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TRUNK HIGHWAYS; FINANCING 167.34

CHAPTER 167

TRUNK HIGHWAYS; FINANCING

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167.01-167.26 [Repealed, 1957 c 592 s 1]

167.31 TRUNK HIGHWAY BONDS; ISSUANCE, SALE. The issuance and sale of bonds by the State of Minnesota under the provisions of the Constitution of the State of Minnesota, Article XVI, Section 12, is authorized in an amount not exceeding the sum of \$20,000,000, par value, and the full faith and credit of the State of Minnesota is hereby irrevocably pledged to the payment of the principal of said bonds and the interest thereon. Said bonds shall be issued and sold on competitive bids after reasonable notice, or sold direct to the state board of investment without bids, by a board consisting of the state auditor, the state treasurer and the commissioner of highways, under such rules and regulations and in such form and denominations as said board shall determine, shall be attested by the secretary of state, and shall be sold for not less than par and accrued interest. Said rules may provide for the maturity, registration, conveyance and exchange of the bonds so issued. All expenses incident to the printing and sale of the bonds, including actual and necessary traveling expenses of state officers and employees for such purpose shall be paid from the trunk highway fund and the amounts therefor are hereby appropriated from said fund. The provisions of Minnesota Statutes, sections 15.041 to 15.044 shall not apply to the rules and regulations promulgated pursuant hereto.

[1957 c 750 s 1]

167.32 MATURITY, INTEREST RATE OF BOND. Bonds so issued and sold shall mature serially over a term not exceeding 20 years. Said bonds shall bear interest at a rate not exceeding 5 percent per annum, payable semiannually. The state auditor shall keep a record showing the number, date of issuance and date of maturity of each such bond.

[1957 c 750 s 2]

167.33 PROCEEDS TO TRUNK HIGHWAY FUND FOR RIGHT OF WAY. The proceeds of the sale of said bonds shall be paid into the treasury of the state and credited to the trunk highway fund and shall be used to aid in the acquisition of necessary right of way needed in laying out, constructing and maintaining the trunk highway system. Said bonds shall be redeemed and the interest thereon paid from the trunk highway fund. In case the trunk highway fund should not be adequate to meet the payment of the principal and interest of the bonds authorized herein, the state auditor shall levy a direct annual ad valorem tax on the taxable property of the state in an amount sufficient to meet the deficiency.

[1957 c 750 s 3]

167.34 TRUNK HIGHWAY BONDS, AUTHORIZATION. The issuance and sale of bonds by the state of Minnesota under the provisions of the Constitution of the State of Minnesota, Article XVI, Section 4, is hereby authorized in an amount not exceeding the sum of \$20,000,000, par value, during the calendar years of 1956, and 1961 inclusive, and the full faith and credit of the State of Minnesota is hereby irrevocably pledged to the payment of the principal of said bonds and the interest thereon. Said bonds shall be issued and sold, on competitive bids after reasonable notice, or direct to the state board of investment without bids, by a board consisting of the state auditor, the state treasurer and the commissioner of highways, under such rules and regulations and in such form and denominations

as said board shall determine, shall be attested by the secretary of state, and shall be sold for not less than par and accrued interest. Such rules may provide for the maturity, registration, conversion and exchange of the bonds so issued. All expenses incident to the printing and the sale of the bonds, including actual and necessary traveling expenses of state officers and employees for such purpose, shall be paid from the trunk highway fund and the amounts therefor are hereby appropriated from said fund. The provisions of sections 15.041 to 15.044 shall not apply to the rules and regulations promulgated pursuant hereto.

[1955 c 748 s 1]

167.35 TERM. No bond shall be issued for a term exceeding 20 years. Said bonds shall bear interest at a rate not exceeding 5 percent per annum, payable semi-annually. The state auditor shall keep a record showing the number, date of issue and date of maturity of each such bond.

[1955 c 748 s 2]

167.36 PROCEEDS TO TRUNK HIGHWAY FUND FOR BRIDGES. The proceeds of the sale of said bonds shall be paid into the treasury of the state and credited to the trunk highway fund and shall be used to aid in the construction of bridges and approaches thereto forming a part of the trunk highway system. Said bonds shall be redeemed and the interest thereon paid from the trunk highway sinking fund. In case the trunk highway sinking fund should not be adequate to meet the payment of the principal and interest of the bonds authorized herein, the state auditor shall levy a direct annual ad valorem tax on all the taxable property of the state in an amount sufficient to meet the deficiency.

[1955 c 748 s 3]

167.37 ADOPTION OF AMENDMENT TO CONSTITUTION, EFFECT. In the event any amendment of the Minnesota State Constitution is adopted which provides that the proceeds of the motor vehicle tax shall be placed in some fund other than the trunk highway sinking fund, which amendment makes provisions for the payment of previously issued bonds for trunk highways, the bonds issued hereunder shall be payable from such fund so designated for payment of trunk highway bonds.

[1955 c 748 s 4]

167.38 BONDS, ISSUANCE AND SALE. Bonds may be issued and sold pursuant to sections 167.34 to 167.37, at any time prior to July 1, 1957, subject to the limitations contained in Article XVI of the Constitution of the State of Minnesota as now in effect, and bonds may be issued and sold pursuant to sections 167.34 to 167.37, on and after July 1, 1957, at one time or from time to time during any calendar year to and including the calendar year of 1961. Bonds issued and sold on and after July 1, 1957, are under the provisions of the Constitution of the State of Minnesota, Article XVI, Section 12.

[1955 c 748; 1957 c 756 s 1]

167.39 CENTRAL OFFICE BUILDING FOR DEPARTMENT OF HIGHWAYS. Subject to the provisions of Minnesota Statutes, Chapter 16, but nevertheless with the approval of the governor and the commissioner of highways, the commissioner of administration is hereby authorized and directed to forthwith cause the construction of and to equip a new central office building for the department of highways upon lands acquired therefor by the commissioner of highways pursuant to Minnesota Statutes 1957, Section 161.19.

[1955 c 717 s 1]

167.40 APPROPRIATION. There is hereby appropriated from the trunk highway fund so much thereof as may be necessary to carry out the provisions of section 167.39.

[1955 c 717 s 2]

167.41 BONDS, WHEN TO BE ISSUED. Whenever during the calendar years 1956 to 1960, inclusive, it shall appear to the commissioner of highways that the payment of any part of the appropriations authorized by section 167.40 would hamper the orderly construction, reconstruction, improvement and maintenance of the trunk highway system, he shall notify the state auditor of that fact and the state auditor is thereupon authorized and directed to issue and sell bonds of the State of Minnesota under the provisions of the Constitution of the State of Minnesota, Article 16, Section 4, in such amounts and at such times as he is notified appear necessary to the commissioner of highways in order to proceed with

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the orderly construction, reconstruction, improvement and maintenance of the trunk highway system. Bonds issued under the authority of this section shall not exceed the total amount of \$6,000,000 par value.

[1955 c 717 s 3]

167.42 PLEDGE OF FULL FAITH AND CREDIT. The full faith and credit of the State of Minnesota is hereby irrevocably pledged to the payment of the principal of and the interest on the bonds authorized by sections 167.39 to 167.45. Such bonds shall be issued and sold on competitive bids after reasonable notice, or direct to the state board of investment without bids and that board is hereby authorized to invest any funds under its control or discretion in any of these bonds, notwithstanding any limitations imposed by Minnesota Statutes, section 11.10 or any other provisions of law. Such bonds shall be issued and sold by the state auditor under such rules and regulations and in such form and denominations as he shall determine and shall be attested by the secretary of state. Such rules may provide for the maturity, registration, conversion and exchange of the bonds so issued; all bonds maturing more than three years after their date may be made redeemable at par at the expiration of such three years and on each interest payment date thereafter upon such notice as such rules, made prior to the issuance of the bonds, may provide. All expenses incident to the printing and the sale of the bonds, including actual and necessary traveling expenses of state officers and employees for such purpose, shall be paid from the trunk highway fund and the amounts therefor are hereby appropriated from said fund. The provisions of Minnesota Statutes, sections 15.041 to 15.044 shall not apply to the rules and regulations promulgated pursuant hereto. The state auditor shall keep a record showing the number, date of issue and date of maturity of each such bond.

[1955 c 717 s 4]

167.43 PROCEEDS TO TRUNK HIGHWAY FUND. The proceeds of the sale of said bonds shall be paid into the treasury of the state and credited to the trunk highway fund. Said bonds shall be redeemed and interest thereon paid from the trunk highway sinking fund. In case the trunk highway sinking fund should not be adequate to meet the payment of the principal and interest of the bonds authorized herein, the state auditor shall levy a direct annual ad valorem tax on all the taxable property of the state in an amount sufficient to meet the deficiency.

[1955 c 717 s 5]

167.44 AMENDMENT TO CONSTITUTION, EFFECT. In the event any amendment to the Minnesota State Constitution is hereafter adopted which provides that the proceeds of the motor vehicle tax shall be placed in some fund other than the trunk highway sinking fund, which amendment makes provision for the payment of bonds for trunk highways, the bonds issued hereunder shall be payable from such fund so designated for payment of trunk highway bonds.

[1955 c 717 s 6]

167.45 OPERATION COSTS, PAYMENT. The cost of operation and maintenance of the new central office building for the department of highways, or so much thereof as is properly attributable to the department of highways, shall be paid out of the trunk highway fund and so much as is necessary therefor is hereby appropriated therefrom.

[1955 c 717 s 7]

167.50 MINNESOTA TRUNK HIGHWAY BONDS. Subdivision 1. For the purpose of providing money for trunk highway purposes, when authorized by law and requested by the commissioner of highways, the state auditor shall issue and sell bonds of the state of Minnesota, for the prompt payment of which, with the interest thereon, the full faith, credit, and taxing powers of the state are hereby irrevocably pledged. Such bonds shall be known as Minnesota trunk highway bonds. The proceeds thereof shall be credited to the trunk highway fund, except that accrued interest and any premium received upon sale of such bonds shall be credited to the state bond fund.

Subd. 2. Said bonds shall be issued and sold upon sealed bids after two weeks' published notice, or they may be sold directly to the state board of investment without bids. They shall mature serially over a term not exceeding 20 years from their respective dates of issue, shall not be sold for less than par and accrued interest, and shall not bear interest at a greater rate than five

percent per annum. Subject to the foregoing limitations, and subject to any other 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, such bonds shall be issued and sold in such number of series, at such times, in such form and denominations, bearing interest at such rate or rates, 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. The bonds shall be executed by the state auditor and attested by the state treasurer under their official seals. 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 appertenant to any bond, may be printed, lithographed, stamped, or engraved thereon.

Subd. 3. The state auditor shall 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. All expenses incidental to the sale, printing, execution, and delivery of state trunk highway 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 trunk highway fund, and the amounts necessary therefor are appropriated from said fund.

[1965 c 892 s 1]

167.51 MINNESOTA TRUNK HIGHWAY BOND ACCOUNT IN THE STATE BOND FUND; TRANSFERS. Subdivision 1. The state auditor shall maintain in the state bond fund a separate account which shall be designated the Minnesota trunk highway bond account. On the first day of November of each year there shall be transferred from the trunk highway fund to the Minnesota trunk highway bond account a sum sufficient, with all money previously transferred to such account, and all income from the investment of such money, 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 Minnesota trunk highway bonds. There is annually appropriated from the trunk highway fund a sum of money sufficient to carry out the provisions of this subdivision.

Subd. 2. All money transferred from the trunk highway fund to the Minnesota trunk highway bond account and all income from the investment thereof shall be available for the payment of outstanding state trunk highway bonds and interest thereon, whether or not issued pursuant to section 167.50, in the same manner as the proceeds of taxes paid into the trunk highway fund, and so much thereof as may be necessary is appropriated for such payments. The legislature may appropriate and transfer to the Minnesota trunk highway bond account, for the payment of such trunk highway bonds and interest thereon, any other moneys in the state treasury not otherwise appropriated. The state auditor and the state treasurer are directed to make the appropriate entries in the accounts of the respective funds.

[1965 c 892 s 2]

167.52 TAX LEVY. The state auditor shall levy each year on all taxable property within the state whatever tax may be necessary to produce an amount sufficient, with all money then and theretofore transferred under section 167.51, and all income from the investment thereof, to pay the entire amount of principal and interest which is then due or is to become due within the then ensuing year and to and including July 1 of the second ensuing year, on Minnesota trunk highway bonds heretofore issued and all such bonds hereafter issued pursuant to section 167.50. 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. Such tax shall be subject to no limitation of rate or amount until all such

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bonds and all interest thereon are fully paid. The proceeds of such taxes are appropriated and credited to the state bond fund, and the principal and interest of said bonds are payable from the proceeds of such taxes, and the whole thereof, or so much thereof as may be necessary, is appropriated for such payments. If at any time there is insufficient money from the proceeds of the taxes provided for herein to pay the principal and interest when due on such bonds, then such principal and interest shall be paid out of the general revenue fund in the state treasury, and the amount necessary therefor is hereby appropriated. The general revenue fund shall be reimbursed from the proceeds of said taxes when received.

[1965 c 892 s 3]

167.521 RAINY RIVER BRIDGE; BOND ISSUE AND APPROPRIATION; TOLLS. Subdivision 1. The state auditor is authorized and directed, upon request of the commissioner of highways, to issue and sell Minnesota trunk highway bonds under the provisions of sections 167.50 to 167.52 and of the Constitution, Article IX, Section 6 and Article XVI, Section 12, in an aggregate principal amount not exceeding \$1,400,000, which sum, or so much thereof as shall be required, is appropriated from the proceeds of the bonds to the trunk highway fund, and shall be used with any other money in that fund needed, in accordance with section 165.08, solely to purchase the bridge across the Rainy river now owned by the village of Baudette, Minnesota, for operation as part of the new route No. 325 added to the trunk highway system by Laws 1965, Chapter 207, and to assume the obligations of all outstanding bonds issued by the village for the construction of said bridge, as set forth in the resolutions and indenture authorizing and securing said bonds, and to call said bonds for redemption and retire the same.

Subd. 2. Tolls shall be collected for the use of this bridge at rates sufficient to liquidate the capital costs in a reasonable length of time.

[1965 c 892 s 4, 5]