

tenant establishes by a preponderance of the evidence that the plaintiff increased the tenant's rent or decreased the services as a penalty in whole or part for any lawful act of the tenant as described in subdivision 2, providing that the tenant tender to the court or to the plaintiff the amount of rent due and payable under his original obligation.

Subd. 4. Nothing contained herein shall limit the right of the lessor pursuant to the provisions of subdivision 1 to terminate a tenancy for a violation by the tenant of a lawful, material provision of a lease or contract, whether written or oral, or to hold the tenant liable for damage to the premises caused by the tenant or a person acting under his direction or control.

Approved February 20, 1976.

CHAPTER 18—H.F.No.1977

An act relating to the operation of government; changing the qualification for community school programs aid and for certain proceeds of the supplementary tax on taconite and iron sulphides; clarifying the provisions for certain reductions of foundation aid; sanctioning the reduction of certain levies and authorizing certain transfers of funds; amending Minnesota Statutes, 1975 Supplement, Sections 124.271, Subdivision 1; and 298.244, Subdivision 1.

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

Section 1. EDUCATION; SCHOOLS AND SCHOOL DISTRICTS; STATE AID. Notwithstanding the provisions of Minnesota Statutes, Section 645.02, for districts which received payments under sections 294.21 to 294.28, 298.23 to 298.28, 298.32, 298.34 to 298.39, 298.391 to 298.396, 298.405, 298.51 to 298.67, any law imposing a tax upon severed mineral values, or any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties, the provisions of Laws 1975, Chapter 432, Section 30, shall apply to the reduction of foundation aid for fiscal year 1975 by a portion of these payments and shall supersede the provisions of Minnesota Statutes 1974, Section 124.212, Subdivision 8a, with respect to the reduction of foundation aid for fiscal year 1975 by a portion of these payments.

Sec. 2. Subdivision 1. On or before March 1, 1976, the commissioner of education shall certify to each qualifying district the amount of post-secondary vocational debt service aid which it will receive in fiscal year 1977 pursuant to Minnesota Statutes, 1975 Supplement, Section 124.564.

Subd. 2. Notwithstanding the provisions of Minnesota Statutes, Section 475.61, Subdivisions 1 and 3, the reduction of the 1975, collectible 1976, post-secondary vocational debt service levy of any district,

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by an amount equal to or less than 105 percent of the amount certified to it pursuant to subdivision 1 of this section, is hereby sanctioned and deemed to have been in accordance with the intent of section 475.61.

Subd. 3. Notwithstanding the provisions of Minnesota Statutes, Sections 475.61 and 475.66, any district which transferred available funds, in an amount equal to or less than 105 percent of the amount certified to it under subdivision 1 of this section, into its sinking fund in order to reduce its 1975, collectible 1976, post-secondary vocational debt service levy, may transfer the same amount of funds out of the sinking fund and into the fund of origin in the district.

Sec. 3. Minnesota Statutes, 1975 Supplement, Section 124.271, Subdivision 1, is amended to read:

124.271 COMMUNITY SCHOOL PROGRAMS AID. Subdivision 1. In fiscal year 1976, the state shall pay an amount which is equal to the greater of \$5,000 or 25 cents per capita to each school district which is operating a community school program in compliance with the rules and regulations established by the state board of education and which ~~has~~ levied in 1974 ~~the maximum permissible amount~~ for community services pursuant to Minnesota Statutes 1974, Section 275.125, Subdivision 3, Clause (8), for use in the 1975-1976 school year. In fiscal year 1976, the state shall not reimburse school districts for past expenditures for salaries of community school directors and coordinators employed by the districts in the 1974-1975 school year.

Sec. 4. Minnesota Statutes, 1975 Supplement, Section 298.244, Subdivision 1, is amended to read:

298.244 DIVISION OF PROCEEDS OF SUPPLEMENTARY TAX ON TACONITE AND IRON SULPHIDES. Subdivision 1. The proceeds of the tax collected under section 298.243 shall be distributed by the commissioner of revenue, to various taxing districts and to the general fund in the following manner:

(1) Ten cents per gross ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton", on which the tax is imposed in section 298.243, shall be distributed to the county in which the taconite is mined or quarried or in which the concentrate is produced, less any amount which is to be distributed pursuant to clause (1a). The commissioner shall follow the apportionment formula prescribed in section 298.28, subdivision 1. The commissioner of revenue shall make all the necessary calculations and certify these calculations to the county auditor of each qualifying county. Payments provided herein shall be deducted in determining the county government's levy limitations under sections 275.50 to 275.56.

(1a) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining

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and the concentrating processes are conducted, one cent per gross ton of the tax distributed to the counties pursuant to clause (1) and imposed on and collected from such taxpayer shall be distributed by the commissioner of revenue to the county in which the power plant is located.

(2) Twenty cents per taxable ton, less any amount distributed under clause (2a), shall be distributed to a group of school districts comprised of those school districts wherein the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 or in which is located property which is entitled to the reduction of tax pursuant to section 273.135. The 20 cents, less any amount distributed under clause (2a), shall be distributed in direct proportion to school district tax levies as follows: each district shall receive that portion of the total distribution which its permitted levy for the prior year, computed pursuant to section 275.125, comprises of the sum of permitted levies for the prior year for all qualifying districts, computed pursuant to section 275.125. That portion of the amount so distributed to a school district which is not deducted from state aids in section 124.212, subdivision 8a, shall be included in computing the permissible levies under section 275.125.

(2a) In 1976 and each year thereafter, there shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32, in 1975 ~~provided that the school district included the amount in computing its permissible levy under section 275.125 in 1975, payable in 1976~~.

(3) One cent per taxable ton shall be deposited in the state treasury to the credit of the iron range resources and rehabilitation commission account in the special revenue fund and is hereby appropriated for the purposes of section 298.22. This money is to be used to provide environmental development grants to local governments located within any county in region 3 as defined in governor's executive order number 60 issued on June 12, 1970, which does not contain a municipality qualifying pursuant to section 273.134.

(4) Eight cents per taxable ton shall be paid to the property tax relief account in the apportionment fund in the state treasury and shall be distributed as provided in sections 273.134 to 273.136.

Sec. 5. This act shall become effective the day following final enactment.

Approved February 20, 1976.

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