

the power otherwise provides, shall not prevent or limit the exercise or participation in the exercise thereof by the other donee or donees thereof.

Sec. 5. Subd. 5. The word "release" as used in Sections 2 to 5 shall include (a) an instrument wherein the person who executes it in substance states that he wholly releases, or agrees in no respect to exercise or participate in the exercise of, a power of appointment; and (b) an instrument wherein the person who executes it in substance states that he releases all right to exercise, or participate in the exercise of, a power of appointment otherwise than within the limits therein defined, or agrees not to exercise, or participate in the exercise of, a power of appointment otherwise than within the limits there defined.

Sec. 6. Subd. 6. This act shall not impair the validity of any releases heretofore made, and shall not create any implication that powers other than those specified herein are not releasable.

Approved April 22, 1949.

CHAPTER 608—H. F. No. 610

[Coded as Section 360.38]

An act relating to the Minnesota aeronautics fund, providing for the issuance of certificates of indebtedness for the raising of necessary additional funds to construct, improve, maintain, and operate, and assist counties, cities, towns, villages, boroughs, and public corporations in constructing, improving, maintaining, and operating, airports and other air navigation facilities and to assist this state and its municipalities in matching federal funds for such purposes, for the levying of taxes, authorizing the state board of investment to purchase such certificates of indebtedness, and appropriating moneys for the purposes of this act.

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

[360.38] Section 1. **Additional tax levies for Minnesota aeronautics fund.** Subdivision 1. **Supplementing Laws 1945, Chapter 467, and Laws 1947, Chapter 585.** To provide additional moneys for the Minnesota Aeronautics Fund created by

Minnesota Statutes 1945, Sections 360.301 to 360.306, for the purposes hereinafter specified, the state auditor is hereby authorized and directed to levy upon all taxable property in this state, in the manner in which other state taxes are levied, for the taxable years of 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, and 1960, taxes sufficient to produce the sum of \$65,000 for each of said taxable years, together with such additional sums as may be necessary to pay the interest upon the certificates of indebtedness hereinafter authorized. In case 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.

Sec. 2. Subd. 2. Certificates of indebtedness. Pending the levy and collection of such taxes, upon request of the governor, the state auditor is hereby authorized and directed to issue and sell certificates of indebtedness of this state, as funds are needed for the purposes of this act, not exceeding the amount required from time to time to meet the appropriations hereinafter made and not exceeding \$650,000 in the aggregate. Such certificates shall be known as "Minnesota Aeronautics Certificates of Indebtedness, series III," shall be numbered consecutively, and 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 shall be in such form and of such denominations and shall mature at such times 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 1 of this act. All 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 semi-annually, and shall contain such other terms and provisions not inconsistent herewith, as the state auditor may determine. The certificates shall be signed by the state treasurer and attested by the state auditor under their official seals, and the auditor and treasurer shall keep records thereof. The certificates shall be a charge upon and a lien against the taxes authorized by Section 1 of this act. The principal and interest of the cer-

tificates, except as provided in Section 6 of this act, 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.

SSec. 3. Subd. 3. Authorized investment. The state board of investment is hereby authorized to invest any funds under its control or direction in any certificates of indebtedness issued hereunder and to purchase such certificates at a rate of interest not exceeding three per cent per annum, and such certificates may be issued and sold to the board without advertising for bids.

Sec. 4. Subd. 4. Appropriation. There is hereby appropriated to the governor out of the Minnesota Aeronautics Fund, for the purposes hereinafter specified, the sum of \$650,000 for the biennium period ending June 30, 1951, 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 this act. Any balance remaining at the end of any fiscal year shall be carried over and shall be available for the purposes of this act until July 1, 1951, and thereafter until all obligations theretofore incurred hereunder have been paid.

Sec. 5. Subd. 5. Expenditure. Clause 1. The moneys hereby appropriated to the governor shall, from time to time, upon 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.

Clause 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.

Clause 3. Before authorizing any expenditure of any of the moneys hereby appropriated to assist political subdivisions, municipalities, and public corporations in constructing, improving, maintaining, and operating airports and other air navigation facilities, the governor 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 Subdivision 1 of this section, its general financial situation, and the necessity of assistance by the state. He 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 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.

Clause 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 this act.

Clause 5. The commissioner of aeronautics shall cause to be prepared or supervise the preparation of plans and specifications for the construction, improvement, and main-

tenance of all airports upon which expenditures are made pursuant to this act; 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.

Sec. 6. Subd. 6. Transfers from state airports fund.

Clause 1. On November 1, 1951, and on the first day of November in each year thereafter up to and including November 1, 1960, there shall be transferred from the State Airports Fund, otherwise created by law, to the Minnesota Aeronautics Fund out of any moneys remaining in said State Airports Fund after the transfer provided by Minnesota Statutes 1945, Section 360.306, and after any reimbursement of the general revenue fund therefrom, otherwise provided by law, the sum of \$65,000 and such additional sums as may be necessary to pay interest on any certificates of indebtedness issued and sold pursuant to Section 2 of this act and to compensate for any deficiencies in the proceeds of tax levies authorized by Section 1 of this act for any prior year, or so much of the total of said sums as may be available in the State Airports Fund for transfer. If sufficient funds are made available by the transfer, the tax levy for that taxable year provided for by Section 1 of this act 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.

Clause 2. All moneys transferred from the State Airports Fund to the Minnesota Aeronautics 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, in the same manner as the proceeds of taxes provided for in Section 1 of this act, and so much thereof as may be necessary is appropriated for such payments.

Clause 3. Notwithstanding any provision of any other statute appropriating moneys in the State Airports Fund, all those moneys over and above the amounts required to be transferred as provided by Minnesota Statutes 1945, Section 360.306, and the amounts required to reimburse the general revenue fund as otherwise provided by law, shall be used only

for the purpose of making the transfers provided for by Subdivision 1 of this section and thus reducing the amounts to be raised by the tax levies provided for by Section 1 of this act, until after the date prescribed for the making of the last of those levies, or until they are otherwise canceled by law.

Sec. 7. Subd. 7. Supplementary appropriation. The appropriation to the governor made by Section 4 is in addition to any other appropriation made to him out of the Minnesota Aeronautics Fund by any other statute.

Sec. 8. Subd. 8. Designated appropriation. Of the moneys hereby appropriated to the governor, \$150,000 may upon his authorization, be made available to the Minneapolis-St. Paul Metropolitan Airports Commission to be used for the purpose of constructing and improving a major airport at the Anoka County site.

Approved April 22, 1949.

CHAPTER 609—H. F. No. 735

An act relating to the department of insurance, and amending Minnesota Statutes 1945, Section 172.06.

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

Section 1. Minnesota Statutes 1945, Section 172.06, is amended to read as follows:

172.06. Retirement fund. There is hereby created the highway patrolmen's retirement fund and all moneys received under the provisions of Laws 1943, Chapter 637, shall be credited to said fund. In addition thereto, 66 per cent of all moneys heretofore paid by any highway patrolman into the state employees' retirement fund is hereby appropriated therefrom and credited to the fund hereby created. The state treasurer shall, upon the passage of Laws 1943, Chapter 637, ascertain the amount heretofore paid by highway patrolmen as aforesaid and transfer the amount so paid to the fund hereby created. *The public examiner shall audit the fund in the course of his examination of the highway department records*