

cribed above within 30 days of the granting of such delayed assessment. Only one application per dwelling structure may be granted with respect to any parcel.

Sec. 3. The purpose of this act is to provide an incentive to the improvement of older residential properties and thereby retard the growth of slums.

Sec. 4. Nothing contained herein shall prohibit the recognition, in determining the value of lands for taxation, of factors increasing the value of residential property which are independent of improvements made thereto.

Sec. 5. No application for delayed assessment hereunder shall be accepted by the county assessor of Washington county on or after July 1, 1971.

Became law without governor's signature.

Filed May 15, 1969.

CHAPTER 399—H. F. No. 1726

[Coded in Part]

An act relating to the operation of state government; providing changes in certain funds and accounts in the state treasury; directing a study of funds and accounts and imposing certain duties on the revisor of statutes; amending Minnesota Statutes 1967, Sections 6.213; 6.29; 6.291; 6.33, Subdivisions 1 and 3; 6.35, Subdivisions 1, 2, and 6; 7.16; 9.061, Subdivision 5; 11.10, Subdivision 3; 124.08; 124.12, Subdivision 1; 124.14, Subdivisions 1 and 2; 124.23; 124.30, Subdivisions 1 and 4; 124.58; 124.66; 273.69, Subdivisions 7 and 8; 287.21, Subdivision 2; 290.06, Subdivisions 4 and 6; 290.0616; 290.62; 290.92, Subdivisions 11 and 13; 290.93, Subdivisions 9, as amended, and 12; 290.95; 290.983, Subdivision 2; 296.421, Subdivisions 2 and 4; 297.13, Subdivision 1; 297A.44, Subdivisions 1 and 2; 297A.60; 298.011; 298.17; 298.22, Subdivision 1; 298.32; 354.201, Subdivision 2; 354.43, Subdivision 2; 361.27, Subdivisions 1 and 2; and repealing Minnesota Statutes 1967, Sections 6.32; 6.321; 10.34; 16.20, Subdivision 4; 290.065; 295.021; 295.361; 297A.44, Subdivision 3; 361.27, Subdivision 3.

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

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

Section 1. [6.215] **State government; state funds and accounts, changes.** *Subdivision 1. The name "general revenue fund" in the state treasury is changed to the "general fund".*

Subd. 2. The "income tax school fund" in the state treasury is abolished. All moneys due and payable thereto are transferred to and become due and payable to the general fund in the state treasury. All appropriations heretofore or hereafter made from the income tax school fund are hereby appropriated from the general fund in the state treasury for the same purposes as heretofore made from the income tax school fund.

Subd. 3. The "property tax relief fund" in the state treasury is hereby abolished. All moneys due and payable thereto are transferred to and become due and payable to the general fund in the state treasury. All appropriations heretofore or hereafter made from the property tax relief fund are hereby appropriated from the general fund in the state treasury for the same purposes as heretofore made from the property tax relief fund.

Subd. 4. The "school aid fund" in the state treasury is hereby abolished. All moneys due and payable thereto are transferred to and become due and payable to the general fund in the state treasury. All appropriations heretofore or hereafter made from the school aid fund are hereby appropriated from the general fund in the state treasury for the same purposes as heretofore made from the school aid fund.

Subd. 5. The "boat and water safety account" in the state treasury is hereby abolished. All moneys due and payable thereto are transferred to and become due and payable to the general fund in the state treasury. All appropriations heretofore or hereafter made from the boat and water safety account are hereby appropriated from the general fund in the state treasury for the same purposes as heretofore made from the boat and water safety account.

Subd. 6. The "natural resources fund" in the state treasury is hereby abolished. All moneys due and payable thereto are transferred to and become due and payable to the general fund in the state treasury. All appropriations heretofore or hereafter made from the natural resources fund are hereby appropriated from the general fund in the state treasury for the same purposes as heretofore made from the natural resources fund.

Sec. 2. Minnesota Statutes 1967, Section 6.213, is amended to read:

6.213 General fund defined. The term "general revenue fund" appearing in any existing or hereafter enacted law relating to

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revenues deposited in or expenditures appropriated from the state treasury means such moneys as have been deposited in the state treasury for the usual, ordinary, running, and incidental expenses of the state government and does not include moneys deposited in the state treasury for a special or dedicated purpose.

Sec. 3. Minnesota Statutes 1967, Section 6.29, is amended to read:

6.29 **Transfer of moneys to general fund.** The state auditor is hereby authorized and directed to transfer to the general ~~revenue~~ fund in the state treasury, all moneys credited to any fund established in connection with the payment of certificates of indebtedness when the purposes for which the act authorizing such certificates have been accomplished.

Sec. 4. Minnesota Statutes 1967, Section 6.291, is amended to read:

6.291 Moneys deposited in the state treasury or on deposit on June 30 of each year from tax sources or otherwise to the credit of a special fund or account which is abolished by law shall be transferred to and credited to the general ~~revenue~~ fund.

Sec. 5. Minnesota Statutes 1967, Section 6.33, Subdivision 1, is amended to read:

6.33 Subdivision 1. In order to reduce the amount of taxes otherwise required to be levied, there is hereby appropriated annually to the state bond fund from the ~~property tax relief~~ general fund in the state treasury such sums of money sufficient in amount when added to the balance on hand in the state bond fund to pay all principal and interest on state bonds issued for the purposes set forth in subdivision 2, due and to become due within the then ensuing year and including July 1 in the second ensuing year. The moneys received and on hand pursuant to the appropriation annually made by this subdivision are available in the state bond fund prior to the levy of the tax in any year required by the Constitution, Article 9, Section 6, Subdivision 4, and shall be used to reduce the amount of the tax otherwise required to be levied.

Sec. 6. Minnesota Statutes 1967, Section 6.33, Subdivision 3, is amended to read:

Subd. 3. In order to reduce the amount of taxes otherwise required to be levied, there is appropriated annually to the Minnesota state building fund from the ~~property tax relief~~ general fund in the

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state treasury such sums of money sufficient in amount when added to the balance on hand in such state building fund to pay all principal and interest on certificates of indebtedness issued for the purpose of providing for the state building funds created prior to January 1, 1963, due and to become due within the ensuing year including July 1 in the second ensuing year. The moneys received and on hand pursuant to the appropriation annually made by this subdivision are available in the state building fund prior to the levy of the tax in any year required by the terms of the certificates of indebtedness and shall be used to reduce the amount of tax otherwise required to be levied for the payment of principal and interest on certificates of indebtedness. The moneys in the state building fund are appropriated annually for the purpose of paying the principal and interest on certificates of indebtedness as herein set forth. When all of the outstanding certificates of indebtedness issued as authorized by the legislature prior to January 1, 1963 have been fully paid including the interest thereon, any balances remaining in the state building fund are transferred and returned to the ~~property tax relief~~ *general fund*.

Sec. 7. Minnesota Statutes 1967, Section 6.35, Subdivision 1, is amended to read:

6.35 Subdivision 1. For the purpose of supplying deficiencies in the general ~~revenue~~ fund certificates of indebtedness of the state may be issued in accordance with the provisions of Article IX, Section 6, Subdivision 3 of the Constitution and the further provisions of this section. No such deficiency is deemed to exist by reason of the fact that expenditures pursuant to appropriation and allotment for a particular purpose may at any time exceed the cash receipts from any source of special revenue appropriated to the fund for such purpose, notwithstanding that a "fund" may have been created by law for such purpose and may have been established by the state auditor as a bookkeeping account in the general books of account of the state for the purpose of reflecting the revenues deposited and expenditures appropriated for such purpose in accordance with the provisions of Section 6.212. A deficiency shall be deemed to exist only when the total amount of outstanding warrants drawn on such fund, pursuant to appropriation and allotment for all purposes and accounts of the fund, exceeds the cash balance in the fund. In this event a deficiency shall be deemed to exist in the general ~~revenue~~ fund, notwithstanding that there may then be a balance of cash or investments on hand in one or more special or dedicated funds created by the Constitution or required to be created and maintained as separate funds by federal law or by rules or regulations promulgated by federal authority pursuant thereto; and this section does not authorize a transfer of money from any special or dedicated fund to the general ~~revenue~~ fund, ex-

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cept by the issuance and sale of certificates of indebtedness as herein provided.

Sec. 8. Minnesota Statutes 1967, Section 6.35, Subdivision 2, is amended to read:

Subd. 2. Whenever it becomes necessary in order to avoid a deficiency in the general ~~revenue~~ fund for the payment of warrants issued or to be issued against such fund pursuant to appropriations, the governor may authorize the issuance and sale of certificates of indebtedness of the state pursuant to and in accordance with Article IX, Section 6, Subdivision 3, of the Constitution, in anticipation of the collection of taxes levied for any other revenues appropriated to the fund for expenditure during the current biennium. To determine such necessity the governor shall obtain from the commissioner of taxation an estimate of the probable receipts from taxes and from the commissioner of administration an estimate of the probable receipts from other sources for the fund during the biennium, and from the state auditor a statement of the total amount appropriated for expenditure from the fund during the biennium and the total amount of warrants drawn thereon to date, and from the state treasurer a statement of the cash balance in the fund. The total amount of certificates of indebtedness issued, plus the total amount of outstanding certificates of indebtedness issued against the same fund, plus the interest from date of issue to maturity on all such certificates of indebtedness, plus the total amount of warrants drawn on the fund during the current biennium and any interest theretofore paid on such warrants, plus the total cash balance then on hand in the fund, shall not exceed (a) the total amount appropriated for expenditure from the fund or (b) the total estimated collections of taxes and other revenues appropriated to the fund for the biennium, whichever is less; and the total amount of such certificates issued and outstanding at any time shall not exceed ~~\$50,000,000~~ \$100,000,000.

Sec. 9. Minnesota Statutes 1967, Section 6.35, Subdivision 6, is amended to read:

Subd. 6. The proceeds of all certificates of indebtedness issued pursuant to the foregoing provisions of this section are appropriated to the general ~~revenue~~ fund for any expenditure appropriated from that fund. The principal of and interest on all such certificates of indebtedness, and all expenses incidental to the sale, printing, execution, and delivery of such certificates, 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 general ~~revenue~~ fund, and the amounts necessary therefor are appropriated from said fund.

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Sec. 10. Minnesota Statutes 1967, Section 7.16, is amended to read:

7.16 All moneys received by the state treasurer in his official capacity from persons making such payment without disclosing their identity or without direction as to application shall be covered into the state treasury and credited to the general ~~revenue~~ fund. The treasurer shall keep a record of moneys so received and credited, noting therein the date of receipt, date of payment into the treasury, and such other information as he may have at hand concerning each item so received and credited.

Sec. 11. Minnesota Statutes 1967, Section 9.061, Subdivision 5, is amended to read:

Subd. 5. Where an emergency exists the executive council may expend such sums of money as are necessary therefor, but not to exceed \$2,000,000 in any one fiscal year, and such sums of money are hereby appropriated annually from the general ~~revenue~~ fund in the state treasury for such purpose. For the purpose of supplying any deficiency that may arise in the general ~~revenue~~ fund by reason of the appropriation made by this subdivision, the treasurer may temporarily borrow from other public funds a sum not exceeding \$2,000,000 in addition to any other temporary borrowing otherwise authorized by law in any year; provided, that no funds shall be so impaired thereby that all proper demands thereon cannot be met.

Sec. 12. Minnesota Statutes 1967, Section 11.10, Subdivision 3, is amended to read:

Subd. 3. **Interest and profit credited to general fund.** All interest and profit accruing from said investments shall be credited to and be a part of the general ~~revenue~~ fund, except as otherwise provided by law; and any loss incurred in the principal of said investments shall be borne by the general ~~revenue~~ fund.

Sec. 13. Minnesota Statutes 1967, Section 124.08, is amended to read:

124.08 **School endowment fund, designation.** For the purpose of aid to public schools, ~~these funds are~~ *this fund is* established:

(1) The school endowment fund, which shall consist of the income from the permanent school fund; ~~and~~.

(2) ~~The school aid fund, which shall consist of the amount transferred from the income tax school fund and other sums appropriated by the legislature for aid to public schools.~~

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Sec. 14. Minnesota Statutes 1967, Section 124.12, Subdivision 1, is amended to read:

124.12 Subdivision 1. ~~The school aid fund and all other sums moneys~~ made available by the legislature as special state aid to schools shall be paid in the following manner:

Sec. 15. Minnesota Statutes 1967, Section 124.14, Subdivision 1, is amended to read:

124.14 **Distribution of school aids; appropriation.** Subdivision 1. The state board shall supervise distribution of the school aid fund aids in accordance with law. It may make rules and regulations consistent with law for such distribution which will enable districts to perform efficiently the services required by law and further education in the state, including reasonable requirements for such reports and accounts to it as will assure accurate and lawful apportionment of aids. Public schools shall at all times be open to the inspection of the state board, and the accounts and records of any district are open to inspection by the public examiner, or the state board.

Sec. 16. Minnesota Statutes 1967, Section 124.14, Subdivision 2, is amended to read:

Subd. 2. Such moneys as are necessary to make the distribution of the school aid fund aids annually are hereby appropriated from the funds or accounts in the state treasury authorized by law for such purposes.

Sec. 17. Minnesota Statutes 1967, Section 124.23, is amended to read:

124.23 For the tuition of the students who have completed the eighth grade, who have not graduated from high school or any state schools of agriculture and who are not over 21 years of age attending the state schools of agriculture the state shall pay to the university of Minnesota, to be applied upon the tuition and laboratory and equipment fees of such pupils for the six months period of the school year an amount not to exceed \$7 per pupil per school month, and in addition thereto, aid for such pupils transported or boarded at the rate of \$5.50 per pupil per month.

The appropriation for the above tuition and transportation shall be paid each year of the biennium out of the balance of the ~~income tax school~~ general fund to the university of Minnesota, which in turn shall distribute these funds to each of the state schools of agriculture in proportion to the number of eligible pupils.

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Sec. 18. Minnesota Statutes 1967, Section 124.30, Subdivision 1, is amended to read:

124.30 Subdivision 1. In any district where 40 percent or more of the total land area is exempt from real property taxes, there is hereby appropriated annually for school maintenance purposes only, an amount equal to ten cents for each acre of non-taxable lands to be paid from the ~~state income tax~~ *general* fund to the district within which such land is situated, except that no district shall receive hereunder in any one year more than an amount in excess of \$25 per pupil unit in average daily attendance in kindergartens and grades one through twelve, nor in any event more than \$25,000.

Sec. 19. Minnesota Statutes 1967, Section 124.30, Subdivision 4, is amended to read:

Subd. 4. There is hereby annually appropriated from the ~~state income tax~~ *general* fund \$260,000 to be distributed by the state auditor under the terms of this section, and in the event that said sum shall be insufficient to pay the full amount to which said districts shall be entitled, the state auditor shall apportion said sum pro rata to each entitled district.

Sec. 20. Minnesota Statutes 1967, Section 124.58, is amended to read:

124.58 When aid is received from the United States conditioned upon the state meeting requirements specified by the government of the United States the state board shall allot the necessary funds to be paid by the state out of the ~~school aid~~ *general* fund.

Sec. 21. Minnesota Statutes 1967, Section 124.66, is amended to read:

124.66 State aid ~~from the school aid fund and any other money set apart for use with the school aid fund~~ shall be for the following purposes:

(1) To assist in providing equal educational opportunities for all the school children of the state;

(2) To assist in establishing certain generally accepted minimum standards for all the public schools of the state;

(3) To assist districts whose tax levies for maintenance are exceptionally high; and

(4) To stimulate educational progress by grants of state aid for superior efficiency and high standards and for desirable educational undertakings not yet generally established.

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Sec. 22. Minnesota Statutes 1967, Section 273.69, Subdivision 7, is amended to read:

Subd. 7. Commencing in 1970 and in each even numbered year thereafter the auditor of each county shall, on or before January 15 of that year, certify to the state auditor the total ad valorem property tax levy upon all property within the county for the preceding assessment year imposed for the purpose specified in subdivision 2. The state auditor shall compare the certificate required by this subdivision with the certificate required by subdivision 2 relating to 1966 and determine the percentage of increase or decrease indicated thereby. For the year in which the certificate is required by this subdivision and the immediately succeeding year there shall be apportioned to each county from the ~~property tax relief~~ *general* fund and distributed in the manner and, on the dates provided in subdivision 6 the amount certified pursuant to subdivision 1, increased or decreased by the percentage so determined.

Sec. 23. Minnesota Statutes 1967, Section 273.69, Subdivision 8, is amended to read:

Subd. 8. Each county auditor shall, on or before the last day of March and the last day of July of each year, make an apportionment of the funds distributed to the county from the ~~property tax relief~~ *general* fund to the various taxing districts within the county on the basis of the same formula used by the state auditor in determining the amount to be apportioned to the county. The county auditor shall certify such apportionment to the county treasurer who shall, within 15 days of the receipt of such certificate, make distribution of the funds received from the ~~property tax relief~~ *general* fund and place the same to the credit of each county fund and all cities, villages, boroughs, towns, school districts, and other taxing units, bodies and funds within the county. Any ad valorem property tax levy imposed for state purposes shall be considered as being for the purpose of a taxing unit within the county. Each taxing district shall, using the same formula used by the county in apportioning the receipts from the ~~property tax relief~~ *general* fund, apportion the amount thereof distributed to such taxing district, between the various funds entitled to receive tax proceeds, and shall make distribution thereof or place the same to the credit of the various funds. The county auditor in making the apportionment provided herein shall take into consideration the organization, consolidation, dissolution or change in the territory comprised within the boundaries of any governmental subdivision and any changes in any taxing units, bodies or funds. Such changes in apportionment shall be based on the agreement of the governmental subdivision, taxing units or bodies involved if any such agreement shall be reached.

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Sec. 24. Minnesota Statutes 1967, Section 287.21, Subdivision 2, is amended to read:

Subd. 2. The proceeds of the taxes levied and collected under sections 287.21 to 287.36 shall be credited to the ~~property tax relief~~ *general fund*.

Sec. 25. Minnesota Statutes 1967, Section 290.06, Subdivision 4, is amended to read:

Subd. 4. There is hereby imposed on all corporations (other than banks) required to file a return under the provisions of chapter 290 an additional privilege and income tax equal to 1.8 percent of all taxable net income attributable to this state less credit allowed by section 290.21 and section 290.06, subdivision 3 (5). This subdivision shall apply to all taxable years which begin after December 31, 1958, and prior to January 1, 1970. The proceeds of the tax imposed by this subdivision shall be deposited in the state treasury to the credit of the ~~income tax school~~ *general fund*. There shall be paid from this ~~income tax school~~ *general fund* all refunds of such taxes erroneously collected from the taxpayers under this chapter as provided herein.

Sec. 26. Minnesota Statutes 1967, Section 290.06, Subdivision 6, is amended to read:

Subd. 6. The rates of taxation fixed by subdivisions 1 and 4 as the several rates to be applied in computing the privilege and income tax imposed by this chapter upon all corporations (other than banks) are increased ten percent of such respective rates. This subdivision shall apply to all taxable years which begin after December 31, 1960 and prior to January 1, 1970. The proceeds of the surtax imposed by this subdivision shall be deposited in the state treasury to the credit of the ~~income tax school~~ *general fund*.

Sec. 27. Minnesota Statutes 1967, Section 290.0616, is amended to read:

290.0616. There is hereby appropriated from the ~~income tax school~~ *general fund* the necessary amounts to pay the claims filed pursuant to sections 290.0601 to 290.0617. ~~An annual transfer of such funds from the property tax relief fund shall be made to the income tax school fund on or before July 15 of each year to reimburse the income tax school fund for the actual or estimated credits and refunds resulting from the enactment of Extra Session Laws 1967, Chapter 32.~~

Sec. 28. Minnesota Statutes 1967, Section 290.62, is amended to read:

290.62 **Distribution of revenues.** All revenues (except the

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bank excise tax imposed by section 290.361) derived from the taxes, interest, penalties and charges under this chapter shall, notwithstanding any other provisions of law, be paid into the state treasury and credited to a special *the general* fund to be known as *income tax school fund*, and be distributed as follows:

(1) Except for refunds of bank excise tax imposed under section 290.361, there shall, notwithstanding any other provision of the law, be paid from this *income tax school general* fund all refunds of taxes erroneously collected from taxpayers under this chapter as provided herein;

(2) There shall be transferred each year from this fund to the general revenue fund the amount expended from the latter fund for expenses of administering this chapter.

In addition, there shall be transferred periodically from this fund to the general revenue fund during the period beginning July 1, 1961, and ending June 30, 1969, sufficient moneys to meet the appropriations made to the state college board, state junior college board, and university of Minnesota for maintenance and improvements, technical institute at Crookston, national defense student loan program, general agricultural extension and employee insurance program, from the general revenue fund for such biennium.

(3) There shall be transferred monthly, from the income tax school fund to the general revenue fund the following: for the biennium beginning July 1, 1965, and ending June 30, 1967, 13.1 percent of the proceeds of such taxes, interest, penalties and charges (exclusive of such revenue received from banks); for the fiscal year beginning July 1, 1967, there shall be transferred \$20,000,000, and for the fiscal year beginning July 1, 1968, there shall be transferred \$20,000,000. Such transfer shall be made periodically during each fiscal year as determined by the commissioner of administration.

(4) There shall be transferred such other amounts as may be authorized by any other law enacted by the legislature.

(5) (2) Out of the balance in this *income tax school fund*, after meeting the requirements of clause (1) and (2), There shall be distributed as *income tax school aid* to each school district of the state, including municipalities operating their own school, an amount equal to \$10 per child between the ages of six and 16 years, both years inclusive, residing in such district without being subject to any conditions; provided, that a child in his sixteenth year shall be included only if in actual attendance in school;

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(6) ~~The balance thereof shall be credited to the special state aid fund to be distributed as in this act provided;~~

(7) (3) There is hereby appropriated to the persons, school districts, or municipalities entitled to payment herein, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.

Sec. 29. Minnesota Statutes 1967, Section 290.92, Subdivision 11, is amended to read:

Subd. 11. Where there has been an overpayment of tax imposed by this section, refund of such overpayment or credit shall be made to the employer in accordance with regulations prescribed by the commissioner, but only to the extent that the amount of such overpayment was not deducted and withheld under subdivision 2 or subdivision 3 by the employer. Any overpayment which is refunded shall bear interest at the rate of two percent per annum, computed from the date of payment until the date the refund is paid to the employer. The state auditor shall cause any such refund of tax and interest to be paid out of the ~~income tax~~ *school general* fund in accordance with the provisions of Minnesota Statutes, Section 290.62 and so much of said fund as may be necessary is hereby appropriated for that purpose. Notwithstanding the provisions of Minnesota Statutes, Section 290.50, written findings by the commissioner, notice by mail to the taxpayer, and certificate for refundment by the commissioner, shall not be necessary. The provisions of Minnesota Statutes, Section 270.10, shall not be applicable.

Sec. 30. Minnesota Statutes 1967, Section 290.92, Subdivision 13, is amended to read:

Subd. 13. (1) Where the amount of the tax withheld at the source under subdivision 2 or subdivision 3 exceeds by \$1 or more the taxes (and any added penalties and interest) reported in the return of the employee taxpayer or imposed upon him by Minnesota Statutes, Chapter 290, the amount of such excess shall be refunded to the employee taxpayer. If the amount of such excess is less than \$1 the commissioner shall not be required to refund in accordance with the provisions of Extra Session Laws 1959, Chapter 57, Section 13. Where any amount of such excess to be refunded exceeds \$10, such amount shall bear interest at the rate of two percent per annum, computed from 90 days after the due date of the return of the employee taxpayer or the date on which his return is filed, whichever is later, to the date the refund is paid to the taxpayer. Notwithstanding the provisions of Minnesota Statutes, Section 290.50, written findings by the

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commissioner, notice by mail to the taxpayer, and certificate for refundment by the commissioner, shall not be necessary. The provisions of Minnesota Statutes, Section 270.10, shall not be applicable.

(2) Any action of the commissioner in refunding the amount of such excess shall not constitute a determination of the correctness of the return of the employee taxpayer within the purview of Minnesota Statutes, Section 290.46.

(3) The state auditor shall cause any such refund of tax and interest, to be paid out of the ~~income tax school~~ *general fund* in accordance with the provisions of Minnesota Statutes, Section 290.62, and so much of said fund as may be necessary is hereby appropriated for that purpose.

Sec. 31. Minnesota Statutes 1967, Section 290.93, Subdivision 9, as amended by Laws 1969, Chapter 6, Section 35, is amended to read:

Subd. 9. (1) Where the amount of an installment payment of estimated tax exceeds the amount determined to be the correct amount of such installment payment, the overpayment shall be credited against the unpaid installments, if any. Where the total amount of the estimated tax payments plus (1) the total amount of tax withheld at the source under section 290.92, subdivision 2a or subdivision 3 (if any) and (2) and other payments (if any) exceeds by \$1 or more the taxes (and any added penalties and interest) reported in the return of the taxpayer or imposed upon him by Minnesota Statutes, Chapter 290, the amount of such excess shall be refunded to the taxpayer. If the amount of such excess is less than \$1 the commissioner shall not be required to refund in accordance with the provisions of Extra Session Laws 1959, Chapter 57, Section 13. Where any amount of such excess to be refunded exceeds \$10, such amount shall bear interest at the rate of two percent per annum, computed from 90 days after the due date of the return of the taxpayer or the date on which his return is filed, whichever is later, until the date the refund is paid to the taxpayer. *Notwithstanding the provisions of Minnesota Statutes, Section 290.50, written findings by the commissioner, notice by mail to the taxpayer, and certificate for refundment by the commissioner, shall not be necessary. The provisions of Minnesota Statutes, Section 270.10, shall not be applicable.*

(2) Any action of the commissioner in refunding the amount of such excess shall not constitute a determination of the correctness of the return of the taxpayer within the purview of Minnesota Statutes, Section 290.46.

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(3) The state auditor shall cause any such refund of tax and interest to be paid out of the ~~income tax school~~ *general* fund in accordance with the provisions of Minnesota Statutes, Section 290.62, and so much of said fund as may be necessary is hereby appropriated for that purpose.

Sec. 32. Minnesota Statutes 1967, Section 290.93, Subdivision 12, is amended to read:

Subd. 12. All revenues derived from the taxes, interest, penalties, and charges under this act shall be paid into the state treasury and credited to the ~~income tax school~~ *general* fund ~~but such revenues shall be distributed first to the payment of any deficiencies in such fund as shall appear on July 1, 1961 before being distributed as required by Minnesota Statutes 1957, Section 290.62.~~

Sec. 33. Minnesota Statutes 1967, Section 290.95, is amended to read:

290.95 All revenues derived from taxes, interest, penalties, and charges under section 290.92 shall, notwithstanding any other provision of law, be paid into the state treasury and credited to a ~~special~~ *the general* fund ~~to be known as the income tax school fund and shall be distributed in accordance with the provisions of section 290.62.~~

Sec. 34. Minnesota Statutes 1967, Section 290.983, Subdivision 2, is amended to read:

Subd. 2. The commissioner of taxation, within the applicable period of limitations, may offset the amount of the credit provided by sections 290.981 to 290.992 against any liability for income tax on the part of the individual claiming the credit and shall pay the balance due, if any, to such individual. All payments pursuant to sections 290.981 to 290.992 shall be from the ~~income tax school~~ *general* fund. ~~Periodic transfers from the property tax relief fund shall be made to the income tax school fund in amounts equal to the credits and payments authorized by sections 290.981 to 290.992. So much money as is needed therefor is annually appropriated from the property tax relief fund.~~

Sec. 35. Minnesota Statutes 1967, Section 296.421, Subdivision 2, is amended to read:

Subd. 2. The revenues derived from the excise taxes on aviation gasoline and on special fuel received, sold, stored, or withdrawn from storage as substitutes for aviation gasoline, and from interest thereon and penalties for delinquency in payment, paid or collected pursuant to the provisions of sections 296.02 to 296.17, shall be paid

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into the state treasury by the commissioner and credited to a special fund to be known as the aviation fuel tax fund, and distributed as follows:

(1) There shall be paid from the aviation fuel tax fund all refunds authorized by Minnesota Statutes, Section 296.18, Subdivision 2 (3), as amended by Laws 1945, Chapter 412, Subdivision 4, as they may be approved by the commissioner of taxation;

(2) There shall be transferred by the state auditor each year from the aviation fuel tax fund to the general ~~revenue~~ fund in the state treasury the amount expended from the latter fund for expenses of administering the provisions of Laws 1945, Chapter 412;

(3) After meeting the requirements of clauses (1) and (2), there shall be transferred, on the last day of September, December, March and June of each fiscal year, by the state auditor to the state airports fund, all moneys in the aviation fuel tax fund in excess of such amount as the commissioner of taxation may certify is reasonably required for refunds as provided in clause (1);

(4) There is hereby appropriated such sums as are needed to carry out the provisions of this subdivision.

Sec. 36. Minnesota Statutes 1967, Section 296.421, Subdivision 4, is amended to read:

Subd. 4. The amount of unrefunded tax paid on gasoline used for motor boat purposes as computed in Minnesota Statutes 1961, Section 296.421, Subdivision 5, shall be paid into the state treasury and 33 1/3 percent thereof shall be credited to the state park development account; 33 1/3 percent thereof shall be credited to the game and fish fund to be used to defray the cost and expense of the division of game and fish and the department of conservation in the acquisition, improvement, development and maintenance of sites for public access to public waters of this state and for lake improvement; and the remaining 33 1/3 percent thereof shall be credited to the ~~boat and water safety account~~ *general fund for purposes of boat and water safety.*

Sec. 37. Minnesota Statutes 1967, Section 297.13, Subdivision 1, is amended to read:

297.13 Subdivision 1. Twelve and one-half percent of the revenues received after July 1, 1967, and until June 30, ~~1969~~ 1973, from taxes, penalties and interest under sections 297.01 to 297.13 shall be deposited by the commissioner of taxation in the state treasury and credited to *the general fund for the purposes of natural re-*

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sources acceleration a special fund to be known as the "natural resources fund," which is hereby created. Expenditures shall be made from said fund only as may be authorized by law to carry out the provisions of this act and in conformance with the provisions of Minnesota Statutes, Chapter 16, and any act amendatory thereof. The balance of the revenues derived from taxes, penalties, and interest under sections 297.01 to 297.13 and from license fees and miscellaneous sources of revenue shall be deposited by the commissioner in the state treasury and credited one-fourth to a special fund to be known as the "Cigarette Tax Apportionment Fund," which fund is hereby created, and the balance to the general ~~revenue~~ fund. The revenues in the apportionment fund shall be apportioned as provided in subdivision 2 to the several counties, cities, villages and boroughs in this state, and the term "village" as used herein shall include those towns which have village powers as defined in Minnesota Statutes, Section 368.01. In computing the population of counties, cities, villages and boroughs the state auditor shall add increases in population disclosed by reason of any special census conducted under subdivision 7 to the population of the political subdivision conducting the census and to the population of the county in which the political subdivision is located. Each county, city, village, and borough shall receive from the apportionment fund an amount bearing the same relation to the total amount to be apportioned as its population bears to the total population of all the counties, cities, villages and boroughs in this state; except, that for the purposes of sections 297.01 to 297.13, the population of a county shall be that part of its population exclusive of the population of the several cities, villages and boroughs within the county.

Sec. 38. Minnesota Statutes 1967, Section 297A.44, Subdivision 1, is amended to read:

297A.44 Subdivision 1. All revenues, including interest and penalties, derived from the excise and use taxes imposed by sections 297A.01 to 297A.44 shall be deposited by the commissioner in the state treasury and credited to the ~~property tax relief~~ *general* fund.

Sec. 39. Minnesota Statutes 1967, Section 297A.44, Subdivision 2, is amended to read:

Subd. 2. The costs of ~~administration of all refunds under sections 297A.01 to 297A.44 and all refunds thereunder~~ shall be paid from the ~~property tax relief~~ *general* fund. So much as may be necessary therefor is hereby appropriated.

Sec. 40. Minnesota Statutes 1967, Section 297A.60, is amended to read:

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

297A.60 There is hereby annually appropriated from the ~~“Property Tax Relief Fund”~~ *general fund* to the township, city, village, borough, county or school district entitled to such payments as are authorized under sections 297A.51 to 297A.60, sufficient moneys to make such payments.

Sec. 41. Minnesota Statutes 1967, Section 298.011, is amended to read:

298.011 Every person engaged in the business of mining or producing iron ore or other ores in this state shall pay to the state as an addition to the occupation tax levied by section 298.01, as amended, an additional occupation tax equal to 2.25 percent of the valuation of all ores (except taconite, semi-taconite and iron sulphides) mined and produced to be assessed, paid, and collected as a part of the occupation tax levied by section 298.01, as amended. This section shall apply to all ores (except taconite, semi-taconite and iron sulphides) mined and produced subsequent to December 31, 1958 and prior to January 1, 1970, except as to the collection of taxes theretofore levied and unpaid. Of the proceeds of the tax imposed by this section *90 percent thereof shall be deposited in the state treasury and credited to the general fund of which four ninths thereof shall be used for the support of elementary and secondary schools; ten percent thereof shall be deposited in the state treasury and credited to the general fund for the general support of the university on ore mined or produced prior to January 1, 1959; 50 percent thereof shall be deposited in the state treasury to the credit of the veterans compensation fund.*

~~The proceeds of the tax imposed by this section on ore mined or produced on or after January 1, 1959 shall be deposited in the state treasury and apportioned and distributed in accordance with the Constitution of the state of Minnesota, Article IX, Section 1A, in the following manner; 50 percent to the general revenue fund; 40 percent for the support of elementary and secondary schools and 10 percent for the general support of the university.~~

Sec. 42. Minnesota Statutes 1967, Section 298.17, is amended to read:

298.17 All occupation taxes which shall become due and payable on May 1, 1924, and subsequent thereto, from persons, copartnerships, companies, joint stock companies, corporations, and associations, however, or for whatever purpose organized, engaged in the business of mining or producing iron ore or other ores, when collected shall be apportioned and distributed in accordance with the Constitution of the state of Minnesota, Article 9, Section 1A, in the manner

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following: ~~50 percent to the state general revenue fund; 40 percent to 90 percent shall be deposited in the state treasury and credited to the general fund of which four ninths shall be used for the support of elementary and secondary schools; and 10 percent of the proceeds of the tax imposed by this section shall be deposited in the state treasury and credited to the general fund for~~ the general support of the university.

Sec. 43. Minnesota Statutes 1967, Section 298.22, Subdivision 1, is amended to read:

298.22 Subdivision 1. For the period beginning May 1, 1941, and ending April 30, 1942, there is hereby appropriated from the general revenue fund, for the purposes hereinafter set forth, five percent of amounts paid and credited into said fund from the proceeds of taxes paid under the provisions of law relating to occupation taxes on the business of mining or producing iron ore, and on and after May 1, 1942, *and ending June 30, 1969*, there is hereby appropriated from the general revenue fund, for the purposes hereinafter set forth, ten percent of all amounts paid and credited into said fund from the proceeds of these taxes. *On and after July 1, 1969, there is hereby appropriated from the general fund for the purposes hereinafter set forth, five percent of all amounts paid and credited to said fund from the proceeds of these taxes.* The office of commissioner of iron range resources and rehabilitation is hereby created. The commissioner shall be appointed by the governor, with the advice and consent of the senate, for a term of two years, the first term to begin July 1, 1941. The salary of the commissioner shall be paid from the amounts appropriated by this section; provided, that such salary shall be reduced by such amount as he may receive from other funds, and the commissioner may hold such other positions or appointments as are not incompatible with his duties as commissioner of iron range resources and rehabilitation. All expenses of the commissioner, including the payment of such assistance as may be necessary, shall be paid out of the amounts appropriated by this section.

When the commissioner shall determine that distress and unemployment exists or may exist in the future in any county by reason of the removal of natural resources or a possibly limited use thereof in the future and the decrease in employment resulting therefrom, now or hereafter, he may use such amounts of the appropriation made to him in this section as he may determine to be necessary and proper in the development of the remaining resources of said county and in the vocational training and rehabilitation of its residents.

Sec. 44. Minnesota Statutes 1967, Section 298.32, is amended to read:

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298.32. For the year 1958 and each year thereafter *until June 30, 1969*, there is hereby appropriated from the general revenue fund, for the purposes hereinafter set forth, 50 percent of all amounts paid and credited into said fund from the proceeds of taxes paid upon the mining and production of taconite and taconite concentrates under the provisions of law relating to occupation taxes on the business of mining or producing iron ore; *for the year beginning July 1, 1969, and each year thereafter there is appropriated from the general fund for the purposes set forth, 25 percent of all amounts paid and credited into said fund from the proceeds of taxes paid upon the mining and production of taconite and taconite concentrates under the provisions of law relating to occupation taxes on the business of mining and producing iron ore*; provided, the amount so appropriated shall in no event exceed five cents per ton of taconite concentrates produced by reason of which such taxes were paid. The amounts so appropriated shall be distributed among and paid to the various governmental subdivisions in which the taconite operations, by reason of which such taxes were paid, were conducted in the following proportion: 25 percent thereof to the city, village or town; 50 percent thereof to the school district; 25 percent thereof to the county. The amounts so appropriated shall be paid by the state treasurer upon certificate of the commissioner of taxation, who shall make such apportionment. If the mining and concentration of such taconite and taconite concentrates or different steps in either thereof are carried on in more than one such taxing district, the commissioner shall apportion equitably the proceeds of the part of the tax going to cities, villages or towns among such subdivisions, and the part going to school districts among such districts, and the part going to counties among such counties, upon the basis of attributing 40 percent of the proceeds of the tax to the operation of mining or quarrying the taconite, and the remainder to the concentrating plant and to the processes of concentration, and with respect to each thereof giving due consideration to the relative extent of such operations performed in each taxing district. His order making such apportionment shall be subject to review by the tax court at the instance of any of the interested taxing districts, in the same manner as other orders of the commissioner. The amount so distributed shall be divided among the various funds of the taxing districts in the same proportion as the general ad valorem tax levy thereof. The amount distributed to any city, village or school district under the provisions hereof shall not be included in computing the permissible levies of such city, village or school district under Minnesota Statutes, Sections 275.11 or 275.12, as amended, so long as such levies are based upon a population not exceeding the population used as the basis for spreading the tax levy in the year 1956. In the event that as a result of taking any census the population basis for comput-

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ing the limit of levies under such sections is increased above the population used as a basis for spreading the tax levy in the year 1956, or in the event that the basis of either section 275.11 or 275.12 is changed to a basis other than population, the amount of the tax distributed pursuant hereto shall be included in computing the permissible levies under either of said sections.

Sec. 45. Minnesota Statutes 1967, Section 354.201, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding any of the provisions of section 354.20, before the proper officials of the association make the certification to the authorities having charge of levying taxes for school purposes as provided in section 354.20, it shall furnish a copy of the certification which it proposes to make to the state auditor and at the same time furnish the state auditor with the number of teachers in the association who are currently contributing to the fund of such association, the amount of the annual salary of each of such teachers, the amount of each teacher's contribution and such other information as the state auditor may from time to time require.

From such information the state auditor shall determine the state's obligation as prescribed in subdivision 3 and shall pay the same to the association from the ~~property tax relief~~ *general* fund in the state treasury and so much thereof as may be necessary to annually make such payment is hereby appropriated to the state auditor for such purpose. This payment shall be made no later than October 15 of each year. When the association receives such payment from the state auditor it shall deduct the amount thereof from the amount it proposes to certify to the proper authorities having charge of the levying of taxes for school purposes as provided for in section 354.20 and the amount necessary to raise by taxation in order to carry out the retirement plan of the association shall be reduced by the amount of the state's payment.

Sec. 46. Minnesota Statutes 1967, Section 354.43, Subdivision 2, is amended to read:

Subd. 2. To meet the state's obligation prescribed in subdivision 1, such moneys as are required therefor are appropriated annually to the state auditor from the ~~property tax relief~~ *general* fund in the state treasury.

The moneys appropriated hereby to the state auditor shall be deposited by him in the state treasury to the credit of the teachers retirement fund.

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

Sec. 47. Minnesota Statutes 1967, Section 361.27, Subdivision 1, is amended to read:

361.27 Boat and water safety; use of fees, fines and forfeited bail money. Subdivision 1. All license fees received ~~in the state treasury~~ under sections 361.01 to 361.28 shall be *deposited in the state treasury and credited to the boat and water safety account general fund for the purpose of boat and water safety which is hereby established.* All moneys paid into such account prior to July 1, 1961, ~~are hereby appropriated to the commissioner and may be used to defray the expenses of carrying out the purposes enumerated in section 361.03, subdivision 5.~~ Not exceeding 75 percent of such moneys may be paid to such counties and in such amount as the commissioner may determine and be used to defray the expenses of enforcement of the provisions of sections 361.01 to 361.28.

Sec. 48. Minnesota Statutes 1967, Section 361.27, Subdivision 2, is amended to read:

Subd. 2. All fines and forfeited bail money, from violations under sections 361.01 to 361.28 collected from persons apprehended or arrested shall be paid by the justice of the peace, municipal court, or other person or officer collecting such fines, forfeited bail money or installments thereof, within 15 days after the last day of the month in which such moneys were collected, to the county treasurer of the county where the violation occurred. One-half of such receipts shall be credited to the general revenue fund of the county. The other one-half of such receipts shall be transmitted by the county treasurer to state treasurer to be deposited to the credit of the ~~boat and water safety account~~ *general fund in the state treasury for the purpose of boat and water safety.*

Sec. 49. **Changes in terminology of funds and accounts, duty of revisor of statutes.** *In compiling the next and subsequent editions of Minnesota Statutes the revisor of statutes shall change the terminology of the funds and accounts in the state treasury to conform with the changes in the terminology of such accounts and the transfer of funds between such accounts as provided for in sections 1 to 48.*

Sec. 50. *The standing committee on appropriations of the house of representatives and the standing committee on finance of the senate or any subcommittee thereof appointed as provided by law, shall study the various dedicated receipts, the open or standing appropriations concerning moneys and funds in the state treasury and report at the next regular session of the legislature their recommendations concerning the continuance thereof. Upon request of the com-*

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mittees or duly appointed subcommittees thereof, the state auditor, public examiner, commissioner of administration, and all other state departments and agencies shall cooperate and furnish such assistance as may be requested for the study.

Sec. 51. *Minnesota Statutes 1967, Sections 6.32; 6.321; 10.34; 16.20, Subdivision 4; 290.065; 295.021; 295.361; 297A.44, Subdivision 3; 361.27, Subdivision 3, are hereby repealed.*

Sec. 52. *This act is in effect on and after July 1, 1969.*

Approved May 14, 1969.

CHAPTER 400—H. F. No. 402

An act requiring the registration by notification of certain securities; amending Minnesota Statutes 1967, Section 80.09, Subdivision 2; and repealing Minnesota Statutes 1967, Section 80.05, Subdivision 7.

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

Section 1. Minnesota Statutes 1967, Section 80.09, Subdivision 2, is amended to read:

Subd. 2. **Securities; registration by notification; kinds of securities.** The securities which may be registered by notification are as follows:

(1) **Securities secured by first mortgage on real estate.** Any notes or bonds secured by a first mortgage or deed of trust upon real estate or leaseholds on real estate (not including oil, gas or mining property) situated in any state or territory of the United States or in the District of Columbia or in the Dominion of Canada.

(a) When the mortgage is upon agricultural lands used and valuable principally for agricultural purposes and the aggregate face value of the notes or bonds covered by such notification together with all notes or bonds already outstanding and equally secured by such mortgage does not exceed 70 percent of the then fair market value of said lands, including any improvements appurtenant thereto.

(b) When the mortgage is upon city or village real estate or leaseholds and the aggregate face value of the notes or bonds covered

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