

Subd. 3. APPROVAL. The consolidation plan must be approved by the governing body of each participating city and town in a joint resolution.

Subd. 4. REFERENDA. Once each governing body approves the consolidation plan, referenda shall be conducted at a general or special election in each of the three communities on the same day. Costs of the respective referenda shall be borne by the respective communities. A majority of those voting in each community must approve the proposed consolidation.

Subd. 5. FILING; FINAL APPROVAL. If the consolidation is approved in each referenda, the plan, joint resolution, and results of the referenda shall be filed with the director of the state office of strategic and long-range planning. The director may review and comment, but shall, within 30 days, order the consolidation of the communities in accordance with the provisions of the consolidation plan. The director may not alter the boundaries, procedures, or other provisions of the plan.

Subd. 6. EFFECTIVE; NOTIFICATION. The consolidation shall be effective upon the issuance of the consolidation order by the director. The director shall cause copies of the order to be mailed to the parties, the secretary of state, the department of revenue, the state demographer, and the affected county auditor.

Sec. 3. MONTGOMERY; REPEAL OF WARD SYSTEM.

The city of Montgomery may by ordinance abolish its ward system and provide for election of council members at-large. The ordinance must be adopted by July 1, of the year in which it is to take effect.

Sec. 4. EFFECTIVE DATE.

This act is effective the day following final enactment. No local approval is required.

Presented to the governor March 25, 2002

Signed by the governor March 26, 2002, 2:28 p.m.

CHAPTER 297—H.F.No. 2884

An act relating to traffic regulations; modifying imposition of civil fine for excessive gross weight; amending Minnesota Statutes 2000, sections 169.871, subdivision 1; 169.872, subdivision 1, by adding a subdivision.

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

Section 1. Minnesota Statutes 2000, section 169.871, subdivision 1, is amended to read:

Subdivision 1. **CIVIL LIABILITY.** (a) The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed under sections

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169.825 and 169.832 to 169.851 and 169.87 or a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit imposed under sections 169.825 and 169.832 to 169.851 and 169.87 is liable for a civil penalty as follows:

(1) if the total gross excess weight is not more than 1,000 pounds, one cent per pound for each pound in excess of the legal limit;

(2) if the total gross excess weight is more than 1,000 pounds but not more than 3,000 pounds, \$10 plus five cents per pound for each pound in excess of 1,000 pounds;

(3) if the total gross excess weight is more than 3,000 pounds but not more than 5,000 pounds, \$110 plus ten cents per pound for each pound in excess of 3,000 pounds;

(4) if the total gross excess weight is more than 5,000 pounds but not more than 7,000 pounds, \$310 plus 15 cents per pound for each pound in excess of 5,000 pounds;

(5) if the total gross excess weight is more than 7,000 pounds, \$610 plus 20 cents per pound for each pound in excess of 7,000 pounds.

(b) Notwithstanding any other law to the contrary, if a person found guilty of a violation of a weight limit imposed under this section or sections 169.825, 169.832 to 169.851, or 169.87 is also found by the court to have knowingly and contemporaneously attempted to evade a fixed weigh station or to otherwise avoid weighing by means of stationary scales under section 169.85 or other law, the court shall impose a penalty of twice the amount otherwise authorized under paragraph (a).

(c) Any penalty imposed upon a defendant under this subdivision shall not exceed the penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation shall be applied toward payment of the civil penalty under this subdivision. A peace officer or department of public safety employee described in section 299D.06 who cites a driver for a violation of the weight limitations established by sections 169.81 to 169.851 and 169.87 shall give written notice to the driver that the driver or another may also be liable for the civil penalties provided herein in the same or separate proceedings.

(d) A penalty imposed upon the owner or lessee of a vehicle that is based on violations identified by the use of shippers' weight records under section 169.872 must not exceed an aggregate of \$10,000.

Sec. 2. Minnesota Statutes 2000, section 169.872, subdivision 1, is amended to read:

Subdivision 1. **RECORD KEEPING.** A person who weighs goods before or after unloading or a person who loads or unloads goods on the basis of liquid volume measure shall keep a written record of the origin, weight and composition of each shipment, the date of loading or receipt, the name and address of the shipper, the total number of axles on the vehicle or combination of vehicles, and the registration number of the power unit or some other means of identification by which the shipment was transported. The record shall be retained for ~~30~~ 14 days and shall be open to inspection and copying by a state law enforcement officer or motor transport representative,

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except state conservation officers, upon demand. No search warrant is required to inspect or copy the record. This subdivision does not apply to a person weighing goods who is not involved in the shipping, receiving and transporting of those goods, or to a person weighing raw and unfinished farm products transported in a single unit vehicle with not more than three axles or by a trailer towed by a farm tractor when the transportation is the first haul of the product.

Sec. 3. Minnesota Statutes 2000, section 169.872, is amended by adding a subdivision to read:

Subd. 1a. LIMIT ON CIVIL PENALTIES. A civil penalty for excessive weight under section 169.871 may be imposed based on a record of a shipment under this section only if a state law enforcement officer or motor transportation representative has inspected and copied the record within 14 days of the date the shipment was received by the person keeping the record.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective the day following final enactment.

Presented to the governor March 25, 2002

Signed by the governor March 26, 2002, 2:34 p.m.

CHAPTER 298—H.F.No. 3196

An act relating to state government; department of administration; clarifying ethical provisions in state procurement law; authorizing the commissioner of administration to adopt rules relating to state archaeology; repealing obsolete technology authority; repealing statutory authority for the citizens council on Voyageurs National Park; amending Minnesota Statutes 2000, sections 16C.04, subdivisions 1, 2; 138.31, by adding a subdivision; 138.36, by adding a subdivision; 138.38; 138.39; 138.41, subdivision 1; repealing Minnesota Statutes 2000, sections 13.6401, subdivision 3; 16B.415; 84B.11.

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

Section 1. Minnesota Statutes 2000, section 16C.04, subdivision 1, is amended to read:

Subdivision 1. **DUTY.** An employee of the executive branch involved directly or indirectly in the acquisition or grants process, at any level, is subject to the code of ethics in section 43A.38.

Sec. 2. Minnesota Statutes 2000, section 16C.04, subdivision 2, is amended to read:

Subd. 2. **CONFLICT OF INTEREST POLICY DEVELOPMENT.** (a) The commissioner must develop policies regarding code of ethics and conflict of interest designed to prevent conflicts of interest for employees involved in the acquisition of

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