

employed for a fixed term and shall be in the unclassified services of the state.

Sec. 2. **[86.52] Administration.** *The commissioner of conservation shall consult with the commission in carrying out the terms and provisions of this act. The recommendations of the commission shall be advisory only.*

Sec. 3. **[86.53] Employees.** *Persons employed by the commissioner of conservation and by the commissioner of administration in order to carry out the terms and provisions of this act shall not be deemed to be part of the normal complement of either the department of conservation or the department of administration. The continued employment of such persons shall be contingent upon the availability of funds as provided in this act.*

Article X

Section 1. **[86.61] Expenditures.** *All moneys expended pursuant to any appropriation made by this act are subject to the provisions of Minnesota Statutes 1961, Chapter 16, and any act amendatory thereof.*

Sec. 2. **[86.62] Effective date.** *The provisions of this act are in effect from and after its final enactment except as otherwise provided herein.*

Approved May 20, 1963.

CHAPTER 791—H. F. No. 1536

[Coded in Part]

An act relating to the manner of the issuance and sale of Minnesota aeronautics bonds under the provisions of the Constitution, Article IX, Section 6, and Article XIX, Section 2, and the expenditure of the proceeds and the provision of funds for the payment thereof, authorizing an issue of such bonds, and appropriating moneys in connection therewith; amending Minnesota Statutes 1961, Sections 360.301 to 360.306; repealing Minnesota Statutes 1961, Sections 360.311 to 360.351 and 360.387.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Section 360.301, is amended to read:

360.301 Minnesota aeronautics bond account in the state

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bond fund; tax levies. *Subdivision 1. The state auditor shall maintain in the state bond fund a separate account, designated as the Minnesota aeronautics bond account, showing all taxes levied for such fund pursuant to this section and all moneys transferred to the fund pursuant to section 360.306 for the payment of Minnesota aeronautics bonds issued under section 360.302. The auditor shall levy each year on all taxable property within the state a tax sufficient, with all moneys then and theretofore transferred under section 360.306, to pay all such bonds and interest thereon which are due and to become due within the then ensuing year and to and including July 1 in the second ensuing year. Such tax shall be levied upon all real property used for the purposes of a homestead, as well as other taxable property, notwithstanding the provisions of Minnesota Statutes, Section 273.13, Subdivisions 6 and 7, and shall be and remain subject to no limitation of rate or amount until all such bonds and all interest thereon are fully paid. All proceeds of such taxes are appropriated and shall be credited to the state bond fund, and the principal and interest of state bonds shall be payable from the proceeds of such taxes, and so much thereof as may be necessary is hereby appropriated for such payments; provided that such principal and interest, if any, as may become due at any time when there is not on hand a sufficient amount from the proceeds of such taxes to pay the same, shall be paid out of the general revenue fund in the state treasury, and the amount necessary therefor is hereby appropriated, to be reimbursed from the proceeds of such taxes when received.*

Subd. 2. There is hereby created a The special fund to be known as the "Minnesota Aeronautics Fund," shall continue to be used for the purposes hereinafter specified in Minnesota Statutes 1961, Sections 360.371 to 360.386 until all Minnesota aeronautics certificates of indebtedness issued under those sections and all interest thereon have been fully paid. To provide moneys for the this fund the state auditor is hereby authorized and directed to continue to levy upon all taxable property in this state, in the manner in which other state taxes are levied, for the taxable years of 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, and 1956, taxes sufficient to produce the sums of \$200,000 for each of said the taxable years therein specified, together with such additional sums as may be necessary to pay the interest upon the certificates of indebtedness hereinafter therein authorized. In ease of a deficiency in the proceeds of such tax levy for any year, the auditor shall levy additional amounts in succeeding years to compensate therefor until the full amount herein authorized has been raised. The proceeds of such taxes shall be credited to the Minnesota Aeronautics Fund. This subdivision shall cease to be in effect and the Minnesota aeronautics fund shall be discontinued when all such certificates of indebtedness and interest

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thereon have been fully paid, or provision for such payment has been duly made in accordance with their terms. The state auditor shall certify the occurrence of this event to the revisor of statutes.

Sec. 2. Minnesota Statutes 1961, Section 360.302, is amended to read:

360.302 Minnesota aeronautics bonds. *Subdivision 1. Pending the levy and collection of such taxes To provide moneys appropriated from time to time by the legislature for aeronautics purposes in accordance with the Constitution, Article XIX, upon request of the ~~governor~~ commissioner of aeronautics, the state auditor is hereby authorized and directed to issue and sell certificates of indebtedness bonds of this the state of Minnesota, as funds are needed for the purposes of Laws 1945, Chapter 469, not exceeding the amount required from time to time to meet the appropriations hereinafter so made and not exceeding \$2,000,000 in the aggregate, for the prompt and full payment of which, with the interest thereon, the full faith, credit, and taxing powers of the state are hereby irrevocably pledged. Such certificates bonds shall be known as "Minnesota aeronautics Certificates of Indebtedness, bonds" shall be numbered consecutively; and. The principal amount thereof shall be credited to the state airports fund created by sections 360.017 and 270.077, together with any interest received by the state upon investment of such bond proceeds, but the accrued interest and any premium received upon sale of the bonds shall be credited to the state bond fund and except that the principal amount of any bonds authorized to refund existing obligations shall be credited to the fund or funds from which those obligations are payable.*

Subd. 2. Such bonds shall be issued and sold at not less than par upon sealed bids after two weeks published notice, unless sold to the state board of investment as hereinafter provided. Such certificates They shall be issued and sold in such number of series, at such times, in such form and of such denominations, bearing interest at such rate or rates, and shall mature at such times maturing on such dates, either without option of prior redemption or subject to prepayment upon such notice and at such times and prices, payable at such bank or banks, within or without the state, with such provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale and delivery of definitive bonds, and in accordance with such further regulations as the state auditor may determine, not exceeding the time when funds shall be available for the payment thereof from the tax levies authorized by section 360.301 subject to any limitations stated in the acts authorizing such bonds and appropriating the proceeds thereof (but not subject to the provisions of Minnesota Statutes, Sections 15.0411 to 15.0422). AH

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certificates maturing more than three years after their date must be made redeemable at par at the expiration of such three years and on each interest payment date thereafter upon such notice as the state auditor shall determine prior to their issuance. Any certificates may similarly be made redeemable on any interest payment date prior to the expiration of such three years. Such certificates shall bear such rate of interest, payable semiannually, and shall contain such other terms and provisions not inconsistent herewith, as the state auditor may determine. The certificates *bonds* shall be signed *executed* by the state treasurer *auditor* and attested by the state *auditor treasurer* under their official seals; and the auditor and treasurer shall keep thereof. *The signature of one of these officers on the face of any bond, and their seals, and the signatures of both officers on the interest coupons appurtenant to any bond, may be printed, lithographed, stamped, or engraved thereon.* The certificates shall be a charge upon and a lien against the taxes authorized by section 360.301. The principal and interest of the certificates, except as provided in section 360.306, shall be payable only from the proceeds of such taxes; and so much thereof as may be necessary is hereby appropriated for such payments; provided, that such interest as may become due at any time when there is not on hand a sufficient amount from the proceeds of such taxes to pay the same shall be paid out of the general revenue fund and the amount necessary therefor is hereby appropriated, to be reimbursed from the proceeds of such taxes when received. All moneys received from the sale of the certificates shall be credited to the Minnesota Aeronautics Fund.

Subd. 3. The auditor is authorized and directed to ascertain and certify to purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota in accordance with their terms. Any act authorizing the issuance of bonds pursuant to this section shall, together with this section, constitute complete authority for such issue, and such bonds shall not be subject to the restrictions or limitations contained in any other law.

Subd. 4. Any expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including, but without limitation, actual and necessary travel and subsistence expenses of state officers and employees for such purposes, shall be paid from the state airports fund, and the amounts necessary therefor are hereby appropriated from such fund.

Sec. 3. Minnesota Statutes 1961, Section 360.303, is amended to read:

360.303 **Authorized investment.** The state board of in-

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vestment is hereby authorized to invest any funds under its control or direction in any certificates of indebtedness bonds issued hereunder pursuant to section 360.302 and to purchase such certificates bonds at a rate of interest not exceeding three percent per annum, and such certificates bonds may be issued and sold to the board without advertising for bids.

Sec. 4. Minnesota Statutes 1961, Section 360.304, is amended to read:

360.304 Appropriations. There is hereby appropriated to the governor out of the Minnesota Aeronautics Fund, for the purposes hereinafter specified, the sum of \$2,000,000 for the biennium period ending June 30, 1947, which appropriation is hereby made available in such amounts and at such times as may be deemed necessary by the governor to carry out the purposes of Laws 1945, Chapter 469. *Unless otherwise stated in any act authorizing bonds and appropriating the proceeds thereof in accordance with sections 360.301 to 360.306, or a subsequent act amending or repealing the same, any balance of such appropriation remaining at the end of any fiscal year shall be carried over and shall be available for the purposes of Laws 1945, Chapter 469, until July 1, 1947, and thereafter these sections until all obligations theretofore incurred hereunder have been paid expended for the purposes for which the appropriation was made.*

Sec. 5. Minnesota Statutes 1961, Section 360.305, is amended to read:

360.305 Expenditures. Subdivision 1. The moneys hereby appropriated to the governor commissioner of aeronautics as contemplated by sections 360.301 to 360.306 shall, from time to time, on his authorization, be used for the purpose of constructing, improving, maintaining, and operating state airports and other air navigation facilities; to assist counties, cities, towns, villages, boroughs, and public corporations in constructing, improving, maintaining, and operating airports and other air navigation facilities; and for the purpose of assisting this state and counties, cities, towns, villages, boroughs, and public corporations thereof in matching federal funds for the acquisition, construction, improvement, maintenance, and operation of such airports and other air navigation facilities; whether such work is to be done by the state or by such municipalities, or jointly, aided by grants of aid from the United States in accordance with chapter 360, in amounts not exceeding the sums specified for individual purposes in the acts making such appropriations. *Unless otherwise provided in any such act, the governor may on his own initiative or upon application by the*

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commissioner of aeronautics order a change in the provisional limitations on the amounts to be expended for the individual purposes specified.

Subd. 2. The governor shall not authorize the expenditure of any of the moneys hereby appropriated until he has consulted the legislative advisory committee created by Laws 1941, Chapter 497, and such committee has made its recommendation upon the matter. Such recommendation shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation. The provisions of this subdivision shall extend to any other agency to which the present authority of the legislative advisory committee may be transferred, but shall be deemed to be repealed in case such authority shall be abolished.

Subd. 3 2. Before authorizing any expenditure of any of the moneys hereby appropriated pursuant to sections 360.301 to 360.306 to assist political subdivisions, municipalities, and public corporations in *acquiring, constructing, improving, maintaining, and operating airports and other air navigation facilities may be authorized*, the ~~governor~~ *commissioner of aeronautics* shall cause an investigation and report to be made by the commissioner of aeronautics as to the amount which has been invested by the political subdivision, municipality, or public corporation in its airport property, if any, the amount of funds available for expenditure by the political subdivision, municipality, or public corporation for the purposes specified in section 360.305, subdivision 1, its general financial situation, and the necessity of assistance by the state *have made, with the approval of the governor, an order designating the municipalities and airports which are a part of the key airport system, the secondary airport system, the landing strip system, and the state system of radio navigational aids, in accordance with the definitions and limitations stated in subdivision 3.*

Subd. 3. (1) *Key system airports are those served or intended to be served by scheduled air carriers and large multi-engine aircraft, not exceeding 30.*

(2) *Secondary system airports shall be those designed for or having active commercial operations other than scheduled air service, not exceeding 48.*

(3) *The landing strip system shall consist of landing strips in rural areas not designed for commercial activities, and not exceeding 70.*

(4) *The commissioner may amend such order from time to time to expand or modify the airport system to serve best the interest of the state, subject to the approval of the governor.*

Changes or additions indicated by italics, deletions by strikeout.

Subd. 4. (1) *He Except as otherwise provided in this subdivision, the commissioner of aeronautics shall require as a condition of such assistance by the state that the political subdivision, municipality, or public corporation itself make a substantial contribution to the cost of the construction, improvement, maintenance, or operation in connection with which the assistance by of the state is sought; taking into consideration in fixing the amount of such contribution the matters shown by the investigation and report of the commissioner of aeronautics; it being the intention of the legislature that the moneys hereby appropriated shall be expended in such a manner as will result in the conservative development of a complete airports system for the state and that such moneys shall be fairly and equitably distributed.*

(2) *For airport projects where only state and local funds are to be used this contribution shall be not less than one-third of the project costs; where federal, state, and local funds are to be used, the contribution shall be not less than one-sixth of the project costs.*

(3) *The commissioner may pay the total cost of radio and navigational aids.*

(4) *The commissioner may pay all of the construction cost of a new landing strip, or may pay an amount equal to the federal funds granted and used for a new landing strip plus all of the remaining cost of the construction thereof; but the total amount paid by the commissioner for a new landing strip, unless specifically authorized by an act appropriating moneys therefor, shall not exceed \$20,000.*

(5) *No state money may be used for land acquisition.*

Subd. 4. *The commissioner of aeronautics is hereby authorized, subject to the approval of the governor, to make and amend such rules and regulations, not inconsistent with law, as are necessary for the administration of Laws 1947, Chapter 548.*

Subd. 5. *The commissioner of aeronautics shall cause to be prepared or supervise the preparation of plans and specifications for the construction, improvement, and maintenance of all airports and air navigation facilities upon which expenditures are made pursuant to Laws 1947, Chapter 548 sections 360.301 to 360.306; approve such plans and specifications; supervise and inspect all work relating to those airports; approve all lawful changes in plans and specifications; approve estimates for payments; and approve the construction when completed according to such plans and specifications.*

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Sec. 6. Minnesota Statutes 1961, Section 360.306, is amended to read:

360.306 Transfers from state airports fund. Subdivision 1. On ~~November 1, 1947, and on~~ the first day of November in each year thereafter up to and including November 1, 1956; there shall be transferred from the state airports fund; ~~otherwise created by law, to the Minnesota aeronautics bond account in the state bond fund, out of any moneys remaining in the state airports fund after the transfers and payments referred to in subdivision 3, and there is hereby appropriated annually to the state bond fund, the a sum of \$200,000 and such additional sums as may be necessary to pay interest on any certificates of indebtedness sufficient, with all moneys previously transferred pursuant to this subdivision 1, to pay all principal and interest then and theretofore due and to become due within the next ensuing year and to and including July 1 in the second ensuing year on bonds issued and sold pursuant to section 360.302 and to compensate for any deficiencies in the proceeds of tax levies authorized by section 360.301 for any prior year; or so much of the total of said sums as may be available in the State Airports Fund for transfer; after any reimbursement of the general revenue fund therefrom otherwise provided for by law. If sufficient funds are made available by the transfer in any year, the tax levy for that taxable year provided for by section 360.301 shall be canceled and shall not be made; otherwise the amount to be raised by the tax levy for that taxable year shall be reduced by the amount transferred. The state auditor and the state treasurer are authorized and directed to make the appropriate entries in the accounts of the respective funds.~~

Subd. 2. All moneys transferred from the state airports fund to the Minnesota aeronautics *bond account in the state bond fund* shall be available for the payment of outstanding ~~certificates of indebtedness and interest thereon and deficiencies in the proceeds of prior tax levies; if any state bonds and interest thereon, whether or not issued pursuant to section 360.302, in the same manner as the proceeds of such taxes provided for in section 360.301, and so much thereof as may be necessary is appropriated for such payments.~~

Subd. 3. Notwithstanding any provision of any other statute enacted by the legislature at the 1945 session appropriating moneys in the state airports fund, all ~~those moneys in that fund over and above the amounts required, if any, to reimburse the general revenue fund as otherwise provided by law, and the amounts, if any, required by section 360.301, subdivision 2, to be transferred to the Minnesota aeronautics fund, and the amounts required to pay the salaries, supplies, and expenses of the department of aeronau-~~

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tics as otherwise provided by law, shall be used only for the purpose of making the transfers provided for by section 360.306, subdivision 1; and thus reducing the amounts to be raised by the tax levies provided for by section 360.301, until after the date prescribed for the making of the last of those levies; or until they are otherwise canceled by law.

Sec. 7. [360.388] Aeronautics bond fund, appropriation.
Subdivision 1. There is hereby appropriated to the commissioner of aeronautics out of the proceeds of the bonds herein authorized, for the purposes specified herein and in Minnesota Statutes, Section 360.305, the sum of \$6,600,000.

Subd. 2. Except as otherwise provided in said section 360.305, of the moneys hereby appropriated, the commissioner of aeronautics shall spend not more than \$2,073,100 on the Minneapolis-St. Paul international airport and other key system airports, on secondary airports, and on the state landing strip system; including not more than \$50,000 to construct a landing strip on the north shore of Lake Superior in the vicinity of Beaver Bay, not more than \$82,000 for radio navigational aids, and not more than \$52,000 for the purchase of aircraft.

Subd. 3. The commissioner of aeronautics shall expend \$4,526,900 of the money herein appropriated for the refunding, payment and redemption of a like principal amount of the Minnesota aeronautics certificates of indebtedness, issued in the following respective series and authorized by each of the following sections of Minnesota Statutes:

<i>Series III, under sections 360.371 and 360.381</i>	\$ 195,000
<i>Series IV, under section 360.382</i>	20,000
<i>Series V, under section 360.383</i>	300,000
<i>Series VI, under section 360.384</i>	644,000
<i>Series VII, under section 360.385</i>	2,659,900
<i>Series VIII, under section 360.386</i>	708,000

Said amount of \$4,526,900 shall be credited to the "Minnesota Aeronautics Fund" referred to in these laws, and expended therefrom for the purpose of such refunding, and the state auditor and treasurer are directed to call each and all of said certificates for redemption in accordance with their terms, from said bond proceeds. The tax which was levied by each of these laws and was directed to be extended and spread upon the tax rolls in amounts sufficient to produce the required sums of principal and interest in the years specified therein, shall continue to be so extended and spread until all certificates of indebtedness issued pursuant to each of the laws, respectively, and

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all interest accrued thereon, have been fully paid. The appropriation by each of these laws of so much of the proceeds of the tax thereby levied as may be necessary to pay principal and interest when due on certificates of indebtedness other than those refunded hereunder is likewise continued, and shall be irrevocable until those certificates and interest thereon have been fully paid. However, all proceeds of such taxes in excess of those so appropriated are reappropriated to the state bond fund and shall be credited against the amounts of taxes required to be levied by Minnesota Statutes, Section 360.301, Subdivision 1.

Subd. 4. To provide the moneys herein appropriated the state auditor is authorized and directed upon request of the commissioner of aeronautics to issue and sell Minnesota aeronautics bonds under the provisions of the Constitution, Article IX, Section 6, and Article XIX, Section 2, and Minnesota Statutes, Section 360.302, in an aggregate principal amount not to exceed \$6,600,000. The bonds may be issued in denominations of \$1,000, \$5,000, or multiples thereof as determined by the state auditor and shall mature on January 1 in the amount of \$80,000 in 1965, \$280,000 in 1966, and the following amounts in the following respective years:

1967	\$290,000	1976	370,000
1968	300,000	1977	390,000
1969	310,000	1978	400,000
1970	310,000	1979	410,000
1971	320,000	1980	420,000
1972	330,000	1981	430,000
1973	340,000	1982	450,000
1974	350,000	1983	460,000
1975	360,000		

All bonds maturing later than January 1, 1974, must be made redeemable at par on that date and on each interest payment date thereafter, upon such notice as the state auditor shall determine.

Sec. 8. [360.3861] Reappropriations. *The unexpended balances of appropriations made to the commissioner of aeronautics by Minnesota Statutes 1961, Sections 360.384 to 360.386 are hereby reappropriated to the commissioner of aeronautics and shall be available until expended for the purposes for which such appropriations were made. Sections 360.383 to 360.386 shall cease to be in effect when all provisions for such appropriations have been made and all certificates of indebtedness issued under those laws and interest thereon have been fully paid, or provision for such payment has been duly made in accordance with their terms. The state auditor shall certify the occurrence of this event to the revisor of statutes.*

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Sec. 9. [360.389] **Additional appropriations.** *There is also appropriated to the commissioner of aeronautics for the purposes specified in Minnesota Statutes, Section 360.305 so much of the proceeds of the aircraft registration tax, the aviation fuel tax, and the flight property tax, as may be received in the state airports fund in excess of \$885,800 in the fiscal year commencing July 1, 1963, and so much of the proceeds of such taxes as may be received in said fund in excess of \$943,200 in the fiscal year commencing July 1, 1964; provided, that no amount so appropriated shall be expended until the commissioner has consulted the legislative advisory committee and such committee has made its recommendation thereon. Such recommendation shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation. The maximum amount to be expended under the appropriation made by this section during the biennium commencing July 1, 1963 shall not exceed \$175,000.*

Sec. 10. *Minnesota Statutes 1961, Sections 360.311 to 360.351 and 360.387 are repealed.*

Sec. 11. *This act is in effect from and after its final enactment.*

Approved May 20, 1963.

CHAPTER 792—S. F. No. 1893

[Not Coded]

An act authorizing the state to convey its interest in certain lands in Ottertail county.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Conveyance of state lands; Ottertail county.** The commissioner of taxation may convey to A. G. Halland by quitclaim deed any interest of the state in the following described land in the city of Fergus Falls, Ottertail County, Minnesota:

Lots Five (5), Six (6) and Seven (7), except highway, in Block One (1), Water's Fourth Addition to Fergus Falls, Minnesota

Changes or additions indicated by italics, deletions by ~~strikeout~~.