

Phentermine .

Sec. 5. Minnesota Statutes, 1975 Supplement, Section 151.212, Subdivision 2, is amended to read:

Subd. 2. **CONTROLLED SUBSTANCES.** In addition to the requirements of subdivision 1, when the use of any drug containing a controlled substance, as defined in chapter 152, or any other drug determined by the board, either alone or in conjunction with alcoholic beverages, may impair the ability of the user to operate a motor vehicle, ~~that fact shall the board shall require by rule that notice~~ be prominently set forth on the label or container. Rules promulgated by the board shall specify exemptions from this requirement when there is evidence that the user will not operate a motor vehicle while using the drug.

Sec. 6. Minnesota Statutes 1974, Section 151.37, Subdivision 5, is amended to read:

Subd. 5. Nothing in this chapter shall prohibit the sale to, or the possession of, a legend drug by registered drug wholesalers, registered manufacturers, registered pharmacies, ~~any local detoxification centers, licensed hospital or hospitals,~~ bona fide hospitals wherein animals are treated, or licensed pharmacists and licensed practitioners while acting within the course of their practice only.

Approved April 20, 1976.

CHAPTER 339—H.F.No.2144

[Coded in Part]

An act relating to the state transportation system; creating the Minnesota state transportation fund; appropriating money therefrom for construction and reconstruction of bridges and bridge approaches; authorizing the issuance of state bonds therefor pursuant to article XI of the constitution; appropriating money.

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

Section 1. [174.50] MINNESOTA STATE TRANSPORTATION SYSTEM; FUND. Subdivision 1. State assistance is needed to supplement local effort and the highway user tax distribution fund in financing capital improvements to preserve and develop a balanced transportation system throughout the state. Such a system is a proper function and concern of state government and necessary to protect the safety and personal and economic welfare of all citizens. Immediate needs are reconstruction and replacement of key bridges and approaches to remove obstructions to the flow of traffic on state and county highways, municipal streets and township roads.

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Subd. 2. A Minnesota state transportation fund is created as a separate bookkeeping account in the general books of account of the state, to record receipts and disbursements of money appropriated from the fund to agencies and subdivisions of the state for the acquisition and betterment of public land, buildings, and capital improvements needed for the development of the state transportation system.

Subd. 3. The state treasurer shall deposit in the fund as received all proceeds of Minnesota state transportation bonds, except accrued interest and premiums; all other money appropriated by law for the purposes of the fund; and all money granted to the state for these purposes by the federal government or any agency thereof. All such receipts are annually appropriated for the permanent construction and improvement purposes of the fund and shall be and remain available for expenditure in accordance with this section and applicable federal laws until the purposes for which the appropriations were made have been accomplished or abandoned. Upon certification to the commissioner of finance by the agency or subdivision to which any appropriation of bond proceeds has been made that the purpose thereof has been accomplished or abandoned, any unexpended balance of the appropriation, unless reappropriated by law, shall be transferred to the state bond fund and is appropriated to reduce the amount of tax otherwise required by the constitution to be levied for that fund. No money shall be transferred to the state transportation fund from the highway user tax distribution fund or any other fund created by article XIV of the constitution.

Subd. 4. Before disbursement of an appropriation made from the fund to the commissioner of transportation or any other officer or agency of the state the commissioner shall certify to the commissioner of finance that the project for which the funds are appropriated has been reviewed by the proper regional development commission or the metropolitan council as the case may be, for consistency with the long term comprehensive development plans and guides for which that agency is responsible.

Subd. 5. Before disbursement of an appropriation made from the fund to the commissioner of transportation for grants to subdivisions of the state, the commissioner shall certify to the commissioner of finance:

(1) That the project for which the grant is made has been reviewed as provided in subdivision 4;

(2) That the project conforms to the program authorized by the appropriation law and rules adopted by the department of transportation consistent therewith; and

(3) That the financing of any estimated cost of the project in excess of the amount of the grant is assured by the appropriation of the proceeds of bonds or other funds of the subdivision, or by a grant from

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an agency of the federal government, within the amount of funds then appropriated to that agency and allocated by it to projects within the state, and by an irrevocable undertaking, in a resolution of the governing body of the subdivision, to use all funds so made available exclusively for the project, and to pay any additional amount by which the cost exceeds the estimate through appropriation to the construction fund of additional funds or the proceeds of additional bonds to be issued by the subdivision.

Subd. 6. Procedures for application for grants from the fund, conditions for their administration, and criteria for priority, unless established in the laws authorizing the grants, shall be established by rules of the department of transportation consistent with those laws. Criteria for determining priorities and amounts of grants shall be based on consideration of:

- (1) Effectiveness of the project in eliminating a deficiency in the transportation system;
- (2) Number of persons affected by the deficiency;
- (3) Economic feasibility;
- (4) Effect on optimum land use and other concerns of state and regional planning;
- (5) Availability of other financing capability; and
- (6) Adequacy of provision for proper operation and maintenance after construction.

Subd. 7. The commissioner of transportation shall develop rules, standards and criteria, including bridge specifications, in cooperation with road authorities of political subdivisions, for use in the administration of funds appropriated to the commissioner and for the administration of grants to subdivisions. Designs of bridges under the trunk highway system, which have an estimated project cost of less than \$200,000, shall be performed inhouse by the transportation department. The maximum use of standardized bridges is encouraged. Funds appropriated to the commissioner from the Minnesota state transportation fund shall be segregated from the highway tax user distribution fund and other funds created by article XIV of the constitution.

Sec. 2. **[174.51] MINNESOTA STATE TRANSPORTATION BONDS.** Subdivision 1. For the purpose of providing money appropriated to agencies or subdivisions of the state from the Minnesota state transportation fund for the acquisition and betterment of public land, buildings, and capital improvements needed for the development of the state transportation system, when such appropriations or loans are authorized by section 3 or another law and funds therefor are requested by the governor, the commissioner of finance shall sell and issue bonds

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of the state of Minnesota for the prompt and full payment of which, with interest thereon, the full faith and credit and taxing powers of the state are irrevocably pledged. Bonds shall be issued pursuant to this section only as authorized by a law specifying the purpose thereof and the maximum amount of the proceeds authorized to be expended for that purpose. Any such law, together with this section, constitutes complete authority for the issue, and such bonds shall not be subject to restrictions or limitations contained in any other law.

Subd. 2. The bonds shall be sold upon sealed bids and upon notice, at a price, in form and denominations, bearing interest at a rate or rates, maturing in amounts and on dates, subject to prepayment upon notice and at times and prices, payable at a bank or banks within or outside the state, with or without provisions for registration, conversion, exchange, and issuance of notes in anticipation of the sale or delivery of definitive bonds, and in accordance with further regulations, as the commissioner of finance shall determine subject to the approval of the attorney general, but not subject to the provisions of Minnesota Statutes, Sections 15.0411 to 15.0422. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The signatures on the bonds and on any interest coupons and the seals may be printed or otherwise reproduced, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of a person authorized to sign on behalf of a bank designated by them as authenticating agent. The commissioner of finance shall ascertain and certify to the 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, subject to the approval of the attorney general.

Subd. 3. All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees for such purposes, shall be paid from the Minnesota state transportation fund and the amounts necessary therefor are appropriated from that fund; provided that if any amount is specifically appropriated for this purpose in an act authorizing the issuance of bonds pursuant to this section, such expenses shall be limited to the amount so appropriated.

Subd. 4. The commissioner of finance shall maintain in the state bond fund a separate bookkeeping account designated as the Minnesota state transportation bond account, to record receipts and disbursements of money transferred to the fund to pay Minnesota state transportation bonds and interest thereon, and of income from the investment of such money, which income shall be credited to the account in each fiscal year in an amount equal to the approximate average rate of return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.

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Subd. 5. The premium and accrued interest received on each issue of Minnesota state transportation bonds shall be credited to the bond account. There shall also be credited to the bond account from the general fund in the state treasury, on November 1 in each year, a sum of money equal to the amount of the tax which article XI of the constitution would otherwise require to be levied for collection in the following year, to increase the balance in the account to an amount sufficient to pay principal and interest due and to become due with respect to Minnesota state transportation bonds. All money so credited and all income from the investment thereof is annually appropriated to the bond account for the payment of such bonds and interest thereon, and shall be available in the bond account prior to the levy of a tax for the state bond fund in any year as required by article XI of the constitution. No money shall be transferred to the Minnesota state transportation bond account from the highway user tax distribution fund or any other fund created by article XIV of the constitution. The commissioner of finance and the state treasurer are directed to make the appropriate entries in the accounts of the respective funds.

Subd. 6. On or before December 1 in each year, if the full amount appropriated to the bond account in subdivision 5 has not been credited thereto, the tax required by article XI of the constitution shall be levied upon all taxable property within the state. This 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 subject to no limitation of rate or amount until all Minnesota state transportation bonds and interest thereon are fully paid. The proceeds of this tax are appropriated and shall be credited to the state bond fund, and the principal of and interest on the bonds are payable from such proceeds, and the whole thereof, or so much as may be necessary, is appropriated for such payments. If at any time there is not sufficient money from the proceeds of such taxes to pay the principal and interest when due on Minnesota state transportation bonds, such principal and interest shall be paid out of the general fund in the state treasury, and the amount necessary therefor is hereby appropriated.

Sec. 3. BOND AUTHORIZATIONS. Subdivision 1. The commissioner of finance is authorized upon the request of the commissioner of transportation to sell and issue Minnesota state transportation bonds for the purposes provided in section 2, subdivision 1, in the aggregate principal amount of \$12,500,000, in the manner and upon the conditions prescribed in section 2 and in article XI of the constitution; provided that no bonds may be sold in any year unless the money appropriated by section 4, subdivision 2, clause (a), has been expended. The proceeds of the bonds, except as provided in section 2, subdivision 5, are appropriated to the Minnesota state transportation fund for expenditure in accordance with section 1 and section 4, subdivision 1, clause (a).

Subd. 2. The commissioner of finance is authorized upon the re-
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quest of the commissioner of transportation to sell and issue Minnesota state transportation bonds for the purposes provided in section 2, subdivision 1, in the aggregate principal amount of \$12,500,000, in the manner and upon the conditions prescribed in section 2 and in article XI of the constitution; provided that no bonds shall be sold in any year unless the money appropriated by section 4, subdivision 2, clause (b), has been expended. The proceeds of the bonds, except as provided in section 2, subdivision 5, are appropriated to the Minnesota state transportation fund for expenditure in accordance with this section and section 1 and section 4, subdivision 1, clause (b).

Sec. 4. **APPROPRIATION.** Subdivision 1. The following sums, or so much thereof as is determined to be needed, are appropriated from the Minnesota state transportation fund to the department of transportation for the following purposes:

(a) \$25,000,000 for the construction and reconstruction of key bridges and bridge approaches on the trunk highway system, including interstate routes;

(b) For disbursement in the form of grants to political subdivisions by the commissioner of transportation for the construction and reconstruction of key bridges on the following road systems:

- (1) County highway systems.....\$13,500,000
- (2) Municipal street systems.....\$4,000,000
- (3) Township road systems.....\$7,500,000.

Subd. 2. The following sums shall be appropriated from the general fund in the fiscal year ending June 30, 1977, to the department of transportation for deposit in the Minnesota state transportation fund:

(a) \$12,500,000 for expenditure in accordance with subdivision 1, clause (a); and

(b) \$12,500,000 for expenditure in accordance with subdivision 1, clause (b).

Sec. 5. **EFFECTIVE DATE.** Sections 1 and 2 are effective the day following final enactment. Sections 3 and 4 are effective July 1, 1976.

Approved April 20, 1976.

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