

subdivision 4, annually adjust the fees in subdivision 4 as necessary to maintain an annual income of \$650,000. This income amount supersedes the amount described in Minnesota Statutes 1998, section 115B.49, subdivision 4, paragraph (c), clause (3), that is in effect until July 1, 2001.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective on the day following final enactment.

Presented to the governor March 31, 2000

Signed by the governor April 4, 2000, 3:45 p.m.

CHAPTER 334—S.F.No. 2511

An act relating to transportation; allowing entry on property for examination and survey; allowing towns to recover certain costs incurred in establishing cartways; amending Minnesota Statutes 1998, sections 164.07, by adding a subdivision; and 164.08, subdivision 2.

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

Section 1. Minnesota Statutes 1998, section 164.07, is amended by adding a subdivision to read:

Subd. 13. ENTRY ON LAND FOR PROPERTY EXAMINATIONS AND SURVEYS. For the purposes of this section and section 164.08, the town board, its employees or agents, may enter upon any property, public or private, to conduct property examinations and surveys. This subdivision does not grant immunity to the town board, its employees, or agents for damage caused to public or private property as the result of an entry onto the property.

Sec. 2. Minnesota Statutes 1998, section 164.08, subdivision 2, is amended to read:

Subd. 2. MANDATORY ESTABLISHMENT; CONDITIONS. Upon petition presented to the town board by the owner of a tract of land containing at least five acres, who has no access thereto except over the lands of others, or whose access thereto is less than two rods in width, the town board by resolution shall establish a cartway at least two rods wide connecting the petitioner's land with a public road. A town board shall establish a cartway upon a petition of an owner of a tract of land that, as of January 1, 1998, was on record as a separate parcel, contained at least two but less than five acres, and has no access thereto except over the lands of others. The town board may select an alternative route other than that petitioned for if the alternative is deemed by the town board to be less disruptive and damaging to the affected landowners and in the public's best interest. In an unorganized territory, the board of county commissioners of the county in which the tract is located shall act as the town board. The proceedings of the town board shall be in accordance with section 164.07.

New language is indicated by underline, deletions by strikeout.

The amount of damages shall be paid by the petitioner to the town before such cartway is opened. For the purposes of this subdivision damages shall mean the compensation, if any, awarded to the owner of the land upon which the cartway is established together with the cost of professional and other services, hearing costs, administrative costs, recording costs, and other costs and expenses which the town may incur in connection with the proceedings for the establishment of the cartway. The town board may by resolution require the petitioner to post a bond or other security acceptable to the board for the total estimated damages before the board takes action on the petition.

Town road and bridge funds shall not be expended on the cartway unless the town board, or the county board acting as the town board in the case of a cartway established in an unorganized territory, by resolution determines that an expenditure is in the public interest. If no resolution is adopted to that effect, the grading or other construction work and the maintenance of the cartway is the responsibility of the petitioner, subject to the provisions of section 164.10. After the cartway has been constructed the town board, or the county board in the case of unorganized territory, may by resolution designate the cartway as a private driveway with the written consent of the affected landowner in which case from the effective date of the resolution no town road and bridge funds shall be expended for maintenance of the driveway; provided that the cartway shall not be vacated without following the vacation proceedings established under section 164.07.

Presented to the governor March 31, 2000

Signed by the governor April 4, 2000, 3:54 p.m.

CHAPTER 335—S.F.No. 2676

An act relating to local government; changing the sunset on provisions for authorizing local governments to petition to amend or repeal a rule; amending Minnesota Statutes 1999 Supplement, section 14.091.

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

Section 1. Minnesota Statutes 1999 Supplement, section 14.091, is amended to read:

14.091 PETITION; UNIT OF LOCAL GOVERNMENT.

(a) The elected governing body of a statutory or home rule city ~~or~~ a county, or a sanitary district may petition for amendment or repeal of a rule or a specified portion of a rule. The petition must be adopted by resolution of the elected governing body and must be submitted in writing to the agency and to the office of administrative hearings, must specify what amendment or repeal is requested, and must demonstrate that one of the following has become available since the adoption of the rule in question:

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