

SESSION LAWS
of the
STATE OF MINNESOTA

ENACTED BY THE
SEVENTY-SECOND LEGISLATURE, AT THE 1981 SESSION
COMMENCING JANUARY 6, 1981

CHAPTER 1 — S.F.No. 1

An act relating to education; restoring education aids withheld in fiscal year 1981; providing for full payment of education aids in future years; repealing certain provisions relating to pro rata payment of education aids and reimbursements and certificates for the unpaid amounts; appropriating money; amending Minnesota Statutes 1980, Sections 16A.15, Subdivision 1; 124.71; 124.72; 124.73; and 124.781; repealing Minnesota Statutes 1980, Sections 124.77 and 124.78.

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

Section 1. **FULL PAYMENT OF EDUCATION AIDS.**

Subdivision 1. PAYMENT REQUIRED. Notwithstanding the provisions of Minnesota Statutes 1980, Sections 16A.15 or 124.77, by August 1, 1981, the commissioner of finance shall draw warrants for any amounts appropriated to the commissioner of education, revenue or finance or to the department of education for state aids, payments, reimbursements or fund transfers to or on behalf of school districts, public library systems, educational cooperative service units, and regional management information centers, for the fiscal year ending June 30, 1981, which were withheld pursuant to Minnesota Statutes 1980, Sections 16A.15 and 124.77 because funds in the state treasury were insufficient.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. PROHIBITION ON USE OF RECEIPTS. Receipts from taxes or other sources credited to the general fund in the state treasury for fiscal year 1981 shall not be used to make the payments required by subdivision 1.

Subd. 3. FULL PAYMENT. Payments in full pursuant to this section shall constitute full satisfaction of the state's obligations under Minnesota Statutes 1980, Sections 124.77 and 124.78.

Subd. 4. APPROPRIATION. The amount necessary to make the payments required by subdivision 1 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1982. The payments required by subdivision 1 shall be considered a fiscal year 1982 liability for purposes of the state accounting system.

Sec. 2. Minnesota Statutes 1980, Section 16A.15, Subdivision 1, is amended to read:

Subdivision 1. REDUCTION. In case the commissioner of finance shall discover at any time that the probable receipts from taxes or other sources for any appropriation, fund, or item will be less than was anticipated, and that consequently the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted therefor, he shall, with the approval of the governor, and after notice to the agency concerned, reduce the amount allotted or to be allotted so as to prevent a deficit. Provided, however, no allotment pursuant to an appropriation for state aids, payments, reimbursements or fund transfers to or on behalf of school districts shall be reduced pursuant to this subdivision. In like manner he shall request reduction of the amount allotted or to be allotted to any agency by the amount of any saving which can be effected upon previous spending plans through a reduction in prices or other cause.

Sec. 3. Minnesota Statutes 1980, Section 124.71, is amended to read:

124.71 TAX AND AID ANTICIPATION BORROWING; DEFINITIONS.

Subdivision 1. School district as used in sections 124.71 to ~~124.78~~ 124.76 means any school district in the state of Minnesota, however organized and wherever located.

Subd. 2. Commissioner as used in sections 124.71 to ~~124.78~~ 124.76 means the commissioner of education of the state of Minnesota.

Sec. 4. Minnesota Statutes 1980, Section 124.72, is amended to read:

124.72 APPLICATION OF LIMITING TAX LEGISLATION.

Notwithstanding the provisions of section 471.69 or section 471.75, or of any other provision of law which by per capita limitation, mill rate limitation, or otherwise, limits the power of a school district to incur any debt or to issue

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

any warrant or order, a school district has the powers in sections 124.71 to ~~124.78~~ 124.76 specifically conferred upon it and all powers incident and necessary to carrying out the purposes of sections 124.71 to ~~124.78~~ 124.76.

Sec. 5. Minnesota Statutes 1980, Section 124.73, is amended to read:

124.73 AUTHORITY TO BORROW MONEY, LIMITATIONS.

Subdivision 1. The board of any school district may borrow money upon negotiable tax anticipation certificates of indebtedness, in the manner and subject to the limitations set forth in sections 124.71 to ~~124.78~~ 124.76, for the purpose of anticipating general taxes theretofore levied by the district for school purposes, but the aggregate of such borrowing under this subdivision shall never exceed 50 percent of such taxes which are due and payable in the calendar year, and as to which taxes no penalty for nonpayment or delinquency has attached.

Subd. 2. The board may also borrow money in the manner and subject to the limitations set forth in sections 124.71 to ~~124.78~~ 124.76 in anticipation of receipt of state aids for schools as defined in Minnesota Statutes and of federal school aids to be distributed by or through the state department of education. The aggregate of such borrowings under this subdivision shall never exceed 75 percent of such aids which are receivable by said school district in the school year (from July 1 to June 30) in which the money is borrowed, as estimated and certified by the commissioner.

Sec. 6. Minnesota Statutes 1980, Section 124.781, is amended to read:

124.781 LIMITATION ON TAX ANTICIPATION BORROWING.

Except as approved by the commissioner, a district may not issue certificates of indebtedness pursuant to sections 124.71 to ~~124.78~~ 124.76, for a larger proportion of its total anticipated tax or aid revenues than it borrowed against such revenues which were received in calendar 1973 with respect to tax revenues and in the 1972-1973 school year with respect to aid revenues.

Sec. 7. **REPEALER.**

Minnesota Statutes 1980, Sections 124.77 and 124.78 are repealed.

Approved February 13, 1981

CHAPTER 2 — S.F.No. 23

An act relating to the recording of decrees and certificates in bankruptcy proceedings; providing for the admissibility of certificates as evidence; amending Minnesota Statutes 1980, Section 386.45.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.