

(c) For the purpose of administration of rules adopted under this subdivision, the commissioner and the agency may provide exceptions for cases where the owner of a feedlot has specific written plans to close the feedlot within five years. These exceptions include waiving requirements for major capital improvements.

(d) For purposes of this subdivision, a discharge caused by an extraordinary natural event such as a precipitation event of greater magnitude than the 25-year, 24-hour event, tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

(e) In adopting and enforcing rules under this subdivision, the commissioner shall cooperate closely with other governmental agencies.

(f) The pollution control agency shall work with the Minnesota extension service, the department of agriculture, the board of water and soil resources, producer groups, local units of government, as well as with appropriate federal agencies such as the Soil Conservation Service and the Agricultural Stabilization and Conservation Service, to notify and educate producers of rules under this subdivision at the time the rules are being developed and adopted and at least every two years thereafter.

(g) The pollution control agency shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. A feedlot permit is not required for livestock feedlots with more than ten but less than 50 animal units; provided they are not in shoreland areas. These rules apply both to permits issued by counties and to permits issued by the pollution control agency directly.

(h) The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county.

(i) After the effective date of this section, any new rules or amendments to existing rules proposed under the authority granted in this subdivision, must be submitted to the members of legislative policy committees with jurisdiction over agriculture and the environment prior to final adoption. The rules must not become effective until 90 days after the proposed rules are submitted to the members.

## Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Presented to the governor May 15, 1997

Became law without the governor's signature May 16, 1997

## CHAPTER 159—S.F.No. 1881

*An act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; regulating certain activities and practices; providing for fees; establishing revolving account; requiring studies; amending Minnesota Statutes 1996, sections 16B.335, subdivision 1; 161.082, by adding a subdivision; 161.14, subdivision 29; 162.09, subdivision 4; 162.181, subdivisions 1 and 3; 168.011, subdivision 9; 168.018; 168.1291, subdivision 1; 168.27, subdivision 5a; 168A.29, subdivision 1; 169.01,*

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

*subdivision 78; 169.045, subdivision 1; 169.06, subdivision 4; 169.14, subdivisions 3 and 5a; 169.17; 169.21, subdivision 2; 169.444, subdivisions 2, 5, 6, 7, and by adding a subdivision; 169.81, subdivision 3c; 169.85; 169.974, subdivision 2; 171.06, subdivision 2a; 171.13, subdivision 5, and by adding a subdivision; 171.29, subdivision 2; 173.13, subdivision 4; 174.03, by adding a subdivision; 221.84, subdivision 1; 296.16, subdivision 1; 299A.38, subdivision 2, and by adding a subdivision; 299C.10, subdivision 4; 299C.46, subdivision 3, and by adding a subdivision; 360.017, subdivision 1; 457A.04, subdivision 2; 473.408, subdivision 7; and 473.446, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 168; 299A; and 360; repealing Minnesota Statutes 1996, section 299D.10.*

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

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## ARTICLE 1

### 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 "1997," "1998," and "1999," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1997, June 30, 1998, or June 30, 1999, respectively. If the figures are not used, the appropriations are available for the year ending June 30, 1998, or June 30, 1999, respectively. The term "first year" means the year ending June 30, 1998, and the term "second year" means the year ending June 30, 1999. Appropriations for the year ending June 30, 1997, are in addition to appropriations made in previous years.

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

## SUMMARY BY FUND

	1997	1998	1999	TOTAL
General	\$ 226,000	\$ 76,868,000	\$ 73,890,000	\$ 150,984,000
Airports		18,016,000	18,078,000	36,094,000
C.S.A.H.		318,289,000	327,512,000	645,801,000
Highway User		14,199,000	14,269,000	28,468,000
M.S.A.S.		96,580,000	99,264,000	195,844,000
Special Revenue		912,000	927,000	1,839,000
Trunk				
Highway	9,000,000	936,783,000	936,772,000	1,882,555,000
TOTAL	\$ 9,226,000	\$ 1,461,647,000	\$ 1,470,712,000	\$ 2,941,585,000

APPROPRIATIONS  
Available for the Year  
Ending June 30

	1997	1998	1999
Sec. 2. TRANSPORTATION			
Subdivision 1. Total			
Appropriation	\$ 9,000,000	\$ 1,311,399,000	\$ 1,320,220,000

The appropriations in this section are from the trunk highway fund, except when another fund is named.

	1997	Summary by Fund	
		1998	1999
General		16,844,000	14,537,000
Airports		17,966,000	18,028,000
C.S.A.H.		318,289,000	327,512,000
M.S.A.S.		96,580,000	99,264,000
Trunk Highway	9,000,000	861,720,000	860,879,000

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

Subd. 2. Aeronautics	18,296,000	17,958,000
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	Summary by Fund	
	1998	1999
Airports	17,896,000	17,958,000
General	400,000	-0-

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

## (a) Airport Development and Assistance

	1998	1999
	12,948,000	12,948,000

\$12,846,000 the first year and \$12,846,000 the second year are for navigational aids,

construction grants, and maintenance grants. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

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

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

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

(b) Aviation Support

4,880,000            4,941,000

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

\$200,000 the first year and \$200,000 the second year are for the air service marketing program under Minnesota Statutes, section 360.0151.

(c) Air Transportation Services

468,000            69,000

Summary by Fund

Airports	68,000	69,000
General	400,000	-0-

\$400,000 the first year is from the general fund for refurbishing a federal surplus jet airplane for state ownership and use.

Subd. 3. Transit	15,248,000	14,337,000
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Summary by Fund

General	14,937,000	14,021,000
Trunk Highway	311,000	316,000

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

(a) Greater Minnesota Transit Assistance

13,556,000            13,556,000

This appropriation is from the general fund. Any unencumbered balance the first year does not cancel but is available for the second year.

## (b) Transit Administration

767,000	781,000		
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## Summary by Fund

General	456,000	465,000	
Trunk Highway	311,000	316,000	

(c) Access to Jobs and Training  
in Greater Minnesota

925,000	-0-		
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This appropriation is from the general fund.

The commissioner shall make grants under this subdivision to counties located outside the metropolitan area and to eligible recipients of the public transit subsidy program under Minnesota Statutes, section 174.24, subdivision 2, to facilitate the transition between public assistance and employment. Grant recipients under this subdivision shall, to the greatest extent possible, seek federal or private sector funding to transport economically disadvantaged persons to jobs and employment-related activities, including child care facilities.

Recipients of grants from this appropriation may spend the grants on the following activities:

- (1) providing transportation service or arranging for service by contract with a transportation provider;
- (2) enhancing existing public transit service;
- (3) providing full or partial bus fare reimbursement;
- (4) facilitating employer efforts to provide or coordinate transportation services;
- (5) coordinating transportation service already being provided;
- (6) providing or contracting for transportation links between public transportation routes and major employment locations; and
- (7) providing, through other programs, cost-effective transportation to the target population.

This appropriation is available for expenditure in either year of the biennium.

Subd. 4. Railroads and Waterways		2,452,000	1,484,000
	Summary by Fund		
General	1,247,000	253,000	
Trunk Highway	1,205,000	1,231,000	

\$1,000,000 the first year is from the general fund for the study of commuter rail service under article 2, section 51. This appropriation is available until June 30, 1999. Of this amount the commissioner may spend up to \$100,000 for the costs of managing the study.

Subd. 5. Motor Carrier Regulation		2,437,000	2,487,000
	Summary by Fund		
General	110,000	113,000	
Trunk Highway	2,327,000	2,374,000	

Subd. 6. Local Roads		414,869,000	426,776,000
	Summary by Fund		
C.S.A.H.	318,289,000	327,512,000	
M.S.A.S.	96,580,000	99,264,000	

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

(a) County State Aids

318,289,000	327,512,000
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This appropriation is from the county state-aid highway fund and is available until spent.

(b) Municipal State Aids

96,580,000	99,264,000
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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 chair of the transportation budget division of the senate and the chair of the transportation budget division 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.

Subd. 7. State Roads	9,000,000	807,314,000	817,712,000
	Summary by Fund		
	1997	1998	1999
General		109,000	109,000
Trunk Highway	9,000,000	807,205,000	817,603,000

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

(a) State Road Construction	9,000,000	445,822,000	445,838,000
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It is estimated that these appropriations will be funded as follows:

Federal Highway Aid	225,000,000	225,000,000
Highway User Taxes	220,822,000	220,838,000

The commissioner of transportation shall notify the chair of the transportation budget division of the senate and chair of the transportation budget division 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 rights-of-way, payment to lessees, interest subsidies, and relocation expenses.

The appropriation for fiscal year 1997 is for state road construction and is added to the appropriations in Laws 1995, chapter 265, article 2, section 2, subdivision 7, clause (a). The commissioner, with the approval of the commissioner of finance, may spend up to \$7,100,000 of this appropriation for state road operations for flood relief efforts.

Of this appropriation, up to \$15,000,000 the first year and up to \$15,000,000 the second year may be transferred by the commissioner to the trunk highway revolving loan account if this account is created in the trunk highway fund.

The commissioner of transportation may receive money 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

15,161,000	13,539,000
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\$5,951,000 the first year and \$5,403,000 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 state government 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

11,606,000	11,791,000
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\$600,000 the first year and \$600,000 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, and (3) in regions where no regional development commission or



joint powers board is functioning, the department's district office for that region.

\$216,000 the first year and \$216,000 the second year are available for grants to metropolitan planning organizations outside the seven-county metropolitan area.

\$154,000 the first year and \$181,000 the second year are for development of an upgraded transportation information system for making investment decisions.

\$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) Central Engineering Services

56,593,000	57,384,000
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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.

(e) Design and Construction Engineering

69,445,000	70,879,000
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(f) State Road Operations

202,431,000	205,503,000
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Summary by Fund

General	100,000	100,000
Trunk Highway	202,331,000	205,403,000

\$11,689,000 the first year and \$11,689,000 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.

\$805,000 each year is for the Orion intelligent transportation system research project.

\$100,000 the first year and \$100,000 the second year are from the general fund for grants to the Minnesota highway safety center at St. Cloud State University for driver education.

## (g) Electronic Communications

6,256,000      12,778,000

## Summary by Fund

General	9,000	9,000
Trunk Highway	6,247,000	12,769,000

\$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.

\$1,730,000 the first year and \$8,170,000 the second year are for the purchase of ancillary equipment for the 800 MHZ system and for personnel necessary to develop, install, and operate the system.

Subd. 8. General Support	38,512,000	39,466,000
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## Summary by Fund

General	41,000	41,000
Airports	70,000	70,000
Trunk Highway	38,401,000	39,355,000

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

## (a) General Management

25,599,000      25,924,000

The commissioner of transportation is authorized to implement a demonstration congestion-pricing project involving I-394 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). A demonstration congestion-pricing project implemented under this paragraph may not be continued longer than two years after the date of its implementation. For the purposes of this demonstration project, the commissioner is exempt from any rulemaking 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 must be deposited in the trunk highway fund and are appropriated to implement and administer this demonstration project. The demonstration project is exempt from Minnesota Statutes, sections 160.84 to 160.92.

(b) General Services

12,913,000            13,542,000

Summary by Fund

General	41,000	41,000
Airports	70,000	70,000
Trunk Highway	12,802,000	13,431,000

\$1,500,000 the first year and \$1,500,000 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.

The commissioner of transportation shall manage the department of transportation in such a manner as to provide seasonal employees of the department with the maximum feasible amount of employment security consistent with the efficient delivery of department programs.

Subd. 9. Buildings

12,271,000

-0-

\$6,771,000 is for ongoing operational building needs. \$5,500,000 is for the Cedar Avenue truck station in Richfield.

The appropriation of \$644,000 in Laws 1996, chapter 455, article 2, section 2, clause (5), for the Deer Lake equipment storage building, is canceled and is reappropriated for a Virginia headquarters building addition for the state patrol.

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 chair of the transportation budget division of the senate and the chair of the transportation budget division of the house of representatives.

**Subd. 11. Use of State Road Construction Appropriations**

Any money appropriated to the commissioner of transportation for state road construction for any fiscal year before fiscal year 1999 is available to the commissioner during fiscal years 1998 and 1999 to the extent that the commissioner spends the money on the state road construction project for which the money was originally encumbered during the fiscal year for which it was appropriated.

The commissioner of transportation shall report to the commissioner of finance by August 1, 1998, and August 1, 1999, on a form the commissioner of finance provides, on expenditures made during the previous fiscal year that are authorized by this section.

**Subd. 12. Contingent Appropriation**

Until June 30, 1999, the commissioner of transportation, with the approval of the governor after consultation with the legislative advisory commission under Minnesota Statutes, section 3.30, may transfer all or part of the unappropriated balance in the trunk highway fund to an appropriation (1) for trunk highway design, construction, or inspection in order to take advantage of an unanticipated receipt of income to the trunk highway fund, (2) for trunk highway maintenance in order to meet an emergency, or (3) to pay tort or environmental claims. The amount transferred is appropriated for the purpose of the account to which it is transferred.

Sec. 3. METROPOLITAN COUNCIL  
TRANSIT

51,351,000

49,351,000

Subdivision 1. Access to Jobs  
and Training

2,000,000

-0-

The metropolitan council shall spend all of this appropriation as grants under this subdivision to counties located in the metropolitan area to facilitate the transition between public assistance and employment. Counties receiving grants under this subdivision shall, to the greatest extent possible, seek federal or private sector funding to transport economically disadvantaged persons to jobs and employment-related activities, including child care facilities.

Counties receiving grants from this appropriation may spend the grants on the following activities:

- (1) providing transportation service or arranging for service by contract with a transportation provider;
- (2) providing full or partial bus fare reimbursement;
- (3) facilitating employer efforts to provide or coordinate transportation services;
- (4) coordinating transportation service already being provided;
- (5) providing or contracting for transportation links between public transportation routes and major employment locations; and
- (6) providing, through other programs, cost-effective transportation to the target population.

The council shall report by January 15, 1999, to the chairs of the senate and house of representatives transportation policy committees on activities under this subdivision.

This appropriation is available for expenditure in either year of the biennium.

Subd. 2. School Transportation

(a) The metropolitan council, the school board of special school district No. 1, Minneapolis, and the school board of independent school district No. 625, St. Paul, in consultation with an advisory board, shall develop a

school transportation plan, the goal of which is to make available school transportation through the metropolitan council's public transit system, at no cost to students, to no fewer than 75 percent of the students transported by Minneapolis public schools and no fewer than 75 percent of the students transported by St. Paul public schools, in grades 9 to 12, during the 1998-1999 school year. The plan shall consider the feasibility of extending the plan, for 1998-1999 implementation or in subsequent years, to students in grades 7 and 8.

(b) The metropolitan council and the school boards shall appoint, convene, and consult with an advisory board concerning the development of the school transportation plan. The advisory board shall include, without limitation, the school transportation directors from the Minneapolis and St. Paul school districts; a member of the Amalgamated Transit Union; secondary students and parents of secondary students who use school transportation in those school districts; a representative of the department of public safety; representatives of nonpublic schools located within the districts; a representative of the department of children, families, and learning; and administrators of secondary schools within the districts. The advisory board expires upon submission of the report required by paragraph (d).

(c) The transportation plan must include, without being limited to:

(1) a plan for service of the maximum possible number of students, with a goal of transporting no less than 75 percent of the students in grades 9 to 12 who are transported in each district, with a minimum number of new transit routes;

(2) a recommendation for school day start and end times to optimize use of public transit for school transportation;

(3) an analysis of availability of public transit for special education students; open enrollment students; students enrolled in nonpublic schools, charter schools, post-sec-

ondary enrollment options programs, area learning centers, and other nontraditional programs; and students participating in school activities before or after the school day;

(4) a description of the quality of service to be available to students, including maximum length of ride, number of transfers required, and maximum distance between home or school and bus stop;

(5) a recommendation concerning policies applicable to fares for student ridership throughout the school day and identification by public transit drivers of students entitled to free school transportation;

(6) a plan to extend the goals and requirements of the state's school transportation safety program to the transportation of students on public transit, to the maximum feasible extent;

(7) a method for communicating information to students whose school transportation will be provided by public transit, and their parents and guardians, of the school transportation plan prior to any implementation and identification of a contact person to answer resulting questions;

(8) recommendations concerning any legislation required to implement the school transportation plan;

(9) an analysis of the cost to the metropolitan council of providing the service outlined in the school transportation plan;

(10) an analysis of the cost to the Minneapolis and St. Paul school districts for providing transportation and transportation-related services to students in grades 9 to 12 under the school transportation plan developed as provided in paragraph (a), which must not exceed the projected cost, as determined by the districts, of providing equivalent transportation and transportation-related services using district-provided transportation;

(11) a description of the services that the districts will be able to discontinue by virtue of the implementation of the school transporta-

tion plan, and the financial impact to the school districts of discontinuing these services; and

(12) an analysis of the safety implications of the plan.

(d) The metropolitan council and school boards for the Minneapolis and St. Paul school districts shall report the school transportation plan to the senate children, families and learning K-12 committee and transportation committee, and to the house of representatives education committee and transportation and transit committee before January 30, 1998.

Subd. 3. Transit Operations

(a) The council may not spend more than \$34,600,000 for metro mobility in the 1998-1999 biennium except for proceeds from bond sales when use of those proceeds for metro mobility capital expenditures is authorized by law.

(b) The council may not raise fares for regular route service it provides during the 1998-1999 biennium.

(c) The council shall use this appropriation to provide at least 131,000,000 riders per biennium.

Sec. 4. PUBLIC SAFETY

Subdivision 1. Total Appropriation

	226,000	97,830,000	100,099,000
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Summary by Fund

	1997	1998	1999
General	226,000	8,673,000	10,002,000
Trunk Highway	-0-	74,196,000	75,026,000
Highway User	-0-	14,049,000	14,144,000
Special Revenue	-0-	912,000	927,000

Subd. 2. Administration and Related Services

	10,685,000	11,914,000
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Summary by Fund

General	2,830,000	3,953,000
Trunk Highway	6,490,000	6,616,000
Highway User	1,365,000	1,345,000

\$326,000 the first year and \$326,000 the second year are for payment of public safety of-



ficer 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.

\$1,128,000 the second year from the general fund and \$575,000 the first year and \$575,000 the second year from the trunk highway fund are to enhance the criminal justice computer systems.

\$299,000 the first year and \$308,000 the second year are for soft body armor reimbursements under Minnesota Statutes, section 299A.38.

\$50,000 the first year from the highway user tax distribution fund is for the public awareness campaign on vehicle forfeiture and administrative plate impoundment. This appropriation cancels unless a law is enacted in 1997 which requires the department of public safety to implement this campaign.

\$1,851,000 the first year and \$1,830,000 the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1998, and January 1, 1999, 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.

\$580,000 the first year and \$610,000 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, 1998, and January 1, 1999, 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 tax distribution fund purposes in the administration and related services program.

\$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, 1998, and January 1, 1999, 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.

Subd. 3. State Patrol	226,000	51,215,000	51,717,000
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Summary by Fund

	1997	1998	1999
General	226,000	2,058,000	2,181,000
Trunk Highway		49,067,000	49,446,000
Highway User		90,000	90,000

The commissioner of finance shall reduce the appropriations for the division of state patrol from the trunk highway fund and general fund as necessary to reflect legislation enacted in 1997 that (1) reduces state contributions for pensions for employees under the division of state patrol from the trunk highway fund or general fund, or (2) provides money for those pensions from police state aid.

Of the appropriation for fiscal year 1997, \$76,000 is for transfer to the trunk highway fund and \$150,000 is to reimburse the state patrol for general fund expenditures to cover the costs of deploying state patrol troopers to the city of Minneapolis to assist the city in combating violent crime.

\$600,000 the first year and \$1,200,000 the second year from the trunk highway fund are to implement wage increases for state patrol troopers, trooper 1s, and corporals. The wage adjustments are based on an internal Hay study conducted by the department of employee relations.

\$1,675,000 the first year and \$424,000 the second year from the trunk highway fund and \$93,000 the first year and \$22,000 the second year from the general fund are for the development and operational costs of computer-aided dispatching, records management, and station office automation systems.

\$78,000 the first year and \$78,000 the second year from the general fund are for additional capitol complex security positions.

The commissioner of public safety shall identify and implement measures to increase the representation of females and minorities in the state patrol so that the trooper population more accurately reflects the population served by the state patrol. These measures must include:

- (1) evaluation of hiring and training programs to identify and eliminate any biases against underutilized, protected groups;
- (2) expansion of outreach programs to high schools to include informational presentations on law enforcement careers and law enforcement degree programs;
- (3) intensification of recruitment efforts toward qualified members of protected groups;
- (4) provision of guidance and support to students in law enforcement degree programs;
- (5) publication of employment opportunities in newspapers with substantial readership among protected groups; and
- (6) development of other innovative ways to promote awareness, acceptance, and appreciation for diversity and affirmative action in the state patrol.

The commissioner shall report to the senate transportation committee and the house of representatives transportation and transit committee by January 30, 1998, on the measures implemented, results achieved, progress made in reaching affirmative action goals, and recommendations for future action.

When an otherwise qualified candidate does not have the educational credits to meet the current peace officer standards and training board licensing standards, the commissioner may provide the financial resources to obtain the education necessary to meet the licensing requirements. Of this appropriation, \$150,000 the second year from the general fund is for assistance to these otherwise qual-

ified individuals to prepare them for the trooper candidate school beginning in January 1999.

Subd. 4. Driver and  
Vehicle Services

34,666,000

35,185,000

Summary by Fund

General	3,724,000	3,807,000
Trunk Highway	18,348,000	18,669,000
Highway User	12,594,000	12,709,000

\$867,000 the first year and \$777,000 the second year from the highway user tax distribution fund are for purchasing manufactured license plates from the department of corrections.

\$24,000 the first year and \$19,000 the second year from the trunk highway fund are for the costs related to adding blood alcohol concentration to drivers' records. This appropriation cancels unless a law is enacted in 1997 which requires the department of public safety to record blood alcohol concentration on a driver's record.

\$89,000 the first year and \$135,000 the second year from the highway user tax distribution fund are for implementing the plate impoundments. This appropriation cancels unless a law is enacted in 1997 which requires the commissioner of public safety to impound a vehicle's license plates upon a second DWI conviction within five years on the part of the vehicle's owner.

Subd. 5. Traffic Safety

352,000

356,000

Summary by Fund

General	61,000	61,000
Trunk Highway	291,000	295,000

Subd. 6. Pipeline Safety

912,000

927,000

This appropriation is from the pipeline safety account in the special revenue fund.

Sec. 5. ADMINISTRATION

25,000

-0-

This appropriation is from the highway user tax distribution fund. The commissioner shall spend this appropriation for a study by a

qualified consultant to determine the actual percent of all gasoline received in and produced or brought into the state, except gasoline used for aviation purposes, that is being used as fuel for snowmobiles in the state. The study must include a determination of the amount of gasoline consumed by vehicles in the course of transporting snowmobiles on the highways of this state. The commissioner shall consult with the commissioners of revenue, transportation, and natural resources in preparing the request for proposals for the study and in selecting the consultant to perform the study. The commissioner shall report to the legislature on the results of the study by February 1, 1998.

Sec. 6. MINNESOTA SAFETY COUNCIL	67,000	67,000
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This appropriation is from the trunk highway fund.

Sec. 7. GENERAL CONTINGENT ACCOUNTS	375,000	375,000
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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	200,000	200,000	
Highway User	125,000	125,000	
Airports	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.

## ARTICLE 2

## TRANSPORTATION DEVELOPMENT

Section 1. **REPORT.**

The commissioner of transportation shall report to the chairs of the senate and house of representatives transportation committees by January 15, 1998, and January 15, 1999, on the use of grants to the Minnesota highway safety center at St. Cloud State University under: (1) Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), clause (4), item (ii); and (2) article 1, section 2, subdivision 7, paragraph (f), of this act.

Sec. 2. **SCREENING AND ADVISORY COMMITTEES.**

Notwithstanding any other law, the following advisory committees do not expire on June 30, 1997:

(1) the county state-aid rules advisory committee established under Minnesota Statutes, section 162.02, subdivision 2;

(2) the county state-aid screening board established under Minnesota Statutes, section 162.07, subdivision 5;

(3) the municipal state-aid rules advisory committee established under Minnesota Statutes, section 162.09, subdivision 2; and

(4) the municipal state-aid screening committee established under Minnesota Statutes, section 162.13, subdivision 3.

Sec. 3. **DEPARTMENT OF TRANSPORTATION; LAND TRANSFER.**

Notwithstanding any other provision of law, the commissioner of transportation shall at the earliest feasible date transfer to the city of Duluth at no cost a tract of land consisting of 0.59 acres of parcel No. 211 in the city of Duluth.

Sec. 4. **DEMONSTRATION PROGRAM.**

Notwithstanding Minnesota Statutes, section 473.384, subdivision 6, regarding percentages of total operating costs to be subsidized by the metropolitan council, until June 30, 2001, the metropolitan council may establish the appropriate percentage operating subsidy to be granted to individual recipients under the subdivision. The metropolitan council must establish the percentage annually, based on available transit funds and the council's determination of a reasonable subsidy per passenger trip in comparison to similar transit or paratransit service in the metropolitan area. The council may provide a subsidy up to 100 percent of a recipient's operating costs for all or any portion of the transit or paratransit service and may require recipients to pay up to 100 percent of their own operating costs for all or any portion of the service.

Sec. 5. Minnesota Statutes 1996, section 16B.335, subdivision 1, is amended to read:

Subdivision 1. **CONSTRUCTION AND MAJOR REMODELING.** (a) The commissioner, or any other recipient to whom an appropriation is made to acquire or better public lands or buildings or other public improvements of a capital nature, must not

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prepare final plans and specifications for any construction, major remodeling, or land acquisition in anticipation of which the appropriation was made until the agency that will use the project has presented the program plan and cost estimates for all elements necessary to complete the project to the chair of the senate finance committee and the chair of the house ways and means committee and the chairs have made their recommendations, and the chair of the house capital investment committee is notified. "Construction or major remodeling" means construction of a new building or substantial alteration of the exterior dimensions or interior configuration of an existing building. The presentation must note any significant changes in the work that will be done, or in its cost, since the appropriation for the project was enacted or from the predesign submittal. The program plans and estimates must be presented for review at least two weeks before a recommendation is needed. The recommendations are advisory only. Failure or refusal to make a recommendation is considered a negative recommendation. The chairs of the senate finance committee, the house capital investment committee, and the house ways and means committee must also be notified whenever there is a substantial change in a construction or major remodeling project, or in its cost.

(b) Capital projects exempt from the requirements of this section include construction, renovation, or improvements to dams, highway rest areas, truck stations, storage facilities not consisting primarily of offices or heated work areas, trails, bike paths, sewer separation projects, water and wastewater facilities, campgrounds, roads, bridges, port development projects for which the commissioner of transportation has entered into an assistance agreement under section 457A.04, or any other capital project with a construction cost of less than \$200,000.

Sec. 6. Minnesota Statutes 1996, section 161.082, is amended by adding a subdivision to read:

**Subd. 3. TRANSFERS TO TURNBACK ACCOUNT.** (a) Whenever a county submits plans for a project to be funded from the county turnback account and the commissioner determines that the project would be approved for funding except for insufficient money in the county turnback account, the commissioner may transfer from the unencumbered balance of the construction account in the county state-aid highway fund an amount sufficient to pay the costs of the project.

(b) The commissioner may make a transfer under paragraph (a) only if the commissioner determines that the transfer would not reduce the unencumbered balance of the construction account in the county state-aid highway fund to less than \$50,000,000.

(c) Not later than ten years after any transfer under paragraph (a), the commissioner shall transfer from the county turnback account to the construction account in the county state-aid highway fund an amount sufficient to repay the amount transferred under paragraph (a).

Sec. 7. Minnesota Statutes 1996, section 161.14, subdivision 29, is amended to read:

**Subd. 29. LAURA INGALLS WILDER HISTORIC HIGHWAY.** Marked trunk highway No. 14, from its intersection with marked trunk highway No. 169 in or near the city of Mankato to its terminus at the Minnesota-South Dakota border, easterly to its intersection with marked U.S. highway No. 63 in or near Rochester and then northerly and southerly along marked U.S. highway No. 63, as follows:

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(1) northerly along marked U.S. highway No. 63 to its intersection with marked U.S. highway No. 61 in or near Lake City and then southeasterly along U.S. highway No. 61 to its intersection with marked trunk highway No. 60 in or near the city of Wabasha and then northeasterly along marked trunk highway No. 60 to its intersection with the Minnesota-Wisconsin border; and

(2) southerly along marked U.S. highway No. 63 to its intersection with marked trunk highway No. 16 and then easterly along marked trunk highway No. 16 to its intersection with marked U.S. highway No. 52 in or near the city of Preston and then southerly and easterly along marked U.S. highway No. 52 to the Minnesota-Iowa border,

is designated the "Laura Ingalls Wilder Historic Highway."

Pursuant to section 161.139, the commissioner of transportation shall adopt a suitable marking design to mark this highway and shall erect appropriate signs. The people of the communities, having resolved to support and financially back the marking of these routes, shall reimburse the department for costs incurred in marking and memorializing this highway.

Sec. 8. Minnesota Statutes 1996, 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 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.

(e) The population of a city that is not receiving a municipal state-aid street fund apportionment shall be determined, upon request of the city, by the most recent population estimate of the metropolitan council or state demographer. A municipal state-aid

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street fund apportionment received by the city must be based on this population estimate until the next federal decennial census or special census.

Sec. 9. Minnesota Statutes 1996, section 162.181, subdivision 1, is amended to read:

Subdivision 1. **LIMITATION ON AMOUNT.** Except as otherwise provided herein, any county may, in accordance with chapter 475, issue and sell its obligations, the total amount thereof not to exceed the total of the preceding two years state-aid allotments, for the purpose of establishing, locating, relocating, constructing, reconstructing, and improving county state-aid highways ~~therein~~ and constructing buildings and other facilities for maintaining county state-aid highways. In the resolution providing for the issuance of the obligations, the county board of the county shall irrevocably pledge and appropriate to the sinking fund from which the obligations are payable, an amount of the ~~moneys~~ money allotted or to be allotted to the county from its account in the county state-aid highway fund sufficient to pay the principal of and the interest on the obligations as they respectively come due. The obligations shall be issued in the amounts and on terms such that the amount of principal and interest due in any calendar year on the obligations, including any similar obligations of the county which are outstanding, shall not exceed 50 percent of the amount of the last annual allotment preceding the bond issue received by the county from the construction account in the county state-aid highway fund. All interest on the obligations shall be paid out of the county's normal maintenance account in the county state-aid highway fund. The obligations may be made general obligations, but if ~~moneys~~ money of the county other than ~~moneys~~ money received from the county state-aid highway fund, ~~are~~ is used for payment of the obligations, the ~~moneys~~ money so used shall be restored to the appropriate fund from the ~~moneys~~ money next received by the county from the construction or maintenance account in the county state-aid highway fund which ~~are~~ is not required to be paid into a sinking fund for obligations.

Sec. 10. Minnesota Statutes 1996, section 162.181, subdivision 3, is amended to read:

Subd. 3. **PROCEEDS TO BE USED FOR SPECIFIC PURPOSES.** ~~Moneys~~ Money received from the sale of the obligations and ~~spent for the establishment, location, relocation, construction, reconstruction, and improvement of county state-aid highways within the county shall be spent only in accordance with other provisions of law and the rules of the transportation commissioner relating to the establishment, location, relocation, construction, reconstruction, and improvement of county state-aid highways within the county issuing the obligations those purposes.~~

Sec. 11. Minnesota Statutes 1996, section 168.011, subdivision 9, is amended to read:

Subd. 9. **BUS; INTERCITY BUS.** (a) "Bus" means (1) every motor vehicle designed for carrying more than 15 passengers including the driver and used for transporting persons, and (2) every motor vehicle that is (i) designed for carrying more than ten passengers including the driver, (ii) used for transporting persons, and (iii) owned by a nonprofit organization and not operated for hire or for commercial purposes, or (3) every motor vehicle certified by the department of transportation as a special transportation service provider vehicle and receiving reimbursement as provided in section 256B.0625, subdivision 17.

(b) "Intercity bus" means any bus operating as a common passenger carrier over regular routes and between fixed termini, but excluding all buses operating wholly within

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the limits of one city, or wholly within two or more contiguous cities, or between contiguous cities and a terminus outside the corporate limits of such cities, and not more than 20 miles distant measured along the fixed route from such corporate limits.

Sec. 12. Minnesota Statutes 1996, section 168.018, is amended to read:

**168.018 QUARTERLY REGISTRATION OF FARM TRUCKS.**

The owner of (1) any farm truck as defined in section 168.011, subdivision 17, or (2) a truck owned by a retailer who is engaged in the intrastate transportation of fertilizer or agricultural chemicals directly to a farm for on-farm use within a radius of 50 miles of the retailer's business location, may elect to register and license the farm truck only for one or more quarters of a registration year, at a tax of one-fourth of the annual tax on the vehicle plus \$5 for each quarterly registration. The owner may not apply for quarterly registration or renewal until seven days before the selected quarter or concurrent quarters. The expiration date of a registration shall be displayed on the license plate in such a manner as the registrar shall direct. No farm truck registered on a quarterly basis shall be operated on the public streets and highways more than ten days beyond the end of the quarter for which it is registered unless the registration has been renewed for another quarter or for the remainder of the registration year.

For purposes of this section registration quarters shall begin on March 1, June 1, September 1, and December 1.

**Sec. 13. [168.1235] VETERANS SERVICE ORGANIZATIONS; SPECIAL LICENSE PLATE STICKERS.**

Subdivision 1. GENERAL REQUIREMENTS; FEES. (a) On payment of a fee of \$10 for each set of two license plates, or for a single plate in the case of a motorcycle plate, payment of the registration tax required by law, and compliance with other laws relating to the registration and licensing of a passenger automobile, pickup truck, van, self-propelled recreational equipment, or motorcycle, as applicable, the registrar shall issue a special license plate sticker for each plate to an applicant who is a member of a congressionally chartered veterans service organization and is an owner or joint owner of a passenger automobile, pickup truck, van, self-propelled recreational equipment, or motorcycle.

(b) The additional fee of \$10 is payable at the time of initial application for the special license plate stickers and when the license plates must be replaced or renewed. An applicant must not be issued more than two sets of special license plate stickers for vehicles listed in paragraph (a) and owned or jointly owned by the applicant.

(c) The commissioner of veterans affairs shall determine what documentation is required by each applicant to show that the applicant is a member of a congressionally chartered veterans service organization and is entitled to the special license plate stickers.

Subd. 2. DESIGN. (a) The commissioner of veterans affairs, after consultation with each of the congressionally chartered veterans service organizations, shall design the special license plate stickers, subject to the approval of the registrar. The emblem, symbol, or other pictorial representation on the sticker must be at least as large as the letters and numerals on the plate and the registrar shall allow for plates with spaces for the stickers in place of a numeral or letter.

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(b) Each congressionally chartered veterans service organization must arrange for any applicable rules of the national organization to be changed or copyrights to be released before the commissioner may issue special license plate stickers to members of any particular service organization under this section.

Subd. 3. NUMBER ESTIMATED. The commissioner of veterans affairs shall estimate the number of special plate stickers that will be required and submit the estimate to the registrar.

Subd. 4. PLATE TRANSFERS. Notwithstanding section 168.12 or other law to the contrary, on payment of a fee of \$5, the special plate stickers issued under subdivision 1, may be transferred to other license plates on a passenger automobile, pickup truck, van, motorcycle, or self-propelled recreational equipment owned or jointly owned by the person to whom the stickers were issued.

Subd. 5. FEES CREDITED. Fees collected under this section must be paid into the state treasury and credited to the highway user tax distribution fund.

Sec. 14. Minnesota Statutes 1996, section 168.1291, subdivision 1, is amended to read:

Subdivision 1. **DEFINITION.** For purposes of this section "special license plates" means license plates issued under sections 168.12, subdivisions 2b to 2e; 168.123; 168.1235; 168.129; 168.1292; and 168.1296.

Sec. 15. Minnesota Statutes 1996, section 168.27, subdivision 5a, is amended to read:

Subd. 5a. **CONSIGNMENT SALES.** No person may solicit, accept, offer for sale, or sell motor vehicles for consignment sale unless licensed as a new or used motor vehicle dealer, a motor vehicle wholesaler, or a motor vehicle auctioneer. This requirement does not apply to a licensed auctioneer selling motor vehicles at an auction if, in the ordinary course of the auctioneer's business, the sale of motor vehicles is incidental to the sale of other real or personal property. Incidental means up to a total of ten but no more than ten percent of the items in the posted auction bill are motor vehicles.

Sec. 16. Minnesota Statutes 1996, section 168A.29, subdivision 1, is amended to read:

Subdivision 1. **AMOUNTS.** (a) The department shall be paid the following fees:

(1) for filing an application for and the issuance of an original certificate of title, the sum of \$2;

(2) for each security interest when first noted upon a certificate of title, including the concurrent notation of any assignment thereof and its subsequent release or satisfaction, the sum of \$2, except that no fee is due for a security interest filed by a public authority under section 168A.05, subdivision 8;

(3) for the transfer of the interest of an owner and the issuance of a new certificate of title, the sum of \$2;

(4) for each assignment of a security interest when first noted on a certificate of title, unless noted concurrently with the security interest, the sum of \$1;

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(5) for issuing a duplicate certificate of title, the sum of \$4.

(b) After June 30, 1994, in addition to each of the fees required under paragraph (a), clauses (1) and (3), the department shall be paid:

(1) from July 1, 1994, to June 30, 1997, \$3.50; but then

(2) after June 30, 1997, \$1.

The additional fee collected under this paragraph must be deposited in the ~~transportation services~~ special revenue fund and credited to the ~~state patrol~~ public safety motor vehicle account established in section ~~299D.10~~ 299A.70.

Sec. 17. Minnesota Statutes 1996, section 169.01, subdivision 78, is amended to read:

Subd. 78. **RECREATIONAL VEHICLE COMBINATION.** "Recreational vehicle combination" means a combination of vehicles consisting of a pickup truck as defined in section 168.011, subdivision 29, attached by means of a fifth-wheel coupling to a camper-semitrailer which has hitched to it a trailer carrying a watercraft as defined in section 86B.005, subdivision 18; off-highway motorcycle as defined in section 84.787, subdivision 7; motorcycle; motorized bicycle; snowmobile as defined in section 84.81, subdivision 3; or all-terrain vehicle as defined in section 84.92, subdivision 8. For purposes of this subdivision:

(a) A "fifth-wheel coupling" is a coupling between a camper-semitrailer and a towing pickup truck in which a portion of the weight of the camper-semitrailer is carried over or forward of the rear axle of the towing pickup.

(b) A "camper-semitrailer" is a trailer, other than a manufactured home as defined in section 327B.01, subdivision 13, designed for human habitation and used for vacation or recreational purposes for limited periods.

Sec. 18. Minnesota Statutes 1996, section 169.045, subdivision 1, is amended to read:

Subdivision 1. **DESIGNATION OF ROADWAYS, PERMIT.** The governing body of any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, or four-wheel all-terrain vehicles, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf cart or four-wheel all-terrain vehicle is by permit only. For purposes of this section, a four-wheel all-terrain vehicle is a motorized flotation-tired vehicle with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds.

Sec. 19. Minnesota Statutes 1996, section 169.06, subdivision 4, is amended to read:

Subd. 4. **OBEDIENCE TO AND REQUIRED TRAFFIC-CONTROL DEVICES.** (a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(b) No provision of this chapter for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged

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violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

(e) A flagger in a designated work zone may stop vehicles and hold vehicles in place until it is safe for the vehicles to proceed. A person operating a motor vehicle that has been stopped by a flagger in a designated work zone may proceed after stopping only on instruction by the flagger.

Sec. 20. Minnesota Statutes 1996, section 169.14, subdivision 3, is amended to read:

Subd. 3. **REDUCED SPEED REQUIRED.** (a) The driver of any vehicle shall, consistent with the requirements, drive at an appropriate reduced speed when approaching or passing an authorized emergency vehicle stopped with emergency lights flashing on any street or highway, when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(b) A person who fails to reduce speed appropriately when approaching or passing an authorized emergency vehicle stopped with emergency lights flashing on a street or highway shall be assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.

Sec. 21. Minnesota Statutes 1996, section 169.14, subdivision 5a, is amended to read:

Subd. 5a. **SPEED ZONING IN SCHOOL ZONES.** Local authorities may establish a school speed limit within a school zone of a public or nonpublic school upon the basis of an engineering and traffic investigation as prescribed by the commissioner of transportation. The establishment of a school speed limit on any trunk highway shall be with the consent of the commissioner of transportation. Such school speed limits shall be in effect when children are present, going to or leaving school during opening or closing hours or during school recess periods. The school speed limit shall not be lower than 15 miles per hour and shall not be more than 20 miles per hour below the established speed limit on an affected street or highway if the established speed limit is 40 miles per hour or greater.

The school speed limit shall be effective upon the erection of appropriate signs designating the speed and indicating the beginning and end of the reduced speed zone. Any speed in excess of such posted school speed limit is unlawful. All such signs shall be erected by the local authorities on those streets and highways under their respective jurisdictions and by the commissioner of transportation on trunk highways.

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For the purpose of this subdivision, "school zone" means that section of a street or highway which abuts the grounds of a school where children have access to the street or highway from the school property or where an established school crossing is located provided the school advance sign prescribed by the manual on uniform traffic control devices adopted by the commissioner of transportation pursuant to section 169.06 is in place. All signs erected by local authorities to designate speed limits in school zones shall conform to the manual on uniform control devices.

Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established under this subdivision is assessed an additional surcharge equal to the amount of the fine imposed for the violation, but not less than \$25.

Sec. 22. Minnesota Statutes 1996, section 169.17, is amended to read:

#### 169.17 EMERGENCY VEHICLES.

The speed limitations set forth in sections 169.14 to 169.17 do not apply to an authorized emergency vehicle when vehicle responding to an emergency calls, but the drivers thereof. Drivers of all emergency vehicles shall sound an audible signal by siren and display at least one lighted red light to the front, except that law enforcement vehicles or medical emergency vehicles shall sound an audible signal by siren or display at least one lighted red light to the front. This provision does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless disregard of the safety of others.

Sec. 23. Minnesota Statutes 1996, section 169.21, subdivision 2, is amended to read:

Subd. 2. **RIGHTS IN ABSENCE OF SIGNALS.** (a) Where traffic-control signals are not in place or in operation, the driver of a vehicle shall stop to yield the right-of-way to a pedestrian crossing the roadway within a marked crosswalk or within any crosswalk at an intersection but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions as otherwise provided in this subdivision.

(b) When any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(c) It is unlawful for any person to drive a motor vehicle through a column of school children crossing a street or highway or past a member of a school safety patrol or adult crossing guard, while the member of the school safety patrol or adult crossing guard is directing the movement of children across a street or highway and while the school safety patrol member or adult crossing guard is holding an official signal in the stop position. A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of this paragraph within the past four hours.

(d) A person who violates this subdivision is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both. A person who violates this subdivision a second or subsequent time within one year of a previous conviction under this subdivision is guilty of a gross misde-

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meanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Sec. 24. Minnesota Statutes 1996, section 169.444, is amended by adding a subdivision to read:

Subd. 1a. **PASSING ON RIGHT.** No person may pass or attempt to pass a school bus in a motor vehicle on the right-hand, passenger-door side of the bus when the school bus is displaying the prewarning flashing amber signals as required in section 169.443, subdivision 1.

Sec. 25. Minnesota Statutes 1996, section 169.444, subdivision 2, is amended to read:

**Subd. 2. VIOLATIONS BY DRIVERS; PENALTIES.** (a) A person who fails to stop a vehicle or to keep it stopped, as required in subdivision 1, or who violates subdivision 1a, is guilty of a misdemeanor punishable by a fine of not less than \$300.

(b) A person is guilty of a gross misdemeanor if the person fails to stop a motor vehicle or to keep it stopped, as required in subdivision 1, or who violates subdivision 1a, and commits either or both of the following acts:

(1) passes or attempts to pass the school bus in a motor vehicle on the right-hand, passenger-door side of the bus; or

(2) passes or attempts to pass the school bus in a motor vehicle when a school child is outside of and on the street or highway used by the school bus or on the adjacent sidewalk.

Sec. 26. Minnesota Statutes 1996, section 169.444, subdivision 5, is amended to read:

**Subd. 5. CAUSE FOR ARREST.** A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 1 or 1a within the past four hours.

Sec. 27. Minnesota Statutes 1996, section 169.444, subdivision 6, is amended to read:

**Subd. 6. VIOLATION; PENALTY FOR OWNERS AND LESSEES.** (a) If a motor vehicle is operated in violation of subdivision 1 or 1a, the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor.

(b) The owner or lessee may not be fined under paragraph (a) if (1) another person is convicted for that violation, or (2) the motor vehicle was stolen at the time of the violation.

(c) Paragraph (a) does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

(d) Paragraph (a) does not prohibit or limit the prosecution of a motor vehicle operator for violating subdivision 1 or 1a.

(e) A violation under paragraph (a) does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license.

Sec. 28. Minnesota Statutes 1996, section 169.444, subdivision 7, is amended to read:

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

Subd. 7. **EVIDENTIARY PRESUMPTIONS.** (a) There is a rebuttable presumption that signals described in section 169.442 were in working order and operable when a violation of subdivision 1, 1a, 2, or 5 was allegedly committed, if the signals of the applicable school bus were inspected and visually found to be in working order and operable within 12 hours preceding the incident giving rise to the violation.

(b) There is a rebuttable presumption that a motor vehicle outwardly equipped and identified as a school bus satisfies all of the identification and equipment requirements of section 169.441 when a violation of subdivision 1, 1a, 2, or 5 was allegedly committed, if the applicable school bus bears a current inspection certificate issued under section 169.451.

Sec. 29. Minnesota Statutes 1996, section 169.81, subdivision 3c, is amended to read:

Subd. 3c. **RECREATIONAL VEHICLE COMBINATIONS.** Notwithstanding subdivision 3, a recreational vehicle combination may be operated without a permit if:

(1) the combination does not consist of more than three vehicles, and the towing rating of the pickup truck is equal to or greater than the total weight of all vehicles being towed;

(2) the combination does not exceed 60 feet in length;

(3) the camper-semitrailer in the combination does not exceed 28 feet in length until August 1, 1997, and 26 feet thereafter;

(4) the operator of the combination is at least 18 years of age;

(5) the trailer carrying a watercraft, motorcycle, motorized bicycle, off-highway motorcycle, snowmobile, or all-terrain vehicle meets all requirements of law;

(6) the trailers in the combination are connected to the pickup truck and each other in conformity with section 169.82; and

(7) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays.

Sec. 30. Minnesota Statutes 1996, section 169.85, is amended to read:

**169.85 WEIGHING; PENALTY.**

**Subdivision 1. DRIVERS TO STOP FOR WEIGHING.** The driver of a vehicle which has been lawfully stopped may be required by a peace officer to submit the vehicle and load to a weighing by means of portable or stationary scales, and the peace officer may require that the vehicle be driven to the nearest available scales if the distance to the scales is no further than five miles, or if the distance from the point where the vehicle is stopped to the vehicle's destination is not increased by more than ten miles as a result of proceeding to the nearest available scales. Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale. When a truck weight enforcement operation is conducted by means of portable or stationary scales and signs giving notice of the operation are posted within the highway right-of-way and adjacent to the roadway within two miles of the operation, the driver of a truck or combina-

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tion of vehicles registered for or weighing in excess of 12,000 pounds shall proceed to the scale site and submit the vehicle to weighing and inspection.

**Subd. 2. UNLOADING.** Upon weighing a vehicle and load, as provided in this section, an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under section 169.825. A suitable place is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule or ordinance. A driver may be required to unload a vehicle only if the weighing officer determines that (a) on routes subject to the provisions of section 169.825, the weight on an axle exceeds the lawful gross weight prescribed by section 169.825, by 2,000 pounds or more, or the weight on a group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight prescribed by section 169.825, by 4,000 pounds or more; or (b) on routes designated by the commissioner in section 169.832, subdivision 11, the overall weight of the vehicle or the weight on an axle or group of consecutive axles exceeds the maximum lawful gross weights prescribed by section 169.825; or (c) the weight is unlawful on an axle or group of consecutive axles on a road restricted in accordance with section 169.87. Material unloaded must be cared for by the owner or driver of the vehicle at the risk of the owner or driver.

**Subd. 3. VIOLATION.** A driver of a vehicle who (1) fails or refuses to stop and submit the vehicle and load to a weighing as required in this section, or who (2) fails or refuses, when directed by an officer upon a weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section, or (3) fails to comply with an official traffic control device as authorized by section 169.06 that directs the driver to the nearest scale is guilty of a misdemeanor.

**Subd. 4. ARREST.** A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 3 within the past four hours.

**Subd. 5. IDENTIFICATION OF DRIVER.** A person who owns or leases a motor vehicle that a peace officer has probable cause to believe has been operated in violation of subdivision 3 must identify the driver of the motor vehicle upon request of the peace officer. Violation of this subdivision is a petty misdemeanor.

Sec. 31. Minnesota Statutes 1996, section 169.974, subdivision 2, is amended to read:

**Subd. 2. LICENSE REQUIREMENTS.** No person shall operate a motorcycle on any street or highway without having a valid standard driver's license with a two-wheeled vehicle endorsement as provided by law. No such two-wheeled vehicle endorsement shall be issued unless the person applying therefor has in possession a valid two-wheeled vehicle instruction permit as provided herein, has passed a written examination and road test administered by the department of public safety for such endorsement, and, in the case of applicants under 18 years of age, shall present a certificate or other evidence of having successfully completed an approved two-wheeled vehicle driver's safety course in this or another state, in accordance with rules promulgated by the state board of education for courses offered through the public schools, or rules promulgated by the commissioner of public safety for courses offered by a private or commercial

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school or institute. The commissioner of public safety may waive the road test for any applicant on determining that the applicant possesses a valid license to operate a two-wheeled vehicle issued by a jurisdiction that requires a comparable road test for license issuance. A two-wheeled vehicle instruction permit shall be issued to any person over 16 years of age, who is in possession of a valid driver's license, who is enrolled in an approved two-wheeled vehicle driver's safety course, and who has passed a written examination for such permit and has paid such fee as the commissioner of public safety shall prescribe. A two-wheeled vehicle instruction permit shall be effective for 45 days one year, and may be renewed under rules to be prescribed by the commissioner of public safety.

No person who is operating by virtue of a two-wheeled vehicle instruction permit shall:

- (a) carry any passengers on the streets and highways of this state on the motorcycle which the person is operating;
- (b) drive the motorcycle at night time;
- (c) drive the motorcycle on any highway marked by the commissioner as an interstate highway pursuant to title 23 of the United States Code; or
- (d) drive the motorcycle without wearing protective headgear that complies with standards established by the commissioner of public safety.

Notwithstanding the provisions of this subdivision, the commissioner of public safety may, however, issue a special motorcycle permit, restricted or qualified in such manner as the commissioner of public safety shall deem proper, to any person demonstrating a need therefor and unable to qualify for a standard driver's license.

Sec. 32. Minnesota Statutes 1996, section 171.06, subdivision 2a, is amended to read:

Subd. 2a. **TWO-WHEELED VEHICLE ENDORSEMENT FEE INCREASED.** (a) ~~The fee for any duplicate drivers driver's license which is obtained for the purpose of adding a two-wheeled vehicle endorsement is increased by \$16~~ \$18.50 for each first such duplicate license and \$13 for each renewal thereof. The additional fee shall be paid into the state treasury and credited as follows:

(1) ~~\$8.50~~ \$11 of the additional fee for each first duplicate license, and \$7 of the additional fee for each renewal, must be credited to the motorcycle safety fund which is hereby created; provided that any fee receipts in excess of \$750,000 in a fiscal year shall be credited 90 percent to the trunk highway fund and ten percent to the general fund, as provided in section 171.26.

(2) The remainder of the additional fee must be credited to the general fund.

(b) All application forms prepared by the commissioner for two-wheeled vehicle endorsements shall clearly contain the information that state the amount of the total fee charged for the endorsement, \$7 that is dedicated to the motorcycle safety fund.

Sec. 33. Minnesota Statutes 1996, section 171.13, subdivision 5, is amended to read:

Subd. 5. **EXAMINATION FEE FOR VEHICLE ENDORSEMENT.** Any person applying to secure a motorcycle, school bus, tank vehicle, passenger, double-trailer

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or triple-trailer, or hazardous materials vehicle endorsement on the person's driver's license shall pay a \$2.50 examination fee at the place of application.

Sec. 34. Minnesota Statutes 1996, section 171.13, is amended by adding a subdivision to read:

Subd. 6. INITIAL MOTORCYCLE ENDORSEMENT FEES. A person applying for an initial motorcycle endorsement on a driver's license shall pay at the place of examination a total fee of \$21, which includes the examination fee and endorsement fee, but does not include the fee for a duplicate driver's license prescribed in section 171.06, subdivision 2. Of this amount, \$11 must be credited as provided in section 171.06, subdivision 2a, paragraph (a), clause (1), \$2.50 must be credited to the trunk highway fund, and the remainder must be credited to the general fund.

Sec. 35. Minnesota Statutes 1996, section 171.29, subdivision 2, is amended to read:

**Subd. 2. FEES, ALLOCATION.** (a) A person whose driver's license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before the driver's license is reinstated.

(b) A person whose driver's license has been revoked as provided in subdivision 1 under section 169.121 or 169.123 shall pay a \$250 fee plus a \$10 surcharge before the driver's license is reinstated. The \$250 fee is to be credited as follows:

(1) Twenty percent shall be credited to the trunk highway fund.

(2) Fifty-five percent shall be credited to the general fund.

(3) Eight percent shall be credited to a separate account to be known as the bureau of criminal apprehension account. Money in this account may be appropriated to the commissioner of public safety and the appropriated amount shall be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Twelve percent shall be credited to a separate account to be known as the alcohol-impaired driver education account. Money in the account ~~may be~~ is appropriated as follows:

(i) The first \$200,000 in a fiscal year is to the commissioner of children, families, and learning for programs in elementary and secondary schools.

(ii) The remainder credited in a fiscal year is appropriated to the commissioner of transportation to be spent as grants to the Minnesota highway safety center at St. Cloud State University for programs relating to alcohol and highway safety education in elementary and secondary schools.

(5) Five percent shall be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. \$100,000 is annually appropriated from the account to the commissioner of human services for traumatic brain injury case management services. The remaining money in the account is annually appropriated to the commissioner of health to establish and maintain the traumatic brain injury and spinal cord injury registry created in section 144.662 and to reimburse the commissioner of economic security for the reasonable cost of services provided under section 268A.03, clause (o).

(c) The \$10 surcharge shall be credited to a separate account to be known as the remote electronic alcohol monitoring pilot program account. Up to \$250,000 is annually

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appropriated from this account to the commissioner of corrections for a remote electronic alcohol monitoring pilot program. The unencumbered balance remaining in the first year of the biennium does not cancel but is available for the second year.

Sec. 36. Minnesota Statutes 1996, section 173.13, subdivision 4, is amended to read:

Subd. 4. **FEES.** The annual fee for each such permit or renewal thereof shall be as follows:

(1) If the advertising area of the advertising device does not exceed 50 square feet, the fee shall be \$25 ~~\$30~~.

(2) If the advertising area exceeds 50 square feet but does not exceed 300 square feet, the fee shall be \$50 ~~\$60~~.

(3) If the advertising area exceeds 300 square feet, the fee shall be \$100 ~~\$120~~.

(4) No fee shall be charged for a permit for official signs and notices as they are defined in section 173.02, except that a fee may be charged for a star city sign erected under section 173.085.

Sec. 37. Minnesota Statutes 1996, section 174.03, is amended by adding a subdivision to read:

Subd. 6a. **ECONOMIC ANALYSIS OF NONHIGHWAY ALTERNATIVES.** If the commissioner considers congestion pricing, tolls, mileage pricing, or public-private partnerships in order to meet the transportation needs of commuters in the department's metropolitan district between 2001 and 2020, the commissioner shall, in cooperation with the metropolitan council and the regional railroad authorities in the district, compare the economics of these financing methods with the economics of nonhighway alternatives for moving commuters. The commissioner shall analyze the economics as they relate to both individuals and to the transportation system.

Sec. 38. Minnesota Statutes 1996, section 221.84, subdivision 1, is amended to read:

Subdivision 1. **DEFINITION.** "Limousine service" means a service that:

(1) is not provided on a regular route;

(2) is provided in an ~~unmarked~~ a luxury passenger automobile that is not a van or station wagon and has a seating capacity of not more than 12 persons, excluding the driver;

(3) provides only prearranged pickup; and

(4) charges more than a taxicab fare for a comparable trip.

Sec. 39. Minnesota Statutes 1996, section 296.16, subdivision 1, is amended to read:

Subdivision 1. **INTENT; GASOLINE USE.** All gasoline received in this state and all gasoline produced in or brought into this state except aviation gasoline and marine gasoline shall be determined to be intended for use in motor vehicles in this state.

Approximately 1-1/2 percent of all gasoline received in this state and 1-1/2 percent of all gasoline produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of motorboats on the waters of this state and

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of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, 1-1/2 percent of such revenues is the amount of tax on fuel used in motorboats operated on the waters of this state.

~~Approximately three-fourths of one percent in fiscal years 1998 and 1999, and three-fourths of one percent thereafter, of all gasoline received in and produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of snowmobiles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, three-fourths of one percent in fiscal years 1998 and 1999, and three-fourths of one percent thereafter, of such revenues is the amount of tax on fuel used in snowmobiles operated in this state.~~

Approximately 0.15 of one percent of all gasoline received in or produced or brought into this state, except gasoline used for aviation purposes, is being used for the operation of all-terrain vehicles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax, 0.15 of one percent is the amount of tax on fuel used in all-terrain vehicles operated in this state.

Approximately 0.046 of one percent of all gasoline received or produced in or brought into this state, except gasoline used for aviation purposes, is being used for the operation of off-highway motorcycles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, 0.046 of one percent is the amount of tax on fuel used in off-highway motorcycles operated in this state.

Approximately .164 of one percent of all gasoline received or produced in or brought into this state, except gasoline used for aviation purposes, is being used for the off-road operation of off-road vehicles, as defined in section 84.797, in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than aviation purposes, .164 of one percent is the amount of tax on fuel used for off-road operation of off-road vehicles in this state.

Sec. 40. Minnesota Statutes 1996, 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-half of the vest's purchase price or \$300, as adjusted according to subdivision 2a. The political subdivision that employs the peace officer shall pay at least the lesser of one-half of the vest's purchase price or \$300, as adjusted according to subdivision 2a. 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. 41. Minnesota Statutes 1996, section 299A.38, is amended by adding a subdivision to read:

Subd. 2a. **ADJUSTMENT OF REIMBURSEMENT AMOUNT.** On October 1, 1997, the commissioner of public safety shall adjust the \$300 reimbursement amounts specified in subdivision 2, and in each subsequent year, on October 1, the commissioner

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shall adjust the reimbursement amount applicable immediately preceding that October 1 date. The adjusted rate must 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 the preceding June 1.

**Sec. 42. [299A.70] PUBLIC SAFETY MOTOR VEHICLE ACCOUNT.**

The public safety motor vehicle account is created in the special revenue fund, consisting of the fees collected under section 168A.29, subdivision 1, paragraph (b). Money in the account is annually appropriated to the commissioner for purchasing and equipping department vehicles.

Sec. 43. Minnesota Statutes 1996, section 299C.10, subdivision 4, is amended to read:

**Subd. 4. FEE FOR BACKGROUND CHECK; ACCOUNT; APPROPRIATION.** The superintendent shall collect a fee in an amount to cover the expense for each background check provided for a purpose not directly related to the criminal justice system or required by section 624.7131, 624.7132, or 624.714. The proceeds of the fee must be deposited in a special account. Until July 1, 1997, Money in the account is appropriated to the commissioner to maintain and improve the quality of the criminal record system in Minnesota.

Sec. 44. Minnesota Statutes 1996, section 299C.46, is amended by adding a subdivision to read:

**Subd. 2a. NONCRIMINAL JUSTICE AGENCY DEFINED.** For the purposes of sections 299C.46 to 299C.49, "noncriminal justice agency" means an agency of a state or an agency of a political subdivision of a state charged with the responsibility of performing checks of state databases connected to the criminal justice data communications network.

Sec. 45. Minnesota Statutes 1996, section 299C.46, subdivision 3, is amended to read:

**Subd. 3. AUTHORIZED USE, FEE.** (a) The criminal justice data communications network shall be used exclusively by:

(1) criminal justice agencies in connection with the performance of duties required by law;

(2) agencies investigating federal security clearances of individuals for assignment or retention in federal employment with duties related to national security, as required by Public Law Number 99-1691; and

(3) other agencies to the extent necessary to provide for protection of the public or property in an emergency or disaster situation; and

(4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct checks into state databases prior to disbursing licenses or providing benefits.

(b) The commissioner of public safety shall establish a monthly network access charge to be paid by each participating criminal justice agency. The network access charge shall be a standard fee established for each terminal, computer, or other equipment

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directly addressable by the ~~criminal justice~~ data communications network, as follows: January 1, 1984 to December 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per month.

(c) The commissioner of public safety is authorized to arrange for the connection of the data communications network with the criminal justice information system of the federal government, any adjacent state, or Canada.

**Sec. 46. [360.0151] AIR SERVICE MARKETING PROGRAM.**

Subdivision 1. PROGRAM ESTABLISHED. The commissioner of transportation shall establish an air service marketing program to encourage the preservation and expansion of scheduled passenger air carrier service to greater Minnesota. The commissioner may spend funds appropriated from the state airports fund for (1) air service marketing grants and (2) conducting statewide studies to determine the feasibility of air service initiatives. The commissioner may develop a single, recognizable statewide marketing program to increase visibility of and ridership at airports with scheduled air carrier service.

Subd. 2. GRANTS AUTHORIZED. (a) The commissioner may make air service marketing grants to political subdivisions that own and operate airports designated by order of the commissioner as key airports. The commissioner shall make a project agreement with each political subdivision receiving a grant under this section that provides for:

- (1) a detailed description of the project for which the grant is provided;
- (2) a schedule of the project; and
- (3) the division of costs of the project between the state and the recipient.

(b) Payments by the commissioner under a project agreement may only be made to reimburse local costs already incurred.

Subd. 3. USES OF GRANT. (a) Costs for the following activities related to commercial passenger air service at the recipient's airport are eligible for reimbursement under this section:

- (1) advertising of service;
- (2) public relations activities intended to educate the public on the value of the airport and its commercial passenger air service;
- (3) marketing studies; or
- (4) service improvement activities such as route analysis, service studies, and other activities intended to preserve or increase service from an existing or new-entry air carrier.

(b) A grant under this section may not be used for:

- (1) an activity that promotes an airport within the service area of another airport;
- (2) a promotional activity that features one specific air carrier at an airport when more than one air carrier serves the airport;
- (3) administrative costs associated with the marketing program or with the routine operation of the airport; or

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(4) payments to air carriers as fare subsidies, service subsidies, or seat guarantees.

Sec. 47. Minnesota Statutes 1996, section 360.017, subdivision 1, is amended to read:

Subdivision 1. **CREATION; AUTHORIZED DISBURSEMENTS.** (a) There is hereby created a fund to be known as the state airports fund. The fund shall consist of all money appropriated to it, or directed to be paid into it, by the legislature.

(b) The state airports fund shall be paid out on authorization of the commissioner and shall be used:

(1) to acquire, construct, improve, maintain, and operate airports and other air navigation facilities and;

(2) to assist municipalities in the acquisition, construction, improvement, and maintenance of airports and other air navigation facilities. ~~The fund may also be used;~~

(3) to assist municipalities to initiate, enhance, and market scheduled air service at their airports;

(4) to promote interest and safety in aeronautics through education and information; and

(5) to pay the salaries and expenses ~~in~~ of the department of transportation related to aeronautic planning, administration, and operation shall be paid from the state airports fund. All allotments of money from the state airports fund for salaries and expenses shall be approved by the commissioner of finance.

Sec. 48. Minnesota Statutes 1996, section 457A.04, subdivision 2, is amended to read:

Subd. 2. **COSTS.** An assistance agreement must specify those project costs which may be paid in whole or in part with assistance from the commissioner. Assistance agreements may provide that only the following costs may be so paid:

(1) final engineering costs on a commercial navigation facility project;

(2) capital improvements to a commercial navigation facility; and

(3) costs of dredging necessary to open a new commercial navigation facility project, to provide access to on-shore facilities from existing channels, to provide for fleet-ing operations, and for disposal of dredged material.

The following costs may not be paid with assistance from the commissioner:

(1) the applicant's administrative, insurance, and legal costs;

(2) costs of acquiring project permits;

(3) costs of preparing environmental documents, feasibility studies, or project designs;

(4) interest on money borrowed by the applicant or charged to the applicant for late payment of project costs;

(5) any costs related to the routine maintenance, repair, or operation of a commercial navigation facility; and

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- (6) costs of dredging to maintain an existing channel; and
- (7) costs for a project that involves only dredging.

Sec. 49. Minnesota Statutes 1996, section 473.408, subdivision 7, is amended to read:

Subd. 7. **EMPLOYEE PLAN DISCOUNT PASSES.** The council may offer monthly passes for regular route bus service for sale to employers at a special discount subject to the provisions of this subdivision. An employer may be eligible to purchase passes at a special discount if the employer agrees to establish a payroll deduction plan as a means for its employees to purchase the passes at a price at or below the amount charged by the council. The special discount on passes sold pursuant to this subdivision shall be determined by the council.

Sec. 50. Minnesota Statutes 1996, section 473.446, subdivision 1a, is amended to read:

Subd. 1a. **TAXATION WITHIN TRANSIT AREA.** For the purposes of sections 473.405 to 473.449, and the metropolitan transit system, the metropolitan council shall levy upon all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district, defined in subdivision 2, a transit tax, which shall be equal to ten percent of the sum of the levies provided in subdivision 1, clauses (a) to (c). The proceeds of this tax shall be used only for paratransit services or ride sharing programs designed to serve persons located within the transit area but outside of the transit taxing district.

The regional transit board shall annually determine which cities and towns qualify for the 0.510 or 0.765 tax capacity rate reduction and certify this list to the county auditor on or before September 15. No changes shall be made to the list after September 15 of the same levy year.

Sec. 51. **COMMUTER RAIL SERVICE STUDY.**

Subdivision 1. **STUDY.** The commissioner of transportation, through the division of railroads and waterways, shall conduct a study of the potential of utilizing freight rail corridors in the Twin Cities metropolitan area for commuter rail service. The commissioner shall perform the study in coordination with the metropolitan council and metropolitan regional rail authorities and shall consider, among other things, the positive and negative effects of commuter rail service on surrounding neighborhoods.

Subd. 2. **REPORT.** The commissioner shall report the findings and recommendations of the study to the governor and legislature by January 15, 1998, and February 1, 1999. If in the report required by January 15, 1998, the commissioner identifies one or more rail corridors that have potential for a commuter rail demonstration project, the commissioner, alone or in cooperation with the metropolitan council and one or more metropolitan regional rail authorities, may propose legislation to the 1998 legislative session that provides for acquisition or lease of the corridors, improvements necessary for their use for commuter rail purposes, acquisition of commuter rail rolling stock, and operation of commuter rail services.

Subd. 3. **REGIONAL RAIL AUTHORITIES.** Nothing in this section may be construed to prohibit or restrict a regional rail authority in the performance of any duty or exercise of any power under Minnesota Statutes, chapter 398A.

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**Sec. 52. RAILROAD SERVICE PRESERVATION.**

No state or local agency or political subdivision may take any action that would have the effect of precluding the use for commuter rail service of any rail line that is providing rail service within the seven-county metropolitan area on the effective date of this section.

**Sec. 53. REPEALER.**

Minnesota Statutes 1996, section 299D.10, is repealed.

**Sec. 54. APPLICATION.**

Sections 49 and 50 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

**Sec. 55. EFFECTIVE DATES.**

(a) All provisions of this act that appropriate money for fiscal year 1997 are effective the day following final enactment.

(b) Sections 2, 3, 9, 10, 46, 49, and 52 are effective the day following final enactment.

(c) Sections 19, 20, 21, 23 to 28, and 30 are effective August 1, 1997, and apply to violations committed on and after that date.

Presented to the governor May 15, 1997

Signed by the governor May 16, 1997, 2:00 p.m.

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**CHAPTER 160—S.F.No. 4**

*An act relating to the military; changing the tuition and textbook reimbursement grant program; amending Minnesota Statutes 1996, section 192.501, subdivision 2.*

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

Section 1. Minnesota Statutes 1996, section 192.501, subdivision 2, is amended to read:

**Subd. 2. TUITION AND TEXTBOOK REIMBURSEMENT GRANT PROGRAM.** (a) The adjutant general shall establish a program to provide tuition and textbook reimbursement grants to eligible members of the Minnesota national guard within the limitations of this subdivision.

(b) Eligibility is limited to a member of the national guard who:

(1) is serving satisfactorily as defined by the adjutant general;

(2) is attending a post-secondary educational institution, as defined by section 136A.15, subdivision 6, including a vocational or technical school operated or regulated by this state or another state or province; and

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