdivision 3,~~ or to the governor before the governor makes the appointments. The
32.2 commission may also make recommendations to the senate before appointments are presented
32.3 to the senate for its advice and consent.

32.4 Sec. 2. Minnesota Statutes 2017 Supplement, section 15A.0815, subdivision 3, is amended
32.5 to read:

32.6 Subd. 3. **Group II salary limits.** The salary for a position listed in this subdivision shall
32.7 not exceed 120 percent of the salary of the governor. This limit must be adjusted annually
32.8 on January 1. The new limit must equal the limit for the prior year increased by the percentage
32.9 increase, if any, in the Consumer Price Index for all urban consumers from October of the
32.10 second prior year to October of the immediately prior year. The commissioner of management
32.11 and budget must publish the limit on the department's Web site. This subdivision applies
32.12 to the following positions:

32.13 Executive director of Gambling Control Board;

32.14 Commissioner of Iron Range resources and rehabilitation;

32.15 Commissioner, Bureau of Mediation Services;

32.16 Ombudsman for Mental Health and Developmental Disabilities;

32.17 ~~Chair, Metropolitan Council;~~

32.18 School trust lands director;

32.19 Executive director of pari-mutuel racing; and

32.20 Commissioner, Public Utilities Commission.

32.21 **EFFECTIVE DATE.** This section is effective January 1, 2019.

32.22 Sec. 3. Minnesota Statutes 2016, section 473.123, is amended to read:

32.23 **473.123 METROPOLITAN COUNCIL.**

32.24 Subdivision 1. **Creation; membership.** (a) A Metropolitan Council with jurisdiction
32.25 in the metropolitan area is established as a public corporation and political subdivision of
32.26 the state. It shall be under the supervision and control of ~~17~~ 29 members, all of whom shall
32.27 be residents of the metropolitan area- and who shall be appointed as follows:

32.28 (1) a county commissioner from each metropolitan county, appointed by the respective
32.29 county boards;

33.1 (2) a local elected official appointed from each Metropolitan Council district by the
 33.2 municipal committee for the council district established in subdivision 2b;

33.3 (3) a local elected official that resides in Minneapolis, appointed by the mayor of
 33.4 Minneapolis;

33.5 (4) a local elected official that resides in St. Paul, appointed by the mayor of St. Paul;

33.6 (5) the commissioner of transportation or the commissioner's designee;

33.7 (6) one person to represent nonmotorized transportation, appointed by the commissioner
 33.8 of transportation;

33.9 (7) one person to represent freight transportation, appointed by the commissioner of
 33.10 transportation; and

33.11 (8) one person to represent public transit, appointed by the commissioner of
 33.12 transportation.

33.13 (b) The local elected offices identified in paragraph (a) are compatible with the office
 33.14 of a Metropolitan Council member.

33.15 (c) Notwithstanding any change to the definition of metropolitan area in section 473.121,
 33.16 subdivision 2, the jurisdiction of the Metropolitan Council is limited to the seven-county
 33.17 metropolitan area.

33.18 Subd. 2a. **Terms.** (a) Following each apportionment of council districts, as provided
 33.19 under subdivision 3a, council members must be appointed from newly drawn districts as
 33.20 provided in subdivision 3a. Each council member, other than the chair, must reside in the
 33.21 council district represented. Each council district must be represented by one member of
 33.22 the council. The terms of members end with the term of the governor, except that all terms
 33.23 expire on the effective date of the next apportionment. A member serves at the pleasure of
 33.24 the governor. the municipal committee for each council district shall appoint a local elected
 33.25 official who resides in the district to serve on the Metropolitan Council for a four-year term.
 33.26 The terms of members appointed by municipal committees are staggered as follows: members
 33.27 representing an odd-numbered district have terms ending the first Monday in January of
 33.28 the year ending in the numeral "1" and members representing an even-numbered district
 33.29 have terms ending the first Monday in January in the year ending in the numeral "3."
 33.30 Thereafter, the term of each member is four years, with terms ending the first Monday in
 33.31 January, except that all terms expire on the effective date of the next apportionment. A
 33.32 member's position on the Metropolitan Council becomes vacant if the member ceases to be
 33.33 a local elected official or as provided in chapter 351, and any vacancy must be filled as soon

34.1 as practicable for the unexpired term in the same manner as the initial appointment. A
34.2 member shall continue to serve the member's district until a successor is appointed and
34.3 qualified; except that, following each apportionment, the member shall continue to serve
34.4 at large until the ~~governor appoints 16 council members, one~~ municipal committee for the
34.5 council district appoints a member from each of the newly drawn council districts district
34.6 as provided under subdivision 3a, to serve terms as provided under this section. The
34.7 appointment to the council must be made by the first Monday in March of the year in which
34.8 the term ends.

34.9 (b) The terms of members appointed by the mayors of Minneapolis and St. Paul are
34.10 staggered as follows: the member representing Minneapolis shall have a term ending the
34.11 first Monday in January of the year ending in the numeral "1," and the member representing
34.12 St. Paul shall have a term ending the first Monday in January of the year ending in the
34.13 numeral "3." Thereafter, the term of each member is four years, with terms ending the first
34.14 Monday in January. A member's position on the Metropolitan Council becomes vacant if
34.15 the member ceases to be a local elected official or as provided in chapter 351, and any
34.16 vacancy must be filled as soon as practicable for the unexpired term in the same manner as
34.17 the initial appointment.

34.18 (c) The terms of members appointed by county boards are staggered as follows: members
34.19 representing the counties of Dakota, Ramsey, and Scott have terms ending the first Monday
34.20 in January of the year ending in the numeral "1," and members representing the counties of
34.21 Anoka, Carver, Hennepin, and Washington have terms ending the first Monday in January
34.22 of the year ending in the numeral "3." Thereafter, the term for each member is four years.
34.23 A member's position on the Metropolitan Council becomes vacant if the member ceases to
34.24 be a local elected official or as provided in chapter 351, and any vacancy must be filled as
34.25 soon as practicable for the unexpired term in the same manner as the initial appointment.

34.26 (d) An individual appointed by the commissioner of transportation under subdivision 1
34.27 serves at the pleasure of the appointing authority.

34.28 Subd. 2b. **Municipal committee in each council district.** The governing body of each
34.29 home rule charter or statutory city and town in each Metropolitan Council district shall
34.30 appoint a member to serve on a municipal committee for the council district. If a city or
34.31 town is in more than one council district, the governing body must appoint a member to
34.32 serve on each council district's municipal committee. A member appointed to a council
34.33 district's municipal committee must reside in the council district. The municipal committee
34.34 must meet at least quarterly to discuss issues relating to the Metropolitan Council. Municipal
34.35 committee meetings are subject to the Minnesota Open Meeting Law, chapter 13D.

35.1 Subd. 3. ~~Membership; appointment; qualifications~~ Compensation. (a) Sixteen
35.2 members must be appointed by the governor from districts defined by this section. Each
35.3 council member must reside in the council district represented. Each council district must
35.4 be represented by one member of the council. In addition to any compensation as a local
35.5 elected official, the council shall pay each member of the council other than the chair or the
35.6 commissioner of transportation, or the commissioner's designee, \$20,000 per year plus
35.7 reimbursement of actual and necessary expenses as approved by the council. The
35.8 commissioner of transportation or the commissioner's designee is not eligible for
35.9 compensation under this subdivision but may be reimbursed for actual and necessary
35.10 expenses.

35.11 (b) ~~In addition to the notice required by section 15.0597, subdivision 4, notice of~~
35.12 ~~vacancies and expiration of terms must be published in newspapers of general circulation~~
35.13 ~~in the metropolitan area and the appropriate districts. The governing bodies of the statutory~~
35.14 ~~and home rule charter cities, counties, and towns having territory in the district for which~~
35.15 ~~a member is to be appointed must be notified in writing. The notices must describe the~~
35.16 ~~appointments process and invite participation and recommendations on the appointment.~~
35.17 In addition to any compensation as a local elected official, the council shall pay the chair
35.18 \$40,000 per year plus reimbursement of actual and necessary expenses as approved by the
35.19 council.

35.20 (c) ~~The governor shall create a nominating committee, composed of seven metropolitan~~
35.21 ~~citizens appointed by the governor, to nominate persons for appointment to the council from~~
35.22 ~~districts. Three of the committee members must be local elected officials. Following the~~
35.23 ~~submission of applications as provided under section 15.0597, subdivision 5, the nominating~~
35.24 ~~committee shall conduct public meetings, after appropriate notice, to accept statements from~~
35.25 ~~or on behalf of persons who have applied or been nominated for appointment and to allow~~
35.26 ~~consultation with and secure the advice of the public and local elected officials. The~~
35.27 ~~committee shall hold the meeting on each appointment in the district or in a reasonably~~
35.28 ~~convenient and accessible location in the part of the metropolitan area in which the district~~
35.29 ~~is located. The committee may consolidate meetings. Following the meetings, the committee~~
35.30 ~~shall submit to the governor a list of nominees for each appointment. The governor is not~~
35.31 ~~required to appoint from the list.~~

35.32 (d) ~~Before making an appointment, the governor shall consult with all members of the~~
35.33 ~~legislature from the council district for which the member is to be appointed.~~

35.34 (e) ~~Appointments to the council are subject to the advice and consent of the senate as~~
35.35 ~~provided in section 15.066.~~

36.1 ~~(f) Members of the council must be appointed to reflect fairly the various demographic,~~
36.2 ~~political, and other interests in the metropolitan area and the districts.~~

36.3 ~~(g) Members of the council must be persons knowledgeable about urban and metropolitan~~
36.4 ~~affairs.~~

36.5 ~~(h) Any vacancy in the office of a council member shall immediately be filled for the~~
36.6 ~~unexpired term. In filling a vacancy, the governor may forgo the requirements of paragraph~~
36.7 ~~(e) if the governor has made appointments in full compliance with the requirements of this~~
36.8 ~~subdivision within the preceding 12 months.~~

36.9 Subd. 3a. **Redistricting.** The legislature shall redraw the boundaries of the council
36.10 districts after each decennial federal census so that each district has substantially equal
36.11 population. Redistricting is effective in the year ending in the numeral "3." Within 60 days
36.12 after a redistricting plan takes effect, the ~~governor~~ municipal committees shall appoint
36.13 members from the newly drawn districts to serve terms as provided under subdivision 2a.

36.14 Subd. 3e. **District boundaries.** Metropolitan Council plan MC2013-1A, on file with
36.15 the Geographical Information Systems Office of the Legislative Coordinating Commission
36.16 and published on its Web site on April 9, 2013, is adopted and constitutes the redistricting
36.17 plan required by subdivision 3a. The boundaries of each Metropolitan Council district are
36.18 as described in that plan.

36.19 Subd. 4. **Chair; appointment, officers, selection; duties and compensation.** (a) The
36.20 chair of the Metropolitan Council shall be ~~appointed~~ selected by ~~the governor as the 17th~~
36.21 ~~voting member thereof by and with the advice and consent of the senate to serve at the~~
36.22 ~~pleasure of the governor to represent the metropolitan area at large. Senate confirmation~~
36.23 ~~shall be as provided by section 15.066~~ and from among the members of the Metropolitan
36.24 Council. The chair shall serve at the pleasure of the council.

36.25 The chair of the Metropolitan Council shall, if present, preside at meetings of the council,
36.26 have the primary responsibility for meeting with local elected officials, serve as the principal
36.27 legislative liaison, present to the governor and the legislature, after council approval, the
36.28 council's plans for regional governance and operations, serve as the principal spokesperson
36.29 of the council, and perform other duties assigned by the council or by law.

36.30 (b) The Metropolitan Council shall elect other officers as it deems necessary for the
36.31 conduct of its affairs for a one-year term. A secretary and treasurer need not be members
36.32 of the Metropolitan Council. Meeting times and places shall be fixed by the Metropolitan
36.33 Council and special meetings may be called by a majority of the members of the Metropolitan

37.1 Council or by the chair. The chair and each Metropolitan Council member shall be reimbursed
37.2 for actual and necessary expenses.

37.3 (c) Each member of the council shall attend and participate in council meetings and meet
37.4 regularly with local elected officials and legislative members from the council member's
37.5 district. Each council member shall serve on at least one division committee for
37.6 transportation, environment, or community development.

37.7 (d) In the performance of its duties the Metropolitan Council may adopt policies and
37.8 procedures governing its operation, establish committees, and, when specifically authorized
37.9 by law, make appointments to other governmental agencies and districts.

37.10 Subd. 8. **General counsel.** The council may appoint a general counsel to serve at the
37.11 pleasure of the council.

37.12 Subd. 9. **Authority to vote; quorum; votes required for action.** (a) The members
37.13 appointed by the mayors, counties, and municipal committees may vote on all matters before
37.14 the council. The commissioner of transportation or the commissioner's designee and the
37.15 three members appointed by the commissioner may vote only on matters in which the council
37.16 is acting as the metropolitan planning organization for the region as provided in section
37.17 473.146.

37.18 (b) A quorum is a majority of the members permitted to vote on a matter. If a quorum
37.19 is present, the council may act on a majority vote of the members present, except:

37.20 (1) if a quorum is present, the council may adopt its levy only if at least 60 percent of
37.21 the members present vote in favor of the levy; and

37.22 (2) if a quorum is present, the council may adopt a metropolitan system plan or plan
37.23 amendment only if at least 60 percent of the members present vote in favor of its adoption.

37.24 **EFFECTIVE DATE; TRANSITION; APPLICATION.** (a) Except as provided in
37.25 paragraph (b), this section is effective January 1, 2019, and applies in the counties of Anoka,
37.26 Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. Metropolitan Council members
37.27 serving on the effective date of this section shall continue to serve until members are
37.28 appointed from districts by the municipal committees as provided in this section.

37.29 (b) Subdivisions 1, paragraph (c), and 2b are effective the day following final enactment.

37.30 Sec. 4. Minnesota Statutes 2016, section 473.146, subdivision 3, is amended to read:

37.31 Subd. 3. **Development guide: transportation.** The transportation chapter must include
37.32 policies relating to all transportation forms and be designed to promote the legislative

38.1 determinations, policies, and goals set forth in section 473.371. In addition to the
38.2 requirements of subdivision 1 regarding the contents of the policy plan, the nontransit
38.3 element of the transportation chapter must include the following:

38.4 (1) a statement of the needs and problems of the metropolitan area with respect to the
38.5 functions covered, including the present and prospective demand for and constraints on
38.6 access to regional business concentrations and other major activity centers and the constraints
38.7 on and acceptable levels of development and vehicular trip generation at such centers;

38.8 (2) the objectives of and the policies to be forwarded by the policy plan;

38.9 (3) a general description of the physical facilities and services to be developed;

38.10 (4) a statement as to the general location of physical facilities and service areas;

38.11 (5) a general statement of timing and priorities in the development of those physical
38.12 facilities and service areas;

38.13 (6) a detailed statement, updated every two years, of timing and priorities for
38.14 improvements and expenditures needed on the metropolitan highway system;

38.15 (7) a general statement on the level of public expenditure appropriate to the facilities;
38.16 and

38.17 (8) a long-range assessment of air transportation trends and factors that may affect airport
38.18 development in the metropolitan area and policies and strategies that will ensure a
38.19 comprehensive, coordinated, and timely investigation and evaluation of alternatives for
38.20 airport development.

38.21 The council shall develop the nontransit element in consultation with ~~the transportation~~
38.22 ~~advisory board~~ and the Metropolitan Airports Commission and cities having an airport
38.23 located within or adjacent to its corporate boundaries. The council shall also take into
38.24 consideration the airport development and operations plans and activities of the commission.
38.25 The council shall transmit the results to the state Department of Transportation.

38.26 **EFFECTIVE DATE; APPLICATION.** This section is effective January 1, 2019, and
38.27 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

38.28 Sec. 5. Minnesota Statutes 2016, section 473.146, subdivision 4, is amended to read:

38.29 Subd. 4. **Transportation planning.** ~~(a)~~ The Metropolitan Council is the designated
38.30 planning agency for any long-range comprehensive transportation planning required by
38.31 section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation
38.32 Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and other federal

39.1 transportation laws. The council shall assure administration and coordination of transportation
 39.2 planning with appropriate state, regional and other agencies, counties, and municipalities.

39.3 ~~(b) The council shall establish an advisory body consisting of citizens and representatives~~
 39.4 ~~of municipalities, counties, and state agencies in fulfillment of the planning responsibilities~~
 39.5 ~~of the council. The membership of the advisory body must consist of:~~

39.6 ~~(1) the commissioner of transportation or the commissioner's designee;~~

39.7 ~~(2) the commissioner of the Pollution Control Agency or the commissioner's designee;~~

39.8 ~~(3) one member of the Metropolitan Airports Commission appointed by the commission;~~

39.9 ~~(4) one person appointed by the council to represent nonmotorized transportation;~~

39.10 ~~(5) one person appointed by the commissioner of transportation to represent the freight~~
 39.11 ~~transportation industry;~~

39.12 ~~(6) two persons appointed by the council to represent public transit;~~

39.13 ~~(7) ten elected officials of cities within the metropolitan area, including one representative~~
 39.14 ~~from each first-class city, appointed by the Association of Metropolitan Municipalities;~~

39.15 ~~(8) one member of the county board of each county in the seven-county metropolitan~~
 39.16 ~~area, appointed by the respective county boards;~~

39.17 ~~(9) eight citizens appointed by the council, one from each council precinct;~~

39.18 ~~(10) one elected official from a city participating in the replacement service program~~
 39.19 ~~under section 473.388, appointed by the Suburban Transit Association; and~~

39.20 ~~(11) one member of the council, appointed by the council.~~

39.21 ~~(c) The council shall appoint a chair from among the members of the advisory body.~~

39.22 **EFFECTIVE DATE; APPLICATION.** This section is effective January 1, 2019, and
 39.23 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

39.24 **Sec. 6. REPEALER.**

39.25 Laws 1994, chapter 628, article 1, section 8, is repealed.

39.26 **EFFECTIVE DATE.** This section is effective January 1, 2019.

APPENDIX
Article locations in HF3369-1

ARTICLE 1 TRANSPORTATION POLICY..... Page.Ln 1.19
ARTICLE 2 METROPOLITAN COUNCIL GOVERNANCE..... Page.Ln 31.25

221.161 SCHEDULE OF RATES AND CHARGES.

Subd. 2. **Hearing upon complaint.** Tariffs, supplements, and reissues must be prepared and filed in accordance with rules of the commissioner. Rates or charges, including pickup charges named therein, are subject to complaint to the commissioner by an interested party. The commissioner, after investigation by the department, by order on not less than ten days' notice, may assign the complaint for hearing, and if at the hearing, the complainant submits facts and evidence sufficient to establish proof that the rates or charges complained of are excessive or noncompensatory, the commissioner may order the rates or charges canceled, and require the filing of alternative and reasonable rates and charges, the reasonable level of which at that time must be indicated by the commissioner in the order.

Subd. 3. **Hearing upon petition by another carrier.** Upon the filing of a tariff or subsequent supplement or reissue, any other carrier has the right to petition the commissioner to suspend it from taking effect until opportunity is had for a hearing on the reasonableness of the rates or charges, and the commissioner may suspend the rates or charges if in its judgment the rates or charges complained of are so unreasonably low as to create destructive competitive practices among or jeopardize the economic position of competing carriers. In determining whether the rates or charges are excessive or noncompensatory, the commissioner shall include in consideration, among other things, the reasonable cost of the services rendered for the transportation, including a reasonable return on the money invested in the business and an adequate sum for maintenance and depreciation of the property used.

Subd. 4. **Hearing on merits of rates and charges.** The commissioner, (1) after a suspension and hearing upon a schedule of rates and charges, or upon complaint, or upon the commissioner's own initiative, either in extension of an existing complaint or without a complaint whatever, (2) after department investigation and petition, (3) upon notice to the permit carrier or tariff agent proposing, maintaining, or charging a schedule of rates and charges on a single group of related commodities, and (4) upon notice to the users of the service and competitive carriers by motor vehicle and rail, may assign for hearing the schedule of rates and charges proposed, maintained, or charged by any or all permit carriers. Upon a finding, after a hearing, that the schedule of rates and charges are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of this section, the commissioner may prescribe minimum rates and charges and the rates, rules, and practices thereafter to be maintained and applied by the permit carrier or tariff agent. In the hearing the burden of proof is upon the permit carrier or tariff agent whose schedules of rates and charges are under investigation to show that the schedules are not below a minimum reasonable level or are not noncompensatory.

Laws 1994, chapter 628, article 1, section 8

Sec. 8. **SALARIES OF MEMBERS.**

Until changed in law after recommendation by the compensation council as provided in Minnesota Statutes, section 15A.082, the chair of the metropolitan council shall receive a salary of \$52,500 per year, and the other members shall receive a salary of \$20,000 per year.