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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 1309

March 5, 2009

Authored by Lieder, Beard, Hornstein, Morrow and Hortman The bill was read for the first time and referred to the Committee on Finance

A bill for an act

relating to transportation appropriations; appropriating money for transportation, Metropolitan Council, and public safety activities and programs; providing for fund transfers, contingent appropriations, and tort claims; providing for various fees and accounts; reducing appropriation for bridge collapse and other highway construction projects for fiscal year 2009; making technical and clarifying changes; amending Laws 2008, chapter 152, article 1, section 5.

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

Section 1. SUMMARY OF APPROPRIATIONS.

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

Table with 4 columns: Category, 2010, 2011, Total. Rows include General, Airports, C.S.A.H., M.S.A.S., Special Revenue, Highway User, Trunk Highway, and Total.

Sec. 2. TRANSPORTATION APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or

2.1 June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal
 2.2 year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the fiscal
 2.3 year ending June 30, 2009, are effective the day following final enactment.

2.4 **APPROPRIATIONS**
 2.5 **Available for the Year**
 2.6 **Ending June 30**
 2.7 **2010** **2011**

2.8 **Sec. 3. TRANSPORTATION**

2.9 **Subdivision 1. Total Appropriation** **\$ 1,906,933,000 \$ 2,096,122,000**

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

	<u>Appropriations by Fund</u>	
	<u>2010</u>	<u>2011</u>
2.15 <u>General</u>	<u>17,290,000</u>	<u>17,290,000</u>
2.16 <u>Airports</u>	<u>21,859,000</u>	<u>19,609,000</u>
2.17 <u>C.S.A.H.</u>	<u>505,882,000</u>	<u>547,425,000</u>
2.18 <u>M.S.A.S.</u>	<u>136,824,000</u>	<u>146,956,000</u>
2.19 <u>Trunk Highway</u>	<u>1,225,078,000</u>	<u>1,364,842,000</u>

2.20 The amounts that may be spent for each
 2.21 purpose are specified in the following
 2.22 subdivisions.

2.23 **Subd. 2. Multimodal Systems**

2.24 **(a) Aeronautics**

2.25 **(1) Airport Development and Assistance** **16,548,000** **14,298,000**

2.26 This appropriation is from the state
 2.27 airports fund and must be spent according
 2.28 to Minnesota Statutes, section 360.305,
 2.29 subdivision 4.

2.30 Notwithstanding Minnesota Statutes, section
 2.31 16A.28, subdivision 6, this appropriation is
 2.32 available for five years after appropriation.

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

3.1 **(2) Aviation Support and Services**

3.2 Appropriations by Fund

3.3 Airports 5,286,000 5,286,000

3.4 Trunk Highway 837,000 837,000

3.5 \$65,000 the first year and \$65,000 the second
3.6 year from the state airports fund are for the
3.7 Civil Air Patrol.

3.8 **(b) Transit**

3.9 Appropriations by Fund

3.10 General 16,860,000 16,860,000

3.11 Trunk Highway 775,000 775,000

3.12 **(c) Freight**

3.13 Appropriations by Fund

3.14 General 365,000 365,000

3.15 Trunk Highway 4,897,000 4,897,000

3.16 **Subd. 3. State Roads**

3.17 **(a) Infrastructure Investment and Planning**

3.18 **(1) Infrastructure Investment Support** 203,988,000 203,988,000

3.19 \$266,000 the first year and \$266,000 the
3.20 second year are available for grants to
3.21 metropolitan planning organizations outside
3.22 the seven-county metropolitan area.

3.23 \$75,000 the first year and \$75,000 the
3.24 second year are for a transportation research
3.25 contingent account to finance research
3.26 projects that are reimbursable from the
3.27 federal government or from other sources.

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

3.31 \$600,000 the first year and \$600,000
3.32 the second year are available for grants
3.33 for transportation studies outside the

4.1 metropolitan area to identify critical
 4.2 concerns, problems, and issues. These grants
 4.3 are available (1) to regional development
 4.4 commissions and (2) in regions where
 4.5 no regional development commission
 4.6 is functioning, to joint powers boards
 4.7 established under agreement of two or
 4.8 more political subdivisions in the region to
 4.9 exercise the planning functions of a regional
 4.10 development commission, and (3) in regions
 4.11 where no regional development commission
 4.12 or joint powers board is functioning, to the
 4.13 department's district office for that region.

4.14 **(2) State Road Construction** 591,300,000 678,700,000

4.15 The base for this appropriation for fiscal year
 4.16 2012 is \$635,000,000.

4.17 It is estimated that these appropriations will
 4.18 be funded as follows:

4.19	<u>Appropriations by Fund</u>		
4.20	<u>Federal Highway</u>		
4.21	<u>Aid</u>	<u>301,100,000</u>	<u>388,500,000</u>
4.22	<u>Highway User Taxes</u>	<u>290,200,000</u>	<u>290,200,000</u>

4.23 The commissioner of transportation shall
 4.24 notify the chair of the Transportation Budget
 4.25 Division of the senate and the chair of the
 4.26 Transportation Finance Division of the house
 4.27 of representatives of any significant events
 4.28 that should cause these estimates to change.

4.29 This appropriation is for the actual
 4.30 construction, reconstruction, and
 4.31 improvement of trunk highways, including
 4.32 design-build contracts and consultant usage
 4.33 to support these activities. This includes the
 4.34 cost of actual payment to landowners for
 4.35 lands acquired for highway rights-of-way,

5.1 payment to lessees, interest subsidies, and
5.2 relocation expenses.

5.3 The commissioner may transfer up to
5.4 \$15,000,000 each year to the transportation
5.5 revolving loan fund.

5.6 The commissioner may receive money
5.7 covering other shares of the cost of
5.8 partnership projects. These receipts are
5.9 appropriated to the commissioner for these
5.10 projects.

5.11 **(3) Highway Debt Service** 101,027,000 153,391,000

5.12 \$86,374,000 the first year and \$137,295,000
5.13 the second year are for transfer to the state
5.14 bond fund. If this appropriation is insufficient
5.15 to make all transfers required in the year for
5.16 which it is made, the commissioner of finance
5.17 shall notify the Committee on Finance of
5.18 the senate and the Committee on Ways and
5.19 Means of the house of representatives of
5.20 the amount of the deficiency and shall then
5.21 transfer that amount under the statutory open
5.22 appropriation. Any excess appropriation
5.23 cancel to the trunk highway fund.

5.24 **(b) Infrastructure Operations and Maintenance** 254,895,000 254,895,000

5.25 **(c) Electronic Communications**

5.26	<u>Appropriations by Fund</u>		
5.27	<u>General</u>	<u>9,000</u>	<u>9,000</u>
5.28	<u>Trunk Highway</u>	<u>5,168,000</u>	<u>5,168,000</u>

5.29 The general fund appropriation is to equip
5.30 and operate the Roosevelt signal tower for
5.31 Lake of the Woods weather broadcasting.

5.32 **Subd. 4. Local Roads**

5.33 **(a) County State Aids** 505,882,000 547,425,000

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

6.4 **(b) Municipal State Aids** 136,824,000 146,956,000

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

6.8 If an appropriation for either county state
 6.9 aids or municipal state aids does not exhaust
 6.10 the balance in the fund from which it is
 6.11 made in the year for which it is made, the
 6.12 commissioner of finance, upon request of
 6.13 the commissioner of transportation, shall
 6.14 notify the chair of the Transportation Finance
 6.15 Division of the house of representatives
 6.16 and the chair of the Transportation Budget
 6.17 Division of the senate of the amount of the
 6.18 remainder and shall then add that amount
 6.19 to the appropriation. The amount added is
 6.20 appropriated for the purposes of county state
 6.21 aids or municipal state aids, as appropriate.

6.22 If the appropriation for either county state
 6.23 aids or municipal state aids does exhaust
 6.24 the balance in the fund from which it is
 6.25 made in the year for which it is made, the
 6.26 commissioner of finance shall notify the chair
 6.27 of the Transportation Finance Division of the
 6.28 house of representatives and the chair of the
 6.29 Transportation Budget Division of the senate
 6.30 of the amount by which the appropriation
 6.31 exceeds the balance and shall then reduce
 6.32 that amount from the appropriation.

6.33 **Subd. 5. General Support and Services**

6.34 **(a) Department Support**

7.1	<u>Appropriations by Fund</u>		
7.2	<u>Airports</u>	<u>25,000</u>	<u>25,000</u>
7.3	<u>Trunk Highway</u>	<u>44,407,000</u>	<u>44,407,000</u>

7.4 **(b) Buildings**

7.5	<u>Appropriations by Fund</u>		
7.6	<u>General</u>	<u>56,000</u>	<u>56,000</u>
7.7	<u>Trunk Highway</u>	<u>17,784,000</u>	<u>17,784,000</u>

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

7.11 **Subd. 6. Transfers**

7.12 (a) With the approval of the commissioner of
7.13 finance, the commissioner of transportation
7.14 may transfer unencumbered balances among
7.15 the appropriations from the trunk highway
7.16 fund and the state airports fund made in this
7.17 section. No transfer may be made from the
7.18 appropriation for state road construction. No
7.19 transfer may be made from the appropriations
7.20 for debt service to any other appropriation.
7.21 Transfers under this paragraph may not be
7.22 made between funds. Transfers between
7.23 programs must be reported immediately
7.24 to the chair of the Transportation Budget
7.25 Division of the senate and the chair of the
7.26 Transportation Finance Division of the house
7.27 of representatives.

7.28 (b) The commissioner of finance shall
7.29 transfer from the flexible account in the
7.30 county state-aid highway fund \$8,440,000
7.31 the first year and \$1,550,000 the second year
7.32 to the municipal turnback account in the
7.33 municipal state-aid street fund.

7.34 **Subd. 7. Use of State Road Construction**
7.35 **Appropriations**

8.1 Any money appropriated to the commissioner
8.2 of transportation for state road construction
8.3 for any fiscal year before fiscal year 2010 is
8.4 available to the commissioner during fiscal
8.5 years 2010 and 2011 to the extent that the
8.6 commissioner spends the money on the
8.7 state road construction project for which the
8.8 money was originally encumbered during the
8.9 fiscal year for which it was appropriated. The
8.10 commissioner of transportation shall report
8.11 to the commissioner of finance by August
8.12 1, 2009, and August 1, 2010, on a form
8.13 the commissioner of finance provides, on
8.14 expenditures made during the previous fiscal
8.15 year that are authorized by this subdivision.

8.16 **Subd. 8. Contingent Appropriation**

8.17 The commissioner of transportation, with
8.18 the approval of the governor and the written
8.19 approval of at least five members of a
8.20 group consisting of the members of the
8.21 Legislative Advisory Commission under
8.22 Minnesota Statutes, section 3.30, and the
8.23 ranking minority members of the house of
8.24 representatives and senate committees with
8.25 jurisdiction over transportation finance, may
8.26 transfer all or part of the unappropriated
8.27 balance in the trunk highway fund to an
8.28 appropriation (1) for trunk highway design,
8.29 construction, or inspection in order to
8.30 take advantage of an unanticipated receipt
8.31 of income to the trunk highway fund or
8.32 to take advantage of federal advanced
8.33 construction funding, (2) for trunk highway
8.34 maintenance in order to meet an emergency,
8.35 or (3) to pay tort or environmental claims.
8.36 Nothing in this subdivision authorizes the

10.1	<u>Appropriations by Fund</u>		
10.2	<u>General</u>	<u>41,000</u>	<u>41,000</u>
10.3	<u>Trunk Highway</u>	<u>393,000</u>	<u>393,000</u>

10.4 **(b) Public Safety Support**

10.5	<u>Appropriations by Fund</u>		
10.6	<u>General</u>	<u>3,296,000</u>	<u>3,296,000</u>
10.7	<u>Trunk Highway</u>	<u>3,506,000</u>	<u>3,506,000</u>
10.8	<u>Highway User</u>	<u>1,366,000</u>	<u>1,366,000</u>

10.9 \$380,000 the first year and \$380,000 the
 10.10 second year are for payment of public
 10.11 safety officer survivor benefits under
 10.12 Minnesota Statutes, section 299A.44. If the
 10.13 appropriation for either year is insufficient,
 10.14 the appropriation for the other year is
 10.15 available for it.

10.16 \$1,367,000 the first year and \$1,367,000
 10.17 the second year are to be deposited in the
 10.18 public safety officer's benefit account. This
 10.19 money is available for reimbursements under
 10.20 Minnesota Statutes, section 299A.465.

10.21 \$508,000 the first year and \$508,000
 10.22 the second year are for soft body armor
 10.23 reimbursements under Minnesota Statutes,
 10.24 section 299A.38.

10.25 \$792,000 the first year and \$792,000
 10.26 the second year are appropriated from the
 10.27 general fund for transfer by the commissioner
 10.28 of finance to the trunk highway fund on
 10.29 December 31, 2009, and December 31, 2010,
 10.30 respectively, in order to reimburse the trunk
 10.31 highway fund for expenses not related to the
 10.32 fund. These represent amounts appropriated
 10.33 out of the trunk highway fund for general
 10.34 fund purposes in the administration and
 10.35 related services program.

11.1 \$610,000 the first year and \$610,000 the
 11.2 second year are appropriated from the
 11.3 highway user tax distribution fund for
 11.4 transfer by the commissioner of finance to
 11.5 the trunk highway fund on December 31,
 11.6 2009, and December 31, 2010, respectively,
 11.7 in order to reimburse the trunk highway
 11.8 fund for expenses not related to the fund.
 11.9 These represent amounts appropriated out
 11.10 of the trunk highway fund for highway
 11.11 user tax distribution fund purposes in the
 11.12 administration and related services program.

11.13 \$716,000 the first year and \$716,000 the
 11.14 second year are appropriated from the
 11.15 highway user tax distribution fund for
 11.16 transfer by the commissioner of finance to
 11.17 the general fund on December 31, 2009, and
 11.18 December 31, 2010, respectively, in order to
 11.19 reimburse the general fund for expenses not
 11.20 related to the fund. These represent amounts
 11.21 appropriated out of the general fund for
 11.22 operation of the criminal justice data network
 11.23 related to driver and motor vehicle licensing.

11.24 **(c) Technical Support Services**

11.25 Appropriations by Fund

11.26 <u>General</u>	<u>1,472,000</u>	<u>1,472,000</u>
11.27 <u>Trunk Highway</u>	<u>2,344,000</u>	<u>2,344,000</u>
11.28 <u>Highway User</u>	<u>19,000</u>	<u>19,000</u>

11.29 **Subd. 3. State Patrol**

11.30 **(a) Patrolling Highways**

11.31 Appropriations by Fund

11.32 <u>General</u>	<u>37,000</u>	<u>37,000</u>
11.33 <u>Trunk Highway</u>	<u>71,393,000</u>	<u>71,393,000</u>
11.34 <u>Highway User</u>	<u>92,000</u>	<u>92,000</u>

11.35 **(b) Commercial Vehicle Enforcement** 7,771,000 7,771,000

12.1 This appropriation is from the trunk highway
 12.2 fund.

12.3 **(c) Capitol Security** 3,113,000 3,113,000

12.4 **Subd. 4. Driver and Vehicle Services**

12.5 **(a) Vehicle Services**

12.6 Appropriations by Fund

12.7 Highway User 7,936,000 8,236,000

12.8 Special Revenue 18,973,000 18,973,000

12.9 The special revenue fund appropriation is
 12.10 from the vehicle services operating account.

12.11 **(b) Driver Services**

12.12 Appropriations by Fund

12.13 Special Revenue 28,711,000 28,711,000

12.14 Trunk Highway 1,000 1,000

12.15 The special revenue fund appropriation is
 12.16 from the driver services operating account.

12.17 **Subd. 5. Traffic Safety** 435,000 435,000

12.18 This appropriation is from the trunk highway
 12.19 fund.

12.20 **Subd. 6. Pipeline Safety** 1,354,000 1,354,000

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

12.23 **Sec. 6. GENERAL CONTINGENT**

12.24 **ACCOUNTS** \$ 375,000 \$ 375,000

12.25 Appropriations by Fund

12.26 Trunk Highway 200,000 200,000

12.27 Highway User 125,000 125,000

12.28 Airports 50,000 50,000

12.29 The appropriations in this section may
 12.30 only be spent with the approval of the
 12.31 governor and the written approval of at least
 12.32 five members of a group consisting of (1)
 12.33 the members of the Legislative Advisory

