

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill appropriates \$3.76 billion, mostly in dedicated highway funds, to the departments of transportation and public safety and the metropolitan council. Detail on specific appropriations can be found in the spreadsheet.

The bill authorizes sale of \$550 million in trunk highway bonds and appropriates the money to MnDOT for trunk highway improvements and authorizes the department to spend an additional \$550 million in federal advance construction funds for highways.

The bill also increases various fees for motor vehicle transfers, license plates, and DWI-related driver's license reinstatements. It directs MnDOT to seek proposals for private operation of highway rest areas, and to implement a plan for allowing single-occupant vehicles to use high-occupancy vehicle lanes for a fee. It increases the speed limit on I-35E in St. Paul from 45 to 55 m.p.h. It provides for a status check date on the drivers license of persons in the United States for limited periods. Regional rail authorities in the metropolitan area are abolished.

Additionally, the bill makes various policy changes in the areas of wetlands replacement, eminent domain, public employee labor relations, and municipal contracting.

## **Article 1: Transportation Appropriations**

1. 1 Total appropriation. Appropriates \$3.76 billion to the departments of transportation and public safety and the metropolitan council.
- 2 Transportation. Appropriates \$1.67 billion in FY 2004 and \$1.75 billion in FY 2005 to the department of transportation.

Subd. 1. Total appropriation.

Subd. 2. Multi-modal systems. Requires transfer of \$3.2 million each year from the rail service improvement account in the special revenue fund to the debt service fund. Specifies an amount for long-range radar facility in Alexandria.

Subd. 3. State roads. Provides for specific amounts for metropolitan-area and greater Minnesota planning grants. Provides for a research contingent account for research that is paid from federal or other sources by reimbursement. Authorizes transfer of up to \$15 million each year to the transportation revolving loan fund.

Subd. 4. Local roads. Allows for expenditure of unappropriated balances in the county state-aid highway fund and municipal state-aid street funds, after notice to legislative committees. Adds appropriation from general fund to MnDOT for grants to local governments for road and bridge rehabilitation, replacement, or reconstruction necessitated by flood damage.

Subd. 5. General support and services.

Subd. 6. Transfers. Allows transfers among appropriations from trunk highway fund and state airports fund, but not between funds. Provides for transfers of \$14.4 million the first year and \$8.3 million the second year from the flexible account to the municipal turnback account.

Subd. 7. Use of state road construction appropriation. Allows expenditure of prior appropriations for state road construction.

Subd. 8. Contingent. Allows expenditure of unappropriated balance in trunk highway fund, with legislative advisory commission review, for trunk highway construction, emergency maintenance, and tort or environmental claims.

- 3 Metropolitan council . Makes appropriations for bus and light rail transit.

Provides that the \$2.24 million in 2004 and \$3.12 million in 2005 are intended to pay 40 percent of Hiawatha LRT operations after operating revenue (fares) and federal funds. Requires the remainder to be provided as follows:

- ▶ Up to \$2.24 million the first year and up to \$3.12 million the second year from the reserves of the Hennepin county regional rail authority
- ▶ Up to \$960,000 the first year and \$1.337 million the second year from Minneapolis, and up to \$160,000 the first year and up to \$223,000 the second

year from Bloomington.

Prohibits the council from spending any other state funds for LRT operation.

4 Public safety. Appropriates for public safety administration and transportation-related divisions.

Subd. 1. Total appropriation.

Subd. 2. Administration. Specifies transfer of \$365,000 the first year and \$370,000 the second year for public safety officer survivor benefit reimbursements. Specifies transfer of \$314,000 each year for continued health insurance coverage for public safety officers or their survivors. Specifies \$508,000 each year for soft body armor reimbursements.

Subd. 3. State patrol.

Subd. 4. Driver and vehicle services.

Subd. 5. Traffic safety. Requires commissioners of transportation and public safety to report to legislative committees annually on expenditure of federal repeat offender transfer program funds.

Subd. 6. Pipeline safety.

5 General contingent accounts. Provides for contingent accounts in the trunk highway, state airports, and highway user tax distribution funds.

6 Tort claims. To the commissioner of finance.

## **Article 2: Other Transportation Changes**

1. 1 Metropolitan governmental unit. Eliminates regional railroad authorities from the definition of metropolitan governmental units for the purposes of the campaign finance and public disclosure law.

2 Appraisal data as public data. Makes appraisals of property by government agencies public data when submitted to the owner under the following section.

3 Greater Minnesota transit fund. Amends the law setting up the greater Minnesota transit fund (motor vehicle sales tax revenues replacing property taxes for greater Minnesota transit) by directing MnDOT to use money in the fund for transit operations under the department's greater Minnesota transit assistance program and for related program administration.

4 Reverse auction. Prohibits MnDOT from awarding contracts for highway construction or engineering services using reverse auction process.

5 Sharing of appraisal data. Requires governments seeking to acquire real property by eminent domain to obtain at least one appraisal, conferring with the owner if reasonably possible. Requires the government agency to give the appraisal to the owner at least 20 days before submitting the eminent domain petition to the courts. Allows the owner to obtain an independent appraisal, and be reimbursed for its costs up to \$1,500 if the owner gives the appraisal to the government agency within 60 days of receiving the agency's appraisal.

6 Requirement to use archaeologists. Amends the law that requires government agencies to use services of archaeologist where archaeological or historic sites are known or suspected to exist based on investigations, by changing "suspected" to "based on scientific investigation are predicted to exist" with respect to highway projects.

- 7 Review of plans by state archaeologist. Makes a change similar to the previous section in the law requiring agencies to submit plans to the state archaeologist or director of the historical society. Sets a 30-day time limit from the date of submission for the state archaeologist and historical society to make recommendations on preserving sites.
- 8 Rest area operations. Allows MnDOT to make lease agreements with private entities for highway rest areas, including corporate or business sponsorship of rest areas. Limits leases to 20 years, with renewal option. Allows leases to permit lessees to sell products and services at rest areas, and to make leasehold improvements. Requires leases to allow the department to negotiate maintenance and service agreements that promote and encourage employment of needy elderly persons. Appropriates revenue from leases to the department for the rest area program. Provides that this section does not affect existing MnDOT contracts with state services for the blind for vending machines at rest areas. Prohibits MnDOT from taking any action that would result in loss of federal funds to the state or repayment of highway funds to the federal government.
- 9 High-occupancy vehicle lane use. Allows the department of transportation to allow single-occupant vehicles to use high-occupancy vehicle lanes on payment of a fee. Requires the department to obtain federal authorization before allowing such use.

Provides for deposit of fees into a dedicated account in the special revenue fund, and establishment of a separate account for each highway. Appropriates money in the account to MnDOT. Directs the department to use the appropriation to pay costs of implementing and administering the fee system, and to spend half of the remainder for transportation improvements in the corridor and the other half as a grant to the metropolitan council for expansion and improvement of bus transit in the highway corridor.

Exempts the process from rule-making requirements and from provisions relating to toll roads.

- 10 Report on trunk highway expenditures. Requires a biennial report from MnDOT to the legislature on total trunk highway fund expenditures on road construction, planning, professional and technical contracts, design and engineering, labor, environmental compliance, right-of-way acquisition, litigation costs, maintenance, and road operations.
- 11 Payment of sales tax from trunk highway fund. Deletes payment of sales tax from the statutory list of expenditures that may not be made from the trunk highway fund.
- 12 Town line roads. Provides for mediation, arbitration, or mediation-arbitration to resolve disputes between towns over the maintenance of a road that lies along the common town line.
- 13 Special mobile equipment. Includes truck-mounted log loaders in the list of special mobile equipment not subject to licensing as motor vehicles.

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Plate fees. Establishes the following license plate fees:

<u>Plate</u>	<u>Current rule</u>	<u>Proposed</u>
Sequential double plate	\$3.00	\$4.25
Sequential special plate--double	\$4.00	\$7.00
Sequential single plate	\$2.00	\$3.00
Sequential special plate--single	\$3.00	\$5.50
Self-adhesive plate	Not specified	\$2.50
Nonsequential double plate	\$14.00	\$14.00
Nonsequential single plate	\$10.00	\$10.00
Duplicate sticker	Not specified	\$1.00

Under present law plate fees not set by law are set by the department in an amount calculated to cover cost of manufacturing and issuing the plates.

15

Special plate proposals. Sets out procedures for special license plates.

Subd. 1. Definition. Defines "special license plate: as a plate that has wording and graphics that differ from a standard passenger vehicle plate, excluding special plates already authorized by law.

Subd. 2. Submissions to department. Requires entities that plan to seek legislation to authorize a new special plate to submit to the department of public safety:

- ▶ a description of the proposal
- ▶ a survey that shows that at least 10,000 vehicle owners would purchase the proposed plate
- ▶ an application fee to cover the department's cost of reviewing the application and developing the plate, up to \$20,000
- ▶ a marketing strategy for the proposed plate

Subd. 3. Design. Provides that if the special plate is approved by law, the requested must submit a proposed design within 120 days of the effective date of the authorization. Provides that the department selects the final design. Prohibits submitting a new design within 5 years of the first issuance unless the first inventory of plates is exhausted or the requester buys up the remaining plates.

Subd. 4. Refund. Allows for refund of the fee if the proposal is not approved by the legislature.

Subd. 5. Discontinuance of plate. Provides for discontinuance of the plate if fewer than 1,000 are sold within the first 5 years after authorization, or in any subsequent 5-year period. Allows for discontinuance by the department under specified circumstances.

Subd. 6. Use of contributions. Provides that contributions made as a condition of

obtaining special plates may not be spent for commercial or for-profit purposes.  
16 Transfer fee. Increase from \$2 to \$3 the motor vehicle transfer fee that is presently dedicated to the general fund.

17 Title fee increases. Raises the following motor vehicle title fees:

Application for and issuance of original title, \$2 to \$3

Transfer and issuance of new title, \$2 to \$3.

18 Speed limit on I-35E. Requires the department of transportation to set the speed limit on I-35E from W. 7<sup>th</sup> Street to I-94 in St. Paul at 55 m.p.h. unless the department determines, on the basis of an engineering and traffic investigation, that a different speed limit is reasonable and safe. Effective August 1, 2003.

19 School speed limits. Increases from 20 to 30 m.p.h. the maximum amount by which a speed limit in a school zone may be below the surrounding speed limit, and provides that it may be that amount below any surrounding speed limit rather than surrounding speed limits of 40 m.p.h. or more.

20 Terms defined. Changes two cross-references to conform to the repeal of section 169.799 in this article.

21 Sampling to verify insurance coverage. Authorizes the division of driver and vehicle services (DVS) to do a monthly sampling program of licensed drivers who own vehicles, to determine whether they have insurance.

Requires the sample to include at least 2 percent annually of all licensed drivers who own motor vehicles. Half of the sample must be random. The other half must be targeted on drivers who, within the previous year, were convicted of a motor vehicle insurance violation, had their license suspended or revoked due to habitual traffic violations, had no insurance at the time of a reportable accident, or were convicted of an alcohol-related driving offense. Prohibits sampling based on race, religion, physical or mental disability, economic status, or geographic location.

Requires the department to request each owner sampled to furnish insurance information within 30 days to DVS, which would send it to the insurance company for verification. Provides that if the driver falsely claims coverage, or does not respond within 30 days, DVS must suspend the driver's license. Reinstatement of the license would require providing proof of insurance for the following 12 months.

22 Registration revocation and license suspension. Makes it mandatory, rather than optional, for DVS to suspend the driver's license of a person who has not maintained insurance, based on DVS records.

23 Authority. Adjusts a cross-reference to conform to the repeal of section 169.799.

24 Attestation of insurance required. Requires a person to "attest" that the person has insurance when the person registers, re-registers, or transfers ownership of a motor vehicle or motorcycle. This would replace the current requirement in rule, that the applicant list the insurance company and policy number on the registration form. This bill repeals that rule.

25 Reinstatement fee. Requires a \$20 fee to reinstate a driver's license suspended or revoked for not having insurance, not producing proof of insurance, or not responding to the sample.

26 License reinstatement fee after alcohol-related revocation. Increases from \$250 to \$300 the fee charged for reinstating a driver's license revoked because of an impaired driving or implied consent violation. The \$145 surcharge (rising to \$380 on 7-1-03) added to the fee would be unchanged.

Makes the following changes in the allocation of the \$300 fee:

	<b>Current</b>	<b>Proposed</b>
Trunk highway fund	20% of \$250 (\$50)	20% of \$300 (\$60)
General fund	67% of \$250 (\$167.50)	56% of \$300 (\$168)
BCA account	8% of \$250 (\$20)	8% of \$300 (\$24)
Traumatic brain injury and spinal cord injury account	5% of \$250 (\$12.50)	16% of \$300 (\$48)

Reallocates the traumatic brain injury and spinal cord injury account to:

- ▶ increase from 35 to 83 percent the amount spent by the health department on a contract with a community-based organization to provide resources and support to persons with such injuries and their families
- ▶ reduce from 65 to 17 percent the amount allocated for the traumatic brain injury and spinal cord injury registry

27 **Economic analysis of nonhighway alternatives.** Eliminates the stipulation that the commissioner of transportation is to cooperate with the regional rail authorities in developing nonhighway transit plans for the metropolitan area.

28 **Greater Minnesota transit assistance program.** Provides that financial assistance to greater Minnesota transit systems under MnDOT's greater Minnesota transit assistance program includes money from the greater Minnesota transit fund.

29 **Greater Minnesota operating assistance.** Repeals a reference to greater Minnesota property tax replacement aid (repealed elsewhere in the article).

Reduces percentages of total operating cost for greater Minnesota transit systems that must come from local sources: urbanized area service and small urban area service, from 40 to 20 percent; for rural area service and elderly/handicapped service, from 35 to 15 percent.

Provides that in CY 2004 and 2005 the department may adjust payments to systems that were receiving assistance on January 1, 2003, to enable those systems to meet requirements of this section.

30 **Major transportation projects commission.** Provides that the major transportation projects commission expires June 30, 2004.

31 **Radio operators as essential employees.** Designates state employees who are public safety radio communications operators as "essential" employees for purposes of the Public Employment Labor Relations Act (PELRA). Effective July 1, 2003.

(Essential employees do not have the right to strike. At the request of the employer or the exclusive representative, impasses in bargaining are resolved through arbitration.)

32 **Bargaining unit.** Creates a new state bargaining unit, containing the employees who are designated essential employees under the previous section. Effective July 1, 2003.

33 **Notice of proposed property taxes.** Eliminates regional rail authorities from the "truth-in-taxation" proposed notice.

34 **Property tax levy limit.** Repeals a reference to greater Minnesota property tax replacement aid (repealed elsewhere in the article.)

35 Motor vehicle sales tax transfer. Repeals the transfer of 2 percent of motor vehicle sales tax revenues to a metropolitan area transit appropriation account.

Repeals the 20.5 percent dedication of motor vehicle sales tax revenue to the metropolitan area transit property tax replacement fund and substitutes a transfer of \$125.583 million each year.

36 Reimbursements for peace officer health insurance. Amends the law that authorizes state payment of reimbursements to local public employers for costs of continued health insurance for peace officers and firefighters who suffer a disabling injury in the line of duty that forces retirement. Under this change applications would have to be made by August 1 for the preceding fiscal year. Reimbursements would be paid on an equal pro rata share based on the availability of funds. Individual shares could not exceed actual costs of providing coverage.

37 Department of public safety administrative actions. Allows the department to take administrative actions against deputy vehicle and bicycle registrars and driver license agents.

Subd. 1. Definitions. Defines "administrative agent" to include deputy registrars of vehicles, deputy registrars of bicycles, and driver license agents.

Subd. 2. Applicability. Makes this and next two sections apply to administrative agents under authority of the department.

Subd. 3. Cumulative remedy. States that department authority to take administrative actions is in addition to other remedies.

Subd. 4. Access to information and property. Allows the department to have access to books, records, and property of administrative agents.

Subd. 5. False information. Prohibits administrative agents from making false statements in a required document, omitting material information from a required document, or altering, concealing, or failing to file a required document.

Subd. 6. Enforcement. Allows the attorney general to proceed to enforce penalties under this section.. Allows the attorney general to petition a district court to file a department administrative order as a court order. Allows the attorney general to bring civil actions for payment of unpaid penalties.

Subd. 7. Recovery of costs and expenses. Allows the state to be allowed litigation expenses in an action to enforce an administrative action if the state prevails. Allows defendant to recover if defendant prevails.

Subd. 8. Education and compliance account. Creates an education and compliance account to receive administrative penalty receipts. Makes a standing appropriation from the account of \$5,000 per year to the department for education and compliance activities for administrative agents. Provides that unspent money in the account at the end of each biennium transfers to the general fund.

Subd. 9. Plan. Requires the department to prepare a plan for using the authority in sections 9 to 11. Requires a 30-day public comment period. Requires the plan to be finalized by July 1, 2004. 299A.80

38

Orders and injunctions. Provides for orders and injunctions issued by the department of public safety against administrative agents.

Subd. 1. Corrective orders. Allows the department to issue corrective orders to administrative agents requiring them to correct a violation of law, rule, or other authority. Requires the agent to demonstrate that the violation has been corrected or that the agent has developed a corrective plan. Directs the department to determine if the violation has been corrected, and so inform the agent.

Allows an agent to request the department to reconsider an order the agent believes to be in error. Provides that such a request does not stay the order.

Subd. 2. Cease and desist order. Allows the commissioner of public safety or a designated employee of the department to issue a cease and desist order to cease an otherwise-lawful activity if its continuation would result in an immediate risk to public safety. Requires the department to seek an injunction or take other administrative action authorized by law in order to restrain an activity beyond 72 hours.

Subd. 3. Action for injunctive relief. Allows the department to bring an action for injunctive relief in district court to enjoin a violation of statute, rule, or other authority.

39

Administrative penalty orders. Provides for administrative penalty orders against administrative agents.

Subd. 1. General. Allows the department to issue an order requiring violations to be corrected, and imposing monetary penalties on administrative agents for violations of statute, rule, or other authority. Limits maximum penalty to \$10,000 for all violations found in an inspection or review of compliance.

Subd. 2. Considerations. Requires the department, in determining amount of penalty, to consider willfulness, gravity, past violations, number of violations, economic benefit of violations to the violator, and other other factors identified in the order.

Requires the department, in determining amount of penalty for a violation after an initial violation, to consider the above factors and also similarity of violations, time since last violation, number of previous violations, and the agent's response to the most recent identified violation.

Subd. 3. Contents of order. Requires an order assessing a penalty to include a statement of fact, identification of violation, amount of proposed penalty, and a statement of the agent's right to review the order. Allows an order to be combined with a corrective order under the previous section.

Subd. 4. Due date. Makes penalties due and payable on the 31<sup>st</sup> day after receipt of the order, unless a review is requested, if the agent fails to provide information showing that the violation has been corrected or steps taken towards correction. Provides for accrual of interest on penalties.

Subd. 5. Expedited hearing. Allows an agent who has received an order to request an expedited hearing before an administrative law judge within the time periods in subd.

5. Requires the ALJ to issue a report within 30 days of the close of the record. Allows the department to increase the penalty if the ALJ finds that the hearing request was frivolous or for the purpose of delay.

Allows the department to issue a final order within 5 days of receiving the ALJ's report.

Subd. 6. Mediation. Allows the department to enter into mediation if both parties agree.

40 Capitol security oversight committee. Provides that the capitol security oversight committee expires June 30, 2004.

41 Web site publication. Allows local governments to meet requirements to publish notice of transportation projects by publishing them on their web sites.

42 Exemption from permits. Exempts all county (including county state-aid) highway reconstruction and maintenance projects that are within the right-of-way of an existing county highway from all permits. Provides that this exemption does not relieve counties from any substantive requirement other than the requirement to obtain a permit.

43 Organization of regional railroad authorities. Limits authority to establish regional railroad authorities to counties outside the seven-county metropolitan area.

44 Metropolitan regional rail authorities abolished.

Subd. 1. Abolition. Abolishes existing regional rail authorities in the metropolitan area. Transfers property of an abolished authority to the county that created the authority.

Subd. 2. Bonds. Provides that bonds issued by the abolished rail authorities must be paid and retired under the terms of the bonds. Requires the auditors of the seven metropolitan counties to administer the bond payments.

45 Effect of annexation on town roads. Provides that when a municipality annexes property that abuts one side of a town road, the segment of town road abutting the property must be treated as a line road, making it subject to the law that provides for agreements on costs between the town and the city. Provides that when a municipality annexes property on both sides of a town road the road ceases to be a town road and becomes a municipal responsibility. Allows the annexing municipality to contract with the town for maintenance. Allows such an annexed road to be considered as a town road for purposes of county road and bridge revenues for the year in which the annexation occurs.

46 Effect of annexation on easements. Provides that if a municipality annexes property in which an affected town holds an easement for public benefit, the easement interest continues unless the town agrees otherwise.

47 Unlawful bidding practices in municipal contracts. Allows a court to award attorney fees and costs to a protester protesting award of a municipal contract if the court invalidates the bid because of a finding of unlawful bidding practices. Allows the municipality to recover attorney fees and costs if the court finds no violation of law and that the protest was filed without basis in law.

48 Light rail transit plans. Strikes language relating to regional rail authorities from the light rail transit planning statute.

49 Public hearing on light rail transit plans. Provides that county boards, rather than regional rail authorities, must combine with MnDOT to hold public hearings on LRT design plans.

50 Light rail federal funds application. Provides that joint applications for federal funds for light rail transit must include the county board rather than regional rail authority.

51 Metropolitan council tax levy for transit-related debt. Provides that the authority of the

metropolitan council to incur debt in years when state transit property tax replacement aid is below the level of inflation applies only to debt incurred before July 1, 2003.

52 Local approval of metropolitan council transit projects - definitions. Provides definitions for following section. Defines "capital improvement project" as a metropolitan council transit capital improvement that requires eminent domain.

53 Local approval of metropolitan council transit projects - appointment of appeal board. Provides for local approval of metropolitan council transit capital projects, using a process similar to that for non-Interstate trunk highways.

Under the process a dispute between the council and a city would be referred to an appeal board consisting of one person appointed by each side and a third appointed by the other two.

54 Local approval of metropolitan council transit projects - powers of appeal board. Provides that appeal board disapproval of a metropolitan council transit capital improvement project requires the council to begin the process in the above section over again.

55 1999 aeronautics appropriation. Allows money appropriated for airport development and assistance for the 2000-01 biennium to be available for five years after appropriation.

56 2001 aeronautics appropriation. Allows money appropriated for airport development and assistance for the 2002-03 biennium to be available for five years after appropriation.

57 Transfer from loan fund. Directs the commissioner of finance to transfer to the general fund \$8.2 million (\$4.1 million each year) of the general fund appropriation to the transportation revolving loan fund made in 2000

58 CMAQ fund allocation. Requires the metropolitan council's transportation advisory board, in its allocation of federal transportation funds in the metropolitan area, to allocate at least half of congestion mitigation and air quality (CMAQ) funds to highway projects.

59 Study of rest area program. Requires MnDOT to create a panel to study the rest area program, including financing and partnership opportunities and the impact of changes on (1) the blind and low-income seniors, (2) highway safety, (3) motor carriers, and (4) availability of parking for commercial vehicles. Requires a report on the panel's findings and recommendations by January 15, 2004.

60 Leases; reports. Requires MnDOT to enter into rest area leases to the maximum feasible extent, and report to legislative committees by January 15, 2005, on leases, revenues, and effect of changes on the rest area program.

61 State airports fund. Requires any transfer of money from the state airports fund to the general fund in FY 2003 to be restored by law to the airports fund by July 1, 2007.

62 Transition. Requires the commissioner of mediation services to assign job classifications and positions to the new public safety radio communications operator bargaining unit. Provides for current terms and conditions of employment to remain in effect pending negotiations on a successor agreement. Provides for the current exclusive representative to remain in place. Effective July 1, 2003.

63 Bus rapid transit study. Directs MnDOT to study the feasibility of a bus rapid transit system on I-35W between Minneapolis and Lakeville. Requires creation of an advisory committee representing neighborhoods, employers, transit riders and transit providers.

Requires the study to include analysis of costs and benefits of implementing a system that includes frequent operation of buses, bus platforms that facilitate fare collection, stations located near the exclusive right-of-way, traffic management improvements on I-35W, and connections with existing transit. Requires the study to recommend implementation options, and costs and benefits of each option.

Requires a report to legislative policy and finance committees by December 10, 2004.

- 64 Brooklyn Center transit center. Requires the metropolitan council to construct and maintain a transit center in Brooklyn Center, north of Bass Lake Road, east of Shingle Creek Parkway, and west of T. H. 100, to be completed and operational by June 1, 2004. Requires the center to include adequate bathroom facilities and be climate-controlled. Requires the center to be off the street.
- 65 Rumble strip study. Requires MnDOT to study feasibility and practicability of milled-in rumble strips on centerline of trunk and county state-aid highways.
- 66 Southwest transitway rail transit. Prohibits MnDOT, the metropolitan council, and the Hennepin county regional rail authority from taking action or spending money on engineering, design, or construction of light rail or commuter rail in the southwest transitway corridor between Minneapolis and Eden Prairie.
- 67 Crosstown highway municipal approval. Provides that for purposes of the municipal consent law, the entire T. H. 62/Crosstown/I-35W project is deemed to be an interstate project. Provides that the project limits are from 66<sup>th</sup> Street in Richfield to 42<sup>nd</sup> Street in Minneapolis for 35W, and from Penn Avenue to Portland Avenue for T. H. 62.

Under present law if a project is treated as an interstate project a municipality may object to MnDOT's plans but may not stop a project. If a project is treated as a non-interstate project a dispute between MnDOT and a municipality is referred to an appeal board for a settlement.

- 68 Grass seed. Prohibits a state agency or soil and water conservation district to require planting of native grass seeds or native wildflowers as a condition for issuance of a permit to a local government unit, except for plantings within replacement wetland acreage.
- 69 Transfers. Directs the finance department to transfer to the general fund \$155,000 from the alcohol-impaired driver education account and \$785,000 from the greater Minnesota transit fund.
- 70 Toilets at transit hub. Requires the metropolitan council to allow bus riders to use toilets at the Hubbard Marketplace transit hub in Robbinsdale.
- 71 Applicability. Specifies that sections abolishing metropolitan area regional rail authorities apply in the seven metropolitan counties.
- 72 Repealer. Repeals the statute that establishes the metropolitan area transit appropriations account (originally to be funded with 2 percent of motor vehicle sales tax revenue).

Repeals the rule that establishes license plate and sticker fees.

Repeals statutes and rules on proof of insurance and mandatory insurance coverage that have been superseded by the new provisions relating to survey of motorists to determine insurance coverage.

- 73 Effective date. Makes all sections effective immediately except where otherwise specified.

### **Article 3: Trunk Highway Bonding**

1. 1 Appropriations. Appropriates \$550 million from the bond proceeds account in the trunk highway fund to the commissioner of transportation for metropolitan area bottlenecks and greater Minnesota interregional corridor improvements. Requires that within each of these categories \$25 million must go for safety and capacity improvement projects including additional lanes on highways with known safety problems.

Designates \$50 million for transit capital improvements on trunk highways. Allows up to \$93.5 million for program delivery.

Appropriates \$550,000 from the bond proceeds account in the trunk highway fund to the finance department for bond sale expenses.

Provides that appropriations do not lapse until 2009.

Requires a report to legislative committees by January 15, 2004, on projects to be funded with this appropriation. Prohibits issuance of any contract for such a project until 30 days after submission of the report.

- 2 Bond sale. Authorizes sale of up to \$550.55 million in trunk highway bonds.
- 3 Advance construction. Allows MnDOT to spend up to \$550 million through FY 2009 in advance construction funding authorized by the federal government. Adds any additional advance construction authorization to this amount.
- 4 Greater Minnesota transit. Allows MnDOT to spend up to \$5 million through FY 2008 in federal funds for greater Minnesota transit capital assistance, in addition to any other appropriations for this purpose.
- 5 Report. Requires a report to legislative committees by January 15 of each year of the 2004-05 biennium on how the department is spending the bond money and whether it can do so with existing staffing or if additional staffing is required.

Effective date. Makes sections effective immediately.

**Article 4: Driver License Law**

- 1. 1 Proof of identity and residency. Establishes standards for proving identity and residency for issuance of a driver's license.

Subd. 1. In general. Requires applicants for a Minnesota driver's license, permit, or ID card to present one of those documents if it has previously been issued to the applicant. Requires the license, permit, or ID card to have expired not more than 5 years if it has a color photo or electronic image, and not more than one year if it does not. Allows a seven-day temporary license (issued to a person whose license is revoked on the spot after a chemical test shows an alcohol concentration of .10 percent or more) to be presented if it has been expired for not more than a year.

Requires an applicant who does not already have a license, permit, or ID card to present a primary and secondary document as defined in department of public safety rules.

Summary of DPS rules on primary and secondary documents	
Primary documents	Secondary documents
U. S. birth certificate or adoption certificate	A second primary document
Department of Defense ID card	Driver's license, ID card, or permit from another state or Canadian province, with photo, current or expired not more than 5 years
Valid U. S. passport	U. S. or Canadian court order containing applicant's full name and date of birth
Other valid INS-endorsed passport	U. S. or Canadian government jurisdiction employee ID card with photo
Canadian birth certificate or naturalization certificate, with US arrival and departure form attached that endorses the applicant's presence (requires a secondary document with a photo)	Birth certificate from jurisdiction other than U.S.
Valid, non-expired INS documentation (certificate of naturalization, certificate of citizenship, citizen ID card, permanent resident card (green card), resident-alien card, employment authorization, re-entry permit/refugee travel document	Department of Defense ID card for active-duty dependents, or certificate of release or discharge
	Marriage certificate
	Firearms permit with photo
	Pilot's license
	School transcript with name and date of birth
	U. S. or Canadian social security card
	Secondary school ID card with photo

Subd. 2. Residence address. Allows a Minnesota driver's license, permit, or ID card to

be issued only to a person who has a residence address in the state at the time of application. Requires an applicant to indicate the residence address on the application form.

2 Documenting residency. Provides for proof of identity and residency for driver's licenses, permits, and ID cards.

Subd. 1. Permanent rules. Makes permanent the exempt rules adopted in 2002 that list primary and secondary documents for proof of identity. Allows the rules to be amended under the administrative procedure act. Makes the documents identified in the rules subject to variance procedures in other rules.

Subd. 2. Incorporation of federal regulations. Allows the department of public safety to incorporate by reference into its rules federal regulations on identity and residency documentation standards. Allows these rules to be amended under the administrative procedure act.

Subd. 3. Translation. Requires all documents submitted to the department that are not in English to be accompanied by an English translation.

Subd. 4. Proof of residency at time of initial application. Requires proof of residency in the U.S. at the time of application for an initial driver's license, permit, or ID card. Requires the applicant to attest to a residence address in Minnesota and show proof of either lawful short-term admission to the United States, permanent U.S. resident status, indefinite authorized presence status, or U.S. citizenship.

Subd. 5. Proof of residency at renewal. Requires an applicant for a renewal of a driver's license, permit, or ID card to attest to a Minnesota residence at the time of applying for renewal. Requires a person with lawful short-term admission to the U.S. to attest to a Minnesota residence and provide proof of lawful short-term admission status.

Subd. 6. Documents not establishing residency. Specifies that a driver's license, permit, or ID card from another state is not proof of U.S. resident status, indefinite authorized-presence status, lawful short-term admission to the U.S., or U.S. citizenship.

Subd. 7. Documents establishing residency. Provides that an applicant, in order to demonstrate permanent U.S. resident status, indefinite authorized-presence status, lawful short-term admission to the U.S., or U.S. citizenship, must attest to a Minnesota residence and present a primary document.

Subd. 8. Name change. Requires an individual whose legal name is changed to present evidence of the name change as specified in department rules.

(The rules provide that a name change must be verified by a marriage certificate, court order specifying the name change, or divorce decree.)

Subd. 9. Lawful short-term admission status. Prohibits issuance of a license, permit, or ID card to a person who has now lawful admission status or whose status expires in 30 days or less. Provides that if the lawful admission period on a federal primary

document expires in 30 days or more the applicant must be issued a license, permit, or ID card with a "status check date" that coincides with the lawful admission period on the document.

Subd. 10. Status check date. Provides that a status check date that coincides with the federal lawful-admission period on the federal primary document must be indicated on the license, permit, or ID card.

Subd. 11. Reissuance. Requires reissuance of a driver's license, permit, or ID card with a new status check date if the applicant presents a U.S. employment authorization card or notice of action that indicates an extension of the lawful admission period.

Provides that if the applicant presents an accepted federal application for an extension or change in the lawful admission period, the department must reissue the license, permit, or ID card with the status check date extended for six months from the date the extension application is received by the federal government.

Provides that if the applicant subsequently presents a federal document that indicates permanent U.S. resident status, indefinite authorized-presence status, or U. S. citizenship, the license, permit, or ID card must be reissued without a status check date. Requires the applicant to pay the duplicate fee for such a license, permit, or ID card.

- 3 Contents of application. Requires the driver's license application form's description of the applicant to contain the applicant's height in feet and inches, weight in pounds, and eye color.
- 4 Contents of license. Requires the driver's license's description of the applicant to contain the applicant's height in feet and inches, weight in pounds, and eye color.
- 5 Issuance of ID card; description of cardholder. Prohibits issuance of an ID card to a person who has a driver's license or ID card from any jurisdiction unless that license or ID card has been invalidated.

Requires the description on an ID card to show height in feet and inches, weight in pounds, eye color, and sex.

- 6 Driver's license image. Requires full-face image on driver's licenses.

Subd. 1. Full-face image. Provides that an applicant for a driver's license, permit, or ID card must have a full-face image taken by the department that represents the applicant's true appearance, with face uncovered and unobscured.

Subd. 2. Use of previous image. Allows subdivision 1 to be satisfied by a previous image on file with the department only in the case of duplicate licenses and ID cards and, for one renewal cycle only, a person who is out of the state at the time the license or ID card expires but who intends to return within four years.

Subd. 3. Updated image. Requires a person who used a previous image on a license or ID card because of absence from the state to have an updated image taken within 30 days of returning to the state. Requires such a person to comply with requirements to produce a primary document, and secondary document if necessary.

- 7 Cancellation of ID card. Provides for cancellation of licenses and ID cards.

Subd. 1. Cancellation of ID card. Amends the law that allows the department to cancel a driver's license based on incorrect or fraudulent information in an application, by expanding it to cover ID cards as well as licenses.

Subd. 2. Cancellation; denial. Allows the department to cancel a driver's license, permit, or ID card on the status check date unless the document holder presents federal proof of extension of lawful admission, or a federal receipt for an application for extension or change of lawful admission status.

Allows the department to cancel a driver's license, permit, or ID card if it receives federal notice that the individual has been deported.

Subd. 3. Warning. Provides that if the status check date on a driver's license, permit, or ID card is to expire in more than 60 days, a warning that the license, permit, or card will be cancelled on the status check date must be sent to the holder. Provides that a person who applies for a license, permit, or ID card and whose status check date expires within 60 days of the application date, the applicant must be given a general notice that warns of cancellation on the status check date.

Subd. 4. Cancellation order. Requires the holder of a driver's license, permit, or ID card with a status check date to be issued a cancellation order at least 7 days before that date.

Subd. 5. Administrative review. Allows administrative review of cancellation or denial of a license, permit, or ID card under department rules.

Subd. 6. Fees. Provides that a holder of a driver's license, permit, or ID card who applies for a six-month extension of the status check date before the date may not be charged a fee for reissuance of the license, permit, or card if there is no change to the name or address.

8 Penalties. Increases from a misdemeanor to a gross misdemeanor the penalty for using a fictitious name or date of birth to a police office or in any application for a driver's license or ID card, and for making a false statement, concealing material fact, or otherwise committing fraud in a driver's license or ID card application.

9 Qualifications for hazardous materials drivers. Requires an applicant for a commercial driver's license with a hazardous materials endorsement to comply with federal regulations concerning background checks.

10 Forfeitures. Allows forfeiture of property used in committing the offense of using forged documents in applying for a driver's license.