

commissioner. The invoice must show the true and correct name and address of the purchaser, and the purchaser's signature. The report shall contain such other information as the commissioner may require.

(3) Distributors and dealers of special fuel other than ~~clear~~ undyed diesel fuel who have elected to pay the special fuel excise tax on all special fuel delivered into the supply tank of an aircraft or licensed motor vehicle as provided in subdivision 3, shall report the total number of gallons delivered into the supply tank of an aircraft or licensed motor vehicle during the preceding calendar month and shall pay the special fuel excise tax due thereon to the commissioner.

(4) Bulk purchasers shall report and pay the special fuel excise tax on all special fuel except ~~clear~~ undyed diesel fuel purchased by them for storage, during the preceding calendar month. In such cases as the commissioner may permit, credit for the excise tax due or previously paid on special fuel not used in aircraft or licensed motor vehicles, may be allowed in computing tax liability. The report shall contain such other information as the commissioner may require.

(5) In computing the special fuel excise tax due, a deduction of one percent of the quantity of special fuel on which tax is due shall be made for evaporation and loss.

(6) Each report shall contain a confession of judgment for the amount of the tax shown due thereon to the extent not timely paid.

#### Sec. 10. EFFECTIVE DATE.

Section 1 is effective for sales, conveyances, or transfers on or after the day following final enactment.

Sections 2 to 9 are effective the day following final enactment.

Presented to the governor May 30, 1995

Signed by the governor June 1, 1995, 11:18 a.m.

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### CHAPTER 265—S.F.No. 371

*An act relating to transportation; abolishing certain restrictions relating to highway construction; appropriating money for departments of transportation and public safety, and other state agencies; regulating certain programs, activities, and practices; providing for fees; amending Minnesota Statutes 1994, sections 116.07, subdivision 2a; 160.02, by adding a subdivision; 161.1231, subdivision 1; 161.125, subdivision 1; 162.09, subdivision 4; 169.14, subdivision 5d; 171.06, subdivision 2; 171.20, subdivision 4; 221.031, subdivision 1; 221.0314, subdivision 3; 221.131; 221.132; 299A.38, subdivision 2; 299A.44; 299M.03, subdivision 2; 326.12, subdivision 3; 403.11, subdivision 1; 457A.02, subdivision 2; 457A.03, subdivision 3;*

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

and 473.391; repealing Minnesota Statutes 1994, sections 161.123; 161.124; and 457A.01, subdivision 7.

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

ARTICLE 1

HIGHWAY RESTRICTIONS

Section 1. Minnesota Statutes 1994, section 161.1231, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY TO CONSTRUCT.** Notwithstanding ~~section 161.123 or~~ any other law, the commissioner may acquire land by purchase, gift, or eminent domain for parking facilities described in this section and may construct, operate, repair, and maintain parking facilities primarily to serve vehicles traveling the route in the interstate highway system described ~~in section 161.123; clause (2) generally as legislative routes Nos. 10 and 107 between I-494 and the Hawthorne interchange in the city of Minneapolis,~~ also known as I-394. Other vehicles may use the parking facilities when space is available.

Sec. 2. Minnesota Statutes 1994, section 473.391, is amended to read:

**473.391 ROUTE PLANNING AND SCHEDULING.**

The council may contract with other operators or local governments for route planning and scheduling services in any configuration of new or reconfiguration of existing transit services and routes, including route planning and scheduling necessary for the test marketing program, the service bidding program, and the interstate highway described ~~in section 161.123; clause (2) generally as legislative routes Nos. 10 and 107 between I-494 and the Hawthorne interchange in the city of Minneapolis,~~ commonly known as I-394.

Sec. 3. **REPEALER.**

Minnesota Statutes 1994, sections 161.123; and 161.124, are repealed.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective upon metropolitan council approval of plans presented by the commissioner to:

(1) construct one additional lane on each roadway of I-394 at or near its interchange with Penn Avenue;

(2) preserve the existence of an additional lane eastbound between Penn Avenue and the Dunwoody Boulevard exit;

(3) erect noise barriers adjacent to the westbound roadway of the highway

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

continuously between Wirth Parkway and Penn Avenue, and on the eastbound roadway of the highway continuously between Madeira Avenue and Wirth Parkway, and extend the existing noise barriers easterly of France Avenue, all with the consent of all affected owners of commercial property;

(4) adopt a goal of achieving an average occupancy rate on the highway of 1.6 persons per vehicle by 2000, and implement a five-year program in cooperation with the council intended to achieve that goal by, among other means, significantly increasing the use of high-occupancy lanes on the highway and the use of other roadways;

(5) develop and implement, jointly with the commissioner of public safety, a plan and program for (i) enforcement of speed limits and other traffic laws and high-occupancy lane restrictions and the minimizing of late merging of traffic onto the eastbound highway, and (ii) demonstration of increased information and education through changeable message signs and the use of electronic detection to identify and warn traffic law violators; and

(6) ensure the highway has a bituminous surface between June Avenue in Golden Valley and the highway's intersection with marked interstate highway No. 94 in Minneapolis.

## ARTICLE 2

### TRANSPORTATION APPROPRIATIONS

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

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "1996," and "1997," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1996, or June 30, 1997, respectively.

#### SUMMARY BY FUND

	1996	1997	TOTAL
General	\$ 60,849,000	\$ 59,751,000	\$120,600,000
Airports	16,000,000	16,400,000	32,400,000
C.S.A.H.	285,642,000	293,068,000	578,710,000
Highway User	10,306,000	10,313,000	20,619,000
M.S.A.S.	87,078,000	89,240,000	176,318,000
Special Revenue	960,000	984,000	1,944,000
Trunk Highway	828,388,000	825,448,000	1,653,836,000
Transfers to Other			
Direct	(2,967,000)	(2,636,000)	(5,603,000)
TOTAL	1,289,223,000	1,295,204,000	2,584,427,000

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

APPROPRIATIONS  
Available for the Year  
Ending June 30  
1996                      1997

Sec. 2. TRANSPORTATION

Subdivision 1. Total Appropriation	1,157,842,000	1,158,424,000
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The appropriations in this section are from the trunk highway fund, except when another fund is named.

	Summary by Fund	
General	12,654,000	12,653,000
Airports	15,950,000	16,350,000
C.S.A.H.	285,642,000	293,068,000
M.S.A.S.	87,078,000	89,240,000
Trunk Highway	756,518,000	747,113,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Aeronautics	15,880,000	16,280,000
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This appropriation is from the state airports fund.

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Airport Development and Assistance

1996	1997
11,349,000	11,748,000

\$2,146,000 the first year and \$2,146,000 the second year are for navigational aids.

\$6,800,000 the first year and \$7,200,000 the second year are for airport construction grants.

\$2,300,000 the first year and \$2,300,000 the second year are for airport maintenance grants.

If the appropriation for either year for navigational aids, airport construction

grants, or airport maintenance grants is insufficient, the appropriation for the other year is available for it. The appropriations for construction grants and maintenance grants may be spent only for grant-in-aid programs for airports that are not state owned.

These appropriations must be spent in accordance with Minnesota Statutes, section 360.305, subdivision 4.

The commissioner of transportation may transfer unencumbered balances among the appropriations for airport development and assistance with the approval of the governor after consultation with the legislative advisory commission.

\$12,000 the first year and \$12,000 the second year are for maintenance of the Pine Creek Airport.

\$91,000 the first year and \$90,000 the second year are for air service grants.

(b) Aviation Support

4,470,000	4,471,000
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\$65,000 the first year and \$65,000 the second year are for the civil air patrol.

\$15,000 the first year and \$15,000 the second year are for the advisory council on metropolitan airport planning. The commissioner of transportation shall transfer these funds to the legislative coordinating commission. These funds are available in either year of the biennium.

(c) Air Transportation Services

61,000	61,000
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Subd. 3. Transit		12,293,000	12,292,000
	Summary by Fund		
General	12,005,000	12,004,000	
Trunk Highway	288,000	288,000	

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Greater Minnesota Transit Assistance

11,557,000	11,556,000
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This appropriation is from the general fund.

(b) Transit Administration

736,000	736,000		
	Summary by Fund		
General	448,000	448,000	
Trunk Highway	288,000	288,000	
Subd. 4. Railroads and Waterways		1,431,000	1,431,000
	Summary by Fund		
General	492,000	492,000	
Trunk Highway	939,000	939,000	

\$250,000 the first year and \$250,000 the second year are for a phase-II feasibility study of high-speed rail service in Minnesota, Wisconsin, and Illinois along the southern corridor identified in the tri-state study of high-speed rail service. The commissioner may enter into agreements with Wisconsin and Illinois to cooperate in the study. The study outline must include all subjects identified in Laws 1994, chapter 640, section 5, paragraph (b). This appropriation is contingent on Wisconsin providing \$500,000 and on receipt of federal matching money for the study. This appropriation is from the general fund and is available until spent.

The commissioner and metropolitan and regional planning organizations shall increase efforts to assist owners of commercial navigation facilities as defined in Minnesota Statutes, section 457A.01, subdivision 2, to seek federal ISTEA funds for port development.

Subd. 5. Motor Carrier Regulation		2,266,000	2,267,000
Summary by Fund			
General	107,000	107,000	
Trunk Highway	2,159,000	2,160,000	
Subd. 6. Local Roads		372,720,000	382,308,000
Summary by Fund			
C.S.A.H.	285,642,000	293,068,000	
M.S.A.S.	87,078,000	89,240,000	

The amounts that may be spent from this appropriation for each activity are as follows:

(a) County State Aids  
     285,642,000      293,068,000

This appropriation is from the county state-aid highway fund and is available until spent.

(b) Municipal State Aids  
     87,078,000      89,240,000

This appropriation is from the municipal state-aid street fund and is available until spent.

If an appropriation for either county state aids or municipal state aids does not exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance, upon request of the commissioner of transportation, shall notify the committee on finance of the senate and the committee on ways and means of the house of representatives of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purposes of county state aids or municipal state aids, as appropriate.

(c) State Aid Technical Assistance  
     5,706,000      5,852,000

These appropriations are for administrative costs as provided in Minnesota Statutes, sections 162.06, subdivision 2; and 162.12, subdivision 2.

Summary by Fund			
C.S.A.H.	4,373,000	4,486,000	
M.S.A.S.	1,333,000	1,366,000	
Subd. 7. State Road Construction		516,960,000	515,986,000

The amounts that may be spent from this appropriation for each activity are as follows:

(a) State Road Construction			
	376,463,000	377,763,000	

It is estimated that the appropriation from the trunk highway fund will be funded as follows:

Federal Highway Aid			
	205,000,000	205,000,000	
Highway User Taxes			
	171,463,000	172,763,000	

The commissioner of transportation shall notify the chair of the committee on finance of the senate and chair of the committee on ways and means of the house of representatives quarterly of any events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways. This includes the cost of actual payment to landowners for lands acquired for highway right-of-way, payment to lessees, interest subsidies, and relocation expenses.

The commissioner of transportation may receive monies covering other shares of the cost of partnership projects. These receipts are appropriated to the commissioner for these projects.

Before proceeding with a project, or a series of projects on a single highway, with a cost exceeding \$10,000,000, the commissioner shall consider the feasibility of alternative means of financing



the project or series of projects, including but not limited to congestion pricing, tolls, mileage pricing, and public-private partnership.

(b) Highway Debt Service

21,728,000	19,602,000
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\$11,948,000 the first year and \$7,641,000 the second year are for transfer to the state bond fund.

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on finance of the senate and the committee on ways and means of the house of representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation.

Any excess appropriation must be canceled to the trunk highway fund.

(c) Research and Investment Management

10,388,000	10,390,000
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\$444,000 the first year and \$444,000 the second year are available for grants for transportation studies outside the metropolitan area for transportation studies to identify critical concerns, problems, and issues. These grants are available to (1) regional development commissions, and (2) in regions where no regional development commission is functioning, joint-powers boards established under agreement of two or more political subdivisions in the region to exercise the planning functions of a regional development commission.

\$180,000 the first year and \$180,000 the second year are available for grants to metropolitan planning organizations outside the seven-county metropolitan area.

\$75,000 the first year and \$75,000 the second year are for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

(d) Design Engineering

52,981,000	52,981,000
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Of these appropriations, \$2,190,000 the first year and \$2,190,000 the second year are for scientific equipment. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

The commissioner, in cooperation with the tribal council, shall determine those portions of trunk highway 61 right-of-way lying within the boundaries of the Grand Portage Indian Reservation that are no longer needed for trunk highway purposes. This determination shall be made according to criteria developed by the commissioner in consultation with the tribal council. Following the completion of this project the commissioner may, pursuant to Minnesota Statutes, section 161.43, relinquish and quit claim to the Grand Portage Band where it is the fee owner, or to the United States where it holds the fee in trust for the Grand Portage Band, any easement or portion of an easement that has been determined to be no longer needed by the transportation department for trunk highway purposes. For the purposes of section 161.43, the tribal council shall be treated in the same manner as if it were a political subdivision of the state, provided that the matching funds contributed by the tribal council to the surveying and mapping project described above shall be considered full compensation for the relinquishment and quit

claim of any easements or portions of any easements over tribal or tribal trust lands.

## (e) Construction Engineering

55,400,000                      55,250,000

Subd. 8. State Road Operations    192,412,000                      192,775,000

Summary by Fund

Trunk Highway	192,403,000	192,766,000
General	9,000	9,000

## (a) State Road Operations

188,244,000                      188,607,000

\$11,989,000 the first year and \$11,989,000 the second year are for road equipment. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

## (b) Electronic Communications

4,168,000                      4,168,000

Summary by Fund

General	9,000	9,000
Trunk Highway	4,159,000	4,159,000

\$9,000 the first year and \$9,000 the second year are from the general fund for equipment and operation of the Roosevelt signal tower for Lake of the Woods weather broadcasting.

Subd. 9. General Administration    43,880,000                      35,085,000

Summary by Fund

General	41,000	41,000
Airports	70,000	70,000
Trunk Highway	43,769,000	34,974,000

The amounts that may be spent from this appropriation for each activity are as follows:

## (a) General Management

22,943,000                      22,999,000

\$100,000 each year is appropriated from the trunk highway fund to the commissioner of transportation for grants to stimulate telecommuting as an

alternative to peak-hour highway commuting. The commissioner and the Minnesota telecommuting partnership shall determine grant purposes and recipients. Initial consideration will be given to the communities of Cottage Grove, Upsala, and Morrison county.

Notwithstanding Minnesota Statutes, sections 160.84 to 160.92, the commissioner of transportation is authorized to implement a demonstration congestion pricing project involving interstate trunk highway facilities to determine the feasibility of charging user fees as allowed by Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law Number 102-240 (ISTEA). For the purposes of this demonstration project, the commissioner shall be exempt from any rule-making requirements. The commissioner of transportation must obtain prior approval for the project from the metropolitan council. The metropolitan council must hold a public hearing on the project as proposed by the commissioner of transportation before granting its approval. All fees collected by the commissioner shall be deposited in the trunk highway fund and are appropriated to implement and administer this demonstration project. The project must be completed by June 30, 1997.

\$250,000 in the first year is for research and operational testing of a road-powered electric vehicle (RPEV) system, either with high-occupancy vehicles, shuttles, or full-size buses, as part of the Saints road project in St. Cloud. This project must be coordinated with the St. Cloud area metropolitan transit commission. The commissioner shall analyze findings and make recommendations on (1) snow and ice control over extended periods of system operation,

(2) design applications for road installation, (3) durability and reliability of such a system on public or private roadway over an extended period, (4) safety factors and hazard mitigation related to the probability of occurrence of hazards, and (5) preliminary research on application of the system to intelligent transportation systems. Of this appropriation \$150,000 is available immediately and an additional \$100,000 is available only if it is matched with at least \$50,000 in in-kind funding from private and other sources. The commissioner shall seek federal funding for this project as well as local matching funds. The commissioner shall not spend this appropriation until the commissioner has determined that the RPEV study, evaluation, and test required under Laws 1994, chapter 640, section 4, paragraph (a), has been satisfactorily completed. This appropriation is from the trunk highway fund.\* (The preceding paragraph beginning "\$250,000" was vetoed by the governor.)

(b) General Services

20,397,000	12,086,000	
	Summary by Fund	
General	41,000	41,000
Airports	70,000	70,000
Trunk Highway	20,826,000	11,975,000

\$3,500,000 the first year and \$3,500,000 the second year are for data processing development. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$9,000,000 the first year is for purchase of the Water's Edge building. This appropriation is from the trunk highway fund.

The commissioner of transportation shall manage the department of transportation in such a manner as to pro-

vide seasonal employees of the department with the maximum feasible amount of employment security consistent with the efficient delivery of department programs.

#### Subd. 10. Transfers

The commissioner of transportation with the approval of the commissioner of finance may transfer unencumbered balances among the appropriations from the trunk highway fund and the state airports fund made in this section. No transfer may be made from the appropriation for state road construction. No transfer may be made from the appropriations for debt service to any other appropriation. Transfers may not be made between funds. Transfers must be reported immediately to the committee on finance of the senate and the committee on ways and means of the house of representatives.

#### Sec. 3. METROPOLITAN COUNCIL TRANSIT

42,037,000	41,058,000
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Of this amount, the metropolitan council may use up to \$625,000 during the biennium to implement a high-speed bus demonstration project. The project may be implemented with reorganized existing transit service or provision of new service.

Of this amount, \$354,000 is for security measures on transit vehicles, including, but not limited to, plexiglass enclosures for drivers and on-bus surveillance cameras. The council may also pay for these security measures out of the proceeds of bonds issued under Minnesota Statutes, section 473.39.

The metropolitan council may not spend more than \$15,300,000 the first year and \$15,300,000 the second year on metro mobility, except for proceeds

from bond sales where use of such proceeds for metro mobility capital expenditures is authorized by law.

Sec. 4. TRANSPORTATION REGULATION BOARD

605,000

This appropriation is from the trunk highway fund.

Of this amount, \$100,000 is for the board, in cooperation with the commissioner of transportation, the center for transportation studies, and the legislative auditor, to conduct a study of the transfer of powers, duties, and functions of the board to an appropriate agency. The study must include (1) which powers of the board should be eliminated, and (2) the relocation to other agencies of those powers of the board that should be retained. In conducting the study, the board shall establish and consult with an advisory committee that includes, but is not limited to, representatives of for-hire and private trucking, including household goods movers; railroads; representatives of for-hire and private passenger carriers, including limousines and personal transportation consumers; and members of legislative committees and divisions that are responsible for transportation policy or funding. The board shall submit a report on the study, including recommendations and draft legislation, to the legislature by February 1, 1996.

Sec. 5. PUBLIC SAFETY

Subdivision 1. Total Appropriation		80,922,000	81,012,000
Summary by Fund			
1996		1997	
General	6,158,000	6,040,000	
Highway User	10,181,000	10,188,000	
Special Revenue	910,000	934,000	
Trunk Highway	63,673,000	63,850,000	
Transfers to Other			
Direct	(2,697,000)	(2,636,000)	

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Administration and Related Services

5,152,000	5,170,000	
	Summary by Fund	
General	615,000	615,000
Highway User	19,000	19,000
Trunk Highway	4,518,000	4,536,000

\$326,000 the first year and \$326,000 the second year are for payment of public safety officer survivor benefits under Minnesota Statutes, section 299A.44. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$92,000 the first year and \$92,000 the second year are for soft body armor reimbursements under Minnesota Statutes, section 299A.38.

Subd. 3. State Patrol

43,727,000	43,835,000	
	Summary by Fund	
General	451,000	406,000
Highway User	60,000	60,000
Trunk Highway	43,216,000	43,369,000

During the biennium ending June 30, 1997, no more than five positions, excluding the chief patrol officer, in the state patrol support activity may be filled by state troopers.

During the biennium ending June 30, 1997, the commissioner may purchase other motor fuel when gasohol is not available for the operation of state patrol vehicles.

\$45,000 is available from the general fund for the biennium to replace security equipment at the governor's residence.



## Subd. 4. Driver and Vehicle Services

29,446,000	29,460,000	
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## Summary by Fund

General	3,511,000	3,512,000
Highway User	10,121,000	10,128,000
Trunk Highway	15,756,000	15,761,000
Special Revenue	58,000	59,000

The appropriation from the special revenue fund is from the bicycle transportation account.

## Subd. 5. Traffic Safety

244,000	245,000	
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## Summary by Fund

General	61,000	61,000
Trunk Highway	183,000	184,000

## Subd. 6. Pipeline Safety

852,000	875,000	
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This appropriation is from the pipeline safety account in the special revenue fund.

## Subd. 7. Reimbursements

(a) \$1,520,000 the first year and \$1,446,000 the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1996, and January 1, 1997, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for general fund purposes in the administration and related services program.

(b) \$461,000 the first year and \$474,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1996, and January 1, 1997, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk

highway fund for highway user fund purposes in the administration and related services program.

(c) \$716,000 the first year and \$716,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the general fund on January 1, 1996, and January 1, 1997, respectively, in order to reimburse the general fund for expenses not related to the fund. These represent amounts appropriated out of the general fund for operation of the criminal justice data network related to driver and motor vehicle licensing.

Sec. 6. MINNESOTA SAFETY  
COUNCIL

67,000                      67,000

This appropriation is from the trunk highway fund.

Sec. 7. GENERAL CONTINGENT  
ACCOUNTS

375,000                      375,000

The appropriations in this section may only be spent with the approval of the governor after consultation with the legislative advisory commission pursuant to Minnesota Statutes, section 3.30.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Summary by Fund

Trunk Highway Fund

200,000                      200,000

Highway User Tax Distribution Fund

125,000                      125,000

State Airports Fund

50,000                        50,000

Sec. 8. TORT CLAIMS

600,000                      600,000

To be spent by the commissioner of finance.

This appropriation is from the trunk highway fund.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 9. TRUNK HIGHWAY SUPPLEMENT

6,725,000      13,618,000

The amounts necessary to pay compensation and economic benefit increases, within available resources in the trunk highway fund, are appropriated to the commissioner of finance for the years ending June 30, 1996 and June 30, 1997. During the biennium, the commissioner shall transfer the necessary amounts to the proper accounts. The commissioner shall report to the chair of the ways and means committee of the house of representatives and the chair of the finance committee of the senate on the transfers made under this section. This appropriation is from the trunk highway fund.

Sec. 10. EVALUATION OF USE OF COST-EFFECTIVE MEASURES

The legislative audit commission is requested to direct the legislative auditor to perform an evaluation of the cost-effectiveness of specifications, standards, practices, and procedures relating to construction projects undertaken by the department of transportation. The evaluation must identify those construction-related specifications, standards, practices, and procedures which are cost-effective and available to the department, but which are not utilized.

Sec. 11. METROPOLITAN COUNCIL; EXPENDITURES.

Notwithstanding any limitation on funding for metro mobility, the metropolitan council may use the proceeds from the certificates of indebtedness, bonds, or other obligations issued pursuant to Minnesota Statutes, section 473.39, subdivision 1b, to pay the capital costs of special transportation service in the metropolitan area.

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

Sec. 12. **TRUNK HIGHWAY 212; FINANCING ALTERNATIVES.**

The commissioner shall investigate alternative means of financing the reconstruction of highway 212 between marked interstate No. 494 and the city of Cologne, including, but not limited to, public/private partnerships, toll financing, and congestion pricing.

Sec. 13. **WAKOTA BRIDGE.**

Subdivision 1. FINDINGS. The legislature finds that:

(1) the completion of the Wakota bridge project connecting the cities of South St. Paul and Newport is needed, as shown in the metropolitan council's transportation policy plan;

(2) the project is considered one of the priority river crossings in the metropolitan area according to that policy plan; and

(3) the needs of the affected communities and of the entire regional transportation system require that the department of transportation make every effort to begin this project as rapidly as possible.

Subd. 2. TRANSPORTATION IMPROVEMENT PROGRAM. The commissioner of transportation shall include the Wakota bridge-trunk highway no. 61 project in the statewide transportation improvement program at the earliest feasible date consistent with available funding.

Subd. 3. REPORT. The commissioner of transportation shall submit an annual report to the legislature by February 1 of each year describing the status of the Wakota bridge-trunk highway no. 61 project and indicating remaining uncompleted components of the project.

Sec. 14. Minnesota Statutes 1994, section 116.07, subdivision 2a, is amended to read:

Subd. 2a. **EXEMPTIONS FROM STANDARDS.** No standards adopted by any state agency for limiting levels of noise in terms of sound pressure which may occur in the outdoor atmosphere shall apply to (1) segments of trunk highways constructed with federal interstate substitution money, provided that all reasonably available noise mitigation measures are employed to abate noise, (2) an existing or newly constructed segment of a highway, provided that all reasonably available noise mitigation measures, as approved by the commissioners of the department of transportation and pollution control agency, are employed to abate noise, (3) skeet, trap or shooting sports clubs, or ~~(3) the holding of~~ (4) motor vehicle race events conducted at a facility specifically designed for that purpose that was in operation on or before July 1, 1983. Nothing herein shall prohibit a local unit of government or a public corporation with the power to make rules for the government of its real property from regulating the location and operation of skeet, trap or shooting sports clubs, or ~~the holding of~~ motor vehicle race events conducted at a facility specifically designed for that purpose that was in operation on or before July 1, 1983.

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Sec. 15. Minnesota Statutes 1994, section 160.02, is amended by adding a subdivision to read:

Subd. 16. FREEWAY OR EXPRESSWAY. "Freeway" or "expressway" means a divided, controlled-access highway with four or more lanes.

Sec. 16. Minnesota Statutes 1994, section 161.125, subdivision 1, is amended to read:

Subdivision 1. **IMPLEMENTATION.** The commissioner of transportation shall; ~~in accordance with the department's program,~~ implement sound a noise abatement study and noise abatement measures within or along the perimeter of any interstate or trunk highway within freeways and expressways in incorporated areas located within the metropolitan area or any municipality whenever the noise level attributable to vehicular traffic at the abutting residential property line is in excess of the federal noise standards. The commissioner shall utilize federal matching funds available for constructing and maintaining sound abatement measures. ~~No standard adopted by any state agency for limiting levels of noise in terms of sound pressure in the outdoor atmosphere shall apply to any interstate highway, or to any trunk highway segment constructed or reconstructed with federal interstate substitution funds; provided that all reasonable mitigating measures are used to abate noise contingent on the availability of funding, in accordance with section 116.07, subdivision 2a. The commissioner shall report to the legislature by February 1, 1997, on noise abatement studies and measures undertaken during the previous calendar year and planned for the next three years under this subdivision. The study must include a survey of all applicable noise standards and feasible noise abatement measures, and an evaluation of their ability to protect citizens.~~

Sec. 17. Minnesota Statutes 1994, section 162.09, subdivision 4, is amended to read:

Subd. 4. **FEDERAL CENSUS TO BE CONCLUSIVE.** (a) In determining whether any city has a population of 5,000 or more, the last federal census shall be conclusive, except as otherwise provided in this subdivision.

(b) A city that has previously been classified as having a population of 5,000 or more for the purposes of chapter 162 and whose population decreases by less than 15 percent from the census figure that last qualified the city for inclusion shall receive the following percentages of its 1981 apportionment for the years indicated: 1982, 66 percent and 1983, 33 percent. Thereafter the city shall not receive any apportionment from the municipal state-aid street fund unless its population is determined to be 5,000 or over by a federal census. The governing body of the city may contract with the United States Bureau of the Census to take one special census before January 1, 1986. A certified copy of the results of the census shall be filed with the appropriate state authorities by the city. The result of the census shall be the population of the city for the purposes of any law providing that population is a required qualification for distribution of highway aids under chapter 162. The special census shall remain in effect until the

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1990 federal census is completed and filed. The expense of taking the special census shall be paid by the city.

(c) If an entire area not heretofore incorporated as a city is incorporated as such during the interval between federal censuses, its population shall be determined by its incorporation census. The incorporation census shall be determinative of the population of the city only until the next federal census.

(d) The population of a city created by the consolidation of two or more previously incorporated cities shall be determined by the most recent population estimate of the metropolitan council or state demographer, until the first federal decennial census or special census taken after the consolidation.

Sec. 18. Minnesota Statutes 1994, section 169.14, subdivision 5d, is amended to read:

Subd. 5d. **SPEED ZONING IN WORK ZONES; SURCHARGE.** (a) The commissioner, on trunk highways and temporary trunk highways, and local authorities, on streets and highways under their jurisdiction, may authorize the use of reduced maximum speed limits in highway work zones. The commissioner or local authority is not required to conduct an engineering and traffic investigation before authorizing a reduced speed limit in a highway work zone.

(b) The minimum highway work zone speed limit is 20 miles per hour. The work zone speed limit must not reduce the established speed limit on the affected street or highway by more than 15 miles per hour, except that the highway work zone speed limit shall not exceed 40 miles per hour. Highway work zone speed limits are effective on erection of appropriate regulatory speed limit signs ~~designating the beginning and end of the affected work zone.~~ The signs must be removed or covered when they are not required. A speed greater than the posted highway work zone speed limit is unlawful.

(c) For purposes of this subdivision, "highway work zone" means a segment of highway or street where a road authority or its agent is constructing, reconstructing, or maintaining the physical structure of the roadway, its shoulders, or features adjacent to the roadway, including underground and overhead utilities and highway appurtenances.

(d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established under paragraph (b) ~~while on a trunk highway~~, or who violates any other provision of this section or section 169.141 while in a highway work zone ~~on a trunk highway~~, is assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25. ~~The surcharge must be deposited in the state treasury and credited to the general fund.~~

Sec. 19. Minnesota Statutes 1994, section 171.06, subdivision 2, is amended to read:

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Subd. 2. **FEES.** (a) The fees for a license and Minnesota identification card are as follows:

Classified Driver License	C-\$18.50	CC-\$22.50	B-\$29.50	A-\$37.50
Classified Under 21 D.L.	C-\$18.50	CC-\$22.50	B-\$29.50	A-\$17.50
Instruction Permit				\$ 9.50
Duplicate Driver or Under 21 License or <u>duplicate identification card</u>				\$ 8.00
Minnesota identification card <u>other than duplicate</u> , except as otherwise provided in section 171.07, subdivisions 3 and 3a				\$12.50

Sec. 20. Minnesota Statutes 1994, section 171.20, subdivision 4, is amended to read:

Subd. 4. **REINSTATEMENT FEE.** A person whose driver's license has been suspended under section 171.16, subdivision 2; 171.18, except subdivision 1, clause (10); or 171.182, or who has been disqualified from holding a commercial driver's license under section 171.165 must pay a \$20 fee before the license is reinstated. When this fee is collected by a county-operated office of deputy registrar, a \$3.50 handling charge is imposed. The handling charge must be deposited in the treasury of the place for which the deputy registrar was appointed and the \$20 reinstatement fee must be deposited in an approved state depository as directed under section 168.33, subdivision 2. A suspension may be rescinded without fee for good cause.

Sec. 21. Minnesota Statutes 1994, section 221.031, subdivision 1, is amended to read:

Subdivision 1. **POWERS, DUTIES, REPORTS, LIMITATIONS.** (a) This subdivision applies to motor carriers engaged in intrastate commerce.

(b) The commissioner shall prescribe rules for the operation of motor carriers, including their facilities; accounts; leasing of vehicles and drivers; service; safe operation of vehicles; equipment, parts, and accessories; hours of service of drivers; driver qualifications; accident reporting; identification of vehicles; installation of safety devices; inspection, repair, and maintenance; and proper automatic speed regulators if, in the opinion of the commissioner, there is a need for the rules.

(c) The commissioner shall direct the repair and reconstruction or replacement of an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations or shelters in a city in this state or at a point on the highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property.

(d) The commissioner shall require the filing of holders of household goods

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mover permits, charter carrier permits, and regular route passenger carrier certificates to file annual and other reports including annual accounts of motor carriers, schedules of rates and charges, or other data by motor carriers, regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and prescribe other rules as may be necessary to carry out the provisions of this chapter.

(e) A motor carrier subject to paragraph (d) but having gross revenues from for-hire transportation in a calendar year of less than \$200,000 may, at the discretion of the commissioner, be exempted from the filing of an annual report, if instead the motor carrier files an abbreviated annual report, in a form as may be prescribed by the commissioner, attesting that the motor carrier's gross revenues did not exceed \$200,000 in the previous calendar year. Motor carrier gross revenues from for-hire transportation, for the purposes of this subdivision only, do not include gross revenues received from the operation of school buses as defined in section 169.01, subdivision 6.

(f) The commissioner shall enforce sections 169.781 to 169.783.

(g) The commissioner shall make no rules relating to the granting, limiting, or modifying of permits or certificates of convenience and necessity, which are powers granted to the board.

(h) The board may extend the termini of a route or alter or change the route of a regular route common carrier upon petition and after finding that public convenience and necessity require an extension, alteration, or change.

Sec. 22. Minnesota Statutes 1994, section 221.0314, subdivision 3, is amended to read:

Subd. 3. **WAIVER FOR PHYSICAL DEFECTS.** (a) A person who is not physically qualified to drive under subdivision 2, but who meets the other qualifications under subdivision 2, may drive a motor vehicle if the commissioner grants a waiver to that person. The commissioner may grant a waiver to a person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(1) or (b)(2), according to rules adopted under section 221.031.

(b) The commissioner may grant a waiver to a person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(3) to (b)(13) for medical conditions for which waiver programs have been established by the United States Department of Transportation. Except as required in paragraphs (c) to (f), the commissioner shall require the same information and follow the same procedure as the United States Department of Transportation in granting the waivers. The commissioner may continue to grant waivers under this paragraph and paragraphs (c) to (f) after the United States Department of Transportation has discontinued its waiver program for a specific medical condition if the commissioner determines that the waiver program is consistent with the safe operation of motor vehicles.

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(c) Despite federal requirements, the commissioner may grant a waiver to a person who does not have three years' experience in operating a commercial motor vehicle.

(d) Despite federal requirements, a person who has been initially examined by a licensed physician and who has been granted a waiver for a diabetic condition may be regularly examined by the person's treating physician every six months from the date a waiver is granted.

(e) Despite federal requirements, the commissioner may grant a waiver to a person who requires insulin for controlling diabetes but who has not been using insulin for the three years preceding a waiver application if the applicant, in addition to the information required by paragraph (b), submits a statement from a licensed physician that includes:

(1) the date and a description of each episode experienced by the person during the three years preceding a waiver application that involved a loss of consciousness or voluntary control due to hypoglycemia or hyperglycemia;

(2) the person's prognosis for control of the diabetes; and

(3) the physician's professional opinion about whether the person is medically qualified to exercise reasonable and ordinary control over a commercial motor vehicle on the public highways.

(f) A person who is granted a waiver after submitting the information required in paragraph (e) must, in addition, submit a statement from the person's treating physician every six months from the date a waiver is granted that includes the information described in paragraph (e), clauses (1) and (2), and gives the physician's professional opinion about whether the person continues to be medically qualified to exercise reasonable and ordinary control over a commercial motor vehicle on the public highways.

Sec. 23. Minnesota Statutes 1994, section 221.131, is amended to read:

**221.131 CARRIER VEHICLE REGISTRATION; FEES; IDENTIFICATION; CAB CARDS.**

Subdivision 1. **PERMIT RENEWAL.** Permits issued under section 221.121 are effective for a 12-month period. A permit holder ~~shall~~ **must** renew the permit annually by registration of the vehicles operated under authority of that permit as required by subdivision 2. A permit holder has one annual renewal date encompassing all of the permits held by the holder.

Subd. 2. **PERMIT CARRIERS; ANNUAL VEHICLE REGISTRATION.**  
(a) This subdivision applies only to holders of household goods mover permits and charter carrier permits.

(b) The permit holder shall pay an annual registration fee of \$40 on each vehicle, including pickup and delivery vehicles, operated by the holder under

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authority of the permit during the 12-month period or fraction of the 12-month period. Trailers and semitrailers used by a permit holder in combination with power units may not be counted as vehicles in the computation of fees under this section if the permit holder pays the fees for power units.

(b) (c) The commissioner shall furnish a distinguishing annual identification card for each vehicle or power unit for which a fee has been paid. The identification card must at all times be carried in the vehicle or power unit to which it has been assigned. An identification card may be reassigned to another vehicle or power unit upon application of the permit holder and payment of a transfer fee of \$10. An identification card issued under this section is valid only for the period for which the permit is effective.

(e) The permit holder must be identified on the power unit of each registered vehicle operated under the permit. Vehicles must show the name or the "doing business as" name of the permit holder operating the vehicle and the community and abbreviation of the state in which the permit holder maintains its principal office or in which the vehicle is customarily based. If the permit holder operates a leased vehicle, it may show its name and the name of the lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person other than the operating permit holder appears on the vehicle, the words "operated by" must immediately precede the name of the permit holder. The name and address must be in letters that contrast sharply in color with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be maintained in a manner that retains the legibility of the markings. The name and address may be shown by use of a removable device if that device meets the identification and legibility requirements of this subdivision.

(d) A fee of \$10 is charged for the replacement of an unexpired identification card that has been lost.

(e) The total annual registration fee per vehicle for class H-T, class H-L, household goods mover, and temperature-controlled commodities permit holders, or any combination thereof, shall not exceed \$40 per vehicle.

Subd. 2a. VEHICLE IDENTIFICATION. The permit holder must be identified on the power unit of each registered vehicle operated under the permit. Vehicles must show the name or the "doing business as" name of the permit holder operating the vehicle and the community and abbreviation of the state in which the permit holder maintains its principal office or in which the vehicle is customarily based. If the permit holder operates a leased vehicle, it may show its name and the name of the lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person other than the operating permit holder appears on the vehicle, the words "operated by" must immediately precede the name of the permit holder. The name and address must be in letters that contrast sharply in color with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be main-

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tained in a manner that retains the legibility of the markings. The name and address may be shown by use of a removable device if that device meets the identification and legibility requirements of this subdivision.

Subd. 3. **CERTIFICATE CARRIERS; ANNUAL VEHICLE REGISTRATION.** Certificated passenger carriers shall pay an annual registration fee of \$40 for each vehicle, including pickup and delivery vehicles, operated during a calendar year. The commissioner shall issue distinguishing identification cards as provided in subdivision 2.

Subd. 4. **CARDS; FEES.** The department may issue to carriers subject to subdivision 2 or 3 special "floater" identification cards up to a maximum of five per motor carrier. Floater cards may be freely transferred between vehicles used under short-term leases by the motor carrier. The motor carrier shall pay a fee of \$100 for each floater card issued.

Subd. 5. **LIMITATION.** The provisions of this section are limited by applicable federal law.

~~Subd. 6. **COURIER SERVICE CARRIERS; IDENTIFICATION CARDS.** The commissioner shall issue distinct annual identification cab cards for vehicles that provide courier service under a permit issued by the board. A courier service identification cab card may not be issued for a vehicle that has a gross vehicle weight in excess of 15,000 pounds.~~

~~Subd. 7. **ARMORED CARRIERS.** The commissioner shall issue distinct annual identification cards for vehicles that provide armored carrier service under a permit issued by the board. No card may be issued unless the armored carrier submits evidence that it holds in good standing a protective agent's or private detective's license under sections 326.338 and 326.3381, subdivision 1.~~

Sec. 24. Minnesota Statutes 1994, section 221.132, is amended to read:

**221.132 PREPAID TEMPORARY VEHICLE IDENTIFICATION CARDS.**

The commissioner may issue a prepaid temporary vehicle identification card to a permit or certificate holder subject to section 221.131, subdivision 2 or 3, for a fee of \$5 per card. The card must be preprinted by the commissioner with the carrier's name, address, and permit or certificate number. The card may be used by the motor carrier to whom it is issued to identify a vehicle temporarily added to its fleet. The card must be executed by the motor carrier by dating and signing the card and describing the vehicle in which it will be carried. The identification card is valid for a period of ten days from the date the motor carrier places on the card when the card is executed. The card must be used within one year from the date of issuance by the commissioner. The card may not be used if the permit or certificate is not in full force and effect. The card may not be transferred. The commissioner may not refund the cost of unused prepaid temporary vehicle identification cards.

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Sec. 25. Minnesota Statutes 1994, section 299A.38, subdivision 2, is amended to read:

Subd. 2. **STATE AND LOCAL REIMBURSEMENT.** Peace officers and heads of local law enforcement agencies who buy vests for the use of peace officer employees may apply to the commissioner for reimbursement of funds spent to buy vests. On approving an application for reimbursement, the commissioner shall pay the applicant an amount equal to the lesser of ~~one-third~~ one-half of the vest's purchase price or ~~\$165~~ \$300. The political subdivision that employs the peace officer shall pay at least the lesser of ~~one-third~~ one-half of the vest's purchase price or ~~\$165~~ \$300. The political subdivision may not deduct or pay its share of the vest's cost from any clothing, maintenance, or similar allowance otherwise provided to the peace officer by the law enforcement agency.

Sec. 26. Minnesota Statutes 1994, section 299A.44, is amended to read:

299A.44 **DEATH BENEFIT.**

Subdivision 1. PAYMENT REQUIRED. On certification to the governor by the commissioner of public safety that a public safety officer employed within this state has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the commissioner of finance shall pay \$100,000 from the public safety officer's benefit account, as follows:

- (1) if there is no dependent child, to the spouse;
- (2) if there is no spouse, to the dependent child or children in equal shares;
- (3) if there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares;
- (4) if there is no surviving spouse or dependent child or children, to the parent or parents dependent for support on the decedent, in equal shares; or
- (5) if there is no surviving spouse, dependent child, or dependent parent, then no payment may be made from the public safety officer's benefit fund.

Subd. 2. ADJUSTMENT OF BENEFIT. On October 1 of each year beginning after the effective date of this subdivision, the commissioner of public safety shall adjust the level of the benefit payable immediately before October 1 under subdivision 1, to reflect the annual percentage change in the Consumer Price Index for all urban consumers, published by the federal Bureau of Labor Statistics, occurring in the one-year period ending on June 1 immediately preceding such October 1.

Sec. 27. Minnesota Statutes 1994, section 299M.03, subdivision 2, is amended to read:

Subd. 2. **JOURNEYMAN CERTIFICATE.** A person may not install, connect, alter, repair, or add to a fire protection system, under the supervision of a

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fire protection contractor, unless annually certified to perform those duties as a journeyman sprinkler fitter or as a registered apprentice sprinkler fitter. This subdivision does not apply to a person altering or repairing a fire protection system if the system uses low pressure water and the system is located in a facility regulated under the federal Mine Occupational Safety and Health Act.

Sec. 28. Minnesota Statutes 1994, section 326.12, subdivision 3, is amended to read:

Subd. 3. **CERTIFIED SIGNATURE.** Each plan, specification, plat, report, or other document which under sections 326.02 to 326.15 is prepared by a licensed architect, licensed engineer, licensed land surveyor, licensed landscape architect, or certified interior designer must bear the signature of the licensed or certified person preparing it, or the signature of the licensed or certified person under whose direct supervision it was prepared. Each signature shall be accompanied by a certification that the signer is licensed under sections 326.02 to 326.15, by the person's license number, and by the date on which the signature was affixed. The provisions of this paragraph shall not apply to documents of an intraoffice or intracompany nature. A government agency or local unit of government need sign and certify only the title page or first page of a highway construction document that is described in this subdivision; provided that all other pages must have printed or stamped on them a facsimile signature and the information required by this subdivision. The stamp or printed signature has the same force and effect as an actual signature.

Sec. 29. Minnesota Statutes 1994, section 403.11, subdivision 1, is amended to read:

Subdivision 1. **EMERGENCY TELEPHONE SERVICE FEE.** (a) Each customer of a telephone company or communications carrier that provides service capable of originating a 911 emergency telephone call is assessed a fee to cover the costs of ongoing maintenance and related improvements for trunking and central office switching equipment for minimum 911 emergency telephone service, plus administrative and staffing costs of the department of administration related to managing the 911 emergency telephone service program. Recurring charges by a public utility providing telephone service for updating the information required by section 403.07, subdivision 3, must be paid by the commissioner of administration if the utility is included in an approved 911 plan and the charges have been certified and approved under subdivision 3. The commissioner of administration shall transfer an amount equal to two cents a month from the fee assessed under this section on cellular and other nonwire access services to the commissioner of public safety for the purpose of offsetting the costs, including administrative and staffing costs, incurred by the state patrol division of the department of public safety in handling 911 emergency calls made from cellular phones. Money remaining in the 911 emergency telephone service account after all other obligations are paid must not cancel and is carried forward to subsequent years and may be appropriated from time to time to the commissioner of administration to provide financial assistance to counties for

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the improvement of local emergency telephone services. The improvements may include providing access to minimum 911 service for telephone service subscribers currently without access and upgrading existing 911 service to include automatic number identification, local location identification, automatic location identification, and other improvements specified in revised county 911 plans approved by the department.

(b) The fee may not be less than eight cents nor more than 30 cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including cellular and other nonwire access services. The fee must be the same for all customers.

(c) The fee must be collected by each company or carrier providing service subject to the fee. Fees are payable to and must be submitted to the commissioner of administration monthly before the 25th of each month following the month of collection, except that fees may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a month is due. Receipts must be deposited in the state treasury and credited to a 911 emergency telephone service account in the special revenue fund. The money in the account may only be used for 911 telephone services as provided in paragraph (a).

(d) The commissioner of administration, with the approval of the commissioner of finance, shall establish the amount of the fee within the limits specified and inform the companies and carriers of the amount to be collected. Companies and carriers must be given a minimum of 45 days notice of fee changes.

(e) This subdivision does not apply to customers of a telecommunications carrier as defined in section 237.01, subdivision 6.

Sec. 30. Minnesota Statutes 1994, section 457A.02, subdivision 2, is amended to read:

Subd. 2. **COMMISSIONER TO ADMINISTER.** The commissioner shall administer the port development assistance program to advance the purposes of subdivision 1. In administering the program, the commissioner may:

(1) make grants and loans to ~~persons~~ applicants eligible under section 457A.03, subdivision 1, to apply for them;

(2) make assistance agreements with recipients of grants and loans; and

(3) adopt rules authorized by section 457A.05.

Sec. 31. Minnesota Statutes 1994, section 457A.03, subdivision 3, is amended to read:

Subd. 3. **STATE PARTICIPATION; LIMITATIONS.** The commissioner may not provide any assistance under this chapter for more than ~~50~~ 80 percent of the nonfederal share of any project. Assistance provided under this chapter

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may not be used to match any other state funds. The commissioner shall not assume continuing funding responsibility for any commercial navigation facility project.

**Sec. 32. REFUNDS.**

A permit or certificate holder under Minnesota Statutes, chapter 221, who was issued vehicle identification cards under Minnesota Statutes 1994, section 221.131, between January 1, 1995, and the effective date of this section may apply for a refund of the fee paid for each such identification card. The commissioner of transportation shall provide for the time and manner of applying for and paying the refund. The commissioner shall pay the refund upon verifying the application. Amounts necessary to pay refunds under this section are appropriated from the trunk highway fund to the commissioner. This section does not apply to vehicle identification cards issued for vehicles operated under the authority of a household goods mover permit or a passenger carrier certificate or permit.

**Sec. 33. REPEALER.**

Minnesota Statutes 1994, section 457A.01, subdivision 7, is repealed.

**Sec. 34. APPLICATION.**

Sections 3 and 11 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

**Sec. 35. EFFECTIVE DATE.**

Sections 11, 21, 22, 23, 24, 27, 28, and 32 are effective the day following final enactment. All other provisions of this article are effective July 1, 1995.

Presented to the governor May 30, 1995

Signed by the governor June 1, 1995, 2:03 p.m.

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