

CHAPTER 161

DEPARTMENT OF TRANSPORTATION AND TRUNK
HIGHWAY SYSTEM

161.081	Highway user tax, distribution of portion of proceeds.	161.321	Small business contracts.
161.082	County turnback account, expenditure.	161.3211	Report by commissioner of transportation.
161.14	Names and designations of certain highways.	161.3212	Working capital fund.
161.16	Temporary trunk highways; definitely located trunk highways; vacation and reversion.	161.52	Repealed.

161.081 HIGHWAY USER TAX, DISTRIBUTION OF PORTION OF PROCEEDS.

Pursuant to article 14, section 5, of the constitution, five percent of the net highway user tax distribution fund is set aside, and apportioned as follows:

(1) 28 percent to the trunk highway fund;

(2) 64 percent to a separate account in the county state-aid highway fund to be known as the county turnback account, which account in the state treasury is hereby created;

(3) 8 percent to a separate account in the municipal state-aid street fund to be known as the municipal turnback account, which account in the state treasury is hereby created.

History: 1989 c 268 s 1

161.082 COUNTY TURNBACK ACCOUNT, EXPENDITURE.

[For text of subds 1 and 2, see M.S.1988]

Subd. 2a. An amount equal to 25 percent of the county turnback account must be expended, within counties having two or more towns, on town road bridge structures that are ten feet or more in length and on town road culverts that replace existing town road bridges. In addition, if the present bridge structure is less than ten feet in length but a hydrological survey indicates that the replacement bridge structure or culvert must be ten feet or more in length, then the bridge or culvert is eligible for replacement funds. The expenditures on bridge structures and culverts may be on a matching basis, and if on a matching basis, not more than 90 percent of the cost of a bridge structure or culvert may be paid from the county turnback account.

An amount equal to 47.5 percent of the county turnback account must be set aside as a town road account and distributed as provided in section 162.081.

History: 1989 c 268 s 2

161.14 NAMES AND DESIGNATIONS OF CERTAIN HIGHWAYS.

[For text of subds 1 to 22, see M.S.1988]

Subd. 23. **American Veterans Memorial Highway.** Trunk highway No. 391, described in section 161.12 and marked as interstate highway I-90, is named and designated as the "American Veterans Memorial Highway." The commissioner of transportation shall adopt a suitable marking design to mark this highway and shall erect appropriate signs.

History: 1989 c 227 s 1

161.16 TEMPORARY TRUNK HIGHWAYS; DEFINITELY LOCATED TRUNK HIGHWAYS; VACATION AND REVERSION.*[For text of subds 1 to 5, see M.S.1988]*

Subd. 6. **Vacation.** When the definite location of any trunk highway takes the place of and serves the same purpose as any portion of an existing road, however established, the commissioner may make an order vacating such portion of the road. A copy of the order shall be served upon the owners and occupants of the lands on which is located the portion of the road so vacated and, if the road terminates at or abuts upon any public water, a copy of the order also shall be served upon the commissioner of natural resources. The notice under this subdivision is for notification purposes only and does not create a right of intervention by the commissioner of natural resources. A copy of the order, together with proof of service, or affidavit of publication if the owners are unknown or reside outside the state, shall be filed with the county auditor of the county in which such lands lie. Any person claiming to be damaged by the vacation may appeal at any time within 30 days after the service of the order to the district court of the county for a determination of damages, by serving notice of the appeal on the commissioner and filing same with proof of service in the office of the court administrator of the district court. The appeal shall be tried in the same manner as an appeal from an award in proceedings in eminent domain.

History: 1989 c 183 s 1**161.321 SMALL BUSINESS CONTRACTS.***[For text of subd 1, see M.S.1988]*

Subd. 2. **Small business set-asides.** The commissioner shall set aside, on a fiscal year basis, at least five percent of the construction work to be performed by contract for award to small businesses or economically disadvantaged small businesses or for award to businesses which guarantee use of small businesses or economically disadvantaged small businesses as subcontractors.

Subd. 3. **Awards to small businesses.** At least 75 percent of the amount so set aside must be awarded, if possible, either to economically disadvantaged small businesses as direct contracts or as part of contracts awarded to businesses which guarantee the use, as subcontractors, of economically disadvantaged small businesses. For purposes of this section, economically disadvantaged small business has the meaning defined in section 645.445, subdivision 5, except that a business is also eligible under clause (4) if it filed its first annual federal and state income tax returns within the preceding ten years.

[For text of subds 4 and 5, see M.S.1988]

Subd. 6. **Rules.** The commissioner may promulgate by rule, standards and procedures for certifying that small businesses, and economically disadvantaged small businesses are eligible to participate in the set-aside program authorized in subdivisions 2 and 3. The commissioner may promulgate other rules as may be necessary to carry out the provisions of this section.

History: 1989 c 352 s 14-16

NOTE: The amendments to subdivisions 2, 3, and 6, by Laws 1989, chapter 352, sections 14 to 16, respectively, are repealed June 30, 1990. See Laws 1989, chapter 352, section 25, clause (e).

161.3211 REPORT BY COMMISSIONER OF TRANSPORTATION.

The commissioner of transportation shall submit an annual report pursuant to section 3.195, to the governor and the legislature indicating the progress being made toward the objectives and goals of section 161.321 during the preceding fiscal year. This report shall include the following information:

(a) the total dollar value and number of potential set-aside awards identified during this period and the percentage of total construction work this figure reflects;

(b) the number of small businesses identified and responding to the set-aside program, the total dollar value and number of set-aside contracts actually awarded to small businesses with an approximate designation as to the total number and value of set-aside contracts awarded to each small business, and the total number of small businesses that were awarded set-aside contracts;

(c) the total dollar value and number of set-aside contracts awarded to economically disadvantaged small businesses with an approximate designation as to the total number and value of contracts awarded to each such small business, and the percentages of the total construction work the figures of the total dollar value and the number of contracts reflect;

(d) the number of contracts which were designated and set aside pursuant to section 161.321, but which were not awarded to a small business, the estimated total dollar value of these awards, the lowest bid on each of these awards made by a small business, and the price at which these contracts were awarded pursuant to the normal procedures.

History: 1989 c 352 s 17

NOTE: The amendments to this section by Laws 1989, chapter 352, section 17, are repealed June 30, 1990. See Laws 1989, chapter 352, section 25, clause (e).

161.3212 WORKING CAPITAL FUND.

The commissioner, to the extent allowed by other law or contract, may grant available money that has been appropriated for socially or economically disadvantaged business programs to a guaranty fund administered by a nonprofit organization that makes or guarantees working capital loans to businesses owned and operated by socially or economically disadvantaged persons as defined in Code of Federal Regulations, title 49, section 23.5. The purpose of loans made or guaranteed by the organization must be to provide short-term working capital to enable eligible businesses to be awarded contracts for goods and services or for construction related services from government agencies.

Money contributed from a constitutionally or statutorily dedicated fund must be used only for purposes consistent with the purposes of the dedicated fund.

History: 1989 c 320 s 1

161.52 [Repealed, 1989 c 335 art 1 s 270]