

the resolution a petition requesting a referendum, signed by at least 15 percent of the voters in the county voting in the last general election, is filed with the county auditor. If a petition is filed, the resolution may be implemented unless disapproved by a majority of the voters of the county, voting on the question at a regular or special election.

Sec. 2. [383D.73] ASSESSMENT REVIEW.

The governing body or town board of any home rule charter or statutory city or town in Dakota county may transfer the duties of the city or town board of review or board of equalization under Minnesota Statutes, chapter 274, to the county board of equalization. A transfer of duties as permitted by this section is permanent and must be communicated to the county assessor before December 1 of any year to be effective for the next year. The county board of equalization shall meet during April, May, and June at the places determined by the county board of commissioners. The county assessor shall attend each meeting of the county board of equalization at which public testimony is to be taken.

Sec. 3. EFFECTIVE DATE.

Pursuant to Minnesota Statutes, section 645.023, subdivision 1, clause (a), this act takes effect the day after final enactment.

Presented to the governor May 31, 1991

Signed by the governor June 4, 1991, 8:44 p.m.

CHAPTER 339—H.F.No. 606

An act relating to transportation; authorizing state departments to cancel uncollectible debts up to \$200 in certain cases; allowing department of transportation to employ debt collection services; allowing department of transportation to make direct expenditures from state aid funds for administrative expenses; providing penalty for failure to pay fee for sign permit more than 30 days after fee is due; providing when estimates of certain construction projects are nonpublic data; directing the commissioner of transportation to adopt rules governing the location and breakaway standards for mailbox installations; allowing white strobe lamps to be used on highway maintenance vehicles; authorizing exchange of lands with Grand Portage Band of Chippewa Indians; abolishing conflicting requirements related to market artery highways; adding a route and changing the description of a route in the state highway system; amending Minnesota Statutes 1990, sections 10.12; 13.72, subdivision 1; 161.20, subdivision 4; 162.06, subdivision 2; 162.12, subdivision 2; 169.64, by adding a subdivision; and 173.13, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1990, section 169.833.

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

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

Section 1. Minnesota Statutes 1990, section 10.12, is amended to read:

10.12 UNCOLLECTIBLE DRAFTS CANCELED.

Subdivision 1. ~~OVER \$100~~ \$200. When any draft or account for a sum in excess of ~~\$100~~ \$200 due to the state is found to be uncollectible by any department, it shall report such fact to the executive council, and the executive council may cancel such draft or account upon the approval of the attorney general.

Subd. 2. ~~TO \$100~~ \$200. When any draft or account for a sum of not more than ~~\$100~~ \$200 due to the state is found to be uncollectible by an agency, the agency head may cancel the draft or account upon the approval of the attorney general. When drafts or accounts are canceled under this subdivision the head of the canceling agency shall send a certified list of them to the commissioner of finance, who shall enter the cancellations on the department of finance's records.

Subd. 3. TO \$100. When any draft or account for a sum of not more than \$100 due to the state is found to be uncollectible by an agency, the agency head or authorized representative may cancel the draft or account. When drafts or accounts are canceled under this subdivision the agency head shall send a certified list of them to the commissioner of finance, who shall enter the cancellations on the department of finance's records.

Sec. 2. Minnesota Statutes 1990, section 13.72, subdivision 1, is amended to read:

Subdivision 1. **ESTIMATES FOR CONSTRUCTION PROJECTS.** ~~Estimates~~ An estimate of the cost of ~~a construction projects~~ project of the Minnesota department of transportation prepared by department employees ~~are is~~ non-public data and ~~are is~~ not available to the public from the time of final design until the ~~bids are opened for the project is~~ awarded.

Sec. 3. Minnesota Statutes 1990, section 161.20, subdivision 4, is amended to read:

Subd. 4. **DEBT COLLECTION.** The commissioner shall make reasonable and businesslike efforts to collect money owed for licenses, fines, penalties, and permit fees or arising from damages to state-owned property or other causes related to the activities of the department of transportation. ~~When a debt has been reduced to a money judgment,~~ The commissioner may contract for debt collection services for the purpose of collecting ~~the~~ a money judgment or legal indebtedness. The commissioner may enter into an agreement with the commissioner of public safety to use debt collection services authorized by this subdivision when civil penalties relating to the use of highways have been reduced to money judgment. Money received as full or partial payment shall be deposited to the appropriate fund. When money is collected through contracted services, the commissioner may make payment for the service from the money collected. The amount necessary for payment of contractual collection costs is appropriated from the fund in which money so collected is deposited.

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

Sec. 4. Minnesota Statutes 1990, section 162.06, subdivision 2, is amended to read:

Subd. 2. ~~REIMBURSEMENT OF ADMINISTRATIVE COSTS OF STATE DEPARTMENT OF TRANSPORTATION.~~ From the total of such sums the commissioner shall deduct a sum equal to 1-1/2 percent of the total sum. The sum so deducted shall be set aside in a separate account and shall be used to reimburse the trunk highway fund for administrative costs incurred by the state transportation department in carrying out the provisions relating to the county state-aid highway system. On the 31st day of December of each year any money remaining in the account not needed to reimburse the trunk highway fund as heretofore provided for administrative costs shall be transferred to the county state-aid highway fund.

Sec. 5. Minnesota Statutes 1990, section 162.12, subdivision 2, is amended to read:

Subd. 2. ~~ADMINISTRATIVE COSTS OF STATE TRANSPORTATION DEPARTMENT.~~ From the total of such sums the commissioner, each year, shall deduct a sum of money equal to one and one-half percent of the total sums. The sum so deducted shall be set aside in a separate account and shall be used to reimburse the trunk highway fund for administration costs incurred by the state transportation department in carrying out the provisions relating to the municipal state-aid street system. On the 31st day of December of each year, any money remaining in the account not needed to reimburse the trunk highway fund as heretofore provided for administrative costs shall be transferred to the municipal state-aid street fund.

Sec. 6. [169.072] UNAUTHORIZED MAILBOX INSTALLATIONS.

Subdivision 1. PUBLIC HAZARD. A mailbox installation or support on a public highway that does not meet the breakaway and location standards contained in rules adopted under subdivision 2 is declared to be a public nuisance, a road hazard, and a danger to the health and safety of the traveling public.

Subd. 2. STANDARDS; RULEMAKING. The commissioner shall by January 1, 1993, adopt rules that provide for standards and permissible locations of mailbox installations and supports on a street or highway. The commissioner shall base the rules substantially on federal highway administration regulations or recommendations, or other national standards or recommendations regarding the location and construction of safe, breakaway mailbox installations or supports. In adopting the rules, the commissioner shall consider the safety of the traveling public relative to the convenience and expense of owners of nonconforming mailbox installations or supports. The commissioner may provide for alternative standards to allow variances from the rules.

Subd. 3. REMOVAL, NOTICE. (a) After adoption of the rules authorized under subdivision 2, the commissioner or a road authority as defined in section 160.02, subdivision 9, may remove and replace a mailbox installation or support

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that is (1) located on a street or highway under the jurisdiction of the commissioner or road authority, and (2) does not conform to the rules adopted under subdivision 2. The commissioner or road authority may remove and replace a nonconforming mailbox installation or support not less than 60 days after giving notice, by personal notice or certified mail to the owner or the resident at the address served by the mailbox, of its intent to remove and replace the installation or support. The commissioner or road authority may charge the owner or resident not more than \$75 for the cost of the removal and replacement.

(b) The notice must at a minimum:

(1) inform the owner of the nonconforming installation or support;

(2) inform the owner or resident of the applicable law and rules, including the rules that contain the standards for mailbox installations and supports on public streets and highways;

(3) inform the owner or resident that the owner or resident must remove the installation or support or bring it into compliance with the rules within 60 days of the date of the notice;

(4) inform the owner or resident of the applicable laws and rules and the standards for mailbox installations and supports on public streets and highways, and provide plans or diagrams of examples of conforming installations or supports;

(5) inform the owner or resident that if the nonconforming installation or support is not removed or replaced within 60 days of the date of the notice, the commissioner or road authority may remove and replace the installation or support at a cost of up to \$75 to the owner or resident; and

(6) inform the owner or resident that where the replacement is made in conjunction with certain federally aided highway construction projects the replacement may be made at partial or no cost to the owner or resident.

Sec. 7. Minnesota Statutes 1990, section 169.64, is amended by adding a subdivision to read:

Subd. 8. WHITE STROBE LAMPS. Notwithstanding sections 169.55, subdivision 1, 169.57, subdivision 3, clause (b), or any other law to the contrary, a vehicle may be equipped with a 360-degree flashing strobe lamp that emits a white light with a flash rate of 60 to 120 flashes a minute, and the lamp may be used as provided in this subdivision, if the vehicle is:

(1) a school bus that is subject to and complies with the color and equipment requirements of section 169.44, subdivision 1a. The lamp shall be permanently mounted on the longitudinal center line of the bus roof not less than five feet nor more than seven feet forward of the rear roof edge. It shall operate from a separate switch containing an indicator lamp to show when the strobe lamp is in use. The strobe lamp may be lighted only when atmospheric conditions or ter-

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rain restrict the visibility of school bus lamps and signals so as to require use of the bright strobe lamp to alert motorists to the presence of the school bus. A strobe lamp may not be lighted unless the school bus is actually being used as a school bus; or

(2) a road maintenance vehicle owned or under contract to the department of transportation or a road authority of a county, home rule or statutory city, or town, but the strobe lamp may only be operated while the vehicle is actually engaged in snow removal during daylight hours.

The strobe lamp shall be of a double flash type certified to the commissioner of public safety by the manufacturer as being weatherproof and having a minimum effective light output of 200 candelas as measured by the Blondel-Rey formula.

Sec. 8. Minnesota Statutes 1990, section 173.13, subdivision 7, is amended to read:

Subd. 7. A penalty equal to one-half the annual fee shall be charged upon failure to pay the annual permit fee for renewal on or before ~~August~~ July 1 of each year.

Sec. 9. LAND EXCHANGE WITH CHIPPEWA INDIANS.

Subdivision 1. AUTHORITY; CONSIDERATION. Notwithstanding contrary provisions of Minnesota Statutes, sections 94.341 to 94.349, 161.20, 161.23, and 161.44, or other law, and subject to approval of the land exchange board, the commissioner of the department of transportation shall convey a part of State Pit 174, as described in subdivision 3, to the United States of America, on behalf of and as trustee for the Grand Portage Band of Chippewa Indians and with the concurrence of the Grand Portage Reservation Business Committee, for a consideration of lands and interests in real property described in subdivision 4. Upon executing the necessary deeds, grants, resolutions, or other forms required by Minnesota Statutes, sections 161.20, subdivision 2, and 161.44, subdivision 1, and Code of Federal Regulations, title 25, parts 151, 152, and 169, the parties shall exchange lands and interests in lands, described in subdivisions 3 and 4, without additional monetary consideration and in recognition of the substantially equal values of the parcels being exchanged.

Subd. 2. FORM. The conveyance authorized by this section must be in a form approved by the attorney general, after the attorney general has determined, in the manner provided for in Minnesota Statutes, section 94.343, subdivision 9, that the title to the land proposed to be conveyed to the state is good and marketable.

Subd. 3. LAND TO BE CONVEYED. In exchange and for consideration of lands and interests in real property described in subdivision 4, the commissioner of transportation shall convey that part of tract A of State Pit 174, S.P. 1604 (61=1-47-3), in Cook county, described as follows:

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That part of Tract A described below:

Tract A, Government Lot 8 of Section 6, Township 62 North, Range 5 East, Cook County, Minnesota;

which lies southerly of a line run parallel with and distant 200 feet southeasterly of Line 1 described below:

Line 1, Beginning at a point on the east line of said Section 6, distant 150.9 feet north of the east quarter corner thereof; thence run southwesterly at an angle of 72 degrees 08 minutes 00 seconds from said east section line (measured from south to west) for 25.7 feet; thence deflect to the left on a 00 degree 30 minute 00 second curve (delta angle 06 degrees 48 minutes 00 seconds) for 1360 feet; thence on tangent to said curve for 200 feet and there terminating;

containing 19.16 acres, more or less.

Subd. 4. LAND AND INTERESTS TO BE ACQUIRED. The commissioner of transportation shall convey the land described in subdivision 3 in exchange for land and property interests in certain tracts in parcel 301, S.P. 1604 (61=1-47-4), in Cook county, described as follows:

All of Tracts A and B described below:

Tract A. That part of Government Lots 2 and 3 of Section 4, Township 63 North, Range 6 East, Cook County, Minnesota, which lies northerly of the northwesterly right-of-way line of Trunk Highway No. 61 as now located and established and easterly of a line run parallel with and distant 650 feet westerly of the east line of said Government Lot 3; excepting therefrom that part contained within the following described tract: Beginning at the northwest corner of said Government Lot 2; thence east 363 feet; thence south 360 feet; thence west 363 feet; thence north 360 feet to the point of beginning;

Tract B. The southerly 450 feet of the Southwest Quarter of the Southeast Quarter and the southerly 450 feet of the easterly 650 feet of the Southeast Quarter of the Southwest Quarter, both in Section 33, Township 64 North, Range 6 East, Cook County, Minnesota; excepting therefrom the right-of-way of Trunk Highway No. 61 as now located and established;

containing 22.09 acres, more or less;

together with a grant of Right-of-Way for sewer and water purposes in perpetuity over that part of Tract C described below:

Tract C. The North Half of the Southwest Quarter of the Northeast Quarter and that part of Government Lot 2, lying southerly of the southerly right of way line of Trunk Highway No. 61 as now located and established, both in Section 4, Township 63 North, Range 6 East, Cook County, Minnesota;

which lies within a distance of 50 feet southwesterly and westerly and 60 feet northeasterly and easterly of Line 1 described below:

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Line 1. Beginning at a point on the north line of said Section 4, distant 335 feet east of the north quarter corner thereof; thence run southeasterly at an angle of 52 degrees 40 minutes 00 seconds from said north section line (measured from east to south) for 660 feet; thence run southerly along a line which intersects the south line of said Government Lot 2 at a point thereon, distant 680 feet east of the southwest corner thereof, for 1240 feet and there terminating;

together with that part of Tract C hereinbefore described, adjoining and north-easterly of the last above described strip, which lies westerly of a line run parallel with and distant 60 feet easterly of the following described line: Beginning at a point on Line 1 described above, distant 1140 feet north of its point of termination; thence run north on said Line 1 for 100 feet; thence continue north on the last described course for 400 feet and there terminating;

containing 4.26 acres, more or less.

Subd. 5. LEGISLATIVE FINDINGS AND DECLARATION. The legislature finds that the department of transportation has constructed a tourist information center under permit adjacent to trunk highway marked No. 61 at Grand Portage, Minnesota (Grand Portage Bay rest area) and requires certain lands within the reservation of the Grand Portage Band of Chippewa Indians, now owned by the United States in trust for the Grand Portage Band, for a rest area site together with a sewer and water easement in perpetuity; that the United States presently owns land in trust for the Grand Portage Band on both sides of that part of State Pit 174 lying southeasterly of trunk highway marked No. 61 and wishes to obtain ownership of that part of State Pit 174, now owned by the state, for the benefit of the Grand Portage Band; and, that a land exchange would be mutually beneficial. The legislature declares that the exchange authorized by this section is in the public interest and for a public purpose.

Sec. 10. TRUNK HIGHWAY SYSTEM; NEW ROUTE SUBSTITUTED FOR EXISTING ROUTE.

Subdivision 1. ROUTE. There is added to the trunk highway system a new route in Minnesota Statutes, section 161.115, described as follows:

Route No. 297. Beginning at a point on Route No. 392 northwest of Fergus Falls; thence extending in a general southeasterly direction to a point at or near the intersection of West Fir Avenue and North Oak Street in the city of Fergus Falls; thence in a general northwesterly direction into and through the grounds of the Fergus Falls Regional Treatment Center; thence in a general southeasterly direction to a point at or near the intersection of West Fir Avenue and North Union Avenue in the city of Fergus Falls.

Subd. 2. SUBSTITUTION; AGREEMENT REQUIRED. The route established in subdivision 1 is substituted for Route No. 297 as contained and described in Minnesota Statutes 1990, section 161.115. Route No. 297 as contained and described in that section is discontinued and removed from the trunk highway system. No transfer is effective until an agreement to transfer jurisdiction of a portion of the old route has been agreed to by the commissioner of

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transportation and Otter Tail county and the city of Fergus Falls and signed by the commissioner and the chair of the Otter Tail county board and the mayor of Fergus Falls and filed in the office of the commissioner.

Subd. 3. REVISOR INSTRUCTION. The revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes, shall substitute the route established in subdivision 1 for the route discontinued and removed from the trunk highway system according to subdivision 2.

Sec. 11. TRUNK HIGHWAY SYSTEM; ROUTE NO. 336 ADDED.

Subdivision 1. ADDITIONAL ROUTE. On execution of the agreement required by subdivision 2, there is added to the trunk highway system a new route in Minnesota Statutes, section 161.115, described as follows:

Route No. 336. Beginning at a point on Route No. 2 at or near Dilworth, thence extending in a general southerly direction following generally the location of present County State-Aid Highway No. 11 to a point on Route No. 392.

Subd. 2. AGREEMENT REQUIRED. Legislative Route No. 336 is added to the trunk highway system only when an agreement to transfer jurisdiction has been approved by the commissioner of transportation and the Clay county board and a copy of the agreement, signed by the commissioner and the chair of the Clay county board, has been filed in the office of the commissioner.

Subd. 3. REVISOR INSTRUCTION. Following execution of the agreement required in subdivision 2, the revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes, shall add the route identified in subdivision 1.

Sec. 12. REPEALER.

Minnesota Statutes 1990, section 169.833, is repealed.

Sec. 13. EFFECTIVE DATE.

Sections 10 and 11 are effective the day following final enactment.

Presented to the governor May 31, 1991

Signed by the governor June 4, 1991, 8:45 p.m.

CHAPTER 340—H.F.No. 1035

An act relating to retirement; teachers retirement association; making various changes in laws governing the administration of the association; amending Minnesota Statutes 1990, sections 136.82, subdivision 1; 176.021, subdivision 7; 354.05, subdivisions 5, 13, 22, 35, 35a,

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