

STATE OF MINNESOTA

SEVENTY-SECOND SESSION - 1982

EIGHTY-FIRST DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 4, 1982

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Pastor Jim McGowan, First Lutheran Church, Fergus Falls, Minnesota.

The roll was called and the following members were present:

Aasness	Ewald	Knickerbocker	Ogren	Sieben, M.
Ainley	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, B.	Forsythe	Kvam	Onnen	Skoglund
Anderson, G.	Frerichs	Laidig	Osthoff	Stadum
Anderson, I.	Greenfield	Lehto	Otis	Staten
Battaglia	Gruenes	Lemen	Peterson, B.	Stowell
Begich	Gustafson	Levi	Peterson, D.	Stumpf
Berkelman	Halberg	Long	Piepho	Sviggum
Blatz	Hanson	Ludeman	Pogemiller	Swanson
Brinkman	Harens	Luknic	Redalen	Tomlinson
Byrne	Hauge	Mann	Reding	Valan
Carlson, D.	Haukoos	Marsh	Rees	Valento
Carlson, L.	Heap	McCarron	Reif	Vanasek
Clark, J.	Heimitz	McDonald	Rice	Vellenga
Clark, K.	Himle	McEachern	Rodriguez, C.	Voss
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Weaver
Dahlvang	Hokanson	Metzen	Rose	Welch
Dean	Hokr	Minne	Rothenberg	Welker
Dempsey	Jacobs	Munger	Samuelson	Wenzel
Den Ouden	Jennings	Murphy	Sarna	Wieser
Drew	Johnson, C.	Nelsen, B.	Schafer	Wigley
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Wynia
Elioff	Jude	Niehaus	Schreiber	Zubay
Ellingson	Kahn	Norton	Searles	Spkr. Sieben, H.
Erickson	Kaley	Novak	Shea	
Esau	Kalis	Nysether	Sherman	
Evans	Kelly	O'Connor	Sherwood	

A quorum was present.

Anderson, R., and Brandl were excused until 3:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly moved that further reading of the Journal be

dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1906, 2092, 2093, 2228, 2156, 1652, 1817, 2073, 1235, 1559, 1939, 1365 and 1690 and S. F. Nos. 1613, 1635, 1804, 1566, 1713, 1821, 1910, 1602, 1766, 1689, 1539 and 1621 have been placed in the members' files.

S. F. No. 1613 and H. F. No. 1730, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Ellingson moved that S. F. No. 1613 be substituted for H. F. No. 1730 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1689 and H. F. No. 1832, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Wynia moved that the rules be so far suspended that S. F. No. 1689 be substituted for H. F. No. 1832 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1856 and H. F. No. 1967, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Simoneau moved that the rules be so far suspended that S. F. No. 1856 be substituted for H. F. No. 1967 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1821 and H. F. No. 1951, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Laidig moved that the rules be so far suspended that S. F. No. 1821 be substituted for H. F. No. 1951 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

March 3, 1982

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1982 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1982</i>	<i>Date Filed 1982</i>
2174		380	March 3	March 3

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1826, A bill for an act relating to legal services; providing for a surcharge on civil filing fees; authorizing the supreme court to appoint an advisory committee; authorizing the distribution of the surcharge funds to qualified programs providing legal services to certain persons; requiring a report to the legislature; proposing new law coded in Minnesota Statutes, Chapter 480.

Reported the same back with the following amendments:

Page 1, line 23, delete "*both*"

Page 2, line 6, after "*payable*" insert "*by that party*"

Page 2, line 7, after "*action*" insert a comma

Page 2, line 9, delete "\$15" and insert "\$10"

Page 2, line 14, after the period insert "*Notwithstanding any other law or rule to the contrary, no surcharge shall be paid by any governmental unit of the state of Minnesota, any local unit of government, or agency thereof, when the governmental unit, local government, or agency thereof is a party to any civil action or civil proceeding in the municipal courts of Hennepin or Ramsey counties, or in any county court.*"

Page 2, line 28, delete "to persons"

Page 2, line 29, delete "unable to pay for the service"

Page 2, line 34, delete "the effective date of this act" and insert "*July 1, 1982,*"

Page 3, line 2, delete "All members of the"

Page 3, delete lines 3 and 4

Page 3, line 5, delete everything before "In"

Page 3, line 14, delete "such" and insert "any"

Page 3, line 17, after "programs" insert "*or from local government agencies and nonprofit organizations seeking to establish qualified alternative dispute resolution programs*"

Page 3, line 21, after "programs" insert "*or to qualified alternative dispute resolution programs*"

Page 3, line 25, after "funds" insert "distributed"

Page 3, line 27, delete "the effective date of this act" and insert "*July 1, 1982,*"

Page 4, line 1, delete "shall" and insert "distributed may"

Page 4, line 5, after "services" insert "*and programs for qualified alternative dispute resolution*"

Page 4, line 21, delete "having sought" and insert "with"

Page 4, line 22, after "guidelines" insert "*in the form of court rules*"

Page 5, line 19, after the period insert "*Section 2 applies to filings made on or after July 1, 1982.*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1875, A bill for an act relating to crimes; clarifying the definition of physically helpless victims of criminal sexual conduct; amending Minnesota Statutes 1980, Section 609.341, Subdivision 9.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1980, Section 260.015, Subdivision 16, is amended to read:

Subd. 16. "Secure detention facility" means a physically restricting (DETENTION) facility, including *but not limited to* a jail, a hospital, a state institution, a residential treatment center, or a detention home used for the temporary care of a child pending court action.

Sec. 2. Minnesota Statutes 1980, Section 260.015, Subdivision 17, is amended to read:

Subd. 17. "Shelter care facility" means a physically unrestricting facility, such as *but not limited to*, a hospital, a group home or a licensed facility for foster care, (EXCLUDING A DETENTION HOME) used for the temporary care of a child pending court action.

Sec. 3. Minnesota Statutes 1980, Section 260.171, Subdivision 2, is amended to read:

Subd. 2. If the child is not released as provided in subdivision 1, the person taking the child into custody shall notify the court as soon as possible of the detention of the child and the reasons for detention. *Except a child taken into custody pursuant to section 260.165, subdivision 1, clause (a) or (c)(2),* no child may be detained in a secure detention facility or a shelter care facility longer than 24 hours, excluding Saturdays, Sundays and holidays, (AFTER THE TAKING INTO CUSTODY) unless an order for detention, specifying the reason for detention, is signed by the judge or referee. No child may be (HELD) *detained in a secure detention facility or shelter care facility* longer than 36 hours, excluding Saturdays, Sundays or holidays, *after (THE TAKING) being taken into custody for a delinquent act as defined in section 260.015, subdivision 5,* unless a petition has been

filed and the judge or referee determines pursuant to section 260.172 that the child shall remain in detention.

No child taken into custody pursuant to section 260.165, subdivision 1, clause (a) or (c)(2) may be held in a shelter care facility longer than 72 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed and the judge or referee determines pursuant to section 260.172 that the child shall remain in custody.

If a child described in section 260.173, subdivision 4, is to be detained in a jail beyond 48 hours, the judge or referee, in accordance with rules and procedures established by the commissioner of corrections, shall notify the commissioner of the place of the detention and the reasons therefor. The commissioner shall thereupon assist the court in the relocation of the child in an appropriate *secure* detention facility or approved jail within the county or elsewhere in the state, or in determining suitable alternatives. The commissioner shall direct that a child detained in a jail be detained after eight days from and including the date of the original detention order in an approved (JUVENILE) *secure* detention facility with the approval of the administrative authority of the facility. If the court refers the matter to the prosecuting authority pursuant to section 260.125, notice to the commissioner shall not be required.

Sec. 4. Minnesota Statutes 1980, Section 260.171, Subdivision 4, is amended to read:

Subd. 4. If the person who has taken the child into custody determines that the child should be placed in a *secure* detention facility or a *shelter care facility*, he shall advise the child and as soon as is possible, the child's parent, guardian, or custodian:

(a) of the reasons why the child has been taken into custody and why he is being placed in a *secure* detention facility or a *shelter care facility*; and

(b) of the location of the *secure* detention facility or *shelter care facility*. If there is reason to believe that disclosure of the location of the *shelter care facility* would place the child's health and welfare in immediate endangerment, disclosure of the location of the *shelter care facility* shall not be made; and

(c) that the child's parent, guardian, or custodian and attorney or *guardian ad litem* may make an initial visit to the *secure* detention facility or *shelter care facility* at any time. Subsequent visits by a parent, guardian, or custodian may be made on a reasonable basis during visiting hours and by the child's attorney or *guardian ad litem* at reasonable hours; and

(d) that the child may telephone his parents and an attorney or *guardian ad litem* from the *secure* detention facility or *shelter*

care facility immediately after being admitted to the (DETENTION) facility and thereafter on a reasonable basis to be determined by the director of the facility; and

(e) *that the child may not be (HELD) detained for acts as defined in section 260.015, subdivision 5 at (THE) a secure detention facility or shelter care facility longer than 36 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention, pursuant to section 260.172; and*

(f) *that the child may not be detained pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), at a shelter care facility longer than 72 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention, pursuant to section 260.172.*

Sec. 5. Minnesota Statutes 1980, Section 260.171, Subdivision 5, is amended to read:

Subd. 5. If a child is to be detained (, THE) *in a secure detention facility or shelter care facility (WHERE), the child (IS TO BE PLACED SHALL PROMPTLY PROVIDE FOR TRANSPORTATION OF THE CHILD TO THE FACILITY OR SECURE) shall be promptly transported to the facility in a manner approved by the facility or by securing a written transportation order from the court authorizing transportation by the sheriff or other qualified person. The person who has determined that the child should be detained shall deliver to the court and the supervisor of the secure detention facility or shelter care facility where the child is placed, a signed report, setting forth:*

- (a) *the time the child was taken into custody; and*
- (b) *the time the child was delivered for transportation to the secure detention facility or shelter care facility; and*
- (c) *the reasons why the child was taken into custody; and*
- (d) *the reasons why the child has been placed in detention; and*
- (e) *a statement that the child and his parent have received the notification required by subdivision 4 or the reasons why they have not been so notified; and*
- (f) *any instructions required by section 6.*

Sec. 6. Minnesota Statutes 1980, Section 260.171, is amended by adding a subdivision to read:

Subd. 5a. [SHELTER CARE; NOTICE TO PARENT.] *When a child is to be placed in a shelter care facility the person taking the child into custody or the court shall determine whether or not there is reason to believe that disclosure of the shelter care facility's location to the child's parent, guardian, or custodian would immediately endanger the health and welfare of the child. If there is reason to believe that the child's health and welfare would be immediately endangered, disclosure of the location shall not be made. This determination shall be included in the report required by subdivision 5, along with instructions to the shelter care facility to notify or withhold notification.*

Sec. 7. Minnesota Statutes 1980, Section 260.171, Subdivision 6, is amended to read:

Subd. 6. (a) When a child has been delivered to a secure detention facility, the supervisor of the facility shall deliver to the court a signed report acknowledging receipt of the child stating the time of the child's arrival. The supervisor of the facility shall ascertain from the report of the person who has taken the child into custody whether the child and his parent, guardian, or custodian have received the notification required by subdivision 4. If the child or his parent, guardian or custodian, or both, have not been so notified, the supervisor of the facility shall immediately make the notification, and shall include in his report to the court a statement that notification has been received or the reasons why it has not.

(b) *When a child has been delivered to a shelter care facility, the supervisor of the facility shall deliver to the court a signed report acknowledging receipt of the child stating the time of the child's arrival. The supervisor of the facility shall ascertain from the report of the person who has taken the child into custody whether the child's parent, guardian or custodian has been notified of the placement of the child at the shelter care facility and its location, and the supervisor shall follow any instructions concerning notification contained in that report.*

Sec. 8. Minnesota Statutes 1980, Section 260.172, Subdivision 1, is amended to read:

Subdivision 1. *Except a child taken into custody pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), a hearing shall be held within 36 hours of a child's being taken into custody, excluding Saturdays, Sundays and holidays, (A HEARING SHALL BE HELD) to determine whether the child should continue in detention. Within 72 hours of a child being taken into custody pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), excluding Saturdays, Sundays and holidays, a hearing shall be held to determine whether the child should continue in custody. Unless there is reason to believe that the child would endanger himself or others, not return for a court hearing, not*

remain in the care or control of the person to whose lawful custody he is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of his parent, guardian, custodian or other suitable person.

Section 9. [609.271] [SELLING OF CHILD.]

Subdivision 1. [PROHIBITED ACTS.] Whoever offers to transfer or transfers a child in exchange for money or any type of compensation, or in exchange for a promise to pay or deliver money or any type of compensation, is guilty of child selling and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both.

Subd. 2. [LICENSED OR CERTIFIED CHILD-PLACING AGENCY; COUNTY WELFARE DEPARTMENTS; COMMISSIONER OF PUBLIC WELFARE EXCEPTED.] Subdivision 1 does not apply to an agency licensed or certified by the commissioner of public welfare to place children for adoption, or to a county welfare or social services department, or to the commissioner of public welfare, acting in accordance with sections 259.21 to 259.45.

Subd. 3. [OTHER EXCEPTIONS.] Subdivision 1 does not apply to payments by a biological father, or person who reasonably believes he is the biological father, to a woman to compensate her for physical discomfort, pain and suffering, loss of income, medical expenses, legal expenses, or other expenses related to the woman's pregnancy, childbirth, or adoption of the child.

Subd. 4 [EXEMPTION FROM LIABILITY.] A person who pays, offers, or attempts to pay for a child is guilty of a misdemeanor.

Subd. 5. [BUYER'S LIABILITY.] A person who buys or attempts to buy a child, with intent to transfer the child, is punishable as provided in subdivision 1."

Page 1, line 12, after "(a)" insert "asleep or"

Page 1, after line 16, insert:

"Sec. 11. [REPEALER.]

Minnesota Statutes 1980, Section 260.015, Subdivision 15, is repealed."

Renumber the sections

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "amending the definitions of shelter care facility and secure detention facility; extending the time limit for detaining children who may be dependent or neglected children; prohibiting the selling of children; prescribing penalties;"

Page 1, line 4, delete "Section" and insert "Sections 260.015; Subdivisions 16 and 17; 260.171, Subdivisions 2, 4, 5, and 6, and by adding a subdivision; 260.172, Subdivision 1;"

Page 1, line 5, after "9" insert "; proposing new law coded in Minnesota Statutes, Chapter 609; repealing Minnesota Statutes 1980, Section 260.015, Subdivision 15"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1887, A bill for an act relating to education; requiring welfare and correctional institutions to submit an educational policy to the commissioner of education; proposing new law coded in Minnesota Statutes, Chapter 121.

Reported the same back with the following amendments:

Page 1, line 15, delete "or" and insert a comma and after "vocational" insert "*or adult special education*"

Page 1, line 16, delete "*educational*"

Page 1, line 20, delete "*certified*" and insert "*licensed*"

Page 1, line 21, delete "*certification*" and insert "*licensure*"

Page 1, line 25, delete "*institutions*" and insert "*programs*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2012, A bill for an act relating to public welfare; requiring audits of nursing home cost reports; amending Minne-

sota Statutes 1980, Sections 256B.27, Subdivision 2a; and 256B.-35, Subdivision 4.

Reported the same back with the following amendments:

Page 1, line 13, delete "at"

Page 1, delete lines 14 to 18 and insert: *"nursing homes participating as vendors of medical assistance. The commissioner shall select for audit at least five percent of these nursing homes at random and at least 20 percent from the remaining nursing homes, using factors including, but not limited to: change in ownership; frequent changes in administration in excess of normal turnover rates; complaints to the commissioner of health about care, safety, or rights; where previous inspections or reinspections under section 144A.10 have resulted in correction orders related to care, safety, or rights; or where persons involved in ownership or administration of the facility have been indicted for alleged criminal activity."*

Page 1, line 23, reinstate the stricken language

Page 1, line 24, reinstate "(AT LEAST ONCE EVERY)" and after "(THREE)" insert "*four*" and reinstate "(YEARS)"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2117, A bill for an act relating to state parks; re-stating the boundaries of Tower Soudan state park; authorizing conveyance of certain park lands.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 2167, A bill for an act relating to courts; providing for the appointment of a court commissioner to solemnize marriages in the combined county court district of Benton and Stearns.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

S. F. No. 358, A bill for an act relating to intoxicating liquor; requiring proof of financial responsibility; amending Minnesota Statutes 1980, Sections 340.11, by adding a subdivision; 340.12; and 340.353, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, after line 7, insert a new section to read:

"Section 1. Minnesota Statutes 1980, Section 340.035, Subdivision 1, is amended to read:

Subdivision 1. It shall be unlawful for any:

(1) Licensee or his employee to (SELL OR SERVE NON-INTOXICATING MALT LIQUOR TO ANY PERSON UNDER THE AGE OF 19 YEARS OR TO) permit any person under the age of 19 years to consume non-intoxicating malt liquor on the licensed premises *except as provided in paragraph (5) of this subdivision*;

(2) Person other than the parent or legal guardian to procure non-intoxicating malt liquor for any person under the age of 19 years;

(3) Person to induce a person under the age of 19 years to purchase or procure non-intoxicating malt liquor;

(4) Person under the age of 19 years to misrepresent his age for the purpose of obtaining non-intoxicating malt liquor;

(5) Person under the age of 19 years to consume any non-intoxicating malt liquor unless in the company of his parent or guardian;

(6) Person under the age of 19 years to have in his possession any non-intoxicating malt liquor, with intent to consume same at a place other than the household of his parent or guardian. (POSSESSION OF SUCH NON-INTOXICATING MALT LIQUOR AT A PLACE OTHER THAN THE HOUSEHOLD OF HIS PARENT OR GUARDIAN SHALL BE PRIMA FACIE EVIDENCE OF INTENT TO CONSUME THE SAME AT A PLACE OTHER THAN THE HOUSEHOLD OF HIS PARENT OR GUARDIAN.)"

Page 1, line 11, after "*liquor*" insert "*or non-intoxicating malt liquor*"

Page 1, line 12, delete "*January 1, 1982*" and insert "*January 1, 1983*"

Page 1, line 15, after "*license*" insert "*, provided this subdivision shall not apply to non-intoxicating malt liquor licensees with sales of less than \$10,000 of non-intoxicating malt liquor per year, nor to holders of on-sale wine licenses under section 340.11, subdivision 20, with sales of less than \$10,000 of wine per year*"

Page 2, line 14, after "*liquor*" insert "*or non-intoxicating malt liquor*"

Page 2, line 16, delete "*assist*" and insert "*advise*"

Page 2, line 17, delete "*in obtaining*" and insert "*of those persons offering*"

Page 4, line 7, delete "*1*" and insert "*2*"

Page 4, line 17, after the period, strike the balance of the line

Page 4, strike lines 18 and 19

Page 4, line 20, strike "*brought against the insured or company thereafter.*"

Page 6, line 2, delete "*January 1, 1982*" and insert "*January 1, 1983*"

Page 6, line 4, delete "*1*" and insert "*2*"

Page 6, after line 4, insert new sections to read:

"Sec. 5. Minnesota Statutes 1980, Section 340.73, Subdivision 1, is amended to read:

Subdivision 1. It shall be unlawful for any person, except a licensed pharmacist to sell, give, barter, furnish, deliver, or dispose of, in any manner, either directly or indirectly, any (SPIRITUOUS, VINOUS, MALT, OR FERMENTED) *intoxicating liquors or non-intoxicating malt liquors* in any quantity, for any purpose, whatever, to any person under the age of 19 years, or to any *obviously* intoxicated person (, OR TO ANY PUBLIC PROSTITUTE).

Sec. 6. Minnesota Statutes 1980, Section 340.73, Subdivision 3, is amended to read:

Subd. 3. Whoever shall in any way procure *intoxicating liquor or non-intoxicating malt liquor* for the use of any person

named in this section shall be deemed to have sold it to such person. Any person violating any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 7. Minnesota Statutes 1980, Section 340.95, is amended to read:

340.95 [INJURIES CAUSED BY INTOXICATION, CIVIL ACTIONS.]

Every husband, wife, child, parent, guardian, employer, or other person who is injured in person or property, or means of support, or *incurs other pecuniary loss* by any intoxicated person, or by the intoxication of any person, has a right of action, in his own name, against any person who, by illegally selling or bartering intoxicating liquors or *non-intoxicating malt liquors*, caused the intoxication of such person, for all damages, sustained; and all damages recovered by a minor under this section shall be paid either to such minor or to his parent, guardian, or next friend, as the court directs; and all suits for damages under this section shall be by civil action in any court of this state having jurisdiction thereof. Actions for damages based upon liability imposed by this section shall be governed by section 604.01. The provisions of section 604.01, as applied under this section, however shall not be applicable to actions brought by a husband, wife, child, parent, guardian or other dependent of an intoxicated person *for injury to person, property, or loss of means of support*. (NO RECOVERY SHALL BE HAD IN ANY ACTION OR ACTIONS PURSUANT TO THIS SECTION IN EXCESS OF \$250,000 FOR ALL DAMAGES TO ONE PERSON AND \$500,000 FOR ALL DAMAGES TO TWO OR MORE PERSONS ARISING OUT OF A SINGLE INSTANCE OF THE ILLEGAL SALE OR BARTER OF INTOXICATING LIQUOR.)

Sec. 8. Minnesota Statutes 1980, Section 340.951, is amended to read:

340.951 [NOTICE OF INJURY.]

Every person who claims damages, and *every person or his insurer who claims contribution or indemnity*, from any municipality owning and operating a municipal liquor store or from the licensee of any licensed liquor establishment for or on account of any injury within the scope of section 340.95, shall give a written notice to the governing body of the municipality or the licensee of the liquor establishment, as the case may be, stating:

(1) The time and date when, and person to whom such liquor was sold, bartered, or given;

(2) The name and address of the person or persons who were injured or whose property was damaged;

(3) The approximate time and date and the place where any injury to person or property occurred. *Every municipality or licensee who claims contribution or indemnification from any other licensee or municipality shall give a written notice in the form and manner specified in this section to the other municipality or licensee.*

No error or omission in the notice shall void the effect of the notice, if otherwise valid, unless such error or omission is of a substantially material nature.

In the case of claims for contribution or indemnity this notice shall be served within 120 days after the injury occurs, or within 60 days after receiving written notice of a claim for contribution or indemnity, whichever is applicable, and no action for contribution or indemnity therefor shall be maintained unless such notice has been given (, AND UNLESS IT IS COMMENCED WITHIN ONE YEAR AFTER SUCH INJURY. THE TIME FOR GIVING THE NOTICE SHALL NOT INCLUDE ANY PERIOD OF TIME NEXT SUCCEEDING THE OCCURRENCE OF THE INJURY DURING WHICH THE PERSON INJURED IS INCAPACITATED FROM GIVING SUCH NOTICE BY REASON OF THE INJURY SUSTAINED). In the case of a claim for damages the notice shall be served by the claimant's attorney within 120 days of the date of entering an attorney-client relation with the person in regard to the claim, and no action for damages shall be maintained unless the notice has been given.

Actual notice of sufficient facts to reasonably put the governing body of the municipality or the licensee of the liquor establishment, as the case may be, or its insurer, on notice of a possible claim, shall be construed to comply with the notice requirements herein.

No action shall be maintained for injury under section 340.95 unless commenced within one year after such injury."

Renumber the sections

Page 6, delete line 6, and insert:

"Sections 2 to 4 are effective January 1, 1983. Sections 1, 5, 6, 7 and 8 are effective the day following final enactment and apply to all causes of action arising on and after that day, except that any changes in notice requirements in section 8 are not effective until 30 days following final enactment."

Amend the title as follows:

Page 1, line 3, after the semi-colon, insert "making certain sales of non-intoxicating malt liquor illegal; providing civil liability for illegal sales of intoxicating liquor and non-intoxicating malt liquor;"

Page 1, line 4, after "Sections" insert "340.035, Subdivision 1;"

Page 1, line 5, delete "and" and after "subdivision" insert "340.73, Subdivisions 1 and 3; 340.95; and 340.951"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred :

S. F. No. 1424, A bill for an act relating to insurance; regulating minimum nonforfeiture benefits and reserves of life insurance policies and annuity contracts; modifying the definitions of "insolvent insurer" and "covered claim" for purposes of the insurance guaranty association act; amending Minnesota Statutes 1980, Sections 61A.24, Subdivisions 2, 4, 6, 9, 10, 11, 12, 13, 14, and by adding subdivisions; 61A.25, Subdivisions 3, 3a, 4, 5, 7, and by adding subdivisions; Minnesota Statutes 1981 Supplement, Sections 60C.03, Subdivision 8; and 60C.09, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred :

S. F. No. 1641, A bill for an act relating to family law; defining a species of marital co-ownership of property and providing for its division in dissolution and annulment actions; amending Minnesota Statutes 1980, Section 518.54, Subdivision 5; and Minnesota Statutes 1981 Supplement, Section 518.58.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred :

S. F. No. 1648, A bill for an act relating to nonprofit corporations; providing an internal reference correction; providing for the conduct of meetings by telephone; amending Minnesota Statutes 1980, Sections 317.16, Subdivision 2; 317.20, Subdivision 8; and 317.22, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jude from the Committee on Judiciary to which was referred :

S. F. No. 1853, A bill for an act relating to agriculture; changing fee provisions relating to abstracts of mortgages and liens on grain crops; amending Minnesota Statutes 1980, Sections 386.42 and 386.43.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1875, 2012, 2117 and 2167 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1613, 1689, 1856, 1821, 358, 1424, 1641, 1648 and 1853 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced :

Kelly, Tomlinson, Gustafson and O'Connor introduced :

H. F. No. 2272, A bill for an act relating to taxation; providing an income tax deduction for certain post secondary school tuition expenses; amending Minnesota Statutes 1980, Section 290.09, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Shea, Hauge, Pogemiller, Vellenga and Stumpf introduced :

H. F. No. 2273, A bill for an act relating to highway traffic regulations; establishing a telephone hotline to allow citizens to report intoxicated drivers to law enforcement agencies; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 169.

The bill was read for the first time and referred to the Committee on Transportation.

Murphy introduced:

H. F. No. 2274, A bill for an act relating to financial institutions; narrowing a certain exemption relating to the payment of interest on certain escrow accounts; amending Minnesota Statutes 1980, Section 47.20, Subdivision 9.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Murphy introduced:

H. F. No. 2275, A bill for an act relating to counties; making state land subject to county land use planning and zoning; amending Minnesota Statutes 1980, Section 394.24, Subdivision 3.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Gustafson, O'Connor and Ogren introduced:

H. F. No. 2276, A bill for an act relating to taxation; classifying industrial employment property for the purpose of assessment and taxation; amending Minnesota Statutes 1981 Supplement, Section 273.13, Subdivision 9; proposing new law coded in Minnesota Statutes, Chapter 273.

The bill was read for the first time and referred to the Committee on Taxes.

Sieben, M., introduced:

H. F. No. 2277, A bill for an act relating to the county attorneys council; providing for the disposition of its records and equipment.

The bill was read for the first time and referred to the Committee on Appropriations.

Gustafson, O'Connor and Ogren introduced:

H. F. No. 2278, A bill for an act relating to economic development; authorizing the formation of a state development company for small business aid purposes; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 362.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

There being no objection the following resolution was introduced.

Wenzel; Nelsen, B.; Mann; Kalis and Shea introduced:

House Resolution No. 28, A house resolution proclaiming March 18, 1982, to be Agriculture Day and March 15 to 22, 1982, as Agriculture Week.

SUSPENSION OF RULES

Wenzel moved that the Rules be so far suspended that House Resolution No. 28 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 28

A house resolution proclaiming March 18, 1982, to be Agriculture Day and March 15 to 22, 1982, as Agriculture Week.

Whereas, agriculture is Minnesota's most basic industry; and,

Whereas, the associated production, processing and marketing segments collectively provide more jobs than any other single industry; and,

Whereas, in 1981 more than 662,000 Minnesotans were employed in the food and related industries; and,

Whereas, Minnesota's food and fiber industry provides one-third of the jobs and generates about 40 percent of Minnesota's gross economic products; and,

Whereas, the value of Minnesota's farm production last year exceeded \$7.5 billion with an additional \$15 billion added value because of marketing, processing, packaging, transportation and distribution; and,

Whereas, it is important that the farmers, consumers, and business leaders have a mutual understanding of the role each one plays in the marketing system; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that it declares Thursday, March 18, 1982, to be Agriculture Day in Minnesota and the week of March 15 to 22, 1982, to be Agriculture Week.

Be It Further Resolved that the people of Minnesota are encouraged to hold meetings, ceremonies, celebrations, and other activities to commemorate Agriculture Day and Agriculture Week.

Wenzel moved that House Resolution No. 28 be now adopted. The motion prevailed and the resolution was adopted.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1625, 1790, 1791 and 1812.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1792 and 1970.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1605, 1814 and 1837.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1625, A bill for an act relating to state lands; providing for the conveyance of certain lands to the heirs of John G. and Ruby A. Handberg.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 1790, A bill for an act relating to municipal planning; authorizing towns to plan; providing for standards and criteria for conditional uses and variances; authorizing the establishment of a board for planning in certain areas; amending Minnesota Statutes 1980, Sections 462.352, Subdivision 2; 462.357, Subdivision 6; 462.358, Subdivision 1a; and 462.36, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 462.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1791, A bill for an act relating to the joint exercise of powers between governmental units; authorizing governmental units to provide services for other governmental units; amending Minnesota Statutes 1980, Section 471.59, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1812, A bill for an act relating to education; encouraging school districts to make efficient and effective use of the learning year; allowing a school district flexibility in scheduling hours and days of attendance; requiring state board approval; amending Minnesota Statutes 1980, Section 124.19, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

S. F. No. 1792, A bill for an act relating to towns; authorizing certain towns to exercise special powers by affirmative vote of the town electors; requiring notice; amending Minnesota Statutes 1980, Section 368.01, Subdivisions 1, 30, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1970, A bill for an act relating to local government; creating the Morrison County rural development finance authority; authorizing the establishment of a development and redevelopment program and the authorization of powers for it.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1605, A bill for an act relating to public welfare; requiring audits of nursing home cost reports; amending Minnesota Statutes 1980, Sections 256B.27, Subdivision 2a; and 256B.35, Subdivision 4.

The bill was read for the first time.

Onnen moved that S. F. No. 1605 and H. F. No. 2012, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1814, A bill for an act relating to the city of Maplewood; authorizing a project and the issuance of revenue bonds.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1837, A bill for an act relating to health; establishing a permanent council on health promotion and wellness; proposing new law coded in Minnesota Statutes, Chapter 145.

The bill was read for the first time and referred to the Committee on Appropriations.

CONSENT CALENDAR

S. F. No. 2095 was reported to the House.

Simoneau moved that S. F. No. 2095 be continued one day. The motion prevailed.

There being no objection the bills on the Technical Consent Calendar were now considered.

H. F. No. 1906, A bill for an act relating to local government; allowing the city of Orr and the town of Leiding to assess the cost of maintenance of television relay service.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Kostohryz	Olsen	Simoneau
Ainley	Fjoslien	Kvam	Onnen	Skoglund
Anderson, B.	Forsythe	Laidig	Osthoff	Stadum
Anderson, G.	Frerichs	Lehto	Otis	Staten
Anderson, I.	Greenfield	Lemen	Peterson, B.	Stowell
Battaglia	Gruenes	Levi	Peterson, D.	Stumpf
Begich	Gustafson	Long	Piepho	Sviggun
Berkelman	Halberg	Ludeman	Pogemiller	Swanson
Blatz	Hanson	Luknic	Redalen	Valan
Brinkman	Harens	Mann	Reding	Valento
Byrne	Hauge	Marsh	Rees	Vanasek
Carlson, D.	Haukoos	McDonald	Reif	Vellenga
Carlson, L.	Heap	McEachern	Rice	Voss
Clark, J.	Heinitz	Mehrrens	Rodriguez, C.	Weaver
Clark, K.	Himle	Metzen	Rodriguez, F.	Welch
Clawson	Hoberg	Minne	Rose	Welker
Dahlvang	Hokanson	Munger	Rotherberg	Wenzel
Dean	Hokr	Murphy	Sarna	Wieser
Dempsey	Jennings	Nelsen, B.	Schafer	Wigley
Den Ouden	Johnson, C.	Nelson, K.	Schoenfeld	Wynia
Drew	Johnson, D.	Niehaus	Schreiber	Zubay
Eken	Jude	Norton	Searles	Spkr. Sieben, H.
Elioff	Kahn	Novak	Shea	
Erickson	Kaley	Nysether	Sherman	
Esau	Kalis	O'Connor	Sherwood	
Evans	Kelly	Ogren	Sieben, M.	

Those who voted in the negative were:

Jacobs

The bill was passed and its title agreed to.

S. F. No. 860, A bill for an act relating to municipal land use planning; permitting municipal fees for administrative actions relating to official controls; amending Minnesota Statutes 1980, Sections 462.353, by adding a subdivision; and 462.358, Subdivision 3b; repealing Minnesota Statutes 1980, Section 462.358, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Kvam	Onnen	Skoglund
Ainley	Forsythe	Laidig	Osthoff	Stadum
Anderson, B.	Frerichs	Lehto	Otis	Staten
Anderson, G.	Greenfield	Lemen	Peterson, B.	Stowell
Anderson, I.	Gruenes	Levi	Peterson, D.	Stumpf
Battaglia	Gustafson	Long	Piepho	Sviggum
Begich	Halberg	Ludeman	Pogemiller	Swanson
Berkelman	Hanson	Luknic	Redalen	Tomlinson
Blatz	Harens	Mann	Reding	Valan
Brinkman	Hauge	Marsh	Rees	Valento
Byrne	Haukoos	McDonald	Reif	Vanasek
Carlson, D.	Heap	McEachern	Rice	Vellenga
Carlson, L.	Heinitz	Mehrkens	Rodriguez, C.	Voss
Clark, J.	Himle	Metzen	Rodriguez, F.	Weaver
Clark, K.	Hoberg	Minne	Rose	Welch
Dahlvang	Hokanson	Munger	Rothenberg	Welker
Dean	Hokr	Murphy	Sarna	Wenzel
Dempsey	Jennings	Nelsen, B.	Schafer	Wieser
Den Ouden	Johnson, C.	Nelson, K.	Schoenfeld	Wigley
Drew	Johnson, D.	Niehaus	Schreiber	Wynia
Eken	Jude	Norton	Searles	Zubay
Elioff	Kahn	Novak	Shea	Spkr. Sieben, H.
Erickson	Kaley	Nysether	Sherman	
Esau	Kalis	O'Connor	Sherwood	
Evans	Kelly	Ogren	Sieben, M.	
Ewald	Kostohryz	Olsen	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 1235, A bill for an act relating to state lands; authorizing the conveyance by the state of its interest in certain lands in Lyon County and Wright County.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Kelly	Nysether	Sherwood
Ainley	Fjoslien	Knickerbocker	O'Connor	Sieben, M.
Anderson, B.	Forsythe	Kostohryz	Ogren	Simoneau
Anderson, G.	Frerichs	Kvam	Olsen	Skoglund
Anderson, I.	Greenfield	Laidig	Osthoff	Stadum
Battaglia	Gruenes	Lehto	Otis	Staten
Begich	Gustafson	Lemen	Peterson, B.	Stowell
Berkelman	Halberg	Levi	Peterson, D.	Stumpf
Blatz	Hanson	Long	Piepho	Sviggum
Brinkman	Harens	Ludeman	Pogemiller	Swanson
Byrne	Hauge	Luknie	Redalen	Tomlinson
Carlson, D.	Haukoos	Mann	Reding	Valan
Carlson, L.	Heap	Marsh	Rees	Valento
Clark, J.	Heinitz	McCarron	Reif	Vanasek
Clark, K.	Himle	McDonald	Rodriguez, C.	Vellenga
Dahlvang	Hoberg	McEachern	Rodriguez, F.	Voss
Dean	Hokanson	Mehrkens	Rose	Weaver
Dempsey	Hokr	Metzen	Rothenberg	Welch
Den Ouden	Jacobs	Minne	Samuelson	Welker
Drew	Jennings	Munger	Sarna	Wenzel
Eken	Johnson, C.	Murphy	Schafer	Wieser
Elioff	Johnson, D.	Nelsen, B.	Schoenfeld	Wigley
Ellingson	Jude	Nelson, K.	Schreiber	Wynia
Erickson	Kahn	Niehaus	Searles	Zubay
Esau	Kaley	Norton	Shea	Spkr. Sieben, H.
Evans	Kalis	Novak	Sherman	

The bill was passed and its title agreed to.

H. F. No. 2073 was reported to the House.

Voss moved to amend H. F. No. 2073, the first engrossment, as follows:

Page 2, line 4, delete "*containing PCB's as defined in section 116.36, subdivision 4,*"

Page 2, line 5, delete "*or*"

The motion prevailed and the amendment was adopted.

H. F. No. 2073, A bill for an act relating to resource recovery; permitting the use of waste oil burners in certain gasoline stations and garages; proposing new law coded in Minnesota Statutes, Chapter 299F.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	Nysether	Sherman
Ainley	Ewald	Knickerbocker	O'Connor	Sherwood
Anderson, B.	Fjoslien	Kostohryz	Ogren	Sieben, M.
Anderson, G.	Forsythe	Kvam	Olsen	Simoneau
Anderson, I.	Frerichs	Laidig	Osthoff	Skoglund
Battaglia	Greenfield	Lehto	Otis	Stadum
Begich	Gruenes	Lemen	Peterson, B.	Staten
Berkelman	Gustafson	Levi	Peterson, D.	Stowell
Blatz	Halberg	Long	Piepho	Stumpf
Brinkman	Hanson	Ludeman	Pogemiller	Sviggum
Byrne	Harens	Luknic	Redalen	Swanson
Carlson, D.	Hauge	Mann	Reding	Tomlinson
Carlson, L.	Haukoos	Marsh	Rees	Valan
Clark, J.	Heap	McCarron	Reif	Valento
Clark, K.	Heinitz	McDonald	Rice	Vanasek
Clawson	Himle	McEachern	Rodriguez, C.	Vellenga
Dahlvang	Hoberg	Mehrkens	Rodriguez, F.	Voss
Dean	Hokanson	Metzen	Rose	Weaver
Dempsey	Hokr	Minne	Rothenberg	Welch
Den Ouden	Jacobs	Munger	Samuelson	Welker
Drew	Jennings	Murphy	Sarna	Wenzel
Eken	Johnson, C.	Nelsen, B.	Schafer	Wieser
Elioff	Johnson, D.	Nelson, K.	Schoenfeld	Wigley
Ellingson	Jude	Niehaus	Schreiber	Wynia
Erickson	Kaley	Norton	Searles	Zubay
Esau	Kalis	Novak	Shea	Sprk. Sieben, H.

The bill was passed, as amended, and its title agreed to.

Sherwood was excused for the remainder of today's session.

CONSIDERATION UNDER RULE 1.10

Pursuant to Rule 1.10, Sieben, M., requested immediate consideration of H. F. No. 1939.

H. F. No. 1939, A bill for an act relating to transportation; directing the commissioner of transportation to construct a parkway along a certain route in the city of St. Paul; amending Minnesota Statutes 1980, Sections 161.12; 161.1245, Subdivision 1; repealing Minnesota Statutes 1980, Section 161.1245, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 89 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Aasness	Brinkman	Dean	Erickson	Frerichs
Anderson, I.	Byrne	Dempsey	Esau	Gruenes
Battaglia	Carlson, D.	Den Ouden	Evans	Halberg
Begich	Carlson, L.	Drew	Ewald	Haukoos
Berkelman	Clark, J.	Eken	Fjoslien	Heap
Blatz	Dahlvang	Elioff	Forsythe	Heinitz

Himie	Kvam	Novak	Rodriguez, F.	Stumpf
Hokanson	Lehto	O'Connor	Rose	Svigum
Hokr	Levi	Onnen	Sarna	Swanson
Jacobs	Luknic	Osthoff	Schafer	Tomlinson
Jennings	Mann	Peterson, B.	Schoenfeld	Valan
Johnson, D.	Marsh	Piepho	Schreiber	Valento
Jude	McEachern	Redalen	Searles	Voss
Kaley	Mehrrens	Reding	Shea	Weaver
Kalis	Metzen	Rees	Sieben, M.	Wieser
Kelly	Minne	Reif	Simoneau	Wigley
Knickerbocker	Murphy	Rice	Stadum	Spkr. Sieben, H.
Kostohryz	Nelsen, B.	Rodriguez, C.	Stowell	

Those who voted in the negative were:

Ainley	Gustafson	Long	Otis	Vanasek
Anderson, B.	Hanson	Ludeman	Peterson, D.	Vellenga
Anderson, G.	Harens	Nelson, K.	Pogemiller	Welch
Brandl	Hauge	Niehaus	Samuelson	Wenzel
Clark, K.	Johnson, C.	Norton	Sherman	Wynia
Ellingson	Kahn	Nysether	Skoglund	Zubay
Greenfield	Laidig	Ogren	Staten	

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Anderson, I., from the Committee on Taxes to which was referred:

H. F. No. 1872, A bill for an act relating to taxation; deleting an obsolete provision relating to income tax credits for taxable years beginning prior to 1980; repealing Minnesota Statutes 1980, Section 290.06, Subdivision 3c.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE I

Section 1. Minnesota Statutes 1981 Supplement, Section 290.-06, Subdivision 14, is amended to read:

Subd. 14. [RESIDENTIAL ENERGY CREDIT.] A credit of 20 percent of the first \$10,000 of renewable energy source expenditures, including the expenditures described in clauses (a), (b) and (d) if made by an individual taxpayer on a Minnesota building of six dwelling units or less and expenditures for biomass conversion equipment described in clause (c), may be deducted from the tax due under this chapter for the taxable year

in which the expenditures were made. For purposes of this subdivision, the term "building" shall include a condominium or townhouse used by the taxpayer as a residence. In the case of qualifying expenditures incurred in connection with a building under construction by a contractor, the credit shall be deducted from the tax liability of the first individual to purchase the building for use as a principal residence or for residential rental purposes; the contractor shall not be eligible for the credit given pursuant to this subdivision for that expenditure.

A "renewable energy source expenditure" which qualifies shall include:

(a) Expenditures which qualify for the federal renewable energy source credit, pursuant to Section 44C of the Internal Revenue Code of 1954, as amended through December 31, (1980) 1981, and any regulations promulgated pursuant thereto, provided that, after December 31, 1980, any solar collector included in the claimed expenditure is certified by the commissioner of energy, planning and development. A solar collector is a device designed to absorb incident solar radiation, convert it to thermal energy, and transfer the thermal energy to a fluid passing through or in contact with the device. "Solar collector" shall not include passive solar energy systems as defined in clause (d);

(b) Expenditures for earth sheltered dwelling units. For purposes of this credit, an "earth sheltered dwelling unit" shall mean a structure which complies with applicable building standards and which is constructed so that:

(1) 80 percent or more of the roof area is covered with a minimum depth of 12 inches of earth; and

(2) 50 percent or more of the wall area is covered with a minimum depth of 12 inches of earth; and

(3) Those portions of the structure not insulated with a minimum of seven feet of earth shall have additional insulation;

(c) Expenditures for biomass conversion equipment located in Minnesota which produces ethanol, methane or methanol for use as a gaseous or as a liquid fuel which is not offered for sale; and

(d) Expenditures for passive solar energy systems. For purposes of this credit, a "passive solar energy system" is defined to include systems which utilize elements of the building and its operable components to heat or cool a building with the sun's energy by means of conduction, convection, radiation, or evaporation. A passive system shall include:

(1) Collection aperture, including glazing installed in south facing walls and roofs; and

(2) Storage element, including thermal mass in the form of water, masonry, rock, concrete, or other mediums which is designed to store heat collected from solar radiation.

A passive system may include either or both:

(1) Control and distribution element, including fans, louvers, and air ducts; or

(2) Retention element, including movable insulation used to minimize heat loss caused by nocturnal radiation through areas used for direct solar heat gain during daylight hours.

Eligible passive expenditures shall be for equipment, materials or devices that are an integral part of the components listed above and essential to the functioning of a passive design which qualifies pursuant to rules adopted by the commissioner of revenue in cooperation with the commissioner of energy, planning and development. Expenditures for equipment, materials, or devices which are a part of the normal heating, cooling, or insulation system of a building are not eligible for the credit.

If a credit was allowed to a taxpayer under this subdivision for any prior taxable year, the dollar amount of the maximum expenditure for which a taxpayer may qualify for a credit under this subdivision in subsequent years shall be \$10,000 reduced by the amount of expenditures which a credit was claimed pursuant to this subdivision in prior years. A taxpayer shall never be allowed to claim more than \$10,000 of expenditures during the duration of the renewable energy credit.

The credit provided in this subdivision shall not be allowed in a taxable year if the amount of the credit would be less than \$10.

If the credit allowable under this subdivision exceeds the amount of tax due in a taxable year, the excess credit shall not be refunded but may be carried forward to the succeeding taxable year and added to the credit allowable for that year. No amount may be carried forward to a taxable year beginning after December 31, (1984) 1987.

A shareholder in a family farm corporation and each partner in a partnership operating a family farm shall be eligible for the credit provided by this subdivision in the same manner and to the same extent allowed a joint owner of property under section 44C (d) of the Internal Revenue Code of 1954, as amended through December 31, (1980) 1981. "Family farm corporation" and "family farm" have the meanings given in section 500.24.

The credit provided in this subdivision is subject to the provisions of Section 44C, (c) (7) and (10), (d) (1) to (3), and (e),

of the Internal Revenue Code of 1954, as amended through December 31, (1980) 1981, and any regulations promulgated pursuant thereto.

The commissioner of revenue in cooperation with the commissioner of energy, planning and development shall adopt rules establishing additional qualifications and definitions for the credits provided in this subdivision.

Notwithstanding section 290.61, the commissioner of revenue may request the commissioner of energy, planning and development to assist in the review and auditing of the information furnished by the taxpayer for purposes of claiming this credit. The provisions of section 290.61 shall apply to employees of the department of energy, planning and development who receive information furnished by a taxpayer for purposes of claiming this credit.

The commissioner of energy, planning and development shall adopt rules establishing the criteria for certification of solar collectors as required by clause (a). The criteria shall:

- (1) Specify the testing procedures to be used in the evaluation of solar collectors;
- (2) Establish minimum levels of collector quality for safety;
- (3) Provide a means to determine the maintainability and structural integrity of solar collectors;
- (4) Establish a system for evaluating and rating the thermal performance of solar collectors;
- (5) Specify the procedures to follow to obtain certification of a solar collector;
- (6) Conform to the maximum extent practicable to the solar collector certification requirements of other states which have adopted certification procedures; and
- (7) Allow for individual variation so as not to hamper the development of innovative solar collectors.

The commissioner of energy, planning and development may adopt temporary rules pursuant to section 15.0412, subdivision 5 to establish this certification procedure.

This subdivision is effective for expenditures made during taxable years beginning after December 31, 1978 and before January 1, (1983) 1986.

ARTICLE II

Section 1. Minnesota Statutes 1980, Section 475.55, Subdivision 1, is amended to read:

Subdivision 1. All obligations shall be signed by officers authorized by resolution of the governing body or by persons authorized to sign on behalf of a bank designated by the resolution as authenticating agent, and shall express the amount and the terms of payment. Interest on obligations (AUTHORIZED BY RESOLUTION BEFORE DECEMBER 31, 1982) shall not exceed (THE RATE OF 12 PERCENT PER ANNUM, PAYABLE HALF YEARLY. INTEREST ON OBLIGATIONS AUTHORIZED THEREAFTER SHALL NOT EXCEED THE RATE OF NINE PERCENT PER ANNUM) *the greater of (a) the rate determined pursuant to subdivision 4 for the month in which the resolution authorizing the obligations was adopted, or (b) the rate determined pursuant to subdivision 4 for the month in which the bonds are sold, or (c) the rate of ten percent per annum, payable half yearly.*

All obligations shall be negotiable investment securities as provided in the uniform commercial code, chapter 336, article 8. The validity of an obligation shall not be impaired by the fact that one or more officers authorized to execute it shall have ceased to be in office before delivery to the purchaser or shall not have been in office on the formal issue date of the obligation. Every obligation shall be signed manually by one officer or authenticating agent. Other signatures and the seal of the issuer may be printed, lithographed, stamped or engraved thereon and on any interest coupons to be attached thereto. The seal need not be used.

Sec. 2. Minnesota Statutes 1980, Section 475.55, is amended by adding a subdivision to read:

Subd. 4. On or before the 20th day of each month the commissioner of finance shall determine the most recently published yield for the Bond Buyer's Index of 20 Municipals. This rate plus one percent and rounded to the next highest percent per annum shall be the rate for the next succeeding month. The commissioner of finance shall publish the maximum rate in the state register each month.

Sec. 3. [EFFECTIVE DATE.]

This article is effective the day after final enactment.

ARTICLE III

Section 1. [290.521] [ACTION TO ENJOIN INCOME TAX RETURN PREPARERS.]

Subdivision 1. [AUTHORITY TO SEEK INJUNCTION.] A civil action in the name of the state of Minnesota to enjoin any person who is an income tax return preparer doing business in this state from further engaging in any conduct described in subdivision 2 or from further acting as an income tax return preparer may be commenced at the request of the commissioner of revenue. Any action under this section shall be brought by the attorney general in the district court for the judicial district in which the income tax return preparer resides or has his principal place of business, or in which the taxpayer with respect to whose income tax return the action is brought resides. The court may exercise its jurisdiction over the action separate and apart from any other action brought by the state of Minnesota against the income tax return preparer or any taxpayer.

Subd. 2. [ADJUDICATION AND DECREES.] In any action under subdivision 1, if the court finds:

(a) that an income tax return preparer has:

(1) engaged in any conduct subject to the civil penalty under section 2,

(2) misrepresented his eligibility to practice before the department of revenue, or otherwise misrepresented his experience or education as an income tax return preparer,

(3) guaranteed the payment of any tax refund or the allowance of any tax credit, or

(4) engaged in any other fraudulent or deceptive conduct which substantially interferes with the proper administration of the provisions of this chapter, and

(b) that injunctive relief is appropriate to prevent the recurrence of such conduct,

the court may enjoin the person from further engaging in such conduct. If the court finds that an income tax return preparer has continually or repeatedly engaged in any conduct described in clauses (1) through (4) of clause (a) of this subdivision, and that an injunction prohibiting such conduct would not be sufficient to prevent the person's interference with the proper administration of this chapter, the court may enjoin the person from acting as an income tax return preparer. The court may not under this section enjoin the employer of an income tax return preparer for conduct described in clauses (1) through (4) of clause (a) of this subdivision engaged in by one or more of the employer's employees unless the employer was also actively involved in such conduct.

Subd. 3. [INCOME TAX RETURN PREPARER DEFINED.] For purposes of this section and section 2, the term

"income tax return preparer" means any person who prepares for compensation, or who employs one or more persons to prepare for compensation, any return of tax imposed by this chapter, or any claim for refund of tax imposed by this chapter. For purposes of the preceding sentence, the preparation of a substantial portion of a return or claim for refund shall be treated as if it were the preparation of the return or claim for refund.

A person shall not be an income tax return preparer merely because the person:

(a) furnishes typing, reproducing, or other mechanical assistance,

(b) prepares a return or claim for refund of the employer, or an officer or employee of the employer, by whom he is regularly and continuously employed,

(c) prepares as a fiduciary a return or claim for refund of any person, or

(d) prepares a claim for refund for a taxpayer in response to any tax order issued to the taxpayer.

Sec. 2. [290.523] [UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.]

Subdivision 1. [WILFUL UNDERSTATEMENT OF LIABILITY.] *If any part of any understatement of liability with respect to any return or claim for refund is due to a wilful attempt in any manner to understate the liability for a tax by a person who is an income tax return preparer with respect to the return or claim, the person shall pay to the commissioner a penalty of \$500 with respect to the return or claim. This penalty shall be considered to be an income tax liability and may be assessed at any time as provided in section 290.49, subdivision 6. In any proceeding involving the issue of whether or not an income tax return preparer has wilfully attempted in any manner to understate the liability for tax, the burden of proof in respect of the issue shall be upon the commissioner, and the return of the taxpayer may be disclosed to the income tax return preparer notwithstanding section 290.61.*

Subd. 2. [UNDERSTATEMENT OF LIABILITY DEFINED.] *For purposes of this section, the term "understatement of liability" means any understatement of the net amount payable with respect to any tax imposed by this chapter, or any overstatement of the net amount creditable or refundable with respect to any such tax. The determination of whether or not there is an understatement of liability shall be made without regard to any administrative or judicial action involving the taxpayer.*

Sec. 3. [290A.111] [ACTION TO ENJOIN PROPERTY TAX REFUND RETURN PREPARERS.]

Subdivision 1. [AUTHORITY TO SEEK INJUNCTION.] *A civil action in the name of the state of Minnesota may be commenced in the same manner and pursuant to the same authority as provided in section 1, subdivision 1, to enjoin any person who is a property tax refund return preparer doing business in this state from further engaging in any conduct described in subdivision 2 or from further acting as a property tax refund return preparer.*

Subd. 2. [ADJUDICATION AND DECREES.] *In any action under subdivision 1, if the court finds: (a) that a property tax refund return preparer has:*

(1) engaged in any conduct subject to the criminal penalty provided by section 290A.11, subdivision 2, or subject to the civil penalty under section 4,

(2) misrepresented his eligibility to practice before the department of revenue, or otherwise misrepresented his experience or education as a property tax refund return preparer,

(3) guaranteed the payment of any property tax refund or the allowance of any property tax refund credit against income tax,

(4) engaged in any other fraudulent or deceptive conduct which substantially interferes with the proper administration of the provisions of this chapter,

the court may decree appropriate injunctive relief pursuant to the authority granted in section 1, subdivision 2.

Subd. 3. [PROPERTY TAX REFUND RETURN PREPARER DEFINED.] *For purposes of this section and section 4, the term "property tax refund return preparer" shall have the same meaning as the term "income tax return preparer" as defined in section 1, subdivision 3, to the extent that the definition applies to the preparation of a claim for relief under this chapter.*

Sec. 4. [290A.112] [OVERSTATEMENT OF TAXPAYER'S CLAIM BY PROPERTY TAX REFUND RETURN PREPARER.]

Subdivision 1. [WILFUL OVERSTATEMENT OF CLAIM.] *If any part of an excessive claim with respect to any property tax refund return is due to a wilful attempt in any manner to overstate the claim for relief allowed under this chapter by a person who is a property tax refund return preparer with respect to the return, the person shall pay to the commissioner a penalty of \$500 with respect to the return. This penalty shall be considered to be an income tax liability and may be assessed at any time*

as provided in section 290.49, subdivision 6. In any proceeding involving the issue of whether or not a property tax refund return preparer has wilfully attempted in any manner to overstate the property tax refund claim, the burden of proof in respect of the issue shall be upon the commissioner and the claim of the claimant may be disclosed to the property tax refund return preparer notwithstanding section 290A.17.

Subd. 2. [OVERSTATEMENT OF CLAIM DEFINED.] For purposes of this section, the term "overstatement of claim" means any overstatement of the net amount refundable, or the net amount creditable against income tax, with respect to any claim for property tax relief provided by this chapter. The determination of whether or not there is an overstatement of a claim shall be made without regard to any administrative or judicial action involving the claimant.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 apply to documents prepared after December 31, 1982.

ARTICLE IV

Section 1. Minnesota Statutes 1981 Supplement, Section 290.01, Subdivision 20, as amended by Laws 1981, Third Special Session Chapter 2, Article III, Section 2, is amended to read:

Subd. 20. [GROSS INCOME.] Except as otherwise provided in this chapter, the term "gross income," as applied to corporations includes every kind of compensation for labor or personal services of every kind from any private or public employment, office, position or services; income derived from the ownership or use of property; gains or profits derived from every kind of disposition of, or every kind of dealing in, property; income derived from the transaction of any trade or business; and income derived from any source (; EXCEPT THAT GROSS INCOME SHALL NOT INCLUDE "EXEMPT FUNCTION INCOME" OF A "HOMEOWNERS ASSOCIATION" AS THOSE TERMS ARE DEFINED IN SECTION 528 OF THE INTERNAL REVENUE CODE OF 1954, AS AMENDED THROUGH DECEMBER 31, 1980).

The term "gross income" in its application to individuals, estates, and trusts shall mean the adjusted gross income as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this subdivision. For estates and trusts the adjusted gross income shall be their federal taxable income as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this subdivision

and with the modification that the federal deduction for personal exemptions for trusts and estates shall not be allowed.

(i) (THE INTERNAL REVENUE CODE OF 1954, AS AMENDED THROUGH DECEMBER 31, 1974, SHALL BE IN EFFECT FOR THE TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1974.)

((II)) The Internal Revenue Code of 1954, as amended through December 31, 1976, including the amendments made to section 280A (relating to licensed day care centers) in H.R. 3477 as it passed the Congress on May 16, 1977, shall be in effect for the taxable years beginning after December 31, 1976. The provisions of the Tax Reform Act of 1976, P.L. 94-455, which affect adjusted gross income shall become effective for purposes of this chapter at the same time they become effective for federal income tax purposes. (SECTION 207 (RELATING TO EXTENSION OF PERIOD FOR NONRECOGNITION OF GAIN ON SALE OR EXCHANGE OF RESIDENCE) AND SECTION 402 (RELATING TO TIME FOR MAKING CONTRIBUTIONS TO PENSION PLANS OF SELF EMPLOYED PEOPLE) OF P.L. 94-12 SHALL BE EFFECTIVE FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1974.)

The provisions of section 4 of P.L. 95-458, sections 131, 133, 134, 141, 152, 156, 157, 405, and 543 of P.L. 95-600, and section 2 of P.L. 96-608 (relating to pensions, individual retirement accounts, deferred compensation plans, the sale of a residence and to conservation payments to farmers) including the amendments made to these sections in P.L. 96-222 shall be effective at the same time that these provisions became effective for federal income tax purposes.

((III)) (ii) The Internal Revenue Code of 1954, as amended through December 31, 1979, shall be in effect for taxable years beginning after December 31, 1979.

((IV)) (iii) The Internal Revenue Code of 1954, as amended through December 31, 1980, and as amended by sections 302(b) and 501 to 509 of Public Law Number 97-34, shall be in effect for taxable years beginning after December 31, 1980 including the provisions of section 404 (relating to partial exclusions of dividends and interest received by individuals) of the Crude Oil Windfall Profit Tax Act of 1980, P.L. 96-223. The provisions of P.L. 96-471 (relating to installment sales) and sections 501 to 507, of the Economic Recovery Tax Act of 1981, Public Law Number 97-34 shall be effective at the same time that they become effective for federal income tax purposes.

References to the Internal Revenue Code of 1954 in clauses (a), (b) (AND), (c), and (e) following shall mean the code in

effect for the purpose of defining gross income for the applicable taxable year.

(a) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state other than Minnesota or a political subdivision of any other state exempt from federal income taxes under the Internal Revenue Code of 1954;

(2) A business casualty loss if the taxpayer elected to deduct the loss on the current year's federal income tax return but had deducted the loss on the previous year's Minnesota income tax return;

(3) Income taxes imposed by this state or any other taxing jurisdiction, to the extent deductible in determining federal adjusted gross income and not credited against federal income tax;

(4) Interest on indebtedness incurred or continued to purchase or carry securities the income from which is exempt from tax under this chapter, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for the reimbursed expenditure resulted in a tax benefit;

(6) The amount of any federal income tax overpayment for any previous taxable year, received as refund or credited to another taxable year's income tax liability, proportionate to the percentage of federal income tax that was claimed as a deduction in determining Minnesota income tax for the previous taxable year. The amount of the federal income tax overpayment shall be reported only to the extent that the amount resulted in a reduction of the tax imposed by this chapter.

The overpayment refund or credit, determined with respect to a husband and wife on a joint federal income tax return for a previous taxable year, shall be reported on joint, combined, or separate Minnesota income tax returns. In the case of combined or separate Minnesota returns, the overpayment shall be reported by each spouse proportionately according to the relative amounts of federal income tax claimed as a deduction on his or her combined or separate Minnesota income tax return for such previous taxable year;

(7) In the case of a change of residence from Minnesota to another state or nation, the amount of moving expenses which exceed total reimbursements and which were therefore deducted in arriving at federal adjusted gross income;

(8) The amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954 to the extent of the credit under section 38 of the Internal Revenue Code of 1954 that was previously allowed as a deduction (EITHER) under section 290.01, subdivision 20 (b) (7);

(9) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29;

(10) Expenses and depreciation attributable to substandard buildings disallowed by section 290.101;

(11) The amount by which the gain determined pursuant to section 41.59, subdivision 2 exceeds the amount of such gain included in federal adjusted gross income;

(12) To the extent deducted in computing the taxpayer's federal adjusted gross income for the taxable year, losses recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(13) Interest income from qualified scholarship funding bonds as defined in section 103(e) of the Internal Revenue Code of 1954, if the nonprofit corporation is domiciled outside of Minnesota;

(14) Exempt-interest dividends, as defined in section 852(b)(5)(A) of the Internal Revenue Code of 1954, not included in federal adjusted gross income pursuant to section 852(b)(5)(B) of the Internal Revenue Code of 1954, except for that portion of exempt-interest dividends derived from interest income on obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities;

(15) The amount of any excluded gain recognized by a trust on the sale or exchange of property as defined in section 641(c)(1) of the Internal Revenue Code of 1954;

(16) For taxable years beginning after December 31, 1980 but before January 1, 1983, in the case of recovery property within the meaning of section 168 of the Internal Revenue Code of 1954, as amended through December 31, 1981, the amount allowed under section 167 of the Internal Revenue Code;

(17) To the extent not included in the taxpayer's federal adjusted gross income, the amount of any gain, from the sale or other disposition of property having a lower adjusted basis for Minnesota income tax purposes than for federal income tax purposes. This modification shall not exceed the difference in basis. If the gain is considered a long term capital gain for

federal income tax purposes, the modification shall be limited to 40 percent of the portion of the gain. This modification is limited to property that qualified for the energy credit contained in section 290.06, subdivision 14, and to property acquired in exchange for the release of the taxpayer's marital rights contained in section 290.14, clause ((9)) (7);

(18) The amount of any loss from a source outside of Minnesota which is not allowed under section 290.17 including any capital loss or net operating loss carryforwards or carrybacks resulting from the loss;

(19) The amount of a distribution from an individual housing account which is to be included in gross income as required under section 290.08, subdivision 25;

(20) To the extent deducted in computing the taxpayer's federal adjusted gross income, interest, taxes and other expenses which are not allowed under section 290.10, clause (9) or (10);

(21) To the extent excluded from federal adjusted gross income, in the case of a city manager or city administrator who elects to be excluded from the public employees retirement association and who makes contributions to a deferred compensation program pursuant to section 353.028, the amount of contributions made by the city manager or administrator which is equal to the amount which would have been the city manager's or administrator's employee contribution pursuant to section 353.27, subdivision 2, if he were a member of the public employees retirement association; (AND)

(22) For taxable years beginning after December 31, 1980 but before January 1, 1983, in the case of section 179 property within the meaning of the Internal Revenue Code of 1954, the amount allowed as a deduction under section 179 of the Internal Revenue Code; and

(23) Losses from the business of mining as defined in section 290.05, subdivision 1, clause (a) which is not subject to the Minnesota income tax.

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota

income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to (60) 40 per centum of the portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) (INTEREST OR DIVIDEND INCOME ON SECURITIES TO THE EXTENT EXEMPT FROM INCOME TAX UNDER THE LAWS OF THIS STATE AUTHORIZING THE ISSUANCE OF THE SECURITIES BUT INCLUDEABLE IN GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES) *Income from the performance of personal or professional services which is subject to the reciprocity exclusion contained in section 290.081, clause (a);*

(4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks or out of state loss carryforwards resulting from the losses, and including any farm loss carryforwards or carrybacks;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether the amount is received as a refund or credited to another taxable year's income tax liability;

(6) To the extent included in federal adjusted gross income, or the amount reflected as the ordinary income portion of a lump sum distribution under section 402(e) of the Internal Revenue Code of 1954, notwithstanding any other law to the contrary, the amount received by any person (i) from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighter's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or (ii) as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A of the Internal Revenue Code of 1954. The maximum amount of this subtraction shall be \$11,000 less the amount by which the individual's federal adjusted gross income, plus the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code of 1954, exceeds \$17,000. In the case of a volunteer firefighter who receives an involuntary lump sum distribution of his pension or retirement bene-

fits, the maximum amount of this subtraction shall be \$11,000; this subtraction shall not be reduced by the amount of the individual's federal adjusted gross income in excess of \$17,000;

(7) The amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954 but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(8) To the extent included in the taxpayer's federal adjusted gross income for the taxable year, gain recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(9) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(10) Interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan executed before January 1, 1986 that is guaranteed by the commissioner of agriculture as provided in sections 41.51 to 41.60;

(11) The first \$3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next \$2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota. This modification does not apply to compensation defined in clause (b) (6);

(12) The amount of any income earned for personal services rendered outside of Minnesota prior to the date when the taxpayer became a resident of Minnesota. This modification does not apply to compensation defined in clause (b) (6);

(13) In the case of wages or salaries paid or incurred on or after January 1, 1977, the amount of any credit for employment of certain new employees under sections 44B and 51 to 53 of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(14) In the case of work incentive program expenses paid or incurred on or after January 1, 1979, the amount of any credit for expenses of work incentive programs under sections 40, 50A

and 50B of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(15) Unemployment compensation to the extent includible in gross income for federal income tax purposes under section 85 of the Internal Revenue Code of 1954;

(16) To the extent included in federal adjusted gross income, severance pay that may be treated as a lump sum distribution under the provisions of section 290.032, subdivision 5;

(17) The amount of any income or gain which is not assignable to Minnesota under the provisions of section 290.17;

(18) Minnesota exempt-interest dividends as provided by subdivision 27;

(19) A business casualty loss which the taxpayer elected to deduct on the current year's Minnesota income tax return but did not deduct on the current year's federal income tax return; (AND)

((20) INCOME FROM THE PERFORMANCE OF PERSONAL OR PROFESSIONAL SERVICES WHICH IS SUBJECT TO THE RECIPROCITY EXCLUSION CONTAINED IN SECTION 290.081, CLAUSE (A);)

((21)) (20) To the extent included in federal adjusted gross income, in the case of a city manager or city administrator who elects to be excluded from the public employees retirement association and who makes contributions to a deferred compensation program pursuant to section 353.028, the amount of payments from the deferred compensation program equivalent to the amount of contributions taxed under clause (a) (21); (AND)

((22)) (21) Contributions to and interest earned on an individual housing account as provided by section 290.08, subdivision 25;

((23)) (22) Interest earned on a contract for deed entered into for the purchase of property for agricultural use if the rate of interest set in the contract is no more than eight percent per year for the duration of the term of the contract. This exclusion shall be available only if (1) the purchaser is an individual who, together with his spouse and dependents, has a total net worth valued at less than \$150,000 and (2) the property purchased under the contract is farm land as defined in section 41.52, subdivision 6 of no more than 1,000 acres that the purchaser intends to use for agricultural purposes. Compliance with these require-

ments shall be stated in an affidavit to be filed with the first income tax return on which the taxpayer claims the exclusion provided in this clause. Upon request accompanied by the information necessary to make the determination, the commissioner shall determine whether interest to be paid on a proposed transaction will qualify for this exclusion; the determination shall be provided within 30 days of receipt of the request, unless the commissioner finds it necessary to obtain additional information, or verification of the information provided, in which case the determination shall be provided within 30 days of receipt of the final item of information or verification. The exclusion provided in this clause shall apply to interest earned on contracts for deed entered into after December 31, 1981 and before July 1, 1983;

((24)) (23) For the taxable year beginning after December 31, 1980, but before January 1, 1982, an amount equal to 85 percent of the deduction allowed under section 168 of the Internal Revenue Code of 1954 as amended through December 31, 1981. For the taxable year beginning after December 31, 1981 but before January 1, 1983, 83 percent of the deduction allowed under section 168 of the Internal Revenue Code of 1954 as amended through December 31, 1981. The depreciation adjustments made to basis in the case of recovery property within the meaning of section 168 of the Internal Revenue Code of 1954 as amended through December 31, 1981 shall be the depreciation adjustments made for federal income tax purposes under the Internal Revenue Code of 1954, as amended through December 31, 1981. Adoption of this provision shall not be construed as indicating the intent of the legislature to enact provisions authorizing amortization of the amount of depreciation not excludable under this clause; (AND)

((25)) (24) For taxable years beginning after December 31, 1980 but before January 1, 1983, an amount equal to the deduction allowed under section 179 of the Internal Revenue Code of 1954 as amended through December 31, 1981; and

(25) *Income from the business of mining as defined in section 290.05, subdivision 1, clause (a) which is not subject to the Minnesota income tax.*

(c) A modification affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954 shall be made (.)

(IN CASES) where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under this chapter and at the close of the taxable year immediately preceding the effective election under this chapter the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that the reserve is

distributed to shareholders the distribution shall be taxed as a dividend for purposes of this chapter.

(d) Amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that the amounts were accumulated through deductions from gross income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer occurs, but only to the extent that the amounts resulted in a reduction of the tax imposed by this chapter and amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this chapter.

(e) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1, clause (2) in computing Minnesota inheritance or estate tax liability shall not be allowed as a deduction (or as an offset against the sales price of property in determining gain or loss) in computing the taxable income of the estate or any person unless there is filed within the time and in the manner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have the amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642(g) of the Internal Revenue Code of 1954 differs from the election made under this paragraph appropriate modification of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commissioner.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 290.01, Subdivision 27, is amended to read:

Subd. 27. [MINNESOTA EXEMPT-INTEREST DIVIDENDS.] If, at the close of each quarter of its taxable year, at least 50 percent of the value (as defined in section 851(c) (4) of the Internal Revenue Code of 1954 as amended through December 31, 1979) of the total assets of a regulated investment company (as defined and limited by section 851 of the Internal Revenue Code of 1954 as amended through December 31, 1979 and to which sections 851 to 855 of the Code apply for the taxable year) consists of obligations of *any authority, commission, or instrumentality of the United States* as described in subdivision 20, clause (b) (1), or section 290.08, subdivision 8, determined without regard to the last sentence, the company shall be qualified to pay Minnesota exempt-interest dividends, as defined herein, to its shareholders.

(A) A Minnesota exempt-interest dividend means any dividend or part thereof (other than a capital gain dividend as defined in subdivision 21, or an exempt-interest dividend as defined in section 852(b)(5)(A) of the Internal Revenue Code of 1954, as amended through December 31, 1979) paid by a regulated investment company and designated by it as a Minnesota exempt-interest dividend in a written notice mailed to its shareholders not later than 45 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company, including Minnesota exempt-interest dividends paid after the close of the taxable year as described in section 290.21, subdivision 6, is greater than the excess of—

(i) The amount of interest *from an obligation of any authority, commission, or instrumentality of the United States* that would be excludable from gross income under *subdivision 20, clause (b)(1), or section 290.08, subdivision 8* determined without regard to the last sentence, if the company were subject to chapter 290, whether or not the company is subject to chapter 290, over

(ii) The amounts that would be disallowed as deductions under section 290.09, subdivisions 3(b) and 13, if the company were subject to chapter 290, whether or not the company is subject to chapter 290, as a result of the company's ownership of obligations *of any authority, commission, or instrumentality of the United States* as described in *subdivision 20, clause (b)(1), or section 290.08, subdivision 8*, determined without regard to the last sentence,

the portion of such distribution which shall constitute a Minnesota exempt-interest dividend shall be only that proportion of the amount so designated as the amount of the excess for the taxable year bears to the amount so designated.

(B) A Minnesota exempt-interest dividend shall be treated by the shareholders for all purposes of chapter 290 as an item of interest excludable from gross income under subdivision 20, clause (b)(1), (AND) *or section 290.08, subdivision 8*. Such purposes include but are not limited to—

(i) The determination of gross income and taxable income,

(ii) The determination of distributable net income under section 290.23,

(iii) The allowance of, or calculation of the amount of, any credit or deduction, and

(iv) The determination of the basis in the hands of any shareholder of any share of stock of the company.

Sec. 3. Minnesota Statutes 1980, Section 290.012, Subdivision 2, is amended to read:

Subd. 2. "Claimant" means the individual taxpayer whose income, together with that of his spouse, if any, brings him within the provisions of this section and section 290.06, subdivision 3d. No claimant and spouse whose federal adjusted gross income, including the modifications increasing federal adjusted gross income as computed under section 290.01, subdivision 20, clause (a) (AND SECTION 290.17), exceed \$20,000 may qualify under this section.

Sec. 4. Minnesota Statutes 1980, Section 290.02, is amended to read:

290.02 [EXCISE TAX ON CORPORATIONS; IMPOSITION, MEASUREMENT.]

An annual excise tax is hereby imposed upon every domestic corporation (, EXCEPT THOSE INCLUDED WITHIN SECTION 290.03,) for the privilege of existing as a corporation during any part of its taxable year, and upon every foreign corporation doing business within this state, except those included within section 290.03, including but not limited to railroad companies for the grant to it of the privilege of transacting or for the actual transaction by it of any local business within this state during any part of its taxable year, in corporate or organized form.

The tax so imposed shall be measured by such corporations' taxable net income for the taxable year for which the tax is imposed, and computed in the manner and at the rates provided in this chapter.

Sec. 5. Minnesota Statutes 1980, Section 290.03, is amended to read:

290.03 [INCOME TAX; IMPOSITION, CLASSES OF TAXPAYERS.]

An annual tax for each taxable year, computed in the manner and at the rates hereinafter provided, is hereby imposed upon the taxable net income for such year of the following classes of taxpayers:

(1) (DOMESTIC AND) Foreign corporations not taxable under section 290.02 which own property within this state or whose business within this state during the taxable year consists exclusively of foreign commerce, interstate commerce, or both;

Business within the state shall not be deemed to include transportation in interstate or foreign commerce, or both, by means of ships navigating within or through waters which are made

international for navigation purposes by any treaty or agreement to which the United States is a party;

(2) Resident and non-resident individuals;

(3) Estates of decedents, dying domiciled within or without this state;

(4) Trusts (except those taxable as corporations) however created by residents or non-residents or by domestic or foreign corporations.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 290.05, Subdivision 1, is amended to read:

Subdivision 1. The following corporations, individuals, estates, trusts, and organizations shall be exempted from taxation under this chapter, provided that every such person or corporation claiming exemption under this chapter, in whole or in part, must establish to the satisfaction of the commissioner the taxable status of any income or activity:

(a) Corporations, individuals, estates, and trusts engaged in the business of mining or producing iron ore and other ores the mining or production of which is subject to the occupation tax imposed by section 298.01; but if any such corporation, individual, estate, or trust engages in any other business or activity or has income from any property not used in such business it shall be subject to this tax computed on the net income from such property or such other business or activity. Royalty (as defined in section 299.02) shall not be considered as income from the business of mining or producing iron ore within the meaning of this section;

(b) (FARMERS' MUTUAL INSURANCE COMPANIES ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE AND CREDIT UNIONS ORGANIZED UNDER CHAPTER 52;)

((C) FRATERNAL BENEFICIARY ASSOCIATIONS WHEREVER ORGANIZED, AND PUBLIC DEPARTMENT RELIEF ASSOCIATIONS OF PUBLIC EMPLOYEES OF THIS STATE OR OF ANY OF ITS POLITICAL SUBDIVISIONS;)

((D) COOPERATIVE OR MUTUAL RURAL TELEPHONE ASSOCIATIONS; AND COOPERATIVE ASSOCIATIONS ORGANIZED UNDER THE PROVISIONS OF CHAPTER 308, WHICH ARE ENGAGED IN THE TRANSMISSION AND DISTRIBUTION OF ELECTRICAL HEAT, LIGHT OR POWER UPON A MUTUAL AND COOPERATIVE PLAN IN AREAS OUTSIDE THE CORPORATE LIMITS OF ANY CITY; BUT IF ANY SUCH COOPERATIVE ASSOCIA-

TION ENGAGES IN SUPPLYING ELECTRICAL HEAT, LIGHT OR POWER TO CONSUMERS WITHIN THE CORPORATE LIMITS OF ANY CITY, THEN SUCH ASSOCIATION SHALL BE SUBJECT TO THIS TAX COMPUTED ON THAT PORTION OF ITS NET INCOME WHICH ITS GROSS RECEIPTS FROM CONSUMERS WITHIN SUCH CORPORATE LIMITS BEARS TO ITS TOTAL GROSS RECEIPTS;)

((E)) The United States of America, the state of Minnesota or any political subdivision of either agencies or instrumentalities, whether engaged in the discharge of governmental or proprietary functions.

Sec. 7. Minnesota Statutes 1981 Supplement, Section 290.05, Subdivision 4, is amended to read:

Subd. 4. (a) Corporations, individuals, estates, trusts or organizations claiming exemption under the provisions of (SUBDIVISION 1, CLAUSE (C), OR) subdivision 2 shall furnish information as to their exempt status under the Internal Revenue Code.

(b) Such corporations, individuals, estates, trusts, and organizations shall file with the commissioner of revenue a copy of any annual report that is required to be filed with the Internal Revenue Service, no later than ten days after filing the same with the Internal Revenue Service.

Any person required to file a copy of a federal return pursuant to the preceding paragraph who wilfully fails to file such return shall be guilty of a misdemeanor.

(c) In the event that the Internal Revenue Service revokes, cancels or suspends, in whole or part, the exempt status of any corporation, individual, estate, trust or organization referred to in clause (a), or if the amount of gross income, deductions, credits, items of tax preference or taxable income is changed or corrected by either the taxpayer or the Internal Revenue Service, or if the taxpayer consents to any extension of time for assessment, of federal income taxes such corporation, individual, estate, trust or organization shall notify the commissioner in writing of such action within 90 days thereafter.

(d) The periods of limitations contained in section 290.56 shall apply whenever there has been any action referred to in clause (c), notwithstanding any period of limitations to the contrary.

Sec. 8. Minnesota Statutes 1980, Section 290.06, Subdivision 9, is amended to read:

Subd. 9. [POLLUTION CONTROL EQUIPMENT, CREDIT.] (a) A credit of five percent of the net cost of equipment

used primarily to abate or control pollutants to meet or exceed state laws, rules or standards to the extent the property is so used and which is included in section 290.09, subdivision 7, paragraph (A) (a) may be deducted from the tax due under this chapter in the first year for which a depreciation deduction is allowed for the equipment. The credit allowed by this subdivision shall not exceed so much of the liability for tax for the taxable year as does not exceed \$75,000. The credit shall apply only if the equipment meets rules prescribed by the Minnesota pollution control agency and is installed or operated in accordance with a permit or order issued by the agency.

(b) If the amount of the credit determined under (a) for any taxable year for which a depreciation deduction is allowed exceeds the limitation provided by (a) for such taxable year (hereinafter in this subdivision referred to as the "unused credit year"), such excess shall be, a credit carryover to each of the four taxable years following the unused credit year.

The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the four taxable years to which such credit may be carried and then to each of the other three taxable years; provided, however, the maximum credit allowable in any one taxable year under this subdivision (including the credit allowable under (a) and the carryforward allowable under this paragraph) shall in no event exceed \$75,000.

((C) THIS SUBDIVISION SHALL APPLY TO PROPERTY ACQUIRED IN TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 1977.)

Sec. 9. Minnesota Statutes 1980, Section 290.06, Subdivision 9a, is amended to read:

Subd. 9a. [FEEDLOT POLLUTION CONTROL EQUIPMENT.] A credit of ten percent of the net cost of pollution control and abatement equipment, including but not limited to, lagoons, concrete storage pits, slurry handling equipment, and other equipment and devices approved by the pollution control agency, purchased, installed and operated within the state by a feedlot operator to prevent pollution of air, land, or water in connection with the operation of a livestock feedlot, poultry lot or other animal lot, may be deducted from the tax due under this chapter in the taxable year in which such equipment is purchased; provided that no deduction shall be taken for any portion of the cost of the same equipment pursuant to subdivision 9.

If the amount of the credit provided by this subdivision exceeds the taxpayer's liability for taxes pursuant to chapter 290 in the taxable year (, BEGINNING AFTER DECEMBER 31, 1972,) in which the equipment is purchased, the excess amount may be carried forward to the four taxable years following the year of purchase. The entire amount of the credit not used in the

year purchased shall be carried to the earliest of the four taxable years to which the credit may be carried and then to each of the three successive taxable years.

Sec. 10. Minnesota Statutes 1981 Supplement, Section 290.075, is amended to read:

290.075 [RENEGOTIATED WAR CONTRACTS.]

Any *corporate* taxpayer who supplies any goods, wares and merchandise or performs services, or both, under any contract, with the United States of America, or under any subcontract thereunder, or under a cost-plus-a-fixed-fee contract with the United States of America, or any agency thereof and who is subject to renegotiations under the renegotiation laws of the United States of America, or is required to renegotiate with his subcontractor, shall be required to adjust his or its Minnesota income and franchise tax liability in accordance with the following rules:

A return shall be filed and the income and franchise tax computed, on the basis of the Minnesota taxable net income without giving effect to any renegotiations occurring after the close of the taxable year. If after the close of the taxable year there is a final determination under renegotiation, (THE DIFFERENCE BETWEEN (1)) the amount determined by the renegotiation to be (a) excess profits, (b) excess fees under a fixed fee contract with the United States, or any agency thereof, or (c) the amount of any item for which the taxpayer has been reimbursed but which is disallowed as an item of cost chargeable to a fixed fee contract, (AND (2) THE AMOUNT OF FEDERAL INCOME AND EXCESS PROFITS TAXES APPLICABLE THERETO,) shall be allowed as a deduction from gross income in the taxable year in which said final determination is made, but only to the extent that such renegotiated profits, fees or amounts were included in the taxable net income in a prior year. If the taxable net income for the taxable year in which said final determination is made is less than said deduction, the taxpayer shall be entitled to a refund of the state income tax which it has paid on the difference between said deduction and said taxable income. The certificate of the agency or instrumentality of the United States conducting such renegotiation proceedings shall be evidence of the amount of the renegotiated profit and of the date thereof.

Sec. 11. Minnesota Statutes 1980, Section 290.079, Subdivision 1, is amended to read:

Subdivision 1. [AMOUNT CONSTITUTING INTEREST.] For purposes of this chapter, in the case of any contract for the sale or exchange of property there shall be treated as interest that part of a payment to which (THIS SECTION) *section 483*

of the Internal Revenue Code of 1954, as amended through December 31, 1981, applies (WHICH BEARS THE SAME RATIO TO THE AMOUNT OF SUCH PAYMENT AS THE TOTAL UNSTATED INTEREST UNDER SUCH CONTRACT BEARS TO THE TOTAL OF THE PAYMENTS TO WHICH THIS SECTION APPLIED WHICH ARE DUE UNDER SUCH CONTRACT).

Sec. 12. Minnesota Statutes 1981 Supplement, Section 290.-081, is amended to read :

290.081 [INCOME OF NONRESIDENTS, RECIPROCITY.]

(a) The compensation received for the performance of personal or professional services within this state by an individual who resides and has his place of abode and place to which he customarily returns at least once a month in another state, shall be excluded from gross income to the extent such compensation is subject to an income tax imposed by the state of his residence; provided that such state allows a similar exclusion of compensation received by residents of Minnesota for services performed therein, or

(b) Whenever a nonresident taxpayer has become liable for income taxes to the state where he resides upon his net income for the taxable year derived from the performance of personal or professional services within this state and subject to taxation under this chapter, there shall be allowed as a credit against the amount of income tax payable by him under this chapter, such proportion of the tax so paid by him to the state where he resides as his gross income subject to taxation under this chapter bears to his entire gross income upon which the tax so paid to such other state was imposed; provided, that such credit shall be allowed only if the laws of such state grant a substantially similar credit to residents of this state subject to income tax under such laws, or

(c) If any taxpayer who is a resident of this state, or a domestic corporation or corporation commercially domiciled therein, has become liable for taxes on or measured by net income to another state or a province or territory of Canada upon, if the taxpayer is an individual, any income, or if it is a corporation, estate, or trust, upon income derived from the performance of personal or professional services within such other state or province or territory of Canada and subject to taxation under this chapter he or it shall be entitled to a credit against the amount of taxes payable under this chapter, of such proportion thereof, as such gross income subject to taxation in such state or province or territory of Canada bears to his entire gross income subject to taxation under this chapter; provided (1) that such credit shall in no event exceed the amount of tax so paid to such other state or province or territory of Canada on the gross income earned within such other state or province or

territory of Canada and subject to taxation under this chapter, and (2) that such credit shall not be allowed if such other state or province or territory of Canada allows residents of this state a credit against the taxes imposed by such state or province or territory of Canada for taxes payable under this chapter substantially similar to the credit provided for by paragraph (b) of this section, and (3) the allowance of such credit shall not operate to reduce the taxes payable under this chapter to an amount less than would have been payable if the gross income earned in such other state or province or territory of Canada had been excluded in computing net income under this chapter.

(d) The commissioner shall by regulation determine with respect to gross income earned in any other state the applicable clause of this section. When it is deemed to be in the best interests of the people of this state, the commissioner may determine that the provisions of clause (a) shall not apply.

(e) "Tax So Paid" as used in this section means taxes on or measured by net income payable to another state or province or territory of Canada on income earned within the taxable year for which the credit is claimed, provided that such tax is actually paid in that taxable year, or subsequent taxable years.

For purposes of clause (c), where a Minnesota resident reported an item of income to Minnesota and is assessed tax in another state or a province or territory of Canada on that same item of income after the Minnesota statute of limitations has expired, the taxpayer shall be allowed to receive a credit for that year based on clause (c), notwithstanding the provisions of sections 290.49, 290.50, and 290.56. For purposes of the preceding sentence, the burden of proof shall be on the taxpayer to show that he is entitled to a credit.

(f) For the purposes of clause (a), whenever the Wisconsin tax on Minnesota residents which would have been paid Wisconsin without clause (a) exceeds the Minnesota tax on Wisconsin residents which would have been paid Minnesota without clause (a), or vice versa, then the state with the net revenue loss resulting from clause (a) shall receive from the other state the amount of such loss. This provision shall be effective for all years beginning after December 31, 1972. The data used for computing the loss to either state shall be determined on or before September 30 of the year following the close of the previous calendar year.

Interest shall be payable on all delinquent balances relating to taxable years beginning after December 31, 1977. The commissioner of revenue is authorized to enter into agreements with the state of Wisconsin specifying the reciprocity payment due date, conditions constituting delinquency, interest rates, and a method for computing interest due on any delinquent amounts.

If an agreement cannot be reached as to the amount of the loss, the commissioner of revenue and the taxing official of the state of Wisconsin shall each appoint a member of a board of arbitration and these members shall appoint the third member of the board. The board shall select one of its members as chairman. Such board may administer oaths, take testimony, subpoena witnesses, and require their attendance, require the production of books, papers and documents, and hold hearings at such places as are deemed necessary. The board shall then make a determination as to the amount to be paid the other state which determination shall be final and conclusive.

Notwithstanding the provisions of section 290.61, the commissioner may furnish copies of returns, reports, or other information to the taxing official of the state of Wisconsin, a member of the board of arbitration, or a consultant under joint contract with the states of Minnesota and Wisconsin for the purpose of making a determination as to the amount to be paid the other state under the provisions of this section. Prior to the release of any information under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed thereby to the extent that it is protected under the laws of the state of Minnesota.

Sec. 13. Minnesota Statutes 1981 Supplement, Section 290.09, Subdivision 4, is amended to read:

Subd. 4. [TAXES.] Taxes paid or accrued within the taxable year, except (a) income or franchise taxes imposed by this chapter and income or franchise taxes paid to any other state or to any province or territory of Canada for which a credit is allowed under section 290.081; (b) taxes assessed against local benefits of a kind deemed in law to increase the value of the property assessed; (c) inheritance, gift and estate taxes except as provided in section 290.077, subdivision 4; (d) cigarette and tobacco products excise tax imposed on the consumer; (e) that part of Minnesota property taxes for which a credit or refund is claimed and allowed under chapter 290A; (f) federal income taxes (including the windfall profit tax on domestic crude oil), by corporations, national and state banks; (g) mortgage registry tax; (h) real estate transfer tax; (i) federal telephone tax; (j) federal transportation tax; and (k) tax paid by any corporation or national or state bank to any foreign country or possession of the United States to the extent that a credit against federal income taxes is allowed under the provisions of the Internal Revenue Code of 1954, as amended through December 31, 1980. If the taxpayer's foreign tax credit consists of both foreign taxes deemed paid and foreign taxes actually paid or withheld, it will be conclusively presumed that foreign taxes deemed paid were first used by the taxpayer in its foreign tax credit. Minnesota gross income shall include the amount of foreign tax paid which

had been allowed as a deduction in a previous year, provided such foreign tax is later allowed as a credit against federal income tax.

Taxes imposed upon a shareholder's interest in a corporation which are paid by the corporation without reimbursement from the shareholder shall be deductible only by such corporation.

Property taxes shall be allowed as a deduction to the same taxpayer and in the same manner as provided in section 164 of the Internal Revenue Code of 1954, as amended through December 31, 1981, notwithstanding the provisions of section 272.31.

Sec. 14. Minnesota Statutes 1981 Supplement, Section 290.09, Subdivision 15, is amended to read:

Subd. 15. [STANDARD DEDUCTION.] In lieu of all deductions provided for in this chapter, except for the federal income tax deduction, an individual may claim or be allowed a standard deduction as follows:

(a) Subject to modification pursuant to clause (b), the standard deduction shall be an amount equal to ten percent of the adjusted gross income of the taxpayer, up to a maximum deduction of \$2,000.

In the case of a husband and wife, the standard deduction shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction.

(b) For each taxable year beginning after December 31, 1980, the maximum amount of the standard deduction shall be adjusted for inflation in the same manner as provided in section 290.06, subdivision 2d, for the expansion of the taxable net income brackets. (IF THE PRODUCT EXCEEDS A WHOLE DOLLAR AMOUNT, IT SHALL BE ROUNDED TO THE NEAREST DOLLAR.)

(c) The commissioner of revenue may establish a standard deduction tax table incorporating the rates set forth in section 290.06, subdivision 2c, and the standard deduction. The tax of any individual taxpayer whose adjusted gross income is less than \$20,000 shall, if an election is made not to itemize nonbusiness deductions, be computed in accordance with tables prepared and issued by the commissioner of revenue. The tables shall be prepared to reflect the allowance of the standard deduction and the personal and dependent credits.

Sec. 15. Minnesota Statutes 1980, Section 290.09, Subdivision 16, is amended to read:

Subd. 16. [CIRCULATION EXPENDITURES.] Notwithstanding the provisions of section 290.10(2), (ALL) *circulation expenditures* ((OTHER THAN EXPENDITURES FOR THE PURCHASE OF LAND OR DEPRECIABLE PROPERTY OR FOR THE ACQUISITION OF CIRCULATION THROUGH THE PURCHASE OF ANY PART OF THE BUSINESS OR ANOTHER PUBLISHER OF A NEWSPAPER, MAGAZINE, OR OTHER PERIODICAL) TO ESTABLISH, MAINTAIN, OR INCREASE THE CIRCULATION OF A NEWSPAPER, MAGAZINE, OR OTHER PERIODICAL; EXCEPT THAT THE DEDUCTION SHALL NOT BE ALLOWED WITH RESPECT TO THE PORTION OF SUCH EXPENDITURES AS, UNDER REGULATIONS PRESCRIBED BY THE COMMISSIONER, IS CHARGEABLE TO CAPITAL ACCOUNT IF THE TAXPAYER ELECTS, IN ACCORDANCE WITH SUCH REGULATIONS, TO TREAT SUCH PORTION AS SO CHARGEABLE. SUCH ELECTION, IF MADE, MUST BE FOR THE TOTAL AMOUNT OF SUCH PORTION OF THE EXPENDITURES WHICH IS SO CHARGEABLE TO CAPITAL ACCOUNT, AND SHALL BE BINDING FOR ALL SUBSEQUENT TAXABLE YEARS UNLESS, UPON APPLICATION BY THE TAXPAYER, THE COMMISSIONER PERMITS A REVOCATION OF SUCH ELECTION SUBJECT TO SUCH CONDITIONS AS HE DEEMS NECESSARY) *shall be treated in the same manner as the taxpayer has elected under the provisions of section 173 of the Internal Revenue Code of 1954, as amended through December 31, 1981.*

Sec. 16. Minnesota Statutes 1980, Section 290.09, Subdivision 17, is amended to read:

Subd. 17. [TAXES AND INTEREST PAID TO COOPERATIVE APARTMENT CORPORATION.] In the case of a tenant-stockholder (AS DEFINED HEREIN), *there shall be allowed as a deduction* amounts (, NOT OTHERWISE DEDUCTIBLE, PAID OR ACCRUED TO A COOPERATIVE APARTMENT CORPORATION WITHIN THE TAXABLE YEAR, IF SUCH AMOUNTS REPRESENT THAT PROPORTION OF (A) THE REAL ESTATE TAXES (ALLOWABLE AS DEDUCTIONS UNDER SUBDIVISION 4) PAID OR INCURRED BY THE CORPORATION ON THE APARTMENT BUILDING AND THE LAND ON WHICH IT IS SITUATED, AND (B) THE INTEREST (ALLOWABLE AS A DEDUCTION UNDER SUBDIVISION 3) PAID OR INCURRED BY THE CORPORATION ON ITS INDEBTEDNESS CONTRACTED IN THE ACQUISITION, CONSTRUCTION, ALTERATION, REHABILITATION, OR MAINTENANCE OF SUCH APARTMENT BUILDING OR IN THE ACQUISITION OF THE LAND ON WHICH THE BUILDING IS LOCATED, WHICH THE STOCK OF THE CORPORATION OWNED BY THE TENANT-STOCKHOLDER IS OF THE TOTAL OUTSTANDING STOCK OF THE CORPORATION, INCLUDING THAT HELD BY THE CORPORATION.)

(AS USED IN THIS SUBDIVISION THE TERM "COOPERATIVE APARTMENT CORPORATION" MEANS A CORPORATION)

((A) HAVING ONE AND ONLY ONE CLASS OF STOCK OUTSTANDING,)

((B) ALL OF THE STOCKHOLDERS OF WHICH ARE ENTITLED, SOLELY BY REASON OF THEIR OWNERSHIP OF STOCK IN THE CORPORATION, TO OCCUPY FOR DWELLING PURPOSES APARTMENTS IN A BUILDING OWNED OR LEASED BY SUCH CORPORATION, AND WHO ARE NOT ENTITLED, EITHER CONDITIONALLY OR UNCONDITIONALLY, EXCEPT UPON A COMPLETE OR PARTIAL LIQUIDATION OF THE CORPORATION, TO RECEIVE ANY DISTRIBUTION NOT OUT OF EARNINGS AND PROFITS OF THE CORPORATION, AND)

((C) 80 PERCENT OR MORE OF THE GROSS INCOME OF WHICH FOR THE TAXABLE YEAR IN WHICH THE TAXES AND INTEREST DESCRIBED IN THIS SUBDIVISION ARE PAID OR INCURRED IS DERIVED FROM TENANT-STOCKHOLDERS.)

(THE TERM "TENANT-STOCKHOLDERS" MEANS AN INDIVIDUAL WHO IS A STOCKHOLDER IN A COOPERATIVE APARTMENT CORPORATION, AND WHOSE STOCK IS FULLY PAID UP IN AN AMOUNT NOT LESS THAN AN AMOUNT SHOWN TO THE SATISFACTION OF THE COMMISSIONER AS BEARING A REASONABLE RELATIONSHIP TO THE PORTION OF THE VALUE OF THE CORPORATION'S EQUITY IN THE BUILDING AND THE LAND ON WHICH IT IS SITUATED WHICH IS ATTRIBUTABLE TO THE APARTMENT WHICH SUCH INDIVIDUAL IS ENTITLED TO OCCUPY. FOR PURPOSES OF THIS SUBDIVISION, IF A BANK OR OTHER LENDING INSTITUTION ACQUIRES BY FORECLOSURE, OR BY INSTRUMENT IN LIEU OF FORECLOSURE, THE STOCK OF A TENANT-STOCKHOLDER, AND A LEASE OR THE RIGHT TO OCCUPY AN APARTMENT TO WHICH THE STOCK IS APPURTENANT, THE BANK OR OTHER LENDING INSTITUTION SHALL BE TREATED AS A TENANT-STOCKHOLDER FOR A PERIOD NOT TO EXCEED THREE YEARS FROM THE DATE OF ACQUISITION. THE PRECEDING SENTENCE SHALL APPLY EVEN THOUGH, BY AGREEMENT WITH THE COOPERATIVE APARTMENT CORPORATION, THE BANK OR OTHER LENDING INSTITUTION, OR ITS NOMINEE, MAY NOT OCCUPY THE APARTMENT WITHOUT THE PRIOR APPROVAL OF THE CORPORATION) *allowed under the provisions of section 216 of the Internal Revenue Code of 1954, as amended through December 31, 1981.*

Sec. 17. Minnesota Statutes 1981 Supplement, Section 290.091, as amended by Laws 1981, Third Special Session Chapter 2, Article III, Section 9, is amended to read:

290.091 [MINIMUM TAX ON PREFERENCE ITEMS.]

In addition to all other taxes imposed by this chapter there is hereby imposed, a tax which, in the case of a resident individual, shall be equal to 40 percent of the amount of the taxpayer's minimum tax liability for tax preference items pursuant to the provisions of sections 55 to 58 and 443(d) of the Internal Revenue Code of 1954 as amended through December 31, 1980 (EXCEPT THAT). For purposes of the tax imposed by this section, *the following modifications shall be made:*

(1) Capital gain as defined in section 57(a) of the Internal Revenue Code shall not include that portion of any gain occasioned by sale, transfer or the granting of a perpetual easement pursuant to any eminent domain proceeding or threat thereof as described in section 290.13, subdivision 5. This modification shall apply to the years in which the gain or reduction in loss is actually included in federal adjusted gross income even though amounts received pursuant to the eminent domain proceedings were received in prior years.

(2) *In the case of a corporate taxpayer, percentage depletion shall not be a preference item.*

(3) *In the case of a corporate taxpayer, the capital gain preference item shall not include the timber preference income defined in section 57(e)(1) of the Internal Revenue Code.*

(4) *The preference item of reserves for losses on bad debts shall not include reserves allowable under section 593 of the Internal Revenue Code, but which are not allowable under section 290.09, subdivision 6, clause (c).*

(5) *In the case of an individual, the preference item of adjusted itemized deductions does not include any deduction for charitable contributions in excess of the limitations contained in section 290.21, subdivision 3, including any carryover amount allowed for federal purposes.*

(6) *The capital gain preference item shall be reduced where the gain would be modified because some or all of the assets have a higher basis for Minnesota purposes than for federal purposes.*

(7) *In the case of a nonresident individual, or an estate or trust, with a net operating loss that is a larger amount for Minnesota than for federal, the capital gain preference item*

shall be reduced to the extent it was reduced in the allowance of the net operating loss.

In the case of a (RESIDENT) *nonresident* individual, (HAVING PREFERENCE ITEMS WHICH COULD NOT BE TAKEN TO REDUCE INCOME FROM SOURCES OUTSIDE THE STATE PURSUANT TO SECTION 290.17, SUBDIVISION 1,) *estate, or trust or any (OTHER) corporate taxpayer* the tax shall equal 40 percent of that federal liability, multiplied by a fraction the numerator of which is the amount of the taxpayer's preference item income allocated to this state pursuant to the provisions of sections 290.17 to 290.20, and the denominator of which is the taxpayer's total preference item income for federal purposes.

The tax benefit rule contained in section 58(h) of the Internal Revenue Code is applied to the Minnesota minimum tax only to the extent that it determines if there is a federal minimum tax. No separate tax benefit rule is allowable for the Minnesota minimum tax.

Sec. 18. Minnesota Statutes 1980, Section 290.095, Subdivision 4, is amended to read:

Subd. 4. [COMPUTATION AND MODIFICATIONS.] The following modifications shall be made in computing a net operating loss in any taxable year and also in computing the taxable net income for any taxable year before a net operating loss deduction shall be allowed:

(a) (DEDUCTIONS OTHERWISE ALLOWABLE IN COMPUTING TAXABLE NET INCOME, BUT WHICH ARE NOT ATTRIBUTABLE TO THE OPERATION OF A TRADE OR BUSINESS REGULARLY CARRIED ON BY THE TAXPAYER, SHALL BE ALLOWED ONLY TO THE EXTENT OF THE AMOUNT OF THE GROSS INCOME, NOT DERIVED FROM SUCH TRADE OR BUSINESS, INCLUDED IN COMPUTING SUCH TAXPAYER'S TAXABLE NET INCOME.)

((B) THERE SHALL BE INCLUDED IN COMPUTING THE GROSS INCOME USED IN COMPUTING TAXABLE NET INCOME THE AMOUNT OF THE INTEREST, EXCLUDABLE FROM GROSS INCOME UNDER SECTION 290.08, THAT WOULD BE TREATED AS ASSIGNABLE TO THIS STATE, DECREASED BY THE AMOUNT OF INTEREST PAID OR ACCRUED TO PURCHASE OR CARRY THE INVESTMENTS EARNING SUCH INTEREST TO THE EXTENT THAT SUCH INTEREST WOULD NOT HAVE BEEN DEDUCTIBLE IN COMPUTING THE TAXPAYER'S TAXABLE NET INCOME.)

((C)) No deduction shall be allowed for or with respect to losses connected with income producing activities if the income

therefrom would not be required to be either assignable to this state or included in computing the taxpayer's taxable net income.

((D)) (b) A net operating loss deduction shall not be allowed.

((E)) (c) The amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets. The deduction for long-term capital gains provided by section 290.16, subdivision 4, shall not be allowed.

((F)) (d) Renegotiation of profits for a prior taxable year under the renegotiation laws of the United States of America, including renegotiation of the profits with a subcontractor, shall not enter into the computation.

((G)) (e) Federal income and excess profits taxes shall not be allowed as a deduction.

Sec. 19. Minnesota Statutes 1981 Supplement, Section 290.-095, Subdivision 11, is amended to read:

Subd. 11. [CARRYBACK OR CARRYOVER ADJUSTMENTS.] (a) For individuals the amount of a net operating loss that may be carried back or carried over shall be the same dollar amount allowable in the determination of federal adjusted gross income. For estates and trusts the amount of a net operating loss that may be carried back or carried over shall be the same dollar amount allowable in the determination of federal taxable income.

(b) The following adjustments to the amount of the net operating loss that may be carried back or carried over must be made for:

(1) Nonassignable income or losses as required by section 290.17, subdivision 2.

(2) Losses which constitute tax preference items as required in section 290.17, subdivision 1.

(3) Modifications required because of the restrictions on farm losses as provided in section 290.09, subdivision 29.

(4) Adjustments to the determination of federal adjusted gross income that must be made because of changes in the Internal Revenue Code that have not yet been adopted by the legislature by updating the reference to the Internal Revenue Code contained in section 290.01, subdivision 20.

(5) Modifications to income (AND LOSS) contained in federal adjusted gross income according to the provisions of section 290.01, subdivision 20, clause (c).

(6) Gains or losses which result from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes subject to the limitations contained in section 290.01, subdivision 20, clause (b) (2) and (4).

(7) Interest, taxes, and other expenses not allowed under section 290.10, (CLAUSES) *clause* (9) (AND (10)) or section 290.101.

(c) (1) The net operating loss carryback or carryover applied as a deduction in the taxable year to which the net operating loss is carried back or carried over shall be equal to the net operating loss carryback or carryover applied in the taxable year in arriving at federal adjusted gross income (or federal taxable income for trusts and estates) subject to the modifications contained in clause (b) and to the following modifications:

(A) Increase the amount of carryback or carryover applied in the taxable year by the amount of losses and interest, taxes and other expenses not assignable or allowable to Minnesota incurred in the taxable year.

(B) Decrease the amount of carryback or carryover applied in the taxable year by the amount of income not assignable to Minnesota earned in the taxable year and the amount of federal jobs credit or WIN credit earned in the taxable year.

(C) A taxpayer who is not a resident of Minnesota during any part of the taxable year and who has no income assignable to Minnesota during the taxable year shall apply no net operating loss carryback or carryover in the taxable year.

(2) The provisions of section 172(b) of the Internal Revenue Code of 1954 as amended through December 31, 1980 (relating to carrybacks and carryovers) shall apply. The net operating loss carryback or carryover to the next consecutive taxable year shall be the net operating loss carryback or carryover as calculated in clause (c) (1) less the amount applied in the earlier taxable year(s). No additional net operating loss carryback or carryover shall be allowed if the entire amount has been used to offset Minnesota income in a year earlier than was possible on the federal return. A net operating loss carryback or carryover that was allowed to offset federal income in a year earlier than was possible on the Minnesota return shall still be allowed to offset Minnesota income but only if the loss was assignable to Minnesota in the year the loss occurred.

(d) A net operating loss shall be allowed to be carried back or carried forward only to the extent that loss was assignable to Minnesota in the year the loss occurred or in the year to which the loss was carried over, whichever would allow more of the loss to be allowed for Minnesota purposes.

(e) If a taxpayer has a net operating loss for federal purposes and the provisions of the farm loss limitation as provided in section 290.09, subdivision 29 apply, the limitations applying to the farm losses that are carried back or carried over are applied first and the net operating loss that is carried back or carried over is limited to the excess, if any, that the net operating loss exceeds the farm loss limitation.

Sec. 20. Minnesota Statutes 1981 Supplement, Section 290.10, is amended to read:

290.10 [NONDEDUCTIBLE ITEMS.]

In computing the net income no deduction shall in any case be allowed for:

- (1) Personal, living or family expenses;
- (2) Amounts paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate, except as otherwise provided in this chapter;
- (3) Amounts expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made;
- (4) Premiums paid on any life insurance policy covering the life of the taxpayer or of any other person;
- (5) The shrinkage in value, due to the lapse of time, of a life or terminable interest of any kind in property acquired by gift, devise, bequest or inheritance;
- (6) Losses from sales or exchanges of property, directly or indirectly, between (MEMBERS OF A FAMILY, OR, EXCEPT IN THE CASE OF DISTRIBUTIONS IN LIQUIDATION, BETWEEN AN INDIVIDUAL AND A CORPORATION IN WHICH SUCH INDIVIDUAL OWNS, DIRECTLY OR INDIRECTLY, MORE THAN 50 PERCENT IN VALUE OF THE OUTSTANDING STOCK; OR BETWEEN ANY PERSON OR CORPORATION AND A TRUST CREATED BY HIM OR IT OR OF WHICH HE OR IT IS A BENEFICIARY, DIRECTLY OR INDIRECTLY; FOR THE PURPOSE OF THIS CLAUSE, AN INDIVIDUAL SHALL BE CONSIDERED AS OWNING THE STOCK OWNED, DIRECTLY OR INDIRECTLY, BY HIS FAMILY; AND THE FAMILY OF AN INDIVID-

UAL SHALL INCLUDE ONLY HIS BROTHERS AND SISTERS (WHETHER BY THE WHOLE OR HALF BLOOD), SPOUSE, ANCESTOR, AND LINEAL DESCENDANTS, BUT SUCH LOSSES SHALL BE ALLOWED AS DEDUCTIONS IF THE TAXPAYER SHOWS TO THE SATISFACTION OF THE COMMISSIONER THAT THE SALE OR EXCHANGE WAS BONA FIDE AND FOR A FAIR AND ADEQUATE CONSIDERATION) *related taxpayers as defined and as provided in section 267 of the Internal Revenue Code of 1954, as amended through December 31, 1981;*

(7) In computing net income, no deduction shall be allowed under section 290.09, subdivision 2, relating to expenses incurred or under section 290.09, subdivision 3, relating to interest accrued *as provided in section 267(a)(2) and (e) of the Internal Revenue Code of 1954, as amended through December 31, 1981;*

((A) IF SUCH EXPENSES OR INTEREST NOT PAID WITHIN THE TAXABLE YEAR OR WITHIN TWO AND ONE-HALF MONTHS AFTER THE CLOSE THEREOF; AND)

((B) IF, BY REASON OF THE METHOD OF ACCOUNTING OF THE PERSON TO WHOM THE PAYMENT IS TO BE MADE, THE AMOUNT THEREOF IS NOT, UNLESS PAID, INCLUDIBLE IN THE GROSS INCOME OF SUCH PERSON FOR THE TAXABLE YEAR IN WHICH OR WITH WHICH THE TAXABLE YEAR OF THE TAXPAYER ENDS; AND)

((C) IF, AT THE CLOSE OF THE TAXABLE YEAR OF THE TAXPAYER OR AT ANY TIME WITHIN TWO AND ONE-HALF MONTHS THEREAFTER, BOTH THE TAXPAYER AND THE PERSON TO WHOM THE PAYMENT IS TO BE MADE ARE PERSONS BETWEEN WHOM LOSSES WOULD BE DISALLOWED UNDER CLAUSE (6);)

(8) (a) Contributions by employees under the federal railroad retirement act and the federal social security act. (b) Payments to Minnesota or federal public employee retirement funds. (c) Three-fourths (75 percent) of the amount of taxes imposed on self-employment income under section 1401 of the Internal Revenue Code of 1954, as amended through December 31, 1979.

(9) Expenses, interest and taxes connected with or allocable against the production or receipt of all income not included in the measure of the tax imposed by this chapter.

(10) In situations where this chapter provides for a subtraction from gross income of a specific dollar amount of an item of income assignable to this state, and within the measure of the tax imposed by this chapter, that portion of the federal income tax liability assessed upon such income subtracted, and

any expenses attributable to earning such income, shall not be deductible in computing net income.

(11) Amounts paid or accrued for such taxes and carrying charges as, under regulations prescribed by the commissioner, are chargeable to capital account with respect to property, if the taxpayer elects, in accordance with such regulations, to treat such taxes or charges as so chargeable.

Sec. 21. Minnesota Statutes 1980, Section 290.13, Subdivision 1, is amended to read:

Subdivision 1. [TRANSACTIONS IN WHICH NO GAIN OR LOSS IS RECOGNIZED.] (NO) Gain or loss from (THE FOLLOWING) transactions *described in section 1031, 1035, or 1036 of the Internal Revenue Code of 1954, as amended through December 31, 1981,* shall be recognized at the time (OF THEIR OCCURRENCE, EXCEPT AS OTHERWISE SPECIFIED IN THIS SECTION:)

((1) IF THE PROPERTY HELD FOR PRODUCTIVE USE IN TRADE OR BUSINESS OR FOR INVESTMENT (NOT INCLUDING STOCK IN TRADE OR OTHER PROPERTY HELD PRIMARILY FOR SALE, NOR STOCKS, BONDS, NOTES, CHOSSES IN ACTION, CERTIFICATES OF TRUST OR BENEFICIAL INTEREST, OR OTHER SECURITIES OR EVIDENCES OF INDEBTEDNESS OR INTEREST) IS EXCHANGED SOLELY FOR PROPERTY OF A LIKE KIND TO BE HELD EITHER FOR PRODUCTIVE USE IN TRADE OR BUSINESS OR FOR INVESTMENT;)

((2) IF COMMON STOCK IN A CORPORATION IS EXCHANGED SOLELY FOR COMMON STOCK IN THE SAME CORPORATION, OR IF PREFERRED STOCK IN A CORPORATION IS EXCHANGED SOLELY FOR PREFERRED STOCK IN THE SAME CORPORATION;) *and in the manner, including the basis computation, provided in those sections.*

Sec. 22. Minnesota Statutes 1981 Supplement, Section 290.-131, Subdivision 1, is amended to read:

Subdivision 1. [DISTRIBUTIONS OF PROPERTY.] ((A) EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, A DISTRIBUTION OF PROPERTY (AS DEFINED IN SECTION 290.133, SUBDIVISION 2, CLAUSE (A)) MADE BY A CORPORATION TO A SHAREHOLDER WITH RESPECT TO ITS STOCK SHALL BE TREATED IN THE MANNER PROVIDED IN CLAUSE (C).)

((B) AMOUNT DISTRIBUTED:)

((1) FOR PURPOSES OF THIS SUBDIVISION, THE AMOUNT OF ANY DISTRIBUTION SHALL BE:)

((A) IF THE SHAREHOLDER IS NOT A CORPORATION, THE AMOUNT OF MONEY RECEIVED, PLUS THE FAIR MARKET VALUE OF THE OTHER PROPERTY RECEIVED.)

((B) IF THE SHAREHOLDER IS A CORPORATION, THE AMOUNT OF MONEY RECEIVED, PLUS WHICHEVER OF THE FOLLOWING IS THE LESSER:)

((I) THE FAIR MARKET VALUE OF THE OTHER PROPERTY RECEIVED; OR)

((II) THE ADJUSTED BASIS (IN THE HANDS OF THE DISTRIBUTING CORPORATION IMMEDIATELY BEFORE THE DISTRIBUTION) OF THE OTHER PROPERTY RECEIVED, INCREASED IN THE AMOUNT OF GAIN TO THE DISTRIBUTING CORPORATION WHICH IS RECOGNIZED UNDER CLAUSE (B) OR (C) OF SECTION 311 OF THE INTERNAL REVENUE CODE OF 1954, AS AMENDED THROUGH DECEMBER 31, 1980.)

((2) THE AMOUNT OF ANY DISTRIBUTION DETERMINED UNDER PARAGRAPH (1) SHALL BE REDUCED (BUT NOT BELOW ZERO) BY:)

((A) THE AMOUNT OF ANY LIABILITY OF THE CORPORATION ASSUMED BY THE SHAREHOLDER IN CONNECTION WITH THE DISTRIBUTION, AND)

((B) THE AMOUNT OF ANY LIABILITY TO WHICH THE PROPERTY RECEIVED BY THE SHAREHOLDER IS SUBJECT IMMEDIATELY BEFORE, AND IMMEDIATELY AFTER, THE DISTRIBUTION.)

((3) FOR PURPOSES OF THIS SUBDIVISION, FAIR MARKET VALUE SHALL BE DETERMINED AS OF THE DATE OF THE DISTRIBUTION.)

((C) IN THE CASE OF A DISTRIBUTION TO WHICH CLAUSE (A) APPLIES:)

((1) THAT PORTION OF THE DISTRIBUTION WHICH IS A DIVIDEND (AS DEFINED IN SECTION 290.133, SUBDIVISION 1) SHALL BE INCLUDED IN GROSS INCOME.)

((2) THAT PORTION OF THE DISTRIBUTION WHICH IS NOT A DIVIDEND SHALL BE APPLIED AGAINST AND REDUCE THE ADJUSTED BASIS OF THE STOCK.)

((3) AMOUNT IN EXCESS OF BASIS.)

((A) EXCEPT AS PROVIDED IN SUBPARAGRAPH (B), THAT PORTION OF THE DISTRIBUTION WHICH IS NOT A DIVIDEND, TO THE EXTENT THAT IT EXCEEDS THE ADJUSTED BASIS OF THE STOCK, SHALL BE TREATED AS GAIN FROM THE SALE OR EXCHANGE OF PROPERTY.)

((B) THAT PORTION OF THE DISTRIBUTION WHICH IS NOT A DIVIDEND, TO THE EXTENT THAT IT EXCEEDS THE ADJUSTED BASIS OF THE STOCK AND TO THE EXTENT THAT IS OUT OF INCREASE IN VALUE ACCRUED BEFORE JANUARY 1, 1933, SHALL BE EXEMPT FROM TAX.)

((D) THE BASIS OF PROPERTY RECEIVED IN A DISTRIBUTION TO WHICH CLAUSE (A) APPLIES SHALL BE:)

((1) IF THE SHAREHOLDER IS NOT A CORPORATION, THE FAIR MARKET VALUE OF SUCH PROPERTY.)

((2) IF THE SHAREHOLDER IS A CORPORATION, WHICHEVER OF THE FOLLOWING IS THE LESSER:)

((A) THE FAIR MARKET VALUE OF SUCH PROPERTY; OR)

((B) THE ADJUSTED BASIS (IN THE HANDS OF THE DISTRIBUTING CORPORATION IMMEDIATELY BEFORE THE DISTRIBUTION) OF SUCH PROPERTY, INCREASED IN THE AMOUNT OF GAIN TO THE DISTRIBUTING CORPORATION WHICH IS RECOGNIZED UNDER CLAUSE (B) OR (C) OF SECTION 311 OF THE INTERNAL REVENUE CODE OF 1954, AS AMENDED THROUGH DECEMBER 31, 1980.)

The effects on recipients of a distribution by a corporation shall be governed by the provisions of sections 301 to 307 of the Internal Revenue Code of 1954, as amended through December 31, 1981. However, in section 301(c)(3)(B) the date January 1, 1933 shall be substituted for March 1, 1913 when determining the amount of a distribution that is not taxable.

Sec. 23. Minnesota Statutes 1981 Supplement, Section 290.-132, Subdivision 1, is amended to read:

Subdivision 1. [TAXABILITY OF CORPORATION ON DISTRIBUTION.] No gain or loss shall be recognized to a corporation on the distribution, with respect to its stock as provided in section 311 of the Internal Revenue Code of 1954, as amended through December 31, (1980) 1981.

The effect on earnings and profits shall be determined according to the provisions of section 312 of the Internal Revenue Code of 1954, as amended through December 31, 1981. However, when determining earnings and profits in section 312(f) and (g), the date December 31, 1932 shall be substituted for February 28, 1913, and January 1, 1933 shall be substituted for March 1, 1913.

Sec. 24. Minnesota Statutes 1980, Section 290.133, Subdivision 1, is amended to read:

Subdivision 1. [DIVIDEND DEFINED.] ((A)) For purposes of this chapter, the (TERM "DIVIDEND" MEANS ANY DISTRIBUTION OF PROPERTY MADE BY A CORPORATION TO ITS SHAREHOLDERS:)

((1) OUT OF ITS EARNINGS AND PROFITS ACCUMULATED AFTER DECEMBER 31, 1932, OR)

((2) OUT OF ITS EARNINGS AND PROFITS OF THE TAXABLE YEAR (COMPUTED AS OF THE CLOSE OF THE TAXABLE YEAR WITHOUT DIMINUTION BY REASON OF ANY DISTRIBUTIONS MADE DURING THE TAXABLE YEAR), WITHOUT REGARD TO THE AMOUNT OF THE EARNINGS AND PROFITS AT THE TIME THE DISTRIBUTION WAS MADE. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, EVERY DISTRIBUTION IS MADE OUT OF EARNINGS AND PROFITS TO THE EXTENT THEREOF, AND FROM THE MOST RECENTLY ACCUMULATED EARNINGS AND PROFITS. TO THE EXTENT THAT ANY DISTRIBUTION IS, UNDER ANY PROVISION OF SECTIONS 290.131 THROUGH 290.138, TREATED AS A DISTRIBUTION OF PROPERTY TO WHICH SECTION 290.131, SUBDIVISION 1 APPLIES, SUCH DISTRIBUTION SHALL BE TREATED AS A DISTRIBUTION OF PROPERTY FOR PURPOSES OF THIS CLAUSE) *definitions provided in sections 316 to 318 of the Internal Revenue Code of 1954, as amended through December 31, 1981, shall apply. However, in section 316(a)(1), "December 31, 1932" shall be substituted for "February 28, 1913" when determining dividends.*

Sec. 25. Minnesota Statutes 1981 Supplement, Section 290.136, Subdivision 1, is amended to read:

Subdivision 1. [TRANSFER TO CORPORATION CONTROLLED BY TRANSFEROR.] The provisions of sections 351 to (361, 367, AND) 368 of the Internal Revenue Code of 1954, as amended through December 31, 1980 shall apply to corporate organizations and reorganizations. *However, in section 362, the phrase "acquired in a taxable year beginning after December 31, 1956" shall be substituted for "acquired on or after June 22, 1954" when determining the property to which this section applies.*

Sec. 26. Minnesota Statutes 1981 Supplement, Section 290.14, is amended to read:

290.14 [GAIN OR LOSS ON DISPOSITION OF PROPERTY, BASIS.]

Except as otherwise provided in this chapter, the basis for determining the gain or loss from the sale or other disposition of property acquired on or after January 1, 1933, shall be the cost to the taxpayer of such property, with the following exceptions:

(1) If the property should have been included in the last inventory, it shall be the last inventory value thereof;

(2) If the property was acquired by gift, it shall be the same as it would be if it were being sold or otherwise disposed of by the last preceding owner not acquiring it by gift; if the facts required for this determination cannot be ascertained, it shall be the fair market value as of the date, or approximate date, of acquisition by the last preceding owner, as nearly as the requisite facts can be ascertained by the commissioner;

(3) If the property was acquired by gift through an inter vivos transfer in trust, it shall be the same as it would be if it were being sold or otherwise disposed of by the grantor;

(4) Except as otherwise provided in this clause, the basis of property in the hands of a person acquiring the property from a decedent or to whom the property passed from a decedent shall, if not sold, exchanged or otherwise disposed of before the decedent's death by the person, be the fair market value of the property at the date of decedent's death or, in the case of an election under section 2032 (relating to alternate valuation) of the Internal Revenue Code of 1954, as amended through December 31, 1980, its valuation at the applicable valuation date prescribed by that section, or in the case of an election under section 2032A (relating to valuation of farm real property) of the Internal Revenue Code of 1954, as amended through December 31, 1980, its value determined by that section.

For the purposes of the preceding paragraph, the following property shall be considered to have been acquired from or to have passed from the decedent:

(a) Property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent;

(b) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent, with the right reserved to the decedent at all times before his death to revoke the trust;

(c) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent with the right reserved to the decedent at all times before his death to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust;

(d) Property passing without full and adequate consideration under a general power of appointment exercised by the decedent by will;

(e) In the case of a decedent's dying after December 31, 1956, property acquired from the decedent by reason of death, form of ownership, or other conditions (including property acquired through the exercise or non-exercise of a power of appointment), if by reason thereof the property is required to be included in determining the value of the decedent's gross estate for Minnesota inheritance or estate tax purposes. In this case, if the property is acquired before the death of the decedent, the basis shall be the amount determined under the first paragraph of this clause reduced by the amount allowed to the taxpayer as deductions in computing taxable net income under this chapter or prior Minnesota income tax laws for exhaustion, wear and tear, obsolescence, amortization, and depletion on the property before the death of the decedent. The basis shall be applicable to the property commencing on the death of the decedent. This paragraph shall not apply to annuities and property described in paragraphs (a), (b), (c) and (d) of this clause.

This clause shall not apply to property which constitutes a right to receive an item of income in respect of a decedent under section 290.077.

(5) (IF THE PROPERTY WAS ACQUIRED AFTER DECEMBER 31, 1932, UPON AN EXCHANGE DESCRIBED IN SECTION 290.13, SUBDIVISION 1, THE BASIS SHALL BE THE SAME AS IN THE CASE OF THE PROPERTY EXCHANGED, DECREASED IN THE AMOUNT OF ANY MONEY RECEIVED BY THE TAXPAYER AND INCREASED IN THE AMOUNT OF GAIN OR DECREASED IN THE AMOUNT OF LOSS TO THE TAXPAYER THAT WAS RECOGNIZED UPON THE EXCHANGE UNDER THE LAW APPLICABLE TO THE YEAR IN WHICH THE EXCHANGE WAS MADE. IF THE PROPERTY SO ACQUIRED CONSISTED IN PART OF THE TYPE OF PROPERTY PERMITTED BY SECTION 290.13, SUBDIVISION 1, TO BE RECEIVED WITHOUT THE RECOGNITION OF GAIN OR LOSS, AND IN PART OF OTHER PROPERTY, THE BASIS PROVIDED IN THIS CLAUSE SHALL BE ALLOCATED BETWEEN THE PROPERTIES, OTHER THAN MONEY, RECEIVED, AND FOR THE PURPOSE OF THE ALLOCATION THERE SHALL BE ASSIGNED TO THE OTHER PROPERTY AN AMOUNT EQUIVALENT TO ITS FAIR MARKET VALUE AT THE

DATE OF THE EXCHANGE. THIS CLAUSE SHALL NOT APPLY TO PROPERTY ACQUIRED BY A CORPORATION BY THE ISSUANCE OF ITS STOCK OR SECURITIES AS THE CONSIDERATION, IN WHOLE OR IN PART, FOR THE TRANSFER OF THE PROPERTY TO IT;)

((6)) If substantially identical property was acquired in the place of stocks or securities which were sold or disposed of and in respect of which loss was not allowed as a deduction under section 290.09, subdivision 5, the basis in the case of property so acquired shall be the same as (IN THE CASE OF THE STOCK OR SECURITIES SO SOLD OR DISPOSED OF, INCREASED BY THE EXCESS OF THE REPURCHASE PRICE OF THE PROPERTY OVER THE SALE PRICE OF THE STOCK OR SECURITIES, OR DECREASED BY THE EXCESS OF THE SALE PRICE OF THE STOCK OR SECURITIES OVER THE REPURCHASE PRICE OF THE PROPERTY;) *that provided in section 1091 of the Internal Revenue Code of 1954, as amended through December 31, 1981.*

((7)) (6) Neither the basis nor the adjusted basis of any portion of real property shall, in the case of a lessor of the property, be increased or diminished on account of income derived by the lessor in respect of the property and excludable from gross income under section 290.08, subdivision 14.

If an amount representing any part of the value of real property attributable to buildings erected or other improvements made by a lessee in respect of the property was included in gross income of the lessor for any taxable year beginning before January 1, 1943, the basis of each portion of the property shall be properly adjusted for the amount included in gross income.

((8)) (7) If the property was acquired by the taxpayer as a transfer of property in exchange for the release of the taxpayer's marital rights, the basis of the property shall be the same as it would be if it were being sold or otherwise disposed of by the person who transferred the property to the taxpayer.

((9)) (8) The basis of property subject to the provisions of section 1034 of the Internal Revenue Code of 1954, as amended through December 31, 1979 (relating to the rollover of gain on sale of principal residence) shall be the same as the basis for federal income tax purposes. The basis shall be increased by the amount of gain realized on the sale of a principal residence outside of Minnesota, while a nonresident of this state, which gain was not recognized because of the provisions of section 1034.

Sec. 27. Minnesota Statutes 1981 Supplement, Section 290.18, Subdivision 1, is amended to read:

Subdivision 1. [TAXABLE NET INCOME.] The taxable net income shall, except insofar as section 290.19 is applicable, be computed by deducting from the gross income assignable to this state under section 290.17 deductions of the kind permitted by section 290.09 in accordance with the following provisions:

(1) Such deductions shall be allowed to the extent that they are connected with and allocable against the production or receipt of such gross income assignable to this state;

(2) That proportion of such deductions, so far as not connected with and allocable against the production or receipt of such gross income assignable to this state and so far as not connected with and allocable against the production or receipt of gross income assignable to other states or countries and so far as not entering into the computation of the net income assignable to this state under section 290.19, shall be allowed which the taxpayer's gross income from sources within this state, as determined under section 290.17, subdivision 2, clauses (1), (2), (3), (5), and (7), bears to his gross income from all sources, including that entering into the computations provided for by section 290.19; provided that taxes of the kind deductible under section 290.09, subdivision 4, shall, so far as within the description of deductions deductible under this clause, be deductible in their entirety if paid to the state of Minnesota, or any of its subdivisions authorized to impose such taxes, and thereupon be excluded in making the computation of deductions, as in this clause provided.

Sec. 28. Minnesota Statutes 1981 Supplement, Section 290.18, Subdivision 2, is amended to read:

Subd. 2. [FEDERAL INCOME TAX PAYMENTS AND REFUNDS.] The adjusted gross income shall be computed by deducting from the gross income assignable to this state under section 290.17, the deduction for allowable federal income taxes determined under the provisions of sections 290.09, subdivision 4, 290.10 (8), (9) or (10), and 290.18.

This deduction shall be allowed to individuals, estates, or trusts (i) for taxable years beginning after December 31, 1980 in the taxable year to which the liability applies. Such liability includes the portion of self-employment tax allowed under section 290.10, clause (8). The self-employment tax must be deducted by the person who is deriving the income. When the federal tax liability is joint and several under the computation of a joint federal return of husband and wife, the federal tax liability must be split between the spouses in the same ratio that the federal adjusted gross income of that spouse bears to the total federal adjusted gross income. *For purposes of the preceding sentence, "federal adjusted gross income" includes the ordinary income portion of a lump sum distribution as de-*

financed in section 402(e) of the Internal Revenue Code of 1954, as amended through December 31, 1981.

(ii) taxes paid for a taxable year beginning before January 1, 1981 shall be allowed as follows:

(1) Those taxes paid in a taxable year beginning before January 1, 1981, shall be claimed in the year in which the payment was made.

(2) Those paid in a taxable year beginning after December 31, 1980 shall be divided and deducted in equal installments reflected by the yearly periods beginning with the first day of the taxable year in which the payment was made and ending December 31, 1986.

(iii) In the case of a person who was self employed during all or a portion of the taxable year, the federal income tax liability for purposes of this section shall be increased by the self-employment tax allowed under section 290.10, clause (8).

(iv) If a taxpayer's federal tax liability is eventually not paid by reason of compromise, discharge, or court order, the deduction allowed pursuant to this subdivision shall be disallowed for the taxable year in which the liability was accrued.

(v) In the event a federal tax liability for a taxable year commencing after December 31, 1980 is increased, decreased or modified, and such increase, decrease or modification has resulted in a change in the amount of Minnesota income tax in the year to which such increase, decrease or modification is attributable, the taxpayer's deduction under this section shall be modified for such year.

(vi) If the readjustments required in (iv) or (v) are for taxes reflected in the transition rule described in (ii)(2), the readjustment shall be made equally to the remaining installments and if a reduction to such installments is required under this readjustment which exceeds the total of all remaining installments, the remaining installments will be reduced to zero and the excess included in income as a federal income tax refund.

(vii) Refunds which are not involved with any readjustments under the transition rule shall be included in income under section 290.01, subdivision 20, clause (a)(6) if it is from a year beginning before January 1, 1981.

(viii) Refunds of taxes for years beginning after December 31, 1980, shall be used to adjust the deduction in the taxable year of the liability unless that year is closed by statute and no other adjustments are to be required or allowable in which case such refund shall be reportable in the year received.

Sec. 29. Minnesota Statutes 1980, Section 290.19, Subdivision 1, is amended to read:

Subdivision 1. [COMPUTATION, BUSINESS CONDUCTED PARTLY WITHIN STATE; APPORTIONMENT.] The taxable net income from a trade or business carried on partly within and partly without this state shall be computed by deducting from the gross income of such business, wherever derived, deductions of the kind permitted by section 290.09, so far as connected with or allocable against the production or receipt of such income. The remaining net income shall be apportioned to Minnesota as follows:

(1) If the business consists of the mining, producing, smelting, refining, or any combination of these activities of copper and nickel ores, or of the manufacture of personal property and the sale of said property within and without the state, the remainder shall be apportioned to Minnesota on the basis of the percentage obtained by taking the arithmetical average of the following three percentages:

(a) The percentage which the sales made within this state is of the total sales wherever made;

(b) The percentage which the total tangible property, real, personal, and mixed, owned or rented, and used by the taxpayer in this state during the tax period in connection with such trade or business is of the total tangible property, real, personal, or mixed, wherever located, owned or rented and, used by the taxpayer in connection with such trade or business during the tax period; and,

(c) The percentage which the taxpayer's total payrolls paid or incurred in this state or paid in respect to labor performed in this state in connection with such trade or business is of the taxpayer's total payrolls paid or incurred in connection with such entire trade or business;

(d) The percentage of such remainder to be assigned to this state shall not be in excess of the sum of the following percentages: 70 percent of the percentage determined under clause (1) (a), 15 percent of the percentage determined under clause (1) (b), and 15 percent of the percentage determined under clause (1) (c);

(2) (a) In all other cases the remainder shall be apportioned to Minnesota on the basis of the percentage obtained by taking the arithmetical average of the following three percentages:

(1) The percentage which the sales, gross earnings, or receipts from business operations, in whole or in part, within this

state bear to the total sales, gross earnings, or receipts from business operations wherever conducted;

(2) The percentage which the total tangible property, real, personal, and mixed, owned or rented, and used by the taxpayer in this state during the tax period in connection with such trade or business is of the total tangible property, real, personal, or mixed, wherever located, owned, or rented, and used by the taxpayer in connection with such trade or business during the tax period; and

(3) The percentage which the taxpayer's total payrolls paid or incurred in this state or paid in respect to labor performed in this state in connection with such trade or business is of the taxpayer's total payrolls paid or incurred in connection with such entire trade or business;

(4) The percentage of such remainder to be assigned to this state shall not be in excess of the sum of the following percentages: 70 percent of the percentage determined under clause (2) (a) (1), 15 percent of the percentage determined under clause (2) (a) (2), and 15 percent of the percentage determined under clause (2) (a) (3);

(b) If the methods prescribed under clause (2) (a) will not properly reflect taxable net income assignable to the state, there may be used, if practicable and if such use will properly and fairly reflect such income, the percentage which the sales, gross earnings, or receipts from business operations, in whole or in part, within this state bear to the total sales, gross earnings, or receipts from business operations wherever conducted; or the separate or segregated accounting method;

(3) The sales, payrolls, earnings, and receipts referred to in this section shall be those for the taxable year in respect of which the tax is being computed. The property referred to in this section shall be the average of the property owned or *rented* and used by the taxpayer during the taxable year in respect of which the tax is being computed. *For purposes of computing the property factor referred to in this section, United States government property which is used by the taxpayer shall be considered as being owned by the taxpayer.*

Sec. 30. Minnesota Statutes 1981 Supplement, Section 290.21, Subdivision 3, is amended to read:

Subd. 3. An amount for contribution or gifts made within the taxable year:

(a) to or for the use of the state of Minnesota, or any of its political subdivisions for exclusively public purposes,

(b) to or for the use of any community chest, corporation, organization, trust, fund, association, or foundation located in and carrying on substantially all of its activities within this state, organized and operating exclusively for religious, charitable, public cemetery, scientific, literary, artistic, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual,

(c) to a fraternal society, order, or association, operating under the lodge system located in and carrying on substantially all of their activities within this state if such contributions or gifts are to be used exclusively for the purposes specified in subdivision 3(b), or for or to posts or organizations of war veterans or auxiliary units or societies of such posts or organizations, if they are within the state and no part of their net income inures to the benefit of any private shareholder or individual,

(d) to or for the use of the United States of America for exclusively public purposes, and to or for the use of any community chest, corporation, trust, fund, association, or foundation, organized and operated exclusively for any of the purposes specified in subdivision 3(b) and (c) no part of the net earnings of which inures to the benefit of any private shareholder or individual, but not carrying on substantially all of their activities within this state, in an amount equal to the ratio of Minnesota taxable net income to total net income, provided, however, that for an individual taxpayer, the deduction shall be allowed in an amount equal to the ratio of the taxpayer's gross income assignable to Minnesota to the taxpayer's gross income from all sources,

(e) to a major political party, as defined in section 200.02, subdivision 7, or a political candidate, as defined in section 210A.01, or a political cause when sponsored by any party or association or committee, as defined in section 210A.01, in a maximum amount not to exceed the following:

- (1) contributions made by individual natural persons, \$100,
- (2) contributions made by a national committeeman, national committeewoman, state chairman, or state chairwoman of a major political party, as defined in section 200.02, subdivision 7, \$1,000,
- (3) contributions made by a congressional district committeeman or committeewoman of a major political party, as defined in section 200.02, subdivision 7, \$350,
- (4) contributions made by a county chairman or a county chairwoman of a major political party, as defined in section 200.02, subdivision 7, \$150;

(f) in the case of an individual, the total deduction allowable hereunder shall not exceed 30 percent of the taxpayer's Minnesota gross income as follows:

(i) the aggregate of contributions made to organizations specified in (a), (b) and (d) shall not exceed ten percent of the taxpayer's Minnesota gross income,

(ii) the total deduction under this subparagraph for any taxable year shall not exceed 20 percent of the taxpayer's Minnesota gross income. For purposes of this subparagraph, the deduction under this section shall be computed without regard to any deduction allowed under subparagraph (i) but shall take into account any contributions described in subparagraph (i) which are in excess of the amount allowable as a deduction under subparagraph (i). For purposes of paragraph (f) the term Minnesota gross income shall also include the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code of 1954, as amended through December 31, 1980;

(g) in the case of a corporation, the total deduction hereunder shall not exceed 15 percent of the taxpayer's taxable net income less the deductions allowable under this section other than those for contributions or gifts,

(h) in the case of a corporation reporting its taxable income on the accrual basis, if: (A) the board of directors authorizes a charitable contribution during any taxable year, and (B) payment of such contribution is made after the close of such taxable year and on or before the fifteenth day of the third month following the close of such taxable year; then the taxpayer may elect to treat such contribution as paid during such taxable year. The election may be made only at the time of the filing of the return for such taxable year, and shall be signified in such manner as the commissioner shall by regulations prescribe;

(i) in the case of a contribution or property placed in trust as described in section 170(f)(2) of the Internal Revenue Code of 1954, as amended through December 31, 1979, a deduction shall be allowed under this subdivision to the extent that a deduction is allowable for federal income tax purposes.

(j) amounts paid to maintain certain students as members of the taxpayer's household shall be allowed as a deduction as provided in section 170(g) of the Internal Revenue Code of 1954, as amended through December 31, 1981. No other deduction shall be allowed under this subdivision for these amounts and the limitations contained in clause (f) shall not apply to these amounts.

Sec. 31. Minnesota Statutes 1981 Supplement, Section 290.23, Subdivision 3, is amended to read:

Subd. 3. [UNUSED LOSS CARRYOVERS AND EXCESS DEDUCTIONS ON TERMINATION AVAILABLE TO BENEFICIARIES.] If on the termination of an estate or trust, the estate or trust has

(1) a net operating loss carryover under section 290.095 or a capital loss carryover under section 290.01, subdivision 20; or

(2) for the last taxable year of the estate or trust deductions (other than the (DEDUCTIONS ALLOWED UNDER SUBDIVISION 2) *charitable deduction*) in excess of gross income for such year,

then such carryover or such excess shall be allowed as a deduction, in accordance with regulations prescribed by the commissioner, to the beneficiaries succeeding to the property of the estate or trust.

Sec. 32. Minnesota Statutes 1980, Section 290.281, Subdivision 1, is amended to read:

Subdivision 1. [NOT TAXED; DEFINED.] A common trust fund shall not be subject to taxation under this chapter and (FOR THIS PURPOSE THE TERM "COMMON TRUST FUND" MEANS A FUND MAINTAINED BY A BANK (TAXABLE UNDER SECTION 290.361) EXCLUSIVELY FOR THE COLLECTIVE INVESTMENT AND REINVESTMENT OF MONEYS CONTRIBUTED THERETO BY IT OR BY ANOTHER BANK WHICH IS OWNED OR CONTROLLED BY A CORPORATION WHICH OWNS OR CONTROLS SUCH BANK IN A CAPACITY AS A TRUSTEE, PERSONAL REPRESENTATIVE OR GUARDIAN; AND IN CONFORMITY WITH THE RULES AND REGULATIONS PREVAILING FROM TIME TO TIME OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM PERTAINING TO THE COLLECTIVE INVESTMENT OF TRUST FUNDS BY NATIONAL BANKS) *the definitions provided in and the provisions of section 584 of the Internal Revenue Code of 1954, as amended through December 31, 1981, shall apply.*

Sec. 33. Minnesota Statutes 1981 Supplement, Section 290.31, Subdivision 3, is amended to read:

Subd. 3. [PARTNERSHIP COMPUTATIONS.] The taxable net income of a partnership shall be computed in the same manner as in the case of an individual except that

(1) the items described in subdivision 2(1) shall be separately stated, and

(2) the following deductions (AND CREDITS) shall not be allowed to the partnership:

(a) (THE STANDARD DEDUCTION PROVIDED IN SECTION 290.09, SUBDIVISION 15) *the deduction for taxes provided in section 290.09, subdivision 4 with respect to taxes, described in section 901 of the Internal Revenue Code of 1954, as amended through December 31, 1981, paid or accrued to foreign countries and to possessions of the United States,*

(b) the deduction for charitable contributions provided in section 290.21, subdivision 3,

(c) the net operating loss deduction provided in section 290.-095, (AND)

(d) the additional itemized deductions for individuals provided in section 290.09, (AS ADAPTED TO THE PROVISIONS OF THIS SUBDIVISION UNDER REGULATIONS ISSUED BY THE COMMISSIONER) *subdivisions 10 and 17, and,*

(e) *the deduction for depletion under section 290.09, subdivision 8 with respect to oil and gas wells.*

Any election affecting the computation of taxable net income derived from a partnership shall be made by the partnership except as provided in section 703(b) of the Internal Revenue Code of 1954, as amended through December 31, 1980.

Sec. 34. Minnesota Statutes 1981 Supplement, Section 290.31, Subdivision 4, is amended to read:

Subd. 4. [PARTNER'S DISTRIBUTIVE SHARE.] ((1) A PARTNER'S DISTRIBUTIVE SHARE OF INCOME, GAIN, LOSS, DEDUCTION, OR CREDIT SHALL, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, BE DETERMINED BY THE PARTNERSHIP AGREEMENT.)

((2) A PARTNER'S DISTRIBUTIVE SHARE OF ANY ITEM OF INCOME, GAIN, LOSS, DEDUCTION, OR CREDIT SHALL BE DETERMINED IN ACCORDANCE WITH THE PARTNER'S INTEREST IN THE PARTNERSHIP, DETERMINED BY TAKING INTO ACCOUNT ALL FACTS AND CIRCUMSTANCES, IF)

((A) THE PARTNERSHIP AGREEMENT DOES NOT PROVIDE AS TO THE PARTNER'S DISTRIBUTIVE SHARE OF INCOME, GAIN, LOSS, DEDUCTION OR CREDIT, OR ITEM THEREOF, OR)

((B) THE ALLOCATION TO A PARTNER UNDER THE AGREEMENT OF INCOME, GAIN, LOSS, DEDUCTION, OR CREDIT (OR ITEM THEREOF) DOES NOT HAVE SUBSTANTIAL ECONOMIC EFFECT.)

((3) (A) IN DETERMINING A PARTNER'S DISTRIBUTIVE SHARE OF ITEMS DESCRIBED IN SUBDIVISION 2(1), DEPRECIATION, DEPLETION, OR GAIN OR LOSS WITH RESPECT TO PROPERTY CONTRIBUTED TO THE PARTNERSHIP BY A PARTNER SHALL, EXCEPT TO THE EXTENT OTHERWISE PROVIDED IN SUBPARAGRAPH (B) OR (C), BE ALLOCATED AMONG THE PARTNERS IN THE SAME MANNER AS IF SUCH PROPERTY HAD BEEN PURCHASED BY THE PARTNERSHIP.)

((B) IF THE PARTNERSHIP AGREEMENT SO PROVIDES, DEPRECIATION, DEPLETION, OR GAIN OR LOSS WITH RESPECT TO PROPERTY CONTRIBUTED TO THE PARTNERSHIP BY A PARTNER SHALL, UNDER REGULATIONS PRESCRIBED BY THE COMMISSIONER, BE SHARED AMONG THE PARTNERS SO AS TO TAKE ACCOUNT OF THE VARIATION BETWEEN THE BASIS OF THE PROPERTY TO THE PARTNERSHIP AND ITS FAIR MARKET VALUE AT THE TIME OF CONTRIBUTION.)

((C) IF THE PARTNERSHIP AGREEMENT DOES NOT PROVIDE OTHERWISE, DEPRECIATION, DEPLETION, OR GAIN OR LOSS WITH RESPECT TO UNDIVIDED INTERESTS IN PROPERTY CONTRIBUTED TO A PARTNERSHIP SHALL BE DETERMINED AS THOUGH SUCH UNDIVIDED INTERESTS HAD NOT BEEN CONTRIBUTED TO THE PARTNERSHIP. THIS SUBPARAGRAPH SHALL APPLY ONLY IF ALL THE PARTNERS HAD UNDIVIDED INTERESTS IN SUCH PROPERTY PRIOR TO CONTRIBUTION AND THEIR INTERESTS IN THE CAPITAL AND PROFITS OF THE PARTNERSHIP CORRESPOND WITH SUCH UNDIVIDED INTERESTS.)

((4) A PARTNER'S DISTRIBUTIVE SHARE OF PARTNERSHIP LOSS (INCLUDING CAPITAL LOSS) SHALL BE ALLOWED ONLY TO THE EXTENT OF THE ADJUSTED BASIS OF SUCH PARTNER'S INTEREST IN THE PARTNERSHIP AT THE END OF THE PARTNERSHIP YEAR IN WHICH SUCH LOSS OCCURRED. ANY EXCESS OF SUCH LOSS OVER SUCH BASIS SHALL BE ALLOWED AS A DEDUCTION AT THE END OF THE PARTNERSHIP YEAR IN WHICH SUCH EXCESS IS REPAID TO THE PARTNERSHIP.)

((5) (A) A PERSON SHALL BE RECOGNIZED AS A PARTNER FOR PURPOSES OF THIS CHAPTER IF HE OWNS A CAPITAL INTEREST IN A PARTNERSHIP IN WHICH CAPITAL IS A MATERIAL INCOME-PRODUCING FACTOR, WHETHER OR NOT SUCH INTEREST WAS DERIVED BY PURCHASE OR GIFT FROM ANY OTHER PERSON.)

((B) IN THE CASE OF ANY PARTNERSHIP INTEREST CREATED BY GIFT, THE DISTRIBUTIVE SHARE OF THE DONEE UNDER THE PARTNERSHIP AGREEMENT SHALL BE INCLUDIBLE IN HIS GROSS INCOME, EXCEPT TO THE EXTENT THAT SUCH SHARE IS DETERMINED WITHOUT ALLOWANCE OF REASONABLE COMPENSATION FOR SERVICES RENDERED TO THE PARTNERSHIP BY THE DONOR, AND EXCEPT TO THE EXTENT THAT THE PORTION OF SUCH SHARE ATTRIBUTABLE TO DONATED CAPITAL IS PROPORTIONATELY GREATER THAN THE SHARE OF THE DONOR ATTRIBUTABLE TO THE DONOR'S CAPITAL. THE DISTRIBUTIVE SHARE OF A PARTNER IN THE EARNINGS OF THE PARTNERSHIP SHALL NOT BE DIMINISHED BECAUSE OF ABSENCE DUE TO MILITARY SERVICE.)

((C) FOR PURPOSES OF THIS SUBDIVISION, AN INTEREST PURCHASED BY ONE MEMBER OF A FAMILY FROM ANOTHER SHALL BE CONSIDERED TO BE CREATED BY GIFT FROM THE SELLER, AND THE FAIR MARKET VALUE OF THE PURCHASED INTEREST SHALL BE CONSIDERED TO BE DONATED CAPITAL.)

((D) FOR THE PURPOSES OF THIS SECTION, THE "FAMILY" OF ANY INDIVIDUAL SHALL INCLUDE ONLY HIS SPOUSE, ANCESTORS, AND LINEAL DESCENDANTS, AND ANY TRUST FOR THE PRIMARY BENEFIT OF SUCH PERSONS.) *The provisions of sections 704, 706 to 741, and 743 to 761 of the Internal Revenue Code of 1954, as amended through December 31, 1981, shall apply to partners and partnerships.*

Sec. 35. Minnesota Statutes 1980, Section 290.31, Subdivision 5, is amended to read:

Subd. 5. [DETERMINATION OF BASIS OF PARTNER'S INTEREST.] The adjusted basis of a partner's interest in a partnership shall, except as provided in the last paragraph of this subdivision, be the basis of such interest determined under (SUBDIVISION 10) *sections 722 or 742 of the Internal Revenue Code of 1954, as amended through December 31, 1981, ((relating to contributions to a partnership()) or (SUBDIVISION 19 (RELATING TO)) transfers of partnership interests ((*

(1) increased by the sum of his distributive share for the taxable year and prior taxable years of

(a) net income of the partnership as determined under subdivision 3(1) and (2),

(b) income of the partnership exempt from tax under this chapter, (AND)

(c) *the excess of the deductions for depletion over the basis of the property subject to depletion, and*

(2) decreased (but not below zero) by distributions by the partnership as provided in (SUBDIVISION 14) *section 723 of the Internal Revenue Code of 1954, as amended through December 31, 1981, and by the sum of his distributive share for the taxable year and prior taxable years of*

(a) losses of the partnership, and

(b) expenditures of the partnership not deductible in computing its taxable net income and not properly chargeable to capital account, *and*

(3) *decreased, but not below zero, by the amount of the partner's deduction for depletion under section 611 of the Internal Revenue Code of 1954, as amended through December 31, 1981, with respect to oil and gas wells. For corporate partners, the deduction for depletion with respect to oil and gas wells shall be computed as provided in section 290.09, subdivision 8.*

The commissioner shall prescribe by (REGULATIONS) *rule* the circumstances under which the adjusted basis of a partner's interest in a partnership may be determined by reference to his proportionate share of the adjusted basis of partnership property upon a termination of the partnership.

Sec. 36. Minnesota Statutes 1980, Section 290.31, Subdivision 19, is amended to read:

Subd. 19. [BASIS OF TRANSFEREE PARTNER'S INTEREST.] The basis of an interest in a partnership acquired other than by contribution shall be determined under (SECTIONS 290.12, 290.14, 290.15 AND 290.16) *this chapter.*

Sec. 37. Minnesota Statutes 1981 Supplement, Section 290.32, is amended to read:

290.32 [TAXES FOR PART OF YEAR, COMPUTATION.]

When under this chapter a taxpayer is permitted or required to make a return for a fractional part of a year, the tax shall be computed in the same manner as if such fractional part of a year were an entire year, except:

(1) When a taxpayer is permitted to change the basis for reporting his income from a fiscal to a calendar year, he shall make a separate return for the period between the close of his last fiscal year and the following December thirty-first; if the change is from a calendar to a fiscal year, a separate return shall be made for the period between the close of his last calendar year

and the date designated as the close of the fiscal year; and if the change is from one fiscal year to another fiscal year, a separate return shall be made for the period between the close of the former fiscal year and the date designated as the close of the new fiscal year. The taxable net income, *for corporations the taxable net income as reduced by the deductions contained in section 290.21*, for any such period shall be put on an annual basis by multiplying the amount thereof by 12 and dividing by the number of months included in the period for which such separate return is made; and the tax shall be that part of a tax, computed on the taxable net income put on such annual basis (, LESS THE DEDUCTION AGAINST THAT TAXABLE NET INCOME UNDER THE PROVISIONS OF SECTION 290.21,) which the number of months in such period bears to 12 months.

(2) Where any of the enumerated changes in accounting period referred to in clause (1) involve a 52-53 week fiscal year and any such change results in a short period of less than seven days, such short period shall be added to and deemed a part of the following taxable year. If the change results in a short period of seven or more days, but less than 359 days, the taxable net income, *for corporations the taxable net income as reduced by the deductions contained in section 290.21*, for any such period shall be placed on an annual basis by multiplying such income by 365 and dividing the result by the same number of days in the short period; and the tax shall be that part of a tax, computed on the taxable net income placed on such annual basis (, LESS THE DEDUCTION AGAINST THAT TAXABLE NET INCOME UNDER THE PROVISIONS OF SECTION 290.21,) which the number of days in such short period bears to 365 days. Where the short period is 359 days or more, the tax shall be computed in the same manner as if such short period were an entire year.

Sec. 38. Minnesota Statutes 1980, Section 290.36, is amended to read:

290.36 [INVESTMENT COMPANIES; REPORT OF NET INCOME; COMPUTATION OF AMOUNT OF INCOME ALLOCABLE TO STATE.]

The taxable net income of investment companies shall be computed and be exclusively as follows:

Each investment company transacting business as such in this state shall report to the commissioner the net income returned by the company for the taxable year to the United States under the provisions of the Internal Revenue Code of 1954, as amended through December 31, 1979, less the credits provided therein (, OR THE NET INCOME THAT SUCH COMPANY WOULD BE REQUIRED TO RETURN UNDER SUCH ACT LESS SUCH CREDITS, IF SUCH ACT WERE IN EFFECT). The commissioner shall compute therefrom the taxable net income

of the investment company by assigning to this state that proportion of such net income, less such credits which the aggregate of the gross payments collected by the company during the taxable year from old and new business upon investment contracts issued by the company and held by residents of this state, bears to the total amount of the gross payments collected during such year by the company from such business upon investment contracts issued by the company and held by persons residing within the state and elsewhere.

As used in this section, the term "investment company" means any person, co-partnership, association, or corporation, whether local or foreign, coming within the purview of section 54.26, and who or which is registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 and following), and who or which solicits or receives payments to be made to himself or itself and which issues therefor, or has issued therefor and has or shall have outstanding so-called bonds, shares, coupons, certificates of membership, or other evidences of obligation or agreement or pretended agreement to return to the holders or owners thereof money or anything of value at some future date; and as to whom the gross payments received during the taxable year in question upon outstanding investment contracts, plus interest and dividends earned on investment contracts determined by prorating the total dividends and interest for the taxable year in question in the same proportion that certificate reserves as defined by the Investment Company Act of 1940 is to total assets, shall be at least 50 percent of the company's gross payments upon investment contracts plus gross income from all other sources except dividends from subsidiaries for the taxable year in question. The term "investment contract" shall mean any such so-called bonds, shares, coupons, certificates of membership, or other evidences of obligation or agreement or pretended agreement issued by an investment company.

Sec. 39. Minnesota Statutes 1981 Supplement, Section 290.37, Subdivision 1, is amended to read:

Subdivision 1. [PERSONS MAKING RETURNS.] (a) The commissioner of revenue shall annually determine the gross income levels at which individuals and estates shall be required to file a return for each taxable year.

In the case of a decedent who has gross income in excess of the minimum amount at which an individual is required to file a return, the decedent's final income tax return shall be filed by his or her personal representative, if any. If there is no personal representative, the return shall be filed by the successors (as defined in section 524.1-201) who receive any property of the decedent.

The trustee or other fiduciary of property held in trust shall file a return with respect to the taxable net income of such trust if that exceeds an amount on which a tax at the rates herein provided would exceed the specific credits allowed, or if the gross income of such trust exceeds \$750, if in either case such trust belongs to the class of taxable persons.

Every corporation shall file a return. The return in this case shall be signed by an officer of the corporation.

The receivers, trustees in bankruptcy, or assignees operating the business or property of a taxpayer shall file a return with respect to the taxable net income of such taxpayer if that exceeds an amount on which a tax at the rates herein provided would exceed the specific credits allowed.

(b) Such return shall ((A)) (1) be verified or contain a written declaration that it is made under the penalties of criminal liability for wilfully making a false return, and ((B)) (2) shall contain a confession of judgment for the amount of the tax shown due thereon to the extent not timely paid.

(c) For purposes of this subdivision the term "gross income" shall mean gross income as defined in section 61 of the Internal Revenue Code of 1954, as amended through December 31, 1979, modified and adjusted in accordance with the provisions of sections 290.01, subdivision 20, clauses (b) (1), (b) (6) and (b) (11), 290.08, and 290.17.

Sec. 40. Minnesota Statutes 1981 Supplement, Section 290.41, Subdivision 2, is amended to read:

Subd. 2. [BY PERSONS, CORPORATIONS, COOPERATIVES, GOVERNMENTAL ENTITIES OR SCHOOL DISTRICTS.] Every person, corporation, or cooperative, the state of Minnesota and its political subdivisions, and every city, county and school district in Minnesota, making payments in the regular course of a trade or business during the taxable year to any person or corporation (IN EXCESS) of \$600 or more on account of rents or royalties, or of \$10 or more on account of interest, or \$10 or more on account of dividends or patronage dividends, or \$600 or more on account of either wages, salaries, commissions, fees, prizes, awards, pensions, annuities, or any other fixed or determinable gains, profits or income, not otherwise reportable under section 290.92, subdivision 7, or on account of earnings (IN EXCESS) of \$10 or more distributed to its members by savings, building and loan associations or credit unions chartered under the laws of this state or the United States, (a) shall make a return (except in cases where a valid agreement to participate in the combined federal and state information reporting system has been entered into, and such return is therefore filed only with the commissioner of internal revenue pursu-

ant to the applicable filing and informational reporting requirements of the Internal Revenue Code of 1954 as amended through December 31, 1980) in respect to such payments in excess of the amounts specified, giving the names and addresses of the persons to whom such payments were made, the amounts paid to each, and (b) shall make a return in respect to the total number of such payments and total amount of such payments, for each category of income specified, which were in excess of the amounts specified. This subdivision shall not apply to the payment of interest or dividends to a person who was a nonresident of Minnesota for the entire year.

Sec. 41. Minnesota Statutes 1981 Supplement, Section 290.42, is amended to read:

290.42 [FILING RETURNS, DATE.]

The returns required to be made under sections 290.37 to 290.39 and 290.41, other than those under section 290.41, subdivisions 3 and 4, which shall be made within 30 days after demand therefor by the commissioner, shall be filed at the following times:

(1) Returns made on the basis of the calendar year shall be filed on the fifteenth day of April, following the close of the calendar year, except that returns of corporations shall be filed on the fifteenth day of March following the close of the calendar year;

(2) Returns made on the basis of the fiscal year shall be filed on the fifteenth day of the fourth month following the close of such fiscal year, except that returns of corporations shall be filed on the fifteenth day of the third month following the close of the fiscal year;

(3) Returns made for a fractional part of a year as an incident to a change from one taxable year to another shall be filed on the fifteenth day of the fourth month following the close of the period for which made, except that such returns of corporations shall be filed on the fifteenth day of the third month following the close of the period for which made;

(4) Other returns for a fractional part of a year shall be filed on the fifteenth day of the fourth month following the end of the month in which falls the last day of the period for which the return is made, except that such returns of corporations shall be filed on the fifteenth day of the third month following the end of the month in which falls the last day of the period for which the return is made:

In the case of a final return of a decedent for a fractional part of a year, such return shall be filed on the fifteenth day of

the fourth month following the close of the twelve-month period which began with the first day of such fractional part of a year.

(4a) In the case of the return of a cooperative association such returns shall be filed on or before the fifteenth day of the ninth month following the close of the taxable year.

(5) If the due date for any return required under chapter 290 falls upon:

((A)) A Saturday, Sunday, or a legal holiday such return filed by the (FOLLOWING MONDAY) next succeeding day which is not a Saturday, Sunday, or legal holiday shall be considered to be timely filed (;). The term "legal holiday" means any day made a holiday in Minnesota by section 645.44, subdivision 5 or by the laws of the United States.

((B) A LEGAL HOLIDAY, SUCH RETURN FILED ON THE NEXT SUCCEEDING BUSINESS DAY SHALL BE CONSIDERED TO BE TIMELY FILED, EXCEPT, THAT FOR THE PURPOSE OF THIS PARAGRAPH, SATURDAY SHALL NOT BE CONSIDERED TO BE A BUSINESS DAY.)

(6) In case of sickness, absence, or other disability, or when, in his judgment, good cause exists, the commissioner may extend the time for filing these returns for not more than six months, except that where the failure is due to absence outside the United States he may extend the period as provided in section (290.65) 6081 of the Internal Revenue Code of 1954, as amended through December 31, 1981. He may require each taxpayer in any of such cases to file a tentative return at the time fixed for filing the regularly required return from him, and to pay a tax on the basis of such tentative return at the times required for the payment of taxes on the basis of the regularly required return from such taxpayer. The commissioner may exercise his power under this clause by (GENERAL REGULATION) rule only.

(7) Every person making a return under section 290.41 (except subdivisions 3 and 4) shall furnish to each person whose name is set forth in the return a written statement showing

(A) the name and address of the person making the return, and

(B) the aggregate amount of payments to the person shown on the return.

This written statement shall be furnished to the person on or before January 31 of the year following the calendar year for which the return was made. A duplicate of this written statement shall be furnished to the commissioner on or before

February 28 of the year following the calendar year for which the return was made.

Sec. 42. Minnesota Statutes 1981 Supplement, Section 290.431, is amended to read:

290.431 [NON-GAME WILDLIFE CHECKOFF.]

(EFFECTIVE WITH RETURNS FILED FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1979,) Every (PERSON) *individual* who files an income tax return or property tax refund claim form may designate *on their original return* that \$1 or more shall be added to the tax or deducted from the refund that would otherwise be payable by or to that (PERSON) *individual* and paid into an account to be established for the management of non-game wildlife. The commissioner of revenue shall, on the first page of the income tax return and the property tax refund claim form, notify filers of their right to designate that a portion of their tax or refund shall be paid into the non-game wildlife management account. The sum of the amounts so designated to be paid shall be credited to the non-game wildlife management account for use by the non-game section of the division of wildlife in the department of natural resources. The commissioner of natural resources shall submit a work program for each fiscal year and semi-annual progress reports to the legislative commission on Minnesota resources in the form determined by the commission. None of the money provided in this section may be expended unless the commission has approved the work program.

Sec. 43. Minnesota Statutes 1980, Section 290.45, Subdivision 1, is amended to read:

Subdivision 1. [DATE DUE, INSTALLMENTS.] The tax imposed by this chapter shall be paid to the commissioner of revenue (AT ST. PAUL, MINNESOTA) at the time fixed for filing the return on which the tax is based, except that at the election of the following taxpayers the balance of tax due after applying any tax credit and payment of estimated tax may be paid in two equal installments, as follows:

(a) as to estates and trusts, the first shall be paid at the time fixed for filing the return, and the second on or before six months thereafter.

(b) as to corporations, the first shall be paid at the time fixed for filing the return and the second on or before three months thereafter. If any installment is not paid on or before the date fixed for its payment the whole amount of the tax unpaid shall become due and payable. They shall be paid to the commissioner or to the local officers designated by the commissioner with whom the return is filed as hereinbefore provided.

Sec. 44. Minnesota Statutes 1980, Section 290.49, Subdivision 3, is amended to read:

Subd. 3. [OMISSION IN EXCESS OF 25 PERCENT.] If the taxpayer omits from gross income an amount properly includible therein which is in excess of 25 percent of the amount of gross income stated in the return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun at any time within six and one-half years after the return was filed.

For purposes of this subdivision, the term "gross income" shall mean gross income as defined in section 290.37, subdivision 1, *clause (c)*.

Sec. 45. Minnesota Statutes 1980, Section 290.49, Subdivision 7, is amended to read:

Subd. 7. [COURT PROCEEDINGS.] Where the assessment of any tax is hereafter made within the period of limitation properly applicable thereto, *including an assessment made under section 290.56*, such tax may be collected by a proceeding in court, but only if begun

(1) within eighteen months after the expiration of the period for the assessment of the tax, or

(2) within eighteen months after the expiration of the period agreed upon by the commissioner and the taxpayer, pursuant to the provisions of subdivision 8, or

(3) within eighteen months after final disposition of any appeal from the order of assessment.

Sec. 46. Minnesota Statutes 1980, Section 290.49, is amended by adding a subdivision to read:

Subd. 11. [SUSPENSION OF TIME; BANKRUPTCY PROCEEDING.] *The period of time during which a tax must be assessed or collection proceedings commenced under this chapter shall be suspended during the period from the date of a filing of a petition in bankruptcy until 30 days after notice to the commissioner of revenue that the bankruptcy proceedings have been closed or dismissed or the automatic stay has been terminated or has expired.*

The suspension of the statute of limitations under this subdivision shall apply to the person against whom the petition in bankruptcy is filed and all other persons who may also be wholly or partially liable for the tax under this chapter.

Sec. 47. Minnesota Statutes 1980, Section 290.53, is amended by adding a subdivision to read:

Subd. 7. [INTEREST ON ADDITIONAL TAXES.] Where a taxpayer is liable for additional taxes under this chapter, interest shall be added to the additional amount, at the rate specified in section 270.75, from the due date of the original return.

Sec. 48. Minnesota Statutes 1980, Section 290.65, Subdivision 9, is amended to read:

Subd. 9. [TIME LIMITS, ADDITIONAL EXTENSION IN CERTAIN CASES.] The limitations of time provided by this chapter relating to income taxes, and (SECTIONS 271.01 TO 271.20, AS AMENDED) *chapter 271* relating to the tax court, for (a) filing returns, (b) paying taxes, (c) claiming refunds, (d) commencing action thereon, (e) appealing to the tax court from orders relating to income taxes, and (f) appealing to the supreme court from decisions of the tax court relating to income taxes, are hereby extended, with respect to each individual, for the period during which such individual is (OR HAS BEEN) serving in the Armed Forces of the United States, (OR THE UNITED NATIONS,) *or serving in support of the Armed Forces and as provided in section 7508 of the Internal Revenue Code of 1954, as amended through December 31, 1981, is serving in an area designated by the president as a combat zone or is hospitalized outside the United States as a result of injury received while serving in the combat zone during such time,* and for a further period of six months (AFTER THE TERMINATION OF SUCH SERVICE, PROVIDED, THAT THE ABILITY OF SUCH INDIVIDUAL TO FILE THE RETURN, PAY THE TAX OR ANY PART THEREOF, OR ANY INTEREST OR PENALTY THEREON, OR TO PERFORM ANY OTHER ACT DESCRIBED IN THIS SUBDIVISION IS MATERIALLY IMPAIRED BY REASON OF SUCH SERVICE, BUT IF AN EXTENSION OF TIME IS GRANTED, THE FACT THAT SUCH INDIVIDUAL'S ABILITY TO PAY WAS NOT IMPAIRED, SHALL NOT PREVENT THE OPERATION OF THE EXTENSIONS OF TIME HEREIN PROVIDED. THE COMMISSIONER MAY BY REGULATION REQUIRE THE FILING OF A STATEMENT OR AFFIDAVIT OR OTHER PROOF, AT THE TIME THE RETURN OR TAX IS DUE OR OTHER ACT IS REQUIRED TO BE DONE, STATING THE FACT OF INABILITY TO COMPLY WITH THE REQUIREMENTS OF LAW BECAUSE OF SERVICE IN THE ARMED FORCES OF THE UNITED STATES OR THE UNITED NATIONS).

Sec. 49. Minnesota Statutes 1980, Section 290.65, Subdivision 11, is amended to read:

Subd. 11. [TIME LIMIT FOR ASSESSMENT, ADDITIONAL EXTENSION.] The limitations of time provided for the

assessment of any tax, penalty or interest, as provided by the laws described in subdivision 9, are hereby extended, with respect to the same individuals, and for the same period, as provided in said subdivision, and for a further period of six months; and the limitations of time for the commencement of action to collect any tax, penalty or interest from such individuals are hereby extended for a period ending six months after the expiration of the time for assessment as herein provided. (FOR THE PURPOSE OF THIS SUBDIVISION THE PERIOD OF SIX MONTHS AFTER TERMINATION OF SERVICE IN THE ARMED FORCES, AS PROVIDED IN SUBDIVISION 9, SHALL NOT BEGIN TO RUN UNTIL WRITTEN NOTICE OF SUCH TERMINATION IS FILED WITH THE COMMISSIONER OF REVENUE.)

Sec. 50. Minnesota Statutes 1980, Section 290.91, is amended to read:

290.91 [DESTRUCTION OF RETURNS.]

The commissioner of revenue is hereby authorized to destroy all (INCOME) tax returns, *required under this chapter or chapter 290A*, including audit reports, orders and correspondence relating thereto, which have been on file in his office for a period (OF FIVE YEARS OR MORE) *to be determined by the commissioner*. The commissioner may, in his discretion, make copies of such returns, orders or correspondence by microfilm, photostat or other similar means and may immediately destroy the original documents from which such copies have been made. Such copies, when certified to by the commissioner, shall be admissible in evidence in the same manner and be given the same effect as the original documents destroyed.

The commissioner may, in his discretion, destroy correspondence and documents contained in the files of the division which do not relate specifically to any (INCOME) tax return.

Notwithstanding the above provisions (or the provisions of section 290.61 or 290A.17) the commissioner may, utilizing such safeguards as he in his discretion deems necessary, (1) employ a commercial photographer for the purpose of developing microfilm of returns or other documents, or (2) *employ a vendor for the purpose of obtaining the vendor's services an example of which is the preparation of income tax return labels.*

Sec. 51. Minnesota Statutes 1981, Supplement, Section 290.92, Subdivision 2a, is amended to read:

Subd. 2a. [COLLECTION AT SOURCE.] (1) [DEDUCTIONS.] Every employer making payment of wages shall deduct and withhold upon such wages a tax as provided in this section.

(2) [WITHHOLDING ON PAYROLL PERIOD.] The employer shall withhold the tax on the basis of each payroll period or as otherwise provided in this section.

(3) [WITHHOLDING TABLES.] Unless the amount of tax to be withheld is determined as provided in subdivision 3, the amount of tax to be withheld for each individual shall be based upon tables to be prepared and distributed by the commissioner. The tables shall be computed for the several permissible withholding periods and shall take account of exemptions allowed under this section; and the amounts computed for withholding shall be such that the amount withheld for any individual during his taxable year shall approximate in the aggregate as closely as possible the tax which is levied and imposed under this chapter for that taxable year, upon his salary, wages, or compensation for personal services of any kind for the employer, and shall take into consideration the allowable deduction for federal income tax and the deduction allowable under section 290.09, subdivision 15, and the *personal credits allowed* against the tax (ALLOWABLE UNDER THE MINNESOTA INCOME TAX ACT).

(4) [MISCELLANEOUS PAYROLL PERIOD.] If wages are paid with respect to a period which is not a payroll period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days, including Sundays and holidays, equal to the number of days in the period with respect to which such wages are paid.

(5) [MISCELLANEOUS PAYROLL PERIOD.] (a) In any case in which wages are paid by an employer without regard to any payroll period or other period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days equal to the number of days, including Sundays and holidays, which have elapsed since the date of the last payment of such wages by such employer during the calendar year, or the date of commencement of employment with such employer during such year, or January 1 of such year, whichever is the later.

(b) In any case in which the period, or the time described in clause (a), in respect of any wages is less than one week, the commissioner, under regulations prescribed by him, may authorize an employer to determine the amount to be deducted and withheld under the tables applicable in the case of a weekly payroll period, in which case the aggregate of the wages paid to the employee during the calendar week shall be considered the weekly wages.

(6) [WAGES COMPUTED TO NEAREST DOLLAR.] If the wages exceed the highest bracket, in determining the amount to be deducted and withheld under this subdivision, the wages

may, at the election of the employer, be computed to the nearest dollar.

(7) [REGULATIONS ON WITHHOLDING.] The commissioner may, by regulations, authorize employers:

(a) To estimate the wages which will be paid to any employee in any quarter of the calendar year;

(b) To determine the amount to be deducted and withheld upon each payment of wages to such employee during such quarter as if the appropriate average of the wages so estimated constituted the actual wages paid; and

(c) To deduct and withhold upon any payment of wages to such employee during such quarter such amount as may be necessary to adjust the amount actually deducted and withheld upon wages of such employee during such quarter to the amount required to be deducted and withheld during such quarter without regard to this paragraph (7).

(8) [ADDITIONAL WITHHOLDING.] The commissioner is authorized to provide by (REGULATION, UNDER SUCH CONDITIONS AND TO SUCH EXTENT AS HE DEEMS PROPER, FOR WITHHOLDING IN ADDITION TO THAT OTHERWISE REQUIRED UNDER THIS SUBDIVISION AND SUBDIVISION 3 IN CASES IN WHICH THE EMPLOYER AND THE EMPLOYEE AGREE TO SUCH ADDITIONAL WITHHOLDING) *rule for increases or decreases in the amount of withholding otherwise required under this section in cases where the employee requests the changes.* Such additional withholding shall for all purposes be considered tax required to be deducted and withheld under this section.

(9) [TIPS.] In the case of tips which constitute wages, this subdivision shall be applicable only to such tips as are included in a written statement furnished to the employer pursuant to section 6053 of the Internal Revenue Code of 1954, as amended through December 31, 1980, and only to the extent that the tax can be deducted and withheld by the employer, at or after the time such statement is so furnished and before the close of the calendar year in which such statement is furnished, from such wages of the employee (excluding tips, but including funds turned over by the employee to the employer for the purpose of such deduction and withholding) as are under the control of the employer; and an employer who is furnished by an employee a written statement of tips (received in a calendar month) pursuant to section 6053 of the Internal Revenue Code of 1954 as amended through December 31, 1980 to which subdivision 1 is applicable may deduct and withhold the tax with respect to such tips from any wages of the employee (excluding tips) under his control, even though at the time such statement is furnished the total amount of the tips included in statements furnished to the employer as having been received by the employee in such calendar month in the course of his employment by such em-

ployer is less than \$20. Such tax shall not at any time be deducted and withheld in an amount which exceeds the aggregate of such wages and funds as are under the control of the employer minus any tax required by other provisions of state or federal law to be collected from such wages and funds.

Sec. 52. Minnesota Statutes 1981 Supplement, Section 290.92, Subdivision 5, is amended to read:

Subd. 5. [EXEMPTIONS.] (1) [ENTITLEMENT.] An employee receiving wages shall on any day be entitled to claim withholding exemptions equal to the same number as the personal credits that he is entitled to claim under the provisions of section 290.06, subdivision 3f, (not including those credits that the taxpayer's spouse may claim).

(2) [WITHHOLDING EXEMPTION CERTIFICATE.] (EVERY EMPLOYEE SHALL BEFORE THE DATE OF COMMENCEMENT OF EMPLOYMENT FURNISH HIS EMPLOYER WITH A SIGNED WITHHOLDING EXEMPTION CERTIFICATE RELATING TO THE NUMBER OF WITHHOLDING EXEMPTIONS WHICH HE CLAIMS, WHICH SHALL IN NO EVENT EXCEED THE NUMBER TO WHICH HE IS ENTITLED.)

((3) [EFFECTIVE DATE OF EXEMPTION CERTIFICATE.] WITHHOLDING EXEMPTION CERTIFICATES SHALL TAKE EFFECT AS OF THE BEGINNING OF THE FIRST PAYROLL PERIOD ENDING, OR THE FIRST PAYMENT OF WAGES MADE WITHOUT REGARD TO A PAYROLL PERIOD, ON OR AFTER THE DATE ON WHICH SUCH CERTIFICATE IS SO FURNISHED.)

((4) [NEW EXEMPTION CERTIFICATE.] A WITHHOLDING EXEMPTION CERTIFICATE WHICH TAKES EFFECT UNDER THIS SUBDIVISION SHALL CONTINUE IN EFFECT WITH RESPECT TO THE EMPLOYER UNTIL ANOTHER SUCH CERTIFICATE TAKES EFFECT UNDER THIS SUBDIVISION. IF A WITHHOLDING EXEMPTION CERTIFICATE IS FURNISHED TO TAKE THE PLACE OF AN EXISTING CERTIFICATE, THE EMPLOYER, AT HIS OPTION, MAY CONTINUE THE OLD CERTIFICATE IN FORCE WITH RESPECT TO ALL WAGES PAID ON OR BEFORE THE FIRST STATUS DETERMINATION DATE, JANUARY 1, MAY 1, JULY 1, OR OCTOBER 1, WHICH OCCURS AT LEAST 30 DAYS AFTER THE DATE ON WHICH SUCH NEW CERTIFICATE IS FURNISHED.)

((5) [CHANGE OF NUMBER TO REFLECT NEXT TAX YEAR.] IF, ON ANY DAY DURING THE CALENDAR YEAR, THE NUMBER OF WITHHOLDING EXEMPTIONS TO WHICH THE EMPLOYEE MAY REASONABLY BE EXPECTED TO BE ENTITLED AT THE BEGINNING OF HIS

NEXT TAXABLE YEAR IS DIFFERENT FROM THE NUMBER TO WHICH THE EMPLOYEE IS ENTITLED ON SUCH DAY, THE EMPLOYEE SHALL IN SUCH CASES AND AT SUCH TIMES AS THE COMMISSIONER MAY PRESCRIBE, FURNISH THE EMPLOYER WITH A WITHHOLDING EXEMPTION CERTIFICATE RELATING TO THE NUMBER OF EXEMPTIONS WHICH HE CLAIMS WITH RESPECT TO SUCH NEXT TAXABLE YEAR, WHICH SHALL IN NO EVENT EXCEED THE NUMBER TO WHICH HE MAY REASONABLY BE EXPECTED TO BE SO ENTITLED. EXEMPTION CERTIFICATES ISSUED PURSUANT TO THIS PARAGRAPH SHALL NOT TAKE EFFECT WITH RESPECT TO ANY PAYMENT OF WAGES MADE IN THE CALENDAR YEAR IN WHICH THE CERTIFICATE IS FURNISHED.)

((6) [CHANGE OF NUMBER.] IF, ON ANY DAY DURING THE CALENDAR YEAR, THE NUMBER OF WITHHOLDING EXEMPTIONS TO WHICH THE EMPLOYEE IS ENTITLED IS LESS THAN THE NUMBER OF WITHHOLDING EXEMPTIONS CLAIMED BY THE EMPLOYEE ON THE WITHHOLDING EXEMPTION CERTIFICATE THEN IN EFFECT WITH RESPECT TO HIM, THE EMPLOYEE SHALL, WITHIN TEN DAYS THEREAFTER, FURNISH THE EMPLOYER WITH A NEW WITHHOLDING EXEMPTION CERTIFICATE RELATING TO THE NUMBER OF WITHHOLDING EXEMPTIONS WHICH THE EMPLOYEE THEN CLAIMS, WHICH SHALL IN NO EVENT EXCEED THE NUMBER TO WHICH HE IS ENTITLED ON SUCH DAY. IF, ON ANY DAY DURING THE CALENDAR YEAR, THE NUMBER OF WITHHOLDING EXEMPTIONS TO WHICH THE EMPLOYEE IS ENTITLED IS GREATER THAN THE NUMBER OF WITHHOLDING EXEMPTIONS CLAIMED, THE EMPLOYEE MAY FURNISH THE EMPLOYER WITH A NEW WITHHOLDING EXEMPTION CERTIFICATE RELATING TO THE NUMBER OF WITHHOLDING EXEMPTIONS WHICH THE EMPLOYEE THEN CLAIMS, WHICH SHALL IN NO EVENT EXCEED THE NUMBER TO WHICH HE IS ENTITLED ON SUCH DAY.)

The provisions concerning exemption certificates contained in section 3402(f)(2) and (3) of the Internal Revenue Code of 1954, as amended through December 31, 1981, shall apply.

((7)) (3) [FORM OF CERTIFICATE.] Withholding exemption certificates shall be in such form and contain such information as the commissioner may by regulation prescribe.

((8)) (4) [NUMBER MAY BE SAME AS THAT FOR FEDERAL PURPOSES.] Notwithstanding the provisions of this subdivision, an employee may elect to claim a number not to exceed the (SAME) number of withholding exemptions that the employee claims and which are allowable for federal withholding purposes.

Sec. 53. Minnesota Statutes 1981 Supplement, Section 290.-92, Subdivision 5a, is amended to read:

Subd. 5a. [VERIFICATION OF WITHHOLDING EXEMPTIONS; APPEAL.] (1) An employer shall submit to the commissioner a copy of any withholding exemption certificate received from an employee on which the employee claims any of the following:

(a) a total number of withholding exemptions in excess of (NINE) *14 or a number prescribed by the commissioner*, or

(b) a status that would exempt the employee from Minnesota withholding, (UNLESS) *including where* the employee is a non-resident exempt from withholding under subdivision 4a, clause (3), or the employer reasonably expects, at the time that the certificate is received, that the employee's wages under subdivision 1 from the employer will not then usually exceed \$200 per week, or

(c) any number of withholding exemptions which the employer has reason to believe is in excess of the number to which the employee is entitled.

(2) Copies of exemption certificates required to be submitted by clause (1) shall be submitted to the commissioner within 30 days after receipt by the employer unless the employer is also required by federal law to submit copies to the Internal Revenue Service, in which case the employer may elect to submit the copies to the commissioner at the same time that he is required to submit them to the Internal Revenue Service.

(3) An employer who submits a copy of a withholding exemption certificate in accordance with clause (1) shall honor the certificate until notified by the commissioner that the certificate is invalid. The commissioner shall mail a copy of any such notice to the employee. Upon notification that a particular certificate is invalid, the employer shall not honor that certificate or any subsequent certificate unless instructed to do so by the commissioner. The employer shall allow the employee the number of exemptions and compute the withholding tax as instructed by the commissioner in accordance with clause (4).

(4) The commissioner may require an employee to verify that he or she is entitled to the number of exemptions or to the exempt status claimed on the withholding exemption certificate or, that he or she is a nonresident. The employee shall be allowed at least 30 days to submit the verification, after which time the commissioner shall, on the basis of the best information available to him, determine the employee's status and allow the employee the maximum number of withholding exemptions allowable under this chapter. The commissioner shall mail a notice of this determination to the employee at the address listed on the

exemption certificate in question. Notwithstanding the provisions of section 290.61, the commissioner may notify the employer of this determination and instruct the employer to withhold tax in accordance with the determination.

(5) The commissioner's determination under clause (4) shall be appealable to tax court in accordance with section 271.06, and shall remain in effect for withholding tax purposes pending disposition of any appeal.

Sec. 54. Minnesota Statutes 1981 Supplement, Section 290.92, Subdivision 6, is amended to read:

Subd. 6. [RETURNS, DEPOSITS.] (1) (a) [RETURNS.] Every employer who is required to deduct and withhold tax under subdivision 2a or 3 shall file a return with the commissioner for each quarterly period, on or before the last day of the month following the close of each quarterly period, unless otherwise prescribed by the commissioner. Any tax required to be deducted and withheld during the quarterly period shall be paid with the return unless an earlier time for payment is provided herein. However, any such return may be filed on or before the tenth day of the second calendar month following such period if such return shows timely deposits in full payment of such taxes due for such period. For the purpose of the preceding sentence, a deposit which is not required to be made within such return period, may be made on or before the last day of the first calendar month following the close of such period. Every employer, in preparing said quarterly return, shall take credit for monthly deposits previously made in accordance with this subdivision.

The return shall be in the form and contain the information prescribed by the commissioner. The commissioner may grant a reasonable extension of time for filing the return and paying the tax, but no extension shall be granted for more than six months.

(b) [ADVANCE DEPOSITS REQUIRED IN CERTAIN CASES.] (i) Unless clause (ii) is applicable, if during any calendar month, other than the last month of the calendar quarter, the aggregate amount of the tax withheld during that quarter under subdivision 2a or 3 exceeds \$200, or beginning January 1, 1982, \$500, the employer shall deposit the aggregate amount with the commissioner within 15 days after the close of the calendar month. (ii) If at the close of any eighth-monthly period the aggregate amount of undeposited taxes is \$3,000 or more, the employer shall deposit the undeposited taxes with the commissioner within three banking days after the close of the eighth-monthly period. For purposes of this subparagraph, the term "eighth-monthly period" means the first three days of a calendar month, the fourth day through the seventh day of a calendar month, the eighth day through the 11th day of a

calendar month, the 12th day through the 15th day of a calendar month, the 16th day through the 19th day of a calendar month, the 20th day through the 22nd day of a calendar month, the 23rd day through the 25th day of a calendar month, or the portion of a calendar month following the 25th day of such month.

(c) [OTHER METHODS.] The commissioner shall have the power by rule to prescribe other return periods or deposit requirements. In prescribing the reporting period, the commissioner may classify employers according to the amount of their tax liability and may adopt an appropriate reporting period for each class which he deems to be consistent with efficient tax collection. In no event shall the duration of the reporting period be more than one year, provided that for employers with annual withholding tax liabilities of less than \$1,200 the reporting period shall be no more frequent than quarterly.

(2) If less than the correct amount of such tax is paid to the commissioner, proper adjustments, with respect to both the tax and the amount to be deducted, shall be made, without interest, in such manner and at such times as the commissioner may prescribe. If such underpayment cannot be so adjusted the amount of the underpayment shall be assessed and collected in such manner and at such times as the commissioner may prescribe.

(3) If any employer fails to make and file any return required by paragraph (1) at the time prescribed therefor, or makes and files a false or fraudulent return, the commissioner shall make for him a return from his own knowledge and from such information as he can obtain through testimony, or otherwise, and assess a tax on the basis thereof. The amount of tax shown thereon shall be paid to the commissioner at such times as the commissioner may prescribe. Any such return or assessment so made by the commissioner shall be prima facie correct and valid, and the employer shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto.

(4) If the commissioner, in any case, has reason to believe that the collection of the tax provided for in paragraph (1) of this subdivision, and any added penalties and interest, if any, will be jeopardized by delay, he may immediately assess such tax, whether or not the time otherwise prescribed by law for making and filing the return and paying such tax has expired.

(5) Any assessment under this subdivision shall be made by recording the liability of the employer in the office of the commissioner in accordance with regulations prescribed by the commissioner. Upon request of the employer, the commissioner shall furnish the employer a copy of the record of assessment.

(6) Any assessment of tax under this subdivision shall be made within three and one-half years after the due date of the return required by paragraph (1), or the date the return was filed, whichever is later; except that in the case of a false or fraudulent return or failure to file a return, the tax may be assessed at any time.

(7) (a) Except as provided in (b) of this paragraph, every employer who fails to pay to or deposit with the commissioner any sum or sums required by this section to be deducted, withheld and paid, shall be personally and individually liable to the state of Minnesota for such sum or sums (and any added penalties and interest); and any sum or sums deducted and withheld in accordance with the provisions of subdivision 2a or subdivision 3 shall be held to be a special fund in trust for the state of Minnesota.

(b) If the employer, in violation of the provision of this section, fails to deduct and withhold the tax under this section, and thereafter the taxes against which such tax may be credited are paid, the tax so required to be deducted and withheld shall not be collected from the employer; but this shall in no case relieve the employer from liability for any penalties and interest otherwise applicable in respect of such failure to deduct and withhold.

(8) Upon the failure of any employer to pay to or deposit with the commissioner within the time provided by paragraphs (1), (2) or (3) of this subdivision any tax required to be withheld in accordance with the provisions of subdivision 2a or subdivision 3, or if the commissioner has assessed a tax pursuant to paragraph (4), such tax shall become immediately due and payable, and the commissioner may deliver to the attorney general a certified statement of the tax, penalties and interest due from such employer. The statement shall also give the address of the employer owing such tax, the period for which the tax is due, the date of the delinquency, and such other information as may be required by the attorney general. It shall be the duty of the attorney general to institute legal action in the name of the state to recover the amount of such tax, penalties, interest and costs. The commissioner's certified statement to the attorney general shall for all purposes and in all courts be prima facie evidence of the facts therein stated and that the amount shown therein is due from the employer named in the statement. In event action is instituted as herein provided, the court shall, upon application of the attorney general, appoint a receiver of the property and business of the delinquent employer for the purpose of impounding the same as security for any judgment which has been or may be recovered. Any such action shall be brought within four years and three months after the due date of the return or deposit required by paragraph (1), or the date the return was filed, or deposit made whichever is later; except that in the case of failure to make and file such return or if

such return is false or fraudulent, or such deposit is not made such action may be brought at any time.

(8a) The period of time during which a tax must be assessed or collection proceedings commenced under this subdivision shall be suspended during the period from the date of filing of a petition in bankruptcy until 30 days after the commissioner of revenue receives notice that the bankruptcy proceedings have been closed or dismissed or the automatic stay has been terminated or has expired.

The suspension of the statute of limitations under this subdivision shall apply to the person against whom the petition in bankruptcy is filed and all other persons who may also be wholly or partially liable for the tax under this chapter.

(9) The tax required to be withheld under subdivision 2a or subdivision 3 or paid to, or deposited with the commissioner under this subdivision, together with penalties, interest and costs, shall become a lien upon all of the real property of the employer within this state, except his homestead, from and after the filing by the commissioner of a notice of such lien in the offices of the county recorder of the county in which such real property is situated.

(10) Either party to an action for the recovery of any tax, interest or penalties under this subdivision may remove the judgment to the supreme court by appeal, as provided for appeals in civil cases.

(11) No suit shall lie to enjoin the assessment or collection of any tax imposed by this section, or the interest and penalties added thereto.

(12) When any tax is due and payable as provided in paragraph (8) the commissioner may issue his warrant to the sheriff of any county of the state commanding him to levy upon and sell the real and personal property of the employer and to levy upon the rights to property of the employer within the county and to return such warrant to the commissioner and pay to him the money collected by virtue thereof by a time to be therein specified, not less than 60 days from the date of the warrant. The sheriff shall proceed thereunder to levy upon and seize any property of the employer and to levy upon the rights to property of the employer within his county, except the homestead and household goods of the employer and property of the employer not liable to attachment, garnishment, or sale on any final process issued from any court under the provisions of section 550.37, and shall sell so much thereof as is required to satisfy such taxes, interest, and penalties, together with his costs; but such sales shall, as to their manner, be governed by the laws applicable to sales of like property on execution issued against property upon

a judgment of a court of record. The proceeds of such sales, less the sheriff's costs, shall be turned over to the commissioner, who shall retain such part thereof as is required to satisfy the tax, interest, penalties and costs, and pay over any balance to the taxpayer. Any action taken by the commissioner pursuant to this subdivision shall not constitute an election by the state to pursue a remedy to the exclusion of any other remedy providing for the collection of taxes required to be withheld by employers.

Sec. 55. Minnesota Statutes 1980, Section 290.92, Subdivision 13, is amended to read:

Subd. 13. [REFUNDS.] (1) Where the amount of the tax withheld at the source under subdivision 2a 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 this chapter, 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 that amount. Where any amount of such excess to be refunded exceeds \$10, such amount *on the original return* shall bear interest at the rate of six percent per annum, computed from 90 days after (a) the due date of the return of the employee taxpayer or (b) 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 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 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 section 290.46.

(3) The commissioner of finance shall cause any such refund of tax and interest, to be paid out of the general fund in accordance with the provisions of section 290.62, and so much of said fund as may be necessary is hereby appropriated for that purpose.

Sec. 56. Minnesota Statutes 1981 Supplement, Section 290.93, Subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT OF DECLARATION.] (1) Every individual shall, at the time prescribed in subdivision 5 of this section, make and file with the commissioner a declaration of his estimated tax for the taxable year if

(a) The gross income (*for purposes of this subdivision and subdivision 5 as defined in section (290.01, SUBDIVISION 20)*

290.37, subdivision 1, clause (c)) for the taxable year can reasonably be expected to exceed the gross income amounts set forth in section 290.37, subdivision 1 pertaining to the requirements for making a return; and

(b) Such gross income can reasonably be expected to include more than \$500 from sources other than wages upon which a tax has been deducted and withheld under section 290.92, subdivision 2a or subdivision 3.

(2) If the individual is an infant or incompetent person, the declaration shall be made by his guardian.

(3) Notwithstanding the provisions of this section, no declaration is required if the estimated tax (as defined in subdivision 3) can reasonably be expected to be less than \$100.

Sec. 57. Minnesota Statutes 1980, Section 290.93, Subdivision 9, is amended to read:

Subd. 9. [OVERPAYMENT OF ESTIMATED TAX.] (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 (a) the total amount of tax withheld at the source under section 290.92, subdivision 2a or subdivision 3 (if any) and (b) 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 this chapter, 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 that amount. Where any amount of such excess to be refunded exceeds \$10, such amount *on the original return* shall bear interest at the rate of six percent per annum, computed from 90 days after (a) the due date of the return of the taxpayer or (b) 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 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 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 section 290.46.

(3) The commissioner of finance shall cause any such refund of tax and interest to be paid out of the general fund in accordance with the provisions of section 290.62, and so much of said

fund as may be necessary is hereby appropriated for that purpose.

Sec. 58. Minnesota Statutes 1981 Supplement, Section 290.93, Subdivision 10, is amended to read:

Subd. 10. [UNDERPAYMENT OF ESTIMATED TAX.]

(1) In the case of any underpayment of estimated tax by an individual, except as provided in paragraph (4), there may be added to and become a part of the taxes imposed by this chapter, for the taxable year an amount determined at the rate specified in section 270.75 upon the amount of the underpayment for the period of the underpayment.

(2) For purposes of the preceding paragraph, the amount of underpayment shall be the excess of

(a) The amount of the installment which would be required to be paid if the estimated tax were equal to 80 percent (66-2/3 percent in the case of farmers referred to in subdivision 5(2) of this section) of the taxes shown on the return for the taxable year or the taxes for such year if no return was filed, over

(b) The amount, if any, of the installment paid on or before the last day prescribed for such payment.

(3) The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier

(a) The 15th day of the fourth month following the close of the taxable year.

(b) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this subparagraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under paragraph (2) (a) for such installment date.

(4) The addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser

(a) The total tax liability shown on the return of the individual for the preceding taxable year (if a return showing a

liability for such taxes was filed by the individual for the preceding taxable year of 12 months), or

(b) An amount equal to the tax computed, at the rates applicable to the taxable year, on the basis of the taxpayer's status with respect to the personal credits for the taxable year, but otherwise on the basis of the facts shown on his return for, and the law applicable to the preceding taxable year, or

(c) An amount equal to 80 percent (66 $\frac{2}{3}$ percent in the case of farmers referred to in subdivision 5(2) of this section) of the tax for the taxable year (after deducting personal credits) computed by placing on an annualized basis the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. For purposes of this sub-paragraph, the taxable income shall be placed on an annualized basis by

(i) Multiplying by 12 (or in the case of a taxable year of less than 12 months, the number of months in the taxable year) the taxable income computed for the months in the taxable year ending before the month in which the installment is required to be paid.

(ii) Dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls, or

(d) An amount equal to 90 percent of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income for the months in the taxable year ending before the month in which the installment is required to be paid.

(5) For the purposes of applying this subdivision, the estimated tax shall be computed without any reduction for the amount which the individual estimates as his credit under section 290.92, subdivision 12 (relating to tax withheld at source on wages), and the refundable credits contained in sections 290.06, subdivision 13, 290.067, 290.501, and chapter 290A which are allowed against income tax liability, and the amount of such (CREDIT) credits for the taxable year shall be deemed a payment of estimated tax, and an equal part of such (AMOUNT) amounts shall be deemed paid on each installment date (determined under subdivisions 6 and 7 of this section) for such taxable year, unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts so withheld shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld.

Sec. 59. Minnesota Statutes 1980, Section 290.936, is amended to read:

290.936 [OVERPAYMENT OF ESTIMATED TAX.]

(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 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 this chapter, 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. Where any amount of such excess to be refunded exceeds \$10, such amount *on the original return* shall bear interest at the rate of six percent per annum, computed from 90 days after (a) the due date of the return of the taxpayer or (b) 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 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 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 section 290.46.

(3) The commissioner of finance shall cause any such refund of tax and interest to be paid out of the general fund in accordance with the provisions of section 290.62, and so much of said fund as may be necessary is hereby appropriated for that purpose.

Sec. 60. Minnesota Statutes 1981 Supplement, Section 290.-9725, is amended to read:

290.9725 [ELECTION BY SMALL BUSINESS CORPORATION.]

Any corporation having a valid election in effect under section 1372 of the Internal Revenue Code of 1954, as amended through December 31, (1980) 1981, shall not be subject to the taxes imposed by this chapter, except the tax imposed under section 290.-92.

Sec. 61. [290.9726] [CORPORATION TAXABLE INCOME TAXED TO SHAREHOLDERS.]

Subdivision 1. [GENERAL RULE.] The gross income of the shareholders of corporations described in section 290.9725 shall be computed under the provisions of section 290.01, subdivision 20.

Subd. 2. [CHARACTER OF ITEMS DISTRIBUTED OR CONSIDERED DISTRIBUTED.] *The character of any item of income, gain, loss, or deduction included in shareholder's income shall be assignable as provided in section 290.17, subdivision 2, as if the item were realized directly from the source from which it was realized by the corporation or incurred in the same manner as incurred by the corporation.*

Subd. 3. [EXCEPTIONS.] *No subtraction specified in section 290.01, subdivision 20, clause (b) shall apply to any class of income which would be taxable to the corporation under the provisions of this chapter.*

Subd. 4. [TREATMENT OF FAMILY GROUPS.] *Any amount taxable to a shareholder may be apportioned or allocated by the commissioner between or among shareholders of the corporation who are members of the shareholder's family, as defined in section 290.10, clause (6), if he determines that the apportionment or allocation is necessary in order to reflect the value of services rendered to the corporation by the shareholders.*

Subd. 5. [CREDIT ALLOWANCES.] *The credits provided in sections 290.06 and 290.501 to which the corporation is entitled shall be allocated to the shareholders in the same percentage as the undistributed income was apportioned under section 1373(b) of the Internal Revenue Code of 1954, as amended through December 31, 1981. The limitations set forth in the computation of the credit shall be applied to the shareholders.*

Subd. 6. [BASIS.] *The adjustments to basis described in section 1376 of the Internal Revenue Code of 1954, as amended through December 31, 1981, shall not be made for any year beginning before January 1, 1981 for which the corporation did not have a valid election to be taxed as a small business corporation.*

Sec. 62. Minnesota Statutes 1981 Supplement, Section 290.974, is amended to read:

290.974 [RETURN OF ELECTING SMALL BUSINESS CORPORATION.]

Every electing small business corporation under section 290.9725 shall make a (PARTNERSHIP) *small business corporation* return for each taxable year during which said election is in effect stating specifically the names and addresses of all persons owning stock in the corporation at any time during the taxable year, the number of shares of stock owned by each shareholder at all times during the taxable year, and such other information for the purposes of carrying out the provisions of sections 290.01, subdivision 20 and 290.9725 as the commissioner may by forms and regulations prescribe.

Sec. 63. Minnesota Statutes 1981 Supplement, Section 290A.-03, Subdivision 3, is amended to read:

Subd. 3. [INCOME.] (1) "Income" means the sum of the following:

(a) federal adjusted gross income as defined in the Internal Revenue Code of 1954 as amended through December 31, 1980; and

(b) the sum of the following amounts to the extent not included in clause (a):

(i) additions to federal adjusted gross income as provided in Minnesota Statutes, Section 290.01, Subdivision 20, Clause (a)(1), (a)(3), (a)(9), (a)(14), and (a)(15);

(ii) all nontaxable income;

(iii) recognized net long term capital gains;

(iv) dividends and interest excluded from federal adjusted gross income under section 116 of the Internal Revenue Code of 1954;

(v) cash public assistance and relief;

(vi) any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act, supplemental security income, and veterans benefits), which was not exclusively funded by the claimant or spouse, or which was funded exclusively by the claimant or spouse and which funding payments were excluded from federal adjusted gross income in the years when the payments were made;

(vii) nontaxable interest received from the state or federal government or any instrumentality or political subdivision thereof;

(viii) workers' compensation;

(ix) unemployment benefits;

(x) nontaxable strike benefits; and

(xi) the gross amounts of payments received in the nature of disability income or sick pay as a result of accident, sickness, or other disability, whether funded through insurance or otherwise. In the case of an individual who files an income tax return on a fiscal year basis, the term "federal adjusted gross income" shall mean federal adjusted gross income reflected in the fiscal

year ending in the calendar year. *Federal adjusted gross income shall not be reduced by the amount of a net operating loss carry-back.*

(2) "Income" does not include

(a) amounts excluded pursuant to the Internal Revenue Code, Sections 101(a), 102, 117, and 121;

(b) amounts of any pension or annuity which was exclusively funded by the claimant or spouse and which funding payments were not excluded from federal adjusted gross income in the years when the payments were made;

(c) (GIFTS FROM NONGOVERNMENTAL SOURCES;)

((D)) surplus food or other relief in kind supplied by a governmental agency;

((E)) (d) relief granted under sections 290A.01 to 290A.20;

((F)) (e) child support payments received under a temporary or final decree of dissolution or legal separation; or

((G)) (f) federal adjusted gross income shall be reduced by wage or salary expense, or expense of work incentive programs which are not allowed as a deduction under provisions of section 280C of the Internal Revenue Code of 1954.

Sec. 64. Minnesota Statutes 1981 Supplement, Section 290A.-03, Subdivision 13, is amended to read:

Subd. 13. [PROPERTY TAXES PAYABLE.] "Property taxes payable" means the property tax exclusive of special assessments, penalties, and interest payable on a claimant's homestead before reductions made pursuant to section 273.13, subdivisions 6, 7 and 14a, but after deductions made pursuant to sections 124.213, 273.115, 273.116, 273.135 (AND), 273.139, and 273.1391 in any calendar year. No apportionment or reduction of the "property taxes payable" shall be required for the use of a portion of the claimant's homestead for a business purpose if the claimant does not deduct any business depreciation expenses for the use of a portion of the homestead in the determination of federal adjusted gross income. For homesteads which are mobile homes as defined in section 168.011, subdivision 8, "property taxes payable" shall also include 23 percent of gross rent paid in the preceding year for the site on which the homestead is located, exclusive of charges for utilities or services. When a homestead is owned by two or more persons as joint tenants or tenants in common, such tenants shall determine between them which tenant may claim the property taxes payable on the

homestead. If they are unable to agree, the matter shall be referred to the commissioner of revenue and his decision shall be final. Property taxes are considered payable in the year prescribed by law for payment of the taxes.

In the case of a claim relating to "property taxes payable", the claimant must have owned and occupied the homestead on January 2 of the year in which the tax is payable and (i) the property must have been classified as homestead property pursuant to section 273.13, subdivisions 6, 7, or 14a on or before June 1 of the year in which the "property taxes payable" were levied; or (ii) the claimant must provide documentation from the local assessor that application for homestead classification has been made prior to July 1 of the year in which the "property taxes payable" were payable *and that the assessor has approved the application.*

For property taxes levied in 1981, payable 1982, "property taxes payable" shall be limited to that portion of the property taxes eligible for the homestead credit as determined pursuant to section 273.13, subdivision 15b.

Sec. 65. Minnesota Statutes 1981 Supplement, Section 290A.-07, Subdivision 2a, is amended to read:

Subd. 2a. A claimant not included in subdivision 2 who is a renter shall receive full payment prior to August 15 or 60 days after receipt of the application, whichever is later. *Interest shall be added at six percent per annum from August 15 or 60 days after receipt of the application whichever is later.*

Sec. 66. Minnesota Statutes 1981 Supplement, Section 290A.-11, Subdivision 1, is amended to read:

Subdivision 1. [AUDIT OF CLAIM.] When on the audit of any claim filed under sections 290A.01 to 290A.20 the department determines the amount thereof to have been incorrectly determined, the department shall redetermine the claim and notify the claimant of the redetermination and the reasons therefor. The redetermination shall be final unless appealed to the Minnesota tax court within 60 days of notice thereof. *The redetermination under this subdivision and subdivision 1a shall be recovered by assessment and collection in the manner provided in chapter 290 for collection of income tax. The assessment shall bear interest from the date the claim is paid by the state until the date of repayment by the claimant, at the rate specified in section 270.75.*

Sec. 67. Minnesota Statutes 1980, Section 290A.11, is amended by adding a subdivision to read:

Subd. 5. [COMPUTATION TO NEAREST DOLLAR.] *In computing the dollar amount of items on the property tax refund*

return, money items may be rounded off to the nearest whole dollar amount, disregarding amounts less than 50 cents and increasing amounts of 50 cents to 99 cents to the next highest dollar.

Sec. 68. Minnesota Statutes 1981 Supplement, Section 270.75, Subdivision 4, as amended by Laws 1981, Third Special Session Chapter 2, Article III, Section 1, is amended to read:

Subd. 4. There shall be added to the amount of any underpayment of estimated income tax, computed pursuant to chapter 290, an amount in lieu of interest determined at the rate of (20) 12 percent per annum (BEGINNING FEBRUARY 1, 1982). *For taxable years beginning after December 31, 1981, the amount in lieu of interest shall be determined at the rate of 20 percent per annum. For taxable years beginning after December 31, 1982, the amount in lieu of interest for that taxable year shall be the amount determined in subdivision 5 for January 1 on which begins the taxable year or precedes the beginning of the taxable year.*

Sec. 69. Minnesota Statutes 1981 Supplement, Section 270.75, Subdivision 5, as amended by Laws 1981, Third Special Session Chapter 2, Article III, Section 1, is amended to read:

Subd. 5. The rates of interest or amount in lieu of interest contained in subdivisions 1 to 4 shall be adjusted by the commissioner of revenue not later than October 15 of 1982 and any year thereafter if the adjusted prime rate charged by banks during September of that year, rounded to the nearest full percent, is at least a full percentage point more or less than the interest rate which is then in effect. The adjusted rate of interest or amount in lieu of interest shall be equal to the adjusted prime rate charged by banks, rounded to the nearest full percent, and shall become effective on January 1 of the immediately succeeding year *except as provided in subdivision 4*. For purposes of this subdivision, the term "adjusted prime rate charged by banks" means the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System.

Sec. 70. Minnesota Statutes 1980, Section 290.032, Subdivision 5, is amended to read:

Subd. 5. An amount *not to exceed \$10,000 which is* distributed to an individual as severance pay upon discontinuation of the individual's employment due to termination of business operations by the individual's employer may be treated as a lump sum distribution according to the provisions of this section *if it is paid as a lump sum*. For the payment to be treated as a lump sum distribution under this subdivision, the termination of the employer's business operation at that site must be reasonably likely to be permanent and to involve the discharge within a

period of one year of at least 75 percent of the persons employed by that employer at that site. *This subdivision shall not apply when the employer's business operation at that site is terminated because the business is sold to another person or corporation who will continue operations at that site and the individual is employed by the new person or corporation.* For the purposes of this subdivision, "severance pay" shall mean an amount received for the cancellation of an employment contract or a collectively bargained termination payment in the nature of a substitute for income which would have been earned for personal services to be rendered in the future.

The minimum distribution allowance provided in sections 402 (e)(1)(C) and (D) of the Internal Revenue Code of 1954, as amended through December 31, 1979, shall not apply to the computation allowed under this subdivision.

Sec. 71. Laws 1981, Third Special Session Chapter 2, Article III, Section 6, Subdivision 3, is amended to read:

Subd. 3. [LIMITATION.] The credit for the taxable year shall not exceed \$300,000 or ten percent of the liability for tax, whichever is less. "Liability for tax" for purposes of this section means the tax imposed under this chapter for the taxable year reduced by the sum of the credits allowed under section 290.06, except the credit allowed under section 290.06, subdivision 13.

If the credit determined under subdivision 2 exceeds this limitation, the excess shall be a credit carryback to each of the three preceding taxable years and a credit carryover to each of the seven succeeding taxable years, provided the aggregate of the credit for the taxable year and any carryover and carryback credits shall not exceed \$300,000 or ten percent of the liability for tax, whichever is less. The entire amount of the excess unused credit for the taxable year shall be carried first to the earliest of the taxable years to which the credit may be carried and then to each successive year to which the credit may be carried.

For the purposes of sections 290.46 to 290.50, if the claim for refund relates to an overpayment attributable to a research and experimental expenditure credit carryback under this subdivision, in lieu of the period of limitation prescribed in sections 290.46 and 290.50, the period of limitation shall be that period which ends with the expiration of the 15th day of the 46th month, or the 45th month, in the case of a corporation, following the end of the taxable year in which the research and experimental expenditure credit arises which results in the carryback. In any case in which a taxpayer is entitled to a refund in a carryback year due to the carryback of a research and experimental expenditure credit, interest shall be computed only from the end of the taxable year in which the credit arises.

Sec. 72. [INSTRUCTION TO REVISOR.]

In Minnesota Statutes 1982, Section 290.09, Subdivisions 5 and 6, the revisor of statutes shall substitute the phrase "this chapter" for the phrase "sections 290.12, 290.131 to 290.139, 290.14 and 290.15", wherever it is used in those subdivisions. In Minnesota Statutes 1982, Sections 290.12, Subdivision 1, and 290.16, Subdivision 1, the revisor of statutes shall substitute the phrase "this chapter" for the phrase "sections 290.131 to 290.139, 290.14 and 290.15", wherever it is used in those subdivisions.

Sec. 73. [REPEALER.]

Minnesota Statutes 1980, Sections 62E.03, Subdivision 2; 290.06, Subdivision 3c; 290.0781; 290.079, Subdivisions 2, 3, 4, and 5; 290.08, Subdivision 21; 290.09, Subdivision 24; 290.13, Subdivisions 2, 4, and 10; 290.136, Subdivision 8; 290.26, Subdivision 5; 290.281, Subdivisions 3, 4, and 6; 290.31, Subdivisions 7, 8, 12, 13, 14, 15, 16, 17, 18, 20, 22, 23, 24, 25, and 26; 290.973; and Minnesota Statutes 1981 Supplement, Sections 290.079, Subdivision 6; 290.09, Subdivision 17a; 290.131, Subdivisions 2 and 3; 290.132, Subdivision 2; 290.133, Subdivision 2; 290.21, Subdivision 7; 290.26, Subdivisions 1 and 3; 290.281, Subdivision 2; 290.31, Subdivisions 6, 8a, 9, 10, 11, and 21; and 290.971, Subdivision 7; are repealed.

Sec. 74. [EFFECTIVE DATE.]

Sections 2, 19 and 68 are effective for taxable years beginning after December 31, 1980. Sections 47, 51, 52, 53, 55, 57, and 59 are effective May 1, 1982. Sections 46 and 54 are effective for bankruptcy proceedings filed on or after October 1, 1979. Sections 12, 45, 50, 56, 58, 64, 66, and 69 are effective the day after final enactment. Section 67 is effective for claims based on rent paid in 1981 and succeeding years, and property taxes payable in 1982 and succeeding years. Section 65 is effective for claims based on rent paid in 1982 and subsequent years. The provisions of section 42 requiring that non-game wildlife designations be made on original returns is effective for taxable years beginning after December 31, 1979, and claims based on rent paid in 1980 and subsequent years, and property taxes payable in 1981 and subsequent years. Those provisions of section 63 that relate to net operating loss carrybacks are effective the day after final enactment. The balance of section 63 is effective for claims based on rent paid in 1982 and succeeding years and property taxes payable in 1983 and succeeding years. The change in section 1, clause (b)(2) is effective for the sale or other disposition of property after June 30, 1982. The rest of this article is effective for taxable years beginning after December 31, 1981.

ARTICLE V

Section 1. Minnesota Statutes 1981 Supplement, Section 298.75, is amended to read:

298.75 [(GRAVEL) AGGREGATE MATERIAL REMOVAL; PRODUCTION TAX.]

Subdivision 1. [DEFINITIONS.] *Except as may otherwise be provided, the following words, when used in this section, shall have the meanings herein ascribed to them.*

(1) "Aggregate material" shall mean non-metallic natural mineral aggregate including, but not limited to sand, silica sand, gravel, building stone, crushed rock, limestone, and granite. Aggregate material shall not include dimension stone and dimension granite.

(2) "Person" shall mean any individual, firm, partnership, corporation, organization, trustee, association, or other entity.

(3) "Operator" shall mean any person engaged in the business of removing aggregate material from the surface or subsurface of the soil, for the purpose of sale, either directly or indirectly, through the use of the aggregate material in a marketable product or service.

(4) "Extraction site" shall mean a pit, quarry, or deposit containing aggregate material and any contiguous property to the pit, quarry, or deposit which is used by the operator for stockpiling the aggregate material.

Subd. 2. A county (MAY) shall impose upon every (PERSON, FIRM, CORPORATION OR ASSOCIATION. HEREAFTER REFERRED TO AS ") operator, (") engaged in the business of removing (GRAVEL) aggregate material for sale from (GRAVEL PITS) a pit, quarry, or (DEPOSITS) deposit, a production tax (IN AN AMOUNT NOT TO EXCEED) equal to ten cents per cubic yard or seven cents per ton of (GRAVEL) aggregate material removed. (FOR PURPOSES OF THIS SECTION, GRAVEL SHALL INCLUDE SAND AND LIMESTONE) The tax shall be imposed when the aggregate material is transported from the extraction site or sold, when in the case of storage the stockpile is within the state of Minnesota and the highways are not used for transporting the aggregate material.

In the event that the aggregate material is transported directly from the extraction site to a waterway, railway, or another mode of transportation other than a highway, road or street, the tax imposed by this section shall be apportioned equally between the county where the aggregate material is extracted and the county to which the aggregate material is originally transported. If that destination is not located in Minnesota, then the county where the aggregate material was extracted shall receive all of the proceeds of the tax.

Subd. (2) 3. By the 14th day following the last day of each calendar quarter (IN EACH COUNTY IN WHICH A TAX IS IMPOSED PURSUANT TO THIS SECTION OR ANY SPECIAL LAW), every operator shall make and file with the county auditor of the county in which the (GRAVEL) *aggregate material* is removed, a correct report under oath, in such form and containing such information as the auditor shall require relative to the quantity of (GRAVEL) *aggregate material* removed during the preceding calendar quarter. The report shall be accompanied by a remittance of the amount of tax due.

If any of the proceeds of the tax is to be apportioned as provided in subdivision 2, the operator shall also include on the report any relevant information concerning the amount of aggregate material transported, the tax and the county of destination. The county auditor shall notify his county treasurer of the amount of such tax and the county to which it is due. The county treasurer shall remit the tax to the appropriate county within 30 days.

Subd. (3) 4. If any operator fails to make the report required by subdivision (2) 3 or files an erroneous report, the county auditor shall, by the fifth working day after the date the report became due, determine the amount of tax due and notify the operator by registered mail of the amount of tax so determined. An operator may, within 30 days from the date of mailing the notice, file in the office of the county auditor a written statement of objections to the amount of taxes determined to be due. The statement of objections shall be deemed to be a petition within the meaning of chapter 278, and shall be governed by sections 278.02 to 278.13.

Subd. (4) 5. Failure to file the report shall result in a penalty of \$5 for each of the first 30 days, beginning on the 14th day after the date when the county auditor has sent notice to the (TAXPAYER) *operator* as provided in subdivision (3) 4, during which the report is overdue and no statement of objection has been filed. For each subsequent day during which the report is overdue and no statement of objection has been filed, a penalty of \$10 shall be assessed against the (PERSON) *operator* who is required to file the report. The penalties imposed by this subdivision shall be collected as part of the tax. If neither the report nor a statement of objection has been filed after more than 60 days have elapsed from the date when the notice was sent, the (PERSON) *operator* who is required to file the report is guilty of a misdemeanor.

Subd. (5) 6. It is a misdemeanor for any operator to remove (GRAVEL) *aggregate material* from a pit, quarry, or deposit unless all taxes due under this section for the *previous reporting period* have been paid or objections thereto have been filed pursuant to subdivision (3) 4.

Subd. (6) 7. All moneys collected as taxes under this section shall be deposited in the county treasury and credited as follows, for expenditure by the county board:

(a) Sixty percent to the county road and bridge fund for expenditure for the maintenance, construction and reconstruction of roads (TRAVELED BY VEHICLES HAULING GRAVEL), *highways and bridges*;

(b) Thirty percent to the (TOWN) road and bridge fund of *those towns as determined by the county board and to the general fund or other designated fund of those cities as determined by the county board, (FOR EXPENDITURE) to be expended for maintenance, construction and reconstruction of roads (TRAVELED BY VEHICLES HAULING GRAVEL, IN A MANNER DETERMINED BY THE COUNTY), highways and bridges*; and

(c) Ten percent to a special reserve fund which is hereby established, for expenditure for the restoration of abandoned (GRAVEL) pits, quarries, or deposits *located upon (LANDS TO WHICH THE COUNTY HOLDS TITLE OR UPON) public and tax forfeited lands within the county.*

In the event that there are no abandoned pits, quarries or deposits located upon public or tax forfeited lands within the county, this portion of the tax shall be deposited in the county road and bridge fund for expenditure for the maintenance, construction and reconstruction of roads, highways and bridges.

Sec. 2. [REPEALER.]

Minnesota Statutes, 1981 Supplement, Section 298.76, is repealed.

Sec. 3. [EFFECTIVE DATE.]

This article is effective upon the last day of the calendar quarter of its enactment.

ARTICLE VI

Section 1. Minnesota Statutes 1981 Supplement, Section 290.17, Subdivision 2, is amended to read:

Subd. 2. [OTHER TAXPAYERS.] In the case of taxpayers not subject to the provisions of subdivision 1, items of gross income shall be assigned to this state or other states or countries in accordance with the following principles:

(1) (a) The entire income of all resident or domestic taxpayers from compensation for labor or personal services, or

from a business consisting principally of the performance of personal or professional services, shall be assigned to this state, and the income of nonresident taxpayers from such sources shall be assigned to this state if, and to the extent that, the labor or services are performed within it; all other income from such sources shall be treated as income from sources without this state (;).

(b) In the case of an individual who is a nonresident of Minnesota and who is an athlete or entertainer, income from compensation for labor or personal services performed within this state shall be determined in the following manner.

(i) The amount of income to be assigned to Minnesota for an individual who is a nonresident salaried athlete shall be determined by using a fraction in which the denominator contains the total number of days in which the individual is under a duty to perform for the employer, and the numerator is the total number of those days spent in Minnesota. The term "other substantial services" as used in this clause does not include practice time by an athlete. Any income assigned to Minnesota under the provisions of this clause for a nonresident athlete who is employed by an athletic team whose operations are not based in this state shall be excluded from income if the state or province in which the athletic team is based provides a similar income exclusion. If the state or province in which the athletic team's operations are based does not have an income tax on an individual's personal service income, it will be deemed that that state or province has a similar income exclusion. As used in the preceding sentence, the term "province" means a province of Canada.

(ii) The amount of income to be assigned to Minnesota for an individual who is a nonresident, and who is an athlete not listed in clause (i) or who is an entertainer, for that person's athletic or entertainment performance in Minnesota shall be determined by assigning to this state all income from performances or athletic contests in this state.

(2) Income from the operation of a farm shall be assigned to this state if the farm is located within this state and to other states only if the farm is not located in this state. Income and gains received from tangible property not employed in the business of the recipient of such income or gains, and from tangible property employed in the business of such recipient if such business consists principally of the holding of such property and the collection of the income and gains therefrom, shall be assigned to this state if such property has a situs within it, and to other states only if it has no situs in this state. Income or gains from intangible personal property not employed in the business of the recipient of such income or gains, and from intangible personal property employed in the business of such recipient if such business consists principally of the holding of such property and the

collection of the income and gains therefrom, wherever held, whether in trust, or otherwise, shall be assigned to this state if the recipient thereof is domiciled within this state; income or gains from intangible personal property wherever held, whether in trust or otherwise shall be assigned to this state if the recipient of such income or gains is domiciled within this state, or if the grantor of any trust is domiciled within this state and such income or gains would be taxable to such grantor under section 290.28 or 290.29;

(3) Income derived from carrying on a trade or business, including in the case of a business owned by natural persons the income imputable to the owner for his services and the use of his property therein, shall be assigned to this state if the trade or business is conducted wholly within this state, and to other states if conducted wholly without this state. This provision shall not apply to business income subject to the provisions of clause (1);

(4) When a trade or business is carried on partly within and partly without this state, the entire income derived from such trade or business, including income from intangible property employed in such business and including, in the case of a business owned by natural persons, the income imputable to the owner for his services and the use of his property therein, shall be governed, except as otherwise provided in sections 290.35 and 290.36, by the provisions of section 290.19, notwithstanding any provisions of this section to the contrary. This shall not apply to business income subject to the provisions of clause (1). For the purposes of this clause, a trade or business located in Minnesota is carried on partly within and partly without this state if tangible personal property is sold by such trade or business and delivered or shipped to a purchaser located outside the state of Minnesota.

In determining whether or not intangible property is employed in a unitary business carried on partly within and partly without this state so that income derived therefrom is subject to apportionment under section 290.19 the following rules and guidelines shall apply.

(a) Intangible property is employed in a business if the business entity owning intangible property holds it as a means of furthering the business operation of which a part is located within the territorial confines of this state.

(b) Where a business operation conducted in Minnesota, is owned by a business entity which carries on business activity outside of the state different in kind from that conducted within this state, and such other business is conducted entirely outside the state, it will be presumed that the two business operations are unitary in nature, interrelated, connected and interdependent unless it can be shown to the contrary.

(5) In the case of a nonresident who is liable for payment of a penalty for having withdrawn funds from an individual housing account established pursuant to section 290.08, subdivision 25, the amount so withdrawn and for which a deduction was allowed shall be an item of income assignable to this state, and the penalty tax of ten percent shall remain an additional liability of that taxpayer.

(6) For purposes of this section, amounts received by a nonresident from the United States, its agencies or instrumentalities, the Federal Reserve Bank, the state of Minnesota or any of its political or governmental subdivisions, or a Minnesota volunteer fireman's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A of the Internal Revenue Code of 1954, as amended through December 31, 1979, are not considered income derived from carrying on a trade or business or from performing personal or professional services in Minnesota, and are not taxable under this chapter.

(7) All other items of gross income shall be assigned to the taxpayer's domicile.

Sec. 2. Minnesota Statutes 1980, Section 290.19, Subdivision 1, is amended to read:

Subdivision 1. [COMPUTATION. BUSINESS CONDUCTED PARTLY WITHIN STATE; APPORTIONMENT.] The taxable net income from a trade or business carried on partly within and partly without this state shall be computed by deducting from the gross income of such business, wherever derived, deductions of the kind permitted by section 290.09, so far as connected with or allocable against the production or receipt of such income. The remaining net income shall be apportioned to Minnesota as follows:

(1) If the business consists of the mining, producing, smelting, refining, or any combination of these activities of copper and nickel ores, or of the manufacture of personal property and the sale of said property within and without the state, the remainder shall be apportioned to Minnesota on the basis of the percentage obtained by taking the arithmetical average of the following three percentages:

(a) The percentage which the sales made within this state is of the total sales wherever made;

(b) The percentage which the total tangible property, real, personal, and mixed, owned or rented, and used by the taxpayer in this state during the tax period in connection with such trade

or business is of the total tangible property, real, personal, or mixed, wherever located, owned or rented and, used by the taxpayer in connection with such trade or business during the tax period; and,

(c) The percentage which the taxpayer's total payrolls paid or incurred in this state or paid in respect to labor performed in this state in connection with such trade or business is of the taxpayer's total payrolls paid or incurred in connection with such entire trade or business;

(d) The percentage of such remainder to be assigned to this state shall not be in excess of the sum of the following percentages: 70 percent of the percentage determined under clause (1) (a), 15 percent of the percentage determined under clause (1) (b), and 15 percent of the percentage determined under clause (1) (c);

(2) (a) In all other cases the remainder shall be apportioned to Minnesota on the basis of the percentage obtained by taking the arithmetical average of the following three percentages:

(1) The percentage which the sales, gross earnings, or receipts from business operations, in whole or in part, within this state bear to the total sales, gross earnings, or receipts from business operations wherever conducted;

(2) The percentage which the total tangible property, real, personal, and mixed, owned or rented, and used by the taxpayer in this state during the tax period in connection with such trade or business is of the total tangible property, real, personal, or mixed, wherever located, owned, or rented, and used by the taxpayer in connection with such trade or business during the tax period; and

(3) The percentage which the taxpayer's total payrolls paid or incurred in this state or paid in respect to labor performed in this state in connection with such trade or business is of the taxpayer's total payrolls paid or incurred in connection with such entire trade or business;

(4) The percentage of such remainder to be assigned to this state shall not be in excess of the sum of the following percentages: 70 percent of the percentage determined under clause (2) (a) (1), 15 percent of the percentage determined under clause (2) (a) (2), and 15 percent of the percentage determined under clause (2) (a) (3);

(b) If the methods prescribed under clause (2) (a) will not properly reflect taxable net income assignable to the state, there may be used, if practicable and if such use will properly and fairly reflect such income, the percentage which the sales, gross earn-

ings, or receipts from business operations, in whole or in part, within this state bear to the total sales, gross earnings, or receipts from business operations wherever conducted; or the separate or segregated accounting method; or for athletic teams the commissioner may prescribe that all of the team's income is apportioned to the state in which the team's operation is based;

(3) The sales, payrolls, earnings, and receipts referred to in this section shall be those for the taxable year in respect of which the tax is being computed. The property referred to in this section shall be the average of the property owned or used by the taxpayer during the taxable year in respect of which the tax is being computed.

Sec. 3. Minnesota Statutes 1980, Section 290.92, Subdivision 4a, is amended to read:

Subd. 4a. [TAX WITHHELD FROM NONRESIDENTS.]
(1) ["WAGES" PAID TO NONRESIDENT EMPLOYEES.] For the purposes of this section: The term "wages" means all remuneration taxable under this chapter including all remuneration paid to a nonresident employee for services performed in this state.

(2) ["EMPLOYER", "WAGES" AND "EMPLOYEE" CONCERNING NONRESIDENTS.] Notwithstanding any other provision of this section, under rules and regulations to be prescribed by the commissioner of revenue, for purposes of this section any person having control, receipt, custody, disposal or payment of compensation taxable under this chapter and earned by a nonresident for personal services, shall be deemed an employer, any compensation taxable under this chapter and earned by a nonresident for personal services shall be deemed wages, and a nonresident entitled to compensation taxable under this chapter and earned by him for personal services shall be deemed an employee.

When compensation for personal services is paid to a corporation in which all or substantially all of the shareholders are individual entertainers, performers or athletes who gave an entertainment or athletic performance in this state for which the compensation was paid, the compensation shall be deemed wages of the individual entertainers, performers or athletes and shall be subject to the provisions of this section. Advance payments of compensation for personal services to be performed in Minnesota shall be deemed wages and subject to the provisions of this section. The individual, and not the corporation, shall be subject to the Minnesota income tax as provided in this chapter on the compensation for personal services.

(3) [NONRESIDENTS, EMPLOYER'S DUTY.] The employer of any employee domiciled in a state with which Minnesota has reciprocity under section 290.081 is not required to with-

hold under this chapter from the wages earned by such employee in this state.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 290.081, is amended to read:

290.081 [INCOME OF NONRESIDENTS, RECIPROCITY.]

(a) The compensation received for the performance of personal or professional services within this state by an individual who resides and has his place of abode and place to which he customarily returns at least once a month in another state, shall be excluded from gross income to the extent such compensation is subject to an income tax imposed by the state of his residence; provided that such state allows a similar exclusion of compensation received by residents of Minnesota for services performed therein, or

(b) Whenever a nonresident taxpayer has become liable for income taxes to the state where he resides upon his net income for the taxable year derived from the performance of personal or professional services within this state and subject to taxation under this chapter, there shall be allowed as a credit against the amount of income tax payable by him under this chapter, such proportion of the tax so paid by him to the state where he resides as his gross income subject to taxation under this chapter bears to his entire gross income upon which the tax so paid to such other state was imposed; provided, that such credit shall be allowed only if the laws of such state grant a substantially similar credit to residents of this state subject to income tax under such laws, or

(c) If any taxpayer who is a resident of this state, or a domestic corporation or corporation commercially domiciled therein, has become liable for taxes on or measured by net income to another state or a province or territory of Canada upon, if the taxpayer is an individual, *or if the taxpayer is an athletic team and all of the team's income is apportioned to Minnesota*, any income, or if it is a corporation, estate, or trust, upon income derived from the performance of personal or professional services within such other state or province or territory of Canada and subject to taxation under this chapter he or it shall be entitled to a credit against the amount of taxes payable under this chapter, of such proportion thereof, as such gross income subject to taxation in such state or province or territory of Canada bears to his entire gross income subject to taxation under this chapter; provided (1) that such credit shall in no event exceed the amount of tax so paid to such other state or province or territory of Canada on the gross income earned within such other state or province or territory of Canada and subject to taxation under this chapter, and (2) that such credit shall not be allowed if such other state or province or territory of Canada allows residents

of this state a credit against the taxes imposed by such state or province or territory of Canada for taxes payable under this chapter substantially similar to the credit provided for by paragraph (b) of this section, and (3) the allowance of such credit shall not operate to reduce the taxes payable under this chapter to an amount less than would have been payable if the gross income earned in such other state or province or territory of Canada had been excluded in computing net income under this chapter.

(d) The commissioner shall by regulation determine with respect to gross income earned in any other state the applicable clause of this section. When it is deemed to be in the best interests of the people of this state, the commissioner may determine that the provisions of clause (a) shall not apply.

(e) "Tax So Paid" as used in this section means taxes on or measured by net income payable to another state or province or territory of Canada on income earned within the taxable year for which the credit is claimed, provided that such tax is actually paid in that taxable year, or subsequent taxable years.

(f) For the purposes of clause (a), whenever the Wisconsin tax on Minnesota residents which would have been paid Wisconsin without clause (a) exceeds the Minnesota tax on Wisconsin residents which would have been paid Minnesota without clause (a), or vice versa, then the state with the net revenue loss resulting from clause (a) shall receive from the other state the amount of such loss. This provision shall be effective for all years beginning after December 31, 1972. The data used for computing the loss to either state shall be determined on or before September 30 of the year following the close of the previous calendar year.

Interest shall be payable on all delinquent balances relating to taxable years beginning after December 31, 1977. The commissioner of revenue is authorized to enter into agreements with the state of Wisconsin specifying the reciprocity payment due date, conditions constituting delinquency, interest rates, and a method for computing interest due on any delinquent amounts.

If an agreement cannot be reached as to the amount of the loss, the commissioner of revenue and the taxing official of the state of Wisconsin shall each appoint a member of a board of arbitration and these members shall appoint the third member of the board. The board shall select one of its members as chairman. Such board may administer oaths, take testimony, subpoena witnesses, and require their attendance, require the production of books, papers and documents, and hold hearings at such places as are deemed necessary. The board shall then make a determination as to the amount to be paid the other state which determination shall be final and conclusive.

Notwithstanding the provisions of section 290.61, the commissioner may furnish copies of returns, reports, or other information to the taxing official of the state of Wisconsin, a member of the board of arbitration, or a consultant under joint contract with the states of Minnesota and Wisconsin for the purpose of making a determination as to the amount to be paid the other state under the provisions of this section. Prior to the release of any information under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed thereby to the extent that it is protected under the laws of the state of Minnesota.

Sec. 5. [EFFECTIVE DATE.]

Section 1 is effective for taxable years ending after the date of final enactment. Sections 2, 3, and 4 are effective the day after final enactment.

ARTICLE VII

Section 1. Minnesota Statutes 1980, Section 168.012, is amended by adding a subdivision to read:

Subd. 10. If a vehicle is used for a purpose which would make it exempt pursuant to subdivision 1 but title is held by a seller or a vendor or is assigned to a third party under a lease purchase agreement or installment sale permitted under section 465.71, exemption shall be determined by the use rather than the holder of the title.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 297A.25, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 2, Article V, Section 2, is amended to read:

Subdivision 1. The following are specifically exempted from the taxes imposed by sections 297A.01 to 297A.44:

(a) The gross receipts from the sale of food products including but not limited to cereal and cereal products, butter, cheese, milk and milk products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products, but not including foods which are prepared or specially sliced, wrapped, arranged or displayed, and sold cold or hot for immediate consumption on or off the premises on which the sale is made, whether sold in individual servings or in larger quantities, except food products which are not taxable pursuant to section 297A.01, subdivision 3, clause (c) and which are sold by a retailer, organized as a nonprofit

corporation or association, within a place located on property owned by the state or an agency or instrumentality of the state, the entrance to which is subject to an admission charge;

(b) The gross receipts from the sale of prescribed drugs and medicine intended for use, internal or external, in the cure, mitigation, treatment or prevention of illness or disease in human beings and products consumed by humans for the preservation of health, including prescription glasses, therapeutic and prosthetic devices, but not including cosmetics or toilet articles notwithstanding the presence of medicinal ingredients therein;

(c) The gross receipts from the sale of and the storage, use or other consumption in Minnesota of tangible personal property, tickets, or admissions, electricity, gas, or local exchange telephone service, which under the Constitution or laws of the United States or under the Constitution of Minnesota, the state of Minnesota is prohibited from taxing;

(d) The gross receipts from the sale of tangible personal property (i) which, without intermediate use, is shipped or transported outside Minnesota and thereafter used in a trade or business or is stored, processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property transported or shipped outside Minnesota and thereafter used in a trade or business outside Minnesota, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce (storage shall not constitute intermediate use); or (ii) which the seller delivers to a common carrier for delivery outside Minnesota, places in the United States mail or parcel post directed to the purchaser outside Minnesota, or delivers to the purchaser outside Minnesota by means of the seller's own delivery vehicles, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(e) The gross receipts from the sale of packing materials used to pack and ship household goods, the ultimate destination of which is outside the state of Minnesota and which are not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(f) The gross receipts from the sale of and storage, use or consumption of petroleum products upon which a tax has been imposed under the provisions of chapter 296, whether or not any part of said tax may be subsequently refunded;

(g) The gross receipts from the sale of clothing and wearing apparel except the following:

(i) all articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious

stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with precious metals or imitations thereof; watches; clocks; cases and movements for watches and clocks; gold, gold-plated, silver, or sterling flatware or hollow ware and silver-plated hollow ware; opera glasses; lorgnettes; marine glasses; field glasses and binoculars.

(ii) articles made of fur on the hide or pelt, and articles of which such fur is the component material or chief value, but only if such value is more than three times the value of the next most valuable component material.

(iii) perfume, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous and toilet powders. The tax imposed by this act shall not apply to lotion, oil, powder, or other article intended to be used or applied only in the case of babies.

(iv) trunks, valises, traveling bags, suitcases, satchels, overnight bags, hat boxes for use by travelers, beach bags, bathing suit bags, brief cases made of leather or imitation leather, salesmen's sample and display cases, purses, handbags, pocketbooks, wallets, billfolds, card, pass, and key cases and toilet cases.

(h) The gross receipts from the sale of and the storage, use, or consumption of all materials, including chemicals, fuels, petroleum products, lubricants, packaging materials, including returnable containers used in packaging food and beverage products, feeds, seeds, fertilizers, electricity, gas and steam, used or consumed in agricultural or industrial production of personal property intended to be sold ultimately at retail, whether or not the item so used becomes an ingredient or constituent part of the property produced. Such production shall include, but is not limited to, research, development, design or production of any tangible personal property, manufacturing, processing (other than by restaurants and consumers) of agricultural products whether vegetable or animal, commercial fishing, refining, smelting, reducing, brewing, distilling, printing, mining, quarrying, lumbering, generating electricity and the production of road building materials. Such production shall not include painting, cleaning, repairing or similar processing of property except as part of the original manufacturing process. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures, used in such production and fuel, electricity, gas or steam used for space heating or lighting, are not included within this exemption; however, accessory tools, equipment and other short lived items, which are separate detachable units used in producing a direct effect upon the product, where such items have an ordinary useful life of less than 12 months, are included within the exemption provided herein;

(i) The gross receipts from the sale of and storage, use or other consumption in Minnesota of tangible personal property (except as provided in section 297A.14) which is used or consumed in producing any publication regularly issued at average intervals not exceeding three months, and any such publication. For purposes of this subsection, "publication" as used herein shall include, without limiting the foregoing, a legal newspaper as defined by Minnesota Statutes 1965, Section 331.02, and any supplements or enclosures with or part of said newspaper; and the gross receipts of any advertising contained therein or therewith shall be exempt. For this purpose, advertising in any such publication shall be deemed to be a service and not tangible personal property, and persons or their agents who publish or sell such newspapers shall be deemed to be engaging in a service with respect to gross receipts realized from such newsgathering or publishing activities by them, including the sale of advertising. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures used in such publication and fuel, electricity, gas or steam used for space heating or lighting, are not exempt;

(j) The gross receipts from all sales, *including sales in which title is retained by a seller or a vendor or is assigned to a third party under an installment sale or lease purchase agreement under section 465.71*, of tangible personal property to, and all storage, use or consumption of such property by, the United States and its agencies and instrumentalities or a state and its agencies, instrumentalities and political subdivisions;

(k) The gross receipts from the isolated or occasional sale of tangible personal property in Minnesota not made in the normal course of business of selling that kind of property, and the storage, use, or consumption of property acquired as a result of such a sale;

(l) The gross receipts from sales of rolling stock and the storage, use or other consumption of such property by railroads, freight line companies, sleeping car companies and express companies taxed on the gross earnings basis in lieu of ad valorem taxes. For purposes of this clause "rolling stock" is defined as the portable or moving apparatus and machinery of any such company which moves on the road, and includes, but is not limited to, engines, cars, tenders, coaches, sleeping cars and parts necessary for the repair and maintenance of such rolling stock.

(m) The gross receipts from sales of airlift equipment and the storage, use or other consumption of such property by airline companies taxed under the provisions of sections 270.071 to 270.079. For purposes of this clause, "airlift equipment" includes airplanes and parts necessary for the repair and maintenance of such airlift equipment, and flight simulators.

(n) The gross receipts from the sale of telephone central office telephone equipment used in furnishing intrastate and interstate telephone service to the public.

(o) The gross receipts from the sale of and the storage, use or other consumption by persons taxed under the in lieu provisions of chapter 298, of mill liners, grinding rods and grinding balls which are substantially consumed in the production of tacomite, the material of which primarily is added to and becomes a part of the material being processed.

(p) The gross receipts from the sale of tangible personal property to, and the storage, use or other consumption of such property by, any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious or educational purposes if the property purchased is to be used in the performance of charitable, religious or educational functions, or any senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders;

(q) The gross receipts from the sale of caskets and burial vaults;

(r) The gross receipts from the sale of an automobile or other conveyance if the purchaser is assisted by a grant from the United States in accordance with 38 United States Code, Section 1901, as amended.

(s) The gross receipts from the sale to the licensed aircraft dealer of an aircraft for which a commercial use permit has been issued pursuant to section 360.654, if the aircraft is resold while the permit is in effect.

(t) The gross receipts from the sale of building materials to be used in the construction or remodeling of a residence when the construction or remodeling is financed in whole or in part by the United States in accordance with 38 United States Code, Sections 801 to 805, as amended. This exemption shall not be effective at time of sale of the materials to contractors, subcontractors, builders or owners, but shall be applicable only upon a claim for refund to the commissioner of revenue filed by recipients of the benefits provided in Title 38 United States Code, Chapter 21, as amended. The commissioner shall provide by regulation for the refund of taxes paid on sales exempt in accordance with this paragraph.

(u) The gross receipts from the sale of textbooks which are prescribed for use in conjunction with a course of study in a public or private school, college, university and business or trade school to students who are regularly enrolled at such institutions.

For purposes of this clause a "public school" is defined as one that furnishes course of study, enrollment and staff that meets standards of the state board of education and a private school is one which under the standards of the state board of education, provides an education substantially equivalent to that furnished at a public school. Business and trade schools shall mean such schools licensed pursuant to section 141.25.

(v) The gross receipts from the sale of and the storage of material designed to advertise and promote the sale of merchandise or services, which material is purchased and stored for the purpose of subsequently shipping or otherwise transferring outside the state by the purchaser for use thereafter solely outside the state of Minnesota.

(w) The gross receipt from the sale of residential heating fuels in the following manner:

(i) all fuel oil, coal, wood, steam, propane gas, and L.P. gas sold to residential customers for residential use;

(ii) natural gas sold for residential use to customers who are metered and billed as residential users and who use natural gas for their primary source of residential heat, for the billing months of November, December, January, February, March and April;

(iii) electricity sold for residential use to customers who are metered and billed as residential users and who use electricity for their primary source of residential heat, for the billing months of November, December, January, February, March and April.

(x) The gross receipts from the sale or use of tickets or admissions to the premises of or events sponsored by an association, corporation or other group of persons which provides an opportunity for citizens of the state to participate in the creation, performance or appreciation of the arts and which qualifies as a tax-exempt organization within the meaning of section 290.05, subdivision 1, clause (i).

(y) The gross receipts from either the sales to or the storage, use or consumption of tangible personal property by an organization of military service veterans or an auxiliary unit of an organization of military service veterans, provided that:

(i) the organization or auxiliary unit is organized within the state of Minnesota and is exempt from federal taxation pursuant to section 501(c), clause (19), of the Internal Revenue Code as amended through December 31, 1978; and

(ii) the tangible personal property which is sold to or stored, used or consumed by the organization or auxiliary unit is for

charitable, civic, educational, or nonprofit uses and not for social, recreational, pleasure or profit uses.

(z) The gross receipts from the sale of sanitary napkins, tampons, or similar items used for feminine hygiene.

Sec. 3. Minnesota Statutes 1980, Section 297B.03, is amended to read:

297B.03 [EXEMPTIONS.]

There is specifically exempted from the provisions of this chapter and from computation of the amount of tax imposed by it the following:

(1) Purchase or use, *including use under a lease purchase agreement or installment sales contract made pursuant to section 465.71*, of any motor vehicle by any person described in and subject to the conditions provided in section 297A.25, subdivision 1, clauses (j), (p) and (s).

(2) Purchase or use of any motor vehicle by any person who was a resident of another state at the time of the purchase and who subsequently becomes a resident of Minnesota, provided the purchase occurred more than 60 days prior to the date such person moved his residence to the state of Minnesota.

(3) Purchase or use of any motor vehicle by any person making a valid election to be taxed under the provisions of section 297A.211.

(4) Purchase or use of any motor vehicle previously registered in the state of Minnesota by any corporation or partnership when such transfer constitutes a transfer within the meaning of sections 351 or 721 of the Internal Revenue Code of 1954, as amended through December 31, 1974.

Sec. 4. Minnesota Statutes 1980, Section 465.71, is amended to read:

465.71 [INSTALLMENT PURCHASES AND LEASE PURCHASES OF PROPERTY; HOME RULE CHARTER AND STATUTORY CITIES; COUNTIES, SCHOOL DISTRICTS.]

A (SECOND, THIRD OR FOURTH CLASS) home rule charter city, *statutory city, county, or school district* may purchase real or personal property under an installment contract, or *lease personal property with an option to purchase under a lease purchase agreement*, by which contract or agreement title is retained by the seller or vendor or assigned to a third party as security for the purchase price, *including interest, if any*, but

such purchases are subject to statutory and charter provisions applicable to the purchase of real or personal property. *For purposes of the bid requirements contained in section 471.345, "the amount of the contract" shall include the total of all lease payments for the entire term of the lease under a lease-purchase agreement. The obligation created by a lease purchase agreement shall not be included in the calculation of net debt for purposes of section 475.53, and shall not constitute debt under any other statutory provision. No election shall be required in connection with the execution of a lease purchase agreement authorized by this section. The city, county, or school district shall have the right to terminate a lease purchase agreement at the end of any fiscal year during its term. As provided by section 290.08, subdivision 7, interest, if any, payable under any installment contract or lease purchase agreement authorized by this section shall not be included in gross income for the purpose of computing any tax imposed under chapter 290.*

ARTICLE VIII

Section 1. Minnesota Statutes 1980, Section 278.01, is amended to read:

278.01 [DEFENSE OR OBJECTION TO TAX ON LAND; SERVICE AND FILING.]

Subdivision 1. [PETITION FOR DETERMINATION.] Any person having any estate, right, title, or interest in or lien upon any parcel of land, who claims that (SUCH) *that* property has been partially, unfairly, or unequally assessed in comparison with other property in the city or county, (OR) that the parcel has been assessed at a valuation greater than its real or actual value, (OR) that the tax levied against the (SAME) *property* is illegal, in whole or in part, or has been paid, or that the property is exempt from the tax (SO) levied, may have the validity of his claim, defense, or objection determined by the district court of the county in which the tax is levied or by the tax court by serving two copies of a petition for (SUCH) determination upon the county auditor and one copy each on the county treasurer and the county attorney and filing the (SAME) *petition*, with proof of service, in the office of the clerk of the district court before the first day of June of the year in which the tax becomes payable. The county auditor shall immediately forward one copy of the petition to the appropriate governmental authority in a home rule charter or statutory city or town in which the property is located if that city or town employs its own certified assessor *and one copy to the school board of the school district in which the property is located.* A petition for determination under this section may be transferred by the district court to the tax court. An appeal may also be taken to the tax court under chapter 271 at any time following receipt of the valuation notice required by section 273.121 but prior to June 1 of the year in which the taxes are payable.

Subd. 2. [HOMESTEADS.] Any person having any estate, right, title or interest in or lien upon any parcel which is classified as homestead under the provisions of section 273.13, subdivisions 6, 6a, 7, 7b, 10 or 12, who claims that (SAID) *the* parcel has been assessed at a valuation which exceeds by ten percent or more the valuation which the parcel would have if it were valued at the average assessment/sales ratio for real property in the same class, in that portion of the county in which that parcel is located, for which the commissioner is able to establish and publish a sales ratio study as determined by the applicable real estate assessment/sales ratio study published by the commissioner of revenue, may have the validity of his claim, defense, or objection determined by the district court of the county in which the tax is levied or by the tax court by serving two copies of a petition for (SUCH) determination upon the county auditor and one copy each on the county treasurer and the county attorney and filing the (SAME) *petition*, with proof of (SUCH) service, in the office of the clerk of the district court before the first day of June of the year in which (SUCH) *the* tax becomes payable. The county auditor shall immediately forward one copy of the petition to the appropriate governmental authority in a home rule charter or statutory city or town in which the property is located if that city or town employs its own certified assessor *and one copy to the school board of the school district in which the property is located.* A petition for determination under this section may be transferred by the district court to the tax court.

Subd. 3. [LIMITATION.] The procedures established by this section shall not be available to contest the validity or amount of any special assessment made pursuant to chapters 429, 430, any special law or city charter.

Sec. 2. Minnesota Statutes 1980, Section 278.05, Subdivision 2, is amended to read:

Subd. 2. [RESPONSIBLE ATTORNEY; SCHOOL DISTRICT REPRESENTATIVE.] If the property on which the taxes have been levied is located in a home rule charter or statutory city or town which employs its own certified assessor, the attorney for that governmental unit may, within 20 days after receipt by the governmental unit of the copy of the petition forwarded by the county auditor, give notice to the county attorney and to the petitioner or his attorney that the home rule charter or statutory city or town is taking charge of and prosecuting the proceeding. If the attorney for the home rule charter or statutory city or town does not give notice, the attorney of the county in which (THESE) *the* taxes are levied shall take charge of and prosecute the proceedings, but the county board may employ any other attorney to assist him. *A representative of the school district in which the property is located shall be notified of all proceedings and all offers to reduce valuations*

and shall be given an opportunity to appear and testify on any trial of the issues raised.

ARTICLE IX

Section 1. Minnesota Statutes 1981 Supplement, Section 270.063, is amended to read:

270.063 [COLLECTION OF DELINQUENT TAXES.]

For the purpose of collecting delinquent state tax liabilities from taxpayers who do not reside or are not located in Minnesota, there is appropriated to the commissioner of revenue an amount representing the cost of collection, not to exceed one-third of the amount collected by contract with collection agencies or attorneys to enable the commissioner to reimburse these agencies for this service. The commissioner shall report quarterly on the status of this program to the chairmen of the house tax and appropriation committees and senate tax and finance committees.

Notwithstanding section 16A.15, subdivision 3, the commissioner of revenue may authorize the prepayment of sheriff's fees or court costs to be incurred in connection with the collection out of state of delinquent tax liabilities owed to the commissioner of revenue.

Sec. 2. Minnesota Statutes 1980, Section 270.06, is amended to read:

270.06 [POWERS AND DUTIES.]

It shall be the duty of the commissioner of revenue and he shall have power and authority:

(1) To have and exercise general supervision over the administration of the assessment and taxation laws of the state, over assessors, town, county, and city boards of review and equalization, and all other assessing officers in the performance of their duties, to the end that all assessments of property be made relatively just and equal in compliance with the laws of the state;

(2) To confer with, advise and give the necessary instructions and directions to local assessors and local boards of review throughout the state as to their duties under the laws of the state;

(3) To direct proceedings, actions, and prosecutions to be instituted to enforce the laws relating to the liability and punishment of public officers and officers and agents of corporations for failure or negligence to comply with the provisions of the

laws of this state governing returns of assessment and taxation of property, and to cause complaints to be made against local assessors, members of boards of equalization, members of boards of review, or any other assessing or taxing officer, to the proper authority, for their removal from office for misconduct or negligence of duty;

(4) To require county attorneys to assist in the commencement of prosecutions in actions or proceedings for removal, forfeiture and punishment for violation of the laws of this state in respect to the assessment and taxation of property in their respective districts or counties;

(5) To require town, city, county, and other public officers to report information as to the assessment of property, collection of taxes received from licenses and other sources, and such other information as may be needful in the work of the department of revenue, in such form and upon such blanks as he may prescribe;

(6) To require individuals, copartnerships, companies, associations, and corporations to furnish information concerning their capital, funded or other debt, current assets and liabilities, earnings, operating expenses, taxes, as well as all other statements now required by law for taxation purposes;

(7) To summon witnesses to appear and give testimony, and to produce books, records, papers and documents relating to any tax matter which he may have authority to investigate or determine. *Provided, that any summons which does not identify the person or persons with respect to whose tax liability the summons is issued may be served only if (a) the summons relates to the investigation of a particular person or ascertainable group or class of persons, (b) there is a reasonable basis for believing that such person or group or class of persons may fail or may have failed to comply with any tax law administered by the commissioner, (c) the information sought to be obtained from the examination of the records (and the identity of the person or persons with respect to whose liability the summons is issued) is not readily available from other sources, (d) the summons is clear and specific as to the information sought to be obtained, and (e) the information sought to be obtained is limited solely to the scope of the investigation. Provided further that the party served with a summons which does not identify the person or persons with respect to whose tax liability the summons is issued shall have the right, within 20 days after service of the summons, to petition the district court for the judicial district in which lies the county in which the summons is served for a determination as to whether the commissioner of revenue has complied with all the requirements in (a) to (e), and thus, whether the summons is enforceable. If no such petition is made by the party served within the time prescribed, the summons shall have the force and effect of a court order;*

(8) To cause the deposition of witnesses residing within or without the state, or absent therefrom, to be taken, upon notice to the interested party, if any, in like manner that depositions of witnesses are taken in civil actions in the district court, in any matter which he may have authority to investigate or determine;

(9) To investigate the tax laws of other states and countries and to formulate and submit to the legislature such legislation as he may deem expedient to prevent evasions of assessment and taxing laws, and to secure just and equal taxation and improvement in the system of assessment and taxation in this state;

(10) To consult and confer with the governor upon the subject of taxation, the administration of the laws in regard thereto, and the progress of the work of the department of revenue, and to furnish the governor, from time to time, such assistance and information as he may require relating to tax matters;

(11) To transmit to the governor, on or before the third Monday in December of each even-numbered year, and to each member of the legislature, on or before November 15 of each even-numbered year, the report of the department of revenue for the preceding years, showing all the taxable property in the state and the value of the same, in tabulated form;

(12) To inquire into the methods of assessment and taxation and ascertain whether the assessors faithfully discharge their duties, particularly as to their compliance with the laws requiring the assessment of all property not exempt from taxation;

(13) To exercise and perform such further powers and duties as may be required or imposed upon the commissioner of revenue by law;

(14) The commissioner of revenue may promulgate rules and regulations for the administration and enforcement of the property tax. Such rules and regulations shall have the force and effect of law;

(15) To execute and administer any agreement with the secretary of the treasury of the United States regarding the exchange of information and administration of the tax laws of both the United States and the state of Minnesota;

(16) To administer and enforce the provisions of sections 325.64 to 325.76, the Minnesota unfair cigarette sales act.

Sec. 3. Minnesota Statutes 1980, Section 270.07, Subdivision 1, is amended to read:

Subdivision 1. The commissioner of revenue shall prescribe the form of all blanks and books required under this chapter. He shall hear and determine all matters of grievance relating to taxation. Except as otherwise provided by law, he shall have power to grant such reduction or abatement of assessed valuations or taxes and of any costs, penalties or interest thereon as he may deem just and equitable, and to order the refundment, in whole or in part, of any taxes, costs, penalties or interest thereon which have been erroneously or unjustly paid. Application therefor shall be submitted with a statement of facts in the case and the favorable recommendation of the county board or of the board of abatement of any city where any such board exists, and the county auditor of the county wherein such tax was levied or paid. In the case of gross earnings taxes the application may be made directly to the commissioner without the favorable action of the county board and county auditor, and the commissioner shall direct that any gross earnings taxes which may have been erroneously or unjustly paid shall be applied against unpaid taxes due from the applicant for such refundment. No reduction, abatement, or refundment of any special assessments made or levied by any municipality for local improvements shall be made unless it is also approved by the board of review or similar taxing authority of such municipality. The commissioner may refer any question that may arise in reference to the true construction of this chapter to the attorney general, and his decision thereon shall be in force and effect until annulled by the judgment of a court of competent jurisdiction. The commissioner shall forward to the county auditor a copy of the order by him made in all cases in which the approval of the county board is required. The commissioner may by written order abate, reduce, or refund any penalty or interest imposed by any law relating to taxation, if in his opinion the (ENFORCEMENT OF SUCH A PENALTY OR THE PAYMENT OF SUCH INTEREST WOULD BE UNJUST AND INEQUITABLE) *failure to timely pay the tax or failure to timely file the return is due to reasonable cause*. Such order shall, in the case of real and personal property taxes, be made only on application and approval as provided in this section; in the case of all other taxes, such order shall be made on application of the taxpayer to the commissioner and, if the order is for an abatement, reduction or refund of over (\$500) \$5,000, it shall be valid only if approved in writing by the attorney general.

An appeal may not be taken to the tax court from any order of the commissioner of revenue made in the exercise of the discretionary authority granted to him in this subdivision in response to a taxpayer's application for an abatement, reduction or refund of taxes, assessed valuations, costs, penalties or interest.

Sec. 4. Minnesota Statutes 1980, Section 270.10, Subdivision 1, is amended to read:

Subdivision 1. [IN WRITING; APPROVAL BY ATTORNEY GENERAL.] All orders and decisions of the commissioner of revenue, or any of his subordinates, respecting any tax, assessment, or other obligation, shall be in writing, filed in the offices of the department. No order or decision increasing or decreasing any tax, assessment, or other obligation by a sum exceeding \$500 on real or personal property, or the assessed valuation thereof, or other obligation relating thereto, the result of which is to increase or decrease the total amount payable including penalties and interest, by a sum exceeding \$1,000, and no order or decision increasing or decreasing any other tax by a sum exceeding \$1,000 exclusive of penalties and interest, shall be made without the written signature or facsimile signature of the commissioner, a deputy commissioner, assistant commissioner, division director, or acting division director in each case. Written notice of every order granting a reduction, abatement, or refundment exceeding (\$1,000) \$5,000 of any tax exclusive of penalties and interest, shall be given within five days to the attorney general. The attorney general shall forthwith examine such order, and if he deems the same proper and legal he shall approve the same in writing, and may waive the right of appeal therefrom in behalf of the state; otherwise he shall take an appeal from the order in behalf of the state as herein provided; but written approval of the commissioner or his deputy and written notice to the attorney general, shall not be required with respect to the following orders: (1) orders reducing assessed valuation of property by reason of its classification as a homestead; (2) orders not involving refunds which have the effect only of correcting income and franchise tax assessments to conform to the amounts shown on final returns filed as provided by section 290.42, clause (6); (3) original orders for the refundment of gasoline and special fuel taxes.

Sec. 5. [270.65] [CONTRACTS WITH STATE; COMPLIANCE WITH TAX LAWS.]

No department of the state of Minnesota, nor any political or governmental subdivision of the state, shall make final settlement with any contractor until satisfactory showing is made that the contractor, and subcontractors, if any, has complied with the tax laws administered by the commissioner of revenue with regard to the specific job under contract. A certificate by the commissioner shall satisfy this requirement.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 270.66, is amended to read:

270.66 [RIGHT OF SETOFF.]

Subdivision 1. [CERTIFICATION BY COMMISSIONER.] Upon certification by the commissioner of revenue to the commissioner of finance, or to any state agency described in subdivision 3 which disburses its own funds, within five years after

the tax should have been paid or the return is filed, whichever is later, that a taxpayer has an uncontested delinquent tax liability owed to the commissioner of revenue, (AND NOTICE THAT THE STATE HAS PURCHASED PERSONAL SERVICES, SUPPLIES, CONTRACT SERVICE, OR PURCHASED PROPERTY FROM SAID TAXPAYER,) the commissioner of finance or the state agency shall apply to such delinquent tax liability funds sufficient to satisfy such unpaid tax liability from funds appropriated for payment of (SAID) an obligation of the state or any of its agencies that are due and owing the taxpayer, provided however, that such credit shall not be made against any funds exempt under section 550.37 or those funds owed (THE) an individual taxpayer who receives assistance under the provisions of chapter 256 (OR 256B).

Subd. 2. [SETOFF SATISFIES STATE OBLIGATION.] All funds, whether general or dedicated, shall be subject to setoff in the manner herein provided. Transfer of funds as herein provided is payment of the obligation of the state or any of its agencies to such taxpayer and any actions for said funds, if any, shall be had against the department of revenue on the issue of such tax liability. Nothing in this section shall be construed to limit the previously existing right of the state or any of its agencies to setoff.

Subd. 3. [AGENCIES SHALL MAINTAIN RECORDS.] Notwithstanding any provision to the contrary, every person, organization, or corporation doing business (hereafter called vendor) with the state of Minnesota or any of its departments, agencies, or educational institutions including the University of Minnesota (all hereafter called agency) shall provide that agency with their social security number or Minnesota tax identification number. The agency shall maintain records of this information, and shall make these records available to the commissioner, upon his request, for the sole purpose of identifying people who have not filed state tax returns or who have not paid uncontested state tax liabilities (hereafter called delinquent taxpayer). When an agency is notified by the commissioner that a vendor is a delinquent taxpayer, payments shall not be made by the agency to the vendor until the commissioner notifies the agency that the vendor no longer is a delinquent taxpayer. Furthermore, if the vendor has an uncontested delinquent tax liability, the setoff provided in subdivision 1 may be implemented. The commissioner shall determine that a vendor no longer is a delinquent taxpayer when the vendor has filed all delinquent state tax returns, paid all uncontested state tax liabilities or entered into an agreement with the commissioner which provides for the payment of these liabilities. The commissioner may notify an agency concerning a vendor, notwithstanding the provisions of sections 290.61 or 297A.43.

Sec. 7. [270.67] [AGREEMENTS REGARDING TAX LIABILITY OR EXTENSION OF PAYMENT OF TAX.]

Subdivision 1. [LIABILITY AGREEMENTS.] The commissioner of revenue, or any officer or employee of the department of revenue authorized in writing by the commissioner, is authorized to enter into an agreement in writing with any taxpayer, or duly authorized agent or representative of the taxpayer, relating to the liability of the taxpayer in respect of any state tax administered by the commissioner for any taxable period ending prior to the date of the agreement. If the agreement is approved by the commissioner within the time stated in the agreement, or later agreed to, the agreement shall be final and conclusive; and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact, the case shall not be reopened as to the matters agreed upon, or the agreement modified, by an officer, employee, or agent of the state; and, in any suit, action, or proceeding, the agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance with the agreement, shall not be annulled, modified, set aside, or disregarded.

Subd. 2. [EXTENSION AGREEMENTS.] When any portion of any tax payable to the commissioner of revenue together with interest and penalty thereon, if any, has not been paid six months from the date prescribed by law for its payment, the commissioner may extend the time for payment for a further period not to exceed 36 months. When the authority of this section is invoked, the extension shall be evidenced by written agreement signed by the taxpayer and the commissioner, stating the amount of the tax with penalty and interest, if any, and providing for the payment of the amount in regular weekly, semimonthly or monthly installments. The agreement shall contain a confession of judgment for the amount and for any unpaid portion thereof and shall provide that the commissioner may forthwith enter judgment against the taxpayer in the district court of the county of his residence as shown upon his tax return for the unpaid portion of the amount specified in the extension agreement. The principal sum specified in the agreement shall bear interest at the rate specified in section 270.75 on all unpaid portions thereof until the same has been fully paid or the unpaid portion thereof has been entered as a judgment. The judgment shall bear interest at the rate specified in section 270.75. If it appears to the commissioner that the tax reported by the taxpayer is in excess of the amount actually owing by the taxpayer, the extension agreement or the judgment entered pursuant thereto shall be corrected. If after making the extension agreement or entering judgment with respect thereto, the commissioner determines that the tax as reported by the taxpayer is less than the amount actually due, the commissioner shall assess a further tax in accordance with the provisions of law applicable to the tax. The authority granted to the commissioner by this section is in addition to any other authority granted to the commissioner by law to extend the time of payment or the time for filing a return and shall not be construed in limitation thereof.

Sec. 8. [270.68] [LEGAL ACTION; CONFESSION OF JUDGMENT.]

Subdivision 1. [LEGAL ACTION.] In addition to all other methods authorized by law for the collection of tax, if any tax payable to the commissioner of revenue or to the department of revenue, including penalties and interest thereon, is not paid within 60 days after it is required by law to be paid, the commissioner of revenue may, within five years after the date the tax should have been paid or the return is filed, whichever is later, bring an action at law against the person liable for the payment or collection of the tax, in the name of the state, for the recovery of the tax and interest and penalties due in respect thereof. The action shall be brought in the district court of the judicial district in which lies the county of the residence or principal place of business within this state of the taxpayer, or, in the case of an estate or trust, of the place of its principal administration, and for this purpose the place named as such in the return, if any, made by the taxpayer shall be conclusive against the taxpayer in this matter. If no place is named in the return, the action may be commenced in Ramsey county. The action shall be commenced by filing with the clerk of the court a statement showing the name and address of the taxpayer, if known, an itemized summary of the taxable periods and the type of tax, the tax due and unpaid and the interest and penalties due with respect thereto under the provisions of law applicable to the tax, and shall contain a prayer that the court adjudge the taxpayer to be indebted on account of the taxes, interest, and penalties in the amount specified in the statement; a copy of the statement shall be furnished to the clerk therewith. The clerk shall mail a copy of the statement by certified mail to the taxpayer at the address given in the return, if any; and, if no address is given, then at his last known address, within five days after the same is filed, except that, if the taxpayer's address is not known, notice to him shall be made by posting a copy of the statement for ten days in the place in the courthouse where public notices are regularly posted. The taxpayer shall, if he desires to litigate the claim, or any part thereof, file a verified answer with the clerk setting forth his objections to the claim, or any part thereof; the answer shall be filed on or before the lapse of the 20th day after the date of mailing the statement; or, if notice has been given by posting, on or before the 20th day after the expiration of the period during which the notice was required to be posted. If no answer is filed within the specified time, the clerk, upon the filing of an affidavit of default, shall enter judgment for the state in the amount prayed for, plus costs of \$10. If an answer is filed, the issues raised shall stand for trial as soon as possible after the filing of the answer, and the court shall determine the issues and direct judgment accordingly; and, if the taxes, interest, or penalties are sustained to any extent over the amount rendered by the taxpayer, shall assess \$10 costs against the taxpayer. The court shall disregard all technicalities and matters of form not affecting the substantial merits. The commissioner may call upon the

county attorney or the attorney general to conduct the proceedings on behalf of the state. Execution shall be issued upon the judgment at the request of the commissioner, and the execution shall, in all other respects, be governed by the laws applicable to executions issued on judgments. Only the homestead and household goods of the judgment debtor shall be exempt from seizure and sale upon the execution.

Subd. 2. [APPEALS.] Either party to an action or a judgment for the recovery of any taxes, interest, or penalties under subdivision 1 may remove the judgment to the supreme court by appeal, as provided for appeals in civil cases.

Subd. 3. [TAX PRESUMED VALID.] The tax, as assessed by the commissioner, with any penalties included therein, shall be presumed to be valid and correctly determined and assessed, and the burden shall be upon the taxpayer to show its incorrectness or invalidity. The statement filed by the commissioner with the clerk of court, as provided in subdivision 1, or any other certificate by the commissioner of the amount of the tax and penalties as determined or assessed by him, shall be admissible in evidence and shall establish prima facie the facts set forth therein.

Subd. 4. [CONFESSION OF JUDGMENT.] (a) The commissioner may, within 3-1/2 years after any return or report is filed, notwithstanding section 541.09, enter judgment on any confession of judgment contained in the return or report after ten days notice served upon the taxpayer by mail at the address shown in his return or report. The judgment shall be entered by the clerk of court of any county upon the filing of a photocopy or similar reproduction of that part of the return or report containing the confession of judgment along with a statement of the commissioner or his agent that the tax has not been paid.

(b) Notwithstanding any other provision of the law to the contrary, the commissioner may, within five years after a written agreement is signed by the taxpayer and the commissioner under the provisions of section 7, subdivision 2, enter judgment on the confession of judgment contained within the agreement after ten days notice served upon the taxpayer at the address shown in the agreement. Such judgment shall be entered by the clerk of court of any county upon the filing of the agreement or a certified copy thereof along with a statement of the commissioner or his agent that the tax has not been paid.

Sec. 9. [270.69] [LIEN FOR TAXES.]

Subdivision 1. [CREATION OF LIEN.] The tax imposed by any chapter administered by the commissioner of revenue, and interest and penalties imposed with respect thereto, shall become a lien upon all the property within this state, both real and personal, of the person liable for the payment or collection

of the tax, except his homestead, from and after the filing by the commissioner of a notice of lien in the office of the county recorder of the county in which the property is situated, or in the case of personal property belonging to an individual who is not a resident of this state, or which is a corporation, partnership, or other organization, in the office of the secretary of state.

Subd. 2. [INDEXING OF LIENS.] *The indexing of liens filed pursuant to this section and, notwithstanding section 386.77, the fees charged for such filing and indexing, shall be as prescribed in sections 272.483 and 272.484.*

Subd. 3. [EXEMPT PROPERTY.] *The lien imposed on personal property by this section, even though properly filed, shall not be valid as against a purchaser with respect to tangible personal property purchased at retail or as against the personal property listed as exempt in sections 550.37, 550.38, and 550.39.*

Subd. 4. [PERIOD OF LIMITATIONS.] *The lien imposed by this section shall, notwithstanding any other provision of law to the contrary, be valid and enforceable for ten years from the date of filing the notice of lien, which must be filed by the commissioner within five years after the tax should have been paid or the return is filed, whichever is later.*

Subd. 5. [PRIORITY OF LIEN.] *Only for the purpose of determining the order of priority of the lien imposed by this section and a federal tax lien, the lien imposed by this section shall arise at the time the state tax assessment is made.*

Subd. 6. [ENFORCEABILITY OF LIEN.] *The lien imposed by this section shall be enforceable by levy as authorized in section 270.70, or by judgment lien foreclosure as authorized in chapter 550.*

Subd. 7. [NOTICE OF MORTGAGE FORECLOSURE OR CONTRACT TERMINATION.] *If a lien has been filed by the commissioner of revenue against real property pursuant to this section, and, subsequent to the recording of the lien, a mortgage foreclosure upon the real property is commenced under chapter 580, or a termination of contract of sale of the real property is commenced under section 559.21, notice of the mortgage foreclosure or termination of contract of sale shall be mailed to the commissioner not less than 25 days prior to the foreclosure or termination.*

Sec. 10. Minnesota Statutes 1980, Section 270.70, Subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY OF COMMISSIONER.] *If any tax payable to the commissioner of revenue or to the department of revenue is not paid when due, such tax may be collected*

by the commissioner of revenue *within five years after the tax should have been paid or the return is filed, whichever is later*, by a levy upon all property and rights to property of the person liable for the *payment or collection of such tax* (,) (except that which is exempt from execution pursuant to section 550.37) *or property on which there is a lien provided in section 9*. For this purpose, the term "tax" shall include any penalty, interest and costs properly payable. The term "levy" includes the power of distraint and seizure by any means.

Sec. 11. Minnesota Statutes 1980, Section 270.70, Subdivision 2, is amended to read:

Subd. 2. [NOTICE AND DEMAND; JEOPARDY COLLECTION.] Before a levy is made, notice and demand for payment of the amount due shall be given to the person liable for the *payment or collection of the tax* at least ten days prior to the levy. If the commissioner has reason to believe that collection of the tax is in jeopardy, notice and demand for immediate payment of (SUCH) *the tax* may be made by the commissioner. If the tax is not paid, the commissioner may proceed to collect by levy without regard to the ten day period provided herein.

Sec. 12. Minnesota Statutes 1980, Section 270.70, Subdivision 3, is amended to read:

Subd. 3. [MANNER OF EXECUTION AND SALE.] In making the execution of the levy and in collecting the taxes due, the commissioner shall have all of the powers provided in chapter 550 and in any other law for purposes of effecting an execution against property in this state. The sale of property levied upon, and the time and manner of redemption therefrom, shall (BE AS), *to the extent not provided in sections 18 to 26, be governed by chapter 550*. The seal of the court, subscribed by the clerk, as provided in section 550.04, shall not be required. The levy for collection of taxes may be made whether or not the commissioner has commenced a legal action for collection of such taxes.

Sec. 13. Minnesota Statutes 1980, Section 270.70, Subdivision 5, is amended to read:

Subd. 5. [PROBATE COURT JURISDICTION.] Where a levy has been made to collect taxes pursuant to (SUBDIVISION 1) *this section* and the property seized is properly included in a formal proceeding commenced under sections 524.3-401 to 524.3-505 and maintained under full supervision of the court, such property shall not be sold until the probate proceedings are completed or until the court so orders.

Sec. 14. Minnesota Statutes 1980, Section 270.70, is amended by adding a subdivision to read:

Subd. 13. [LEVY AND SALE BY SHERIFF.] If any tax payable to the commissioner of revenue or to the department of revenue is not paid as provided in subdivision 2, the commissioner may, within five years after the tax should have been paid or the return is filed, whichever is later, delegate the authority granted to him by subdivision 1, by means of issuing his warrant to the sheriff of any county of the state commanding him, as agent for the commissioner, to levy upon and sell the real and personal property of the person liable for the payment or collection of the tax and to levy upon the rights to property of that person within the county, or to levy upon and seize any property within the county on which there is a lien provided in section 9, and to return the warrant to the commissioner and pay to the commissioner the money collected by virtue thereof by a time to be therein specified not less than 60 days from the date of the warrant. The sheriff shall proceed thereunder to levy upon and seize any property of the person and to levy upon the rights to property of the person within the county (except his homestead or that property which is exempt from execution pursuant to section 550.37), or to levy upon and seize any property within the county on which there is a lien provided in section 9. For purposes of the preceding sentence, the term "tax" shall include any penalty, interest and costs properly payable. The sheriff shall then sell so much of the property levied upon as is required to satisfy the taxes, interest, and penalties, together with his costs; but the sales, and the time and manner of redemption therefrom, shall, to the extent not provided in sections 18 to 26, be governed by chapter 550. The proceeds of the sales, less the sheriff's costs, shall be turned over to the commissioner, who shall then apply the proceeds as provided in section 25.

Sec. 15. Minnesota Statutes 1980, Section 270.70, is amended by adding a subdivision to read:

Subd. 14. [PRIORITY OF LEVY.] A levy by the commissioner made pursuant to the provisions of this section upon a taxpayer's funds on deposit in a financial institution located in this state, shall have priority over any unexercised right of setoff of the financial institution to apply the levied funds toward the balance of an outstanding loan or loans owed by the taxpayer to the financial institution. A claim by the financial institution that it exercised its right to setoff prior to the levy by the commissioner must be substantiated by evidence of the date of the setoff, and shall be verified by the sworn statement of a responsible corporate officer of the financial institution. Furthermore, for purposes of determining the priority of any levy made under this section, the levy shall be treated as if it were an execution made pursuant to chapter 550.

Sec. 16. Minnesota Statutes 1980, Section 270.70, is amended by adding a subdivision to read:

Subd. 15. [EFFECT OF HONORING LEVY.] *Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made who, upon demand by the commissioner, surrenders the property or rights to property (or who pays a liability under subdivision 8) shall be discharged from any obligation or liability to the person liable for the payment or collection of the delinquent tax with respect to the property or rights to property so surrendered or paid.*

Sec. 17. Minnesota Statutes 1980, Section 270.70, is amended by adding a subdivision to read:

Subd. 16. [NOTICE OF LEVY.] *Notwithstanding any other provision of law to the contrary, the notice of any levy authorized by this section may be served by mail or by delivery by an employee or agent of the department of revenue.*

Sec. 18. [270.701] [SALE OF SEIZED PROPERTY.]

Subdivision 1. [NOTICE OF SEIZURE.] *As soon as practicable after seizure of property, notice in writing shall be given by the commissioner of revenue to the owner of the property (or, in the case of personal property, the possessor thereof), and shall be served in like manner as a summons in a civil action in the district court. If the owner cannot be readily located, or has no dwelling or place of business within this state, the notice may be mailed to his last known address. The notice shall specify the sum demanded and shall contain, in the case of personal property, an account of the property seized and, in the case of real property, a description with reasonable certainty of the property seized.*

Subd. 2. [NOTICE OF SALE.] *The commissioner shall as soon as practicable after the seizure of the property give notice of sale of the property to the owner, in the manner of service prescribed in subdivision 1. In the case of personal property, the notice shall be served at least ten days prior to the sale. In the case of real property, the notice shall be served at least four weeks prior to the sale. The commissioner shall also cause public notice of each sale to be made. In the case of personal property, notice shall be posted at least ten days prior to the sale at the post office nearest the place where the seizure is made, and in not less than two other public places. In the case of real property, six weeks' published notice shall be given prior to the sale, in a newspaper published or generally circulated in the county. The notice of sale provided in this subdivision shall specify the property to be sold, and the time, place, manner and conditions of the sale. Whenever levy is made without regard to the ten-day period provided in section 270.70, subdivision 2, public notice of sale of the property seized shall not be made within the ten-day period unless section 19 (relating to sale of perishable goods) is applicable.*

Subd. 3. [SALE OF INDIVISIBLE PROPERTY.] If any property liable to levy is not divisible, so as to enable the commissioner by sale of a part thereof to raise the whole amount of the tax and expenses, the whole of the property shall be sold.

Subd. 4. [TIME AND PLACE OF SALE.] The time of sale shall be after the expiration of the notice periods prescribed in subdivision 2. The place of sale shall be within the county in which the property is seized, except by special order of the commissioner.

Subd. 5. [MANNER AND CONDITIONS OF SALE.] (a) Before the sale the commissioner shall determine a minimum price for which the property shall be sold, and if no person offers for the property at the sale the amount of the minimum price, the property shall be declared to be purchased at the minimum price for the state of Minnesota; otherwise the property shall be declared to be sold to the highest bidder. In determining the minimum price, the commissioner shall take into account the expense of making the levy and sale. The announcement of the minimum price determined by the commissioner may be delayed until the receipt of the highest bid.

(b) The sale shall not be conducted in any manner other than:

(i) by public auction, or

(ii) by public sale under sealed bids.

(c) In the case of seizure of several items of property, the items may be offered separately, in groups, or in the aggregate, and shall be sold under whichever method produces the highest aggregate amount.

(d) Payment in full shall be required at the time of acceptance of a bid, except that a part of the payment may be deferred by the commissioner for a period not to exceed 30 days.

(e) Other methods (including advertising) in addition to those prescribed in subdivision 2 may be used in giving notice of the sale.

(f) The commissioner may adjourn the sale from time to time for a period not to exceed 30 days.

(g) If payment in full is required at the time of acceptance of a bid and is not then and there paid, the commissioner shall forthwith proceed to again sell the property in the manner provided in this section. If the conditions of the sale permit part of the payment to be deferred, and if the part is not paid within the prescribed period, suit may be instituted against the purchaser

for the purchase price or that part thereof as has not been paid, together with interest at the rate specified in section 549.09 from the date of the sale; or, in the discretion of the commissioner, the sale may be declared by the commissioner to be null and void for failure to make full payment of the purchase price and the property may again be advertised and sold as provided in this section. In the event of a readvertisement and sale, any new purchaser shall receive the property or rights to property free and clear of any claim or right of the former defaulting purchaser, of any nature whatsoever, and the amount paid upon the bid price by the defaulting purchaser shall be forfeited.

Sec. 19. [270.702] [SALE OF PERISHABLE GOODS.]

If the commissioner determines that any property seized is liable to perish or become greatly reduced in price or value by keeping, or that the property cannot be kept without great expense, he shall appraise the value of the property, and if the owner of the property can be readily found, the commissioner shall give the owner notice of the determination of the appraised value of the property. The property shall be returned to the owner if, within the time specified in the notice, the owner (a) pays to the commissioner an amount equal to the appraised value, or (b) gives bond in the form, with the sureties, and in the amount as the commissioner prescribes to pay the appraised amount at the time the commissioner determines to be appropriate in the circumstances. If the owner does not pay the amount or furnish the bond in accordance with this section, the commissioner shall as soon as practicable make public sale of the property in accordance with section 18.

Sec. 20. [270.703] [REDEMPTION OF PROPERTY.]

Subdivision 1. [BEFORE SALE.] Any person whose property has been levied upon shall have the right to pay the amount due, together with the expenses of the proceeding, if any, to the commissioner at any time prior to the sale thereof, and upon payment the commissioner shall restore the property to him, and all further proceedings in connection with the levy on the property shall cease from the time of payment.

Subd. 2. [REDEMPTION OF REAL ESTATE AFTER SALE.] The owners of any real property sold as provided in this section, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the property sold, or any particular tract of the property, at any time within six months, or in case the real property sold exceeds ten acres in size, at any time within 12 months, after the sale thereof. The property or tract of property shall be permitted to be redeemed upon payment to the purchaser (or in case he cannot be found in the county in which the property to be redeemed

is situated, then to the commissioner, for the use of the purchaser, his heirs, or assigns) of the amount paid by the purchaser together with interest at the rate specified in section 549.09 from the date of the sale.

Subd. 3. [RECORD.] When any lands sold are redeemed as provided in this section, the commissioner shall cause entry of the fact to be made upon the record required by section 23 and the entry shall be evidence of the redemption.

Sec. 21. [270.704.] [CERTIFICATE OF SALE.]

In the case of property sold as provided in section 18, the commissioner shall give to the purchaser a certificate of sale upon payment in full of the purchase price. In the case of real property the certificate shall set forth the real property purchased, for whose taxes the property was sold, the name of the purchaser, and the price paid. If real property is declared purchased by the state of Minnesota, the commissioner shall within ten days from the sale cause the certificate of sale to be duly recorded by the county recorder of the county in which the real property is located.

Sec. 22. [270.705] [EFFECT OF CERTIFICATE OF SALE.]

Subdivision 1. [PERSONAL PROPERTY.] (a) In all cases of sale pursuant to section 18 of personal property, the certificate of sale given pursuant to section 21 shall be prima facie evidence of the right of the commissioner to make the sale, and conclusive evidence of the regularity of his proceedings in making the sale. The certificate shall transfer to the purchaser all right, title, and interest of the party delinquent in and to the property sold.

(b) If the property consists of stocks, the certificate of sale shall be notice, when received, to any corporation, company, or association of the transfer, and shall be authority to the corporation, company, or association to record the transfer on its books and records in the same manner as if the stocks were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether cancelled or not.

(c) If the subject of sale is securities or other evidences of debt, the certificate of sale shall be a good and valid receipt to the person holding the same, as against any person holding or claiming to hold possession of the securities or other evidences of debt.

(d) If the property consists of a motor vehicle, the certificate of sale shall be notice, when received, to the registrar

of motor vehicles of this state of the transfer, and shall be authority to the registrar to record the transfer on his books and records in the same manner as if the certificate of title to the motor vehicle were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether cancelled or not.

Subd. 2. [REAL PROPERTY.] In the case of the sale of real property pursuant to section 18, the certificate of sale given pursuant to section 21 shall be prima facie evidence of the facts therein stated, and shall be considered and operate as a conveyance of all the right, title, and interest the party delinquent had in and to the real property thus sold at the time the lien of the state of Minnesota attached thereto.

Subd. 3. [JUNIOR ENCUMBRANCES.] A certificate of sale of personal property or real property given pursuant to section 21 shall discharge the property from all liens, encumbrances, and titles over which the lien of the state of Minnesota with respect to which the levy was made had priority.

Sec. 23. [270.706] [RECORDS OF SALE.]

The commissioner shall, for the department of revenue, keep a record of all sales of property under section 18 and of redemptions of real property. The record shall set forth the tax for which the sale was made, the dates of seizure and sale, the name of the party assessed and all proceedings in making the sale, the amount of expenses, the names of the purchasers, and the date of the certificate of sale. A copy of the record, or any part thereof, certified by the commissioner shall be evidence in any court of the truth of the facts therein stated.

Sec. 24. [270.707] [EXPENSE OF LEVY AND SALE.]

The commissioner shall determine the expenses to be allowed in all cases of levy and sale.

Sec. 25. [270.708] [APPLICATION OF PROCEEDS OF LEVY.]

Subdivision 1. [COLLECTION OF LIABILITY.] Any money realized by proceedings under this chapter, whether by seizure, by surrender under section 270.70 (except pursuant to subdivision 9 thereof), by sale of seized property, or by sale of property redeemed by the state of Minnesota (if the interest of the state of Minnesota in the property was a lien arising under the provisions of section 9), shall be applied as follows:

(a) First, against the expenses of the proceedings; then

(b) *If the property seized and sold is subject to a tax administered by the commissioner of revenue which has not been paid, the amount remaining after applying clause (a) shall next be applied against the tax liability (and, if the tax was not previously assessed, it shall then be assessed); and*

(c) *The amount, if any, remaining after applying clauses (a) and (b) shall be applied against the tax liability in respect of which the levy was made or the sale was conducted.*

Subd. 2. [SURPLUS PROCEEDS.] Any surplus proceeds remaining after the application of subdivision 1 shall, upon application and satisfactory proof in support thereof, be credited or refunded by the commissioner to the person or persons legally entitled thereto.

Sec. 26. [270.709] [AUTHORITY TO RELEASE LEVY AND RETURN PROPERTY.]

Subdivision 1. [RELEASE OF LEVY.] It shall be lawful for the commissioner to release the levy upon all or part of the property or rights to property levied upon if the commissioner determines that the release will facilitate the collection of the liability, but the release shall not operate to prevent any subsequent levy.

Subd. 2. [RETURN OF PROPERTY.] If the commissioner determines that property has been wrongfully levied upon, it shall be lawful for the commissioner to return:

(a) *The specific property levied upon, at any time;*

(b) *An amount of money equal to the amount of money levied upon, at any time before the expiration of nine months from the date of the levy; or*

(c) *An amount of money equal to the amount of money received by the state of Minnesota from a sale of the property, at any time before the expiration of nine months from the date of the sale.*

For purposes of clause (c), if property is declared purchased by the state of Minnesota at a sale pursuant to section 18, subdivision 5 (relating to manner and conditions of sale), the state of Minnesota shall be treated as having received an amount of money equal to the minimum price determined pursuant to section 18, subdivision 5 or, if larger, the amount received by the state of Minnesota from the resale of the property.

Sec. 27. [270.71] [ACQUISITION AND RESALE OF SEIZED PROPERTY.]

For the purpose of enabling the commissioner of revenue to purchase or redeem seized property in which the state of Minnesota has an interest arising from a lien for unpaid taxes, there is appropriated to the commissioner an amount representing the cost of such purchases or redemptions. Seized property acquired by the state of Minnesota to satisfy unpaid taxes shall be resold by the commissioner. The commissioner shall preserve the value of seized property while it is under his control, including but not limited to the procurement of insurance. For the purpose of refunding the proceeds from the sale of levied or redeemed property which are in excess of the actual tax liability plus costs of acquiring the property, there is hereby created a levied and redeemed property refund account in the agency fund. All amounts deposited into this account are appropriated to the commissioner of revenue. The commissioner shall report quarterly on the status of this program to the chairmen of the house taxes and appropriations committees and senate taxes and tax laws and finance committees.

Sec. 28. Minnesota Statutes 1981 Supplement, Section 270.75, as amended by Laws 1981, Third Special Session Chapter 2, Article III, Section 1, is amended by adding a subdivision to read:

Subd. 6. Notwithstanding section 549.09, if judgment is entered upon any tax payable to the commissioner of revenue which has not been paid within the time specified by law for payment, the unpaid judgment shall bear interest at the rate specified in this section from the date judgment is entered until the date of payment.

Sec. 29. Minnesota Statutes 1980, Section 290.45, Subdivision 2, is amended to read:

Subd. 2. [EXTENSIONS.] ((A)) At the request of the taxpayer, and for good cause shown, the commissioner may extend the time for payment of the amount determined as the tax by the taxpayer, or any installment thereof, or any amount determined as a deficiency, for a period not to exceed six months from the date prescribed for the payment of the tax or an installment thereof. In such case the amount in respect of which the extension is granted shall be paid together with interest at the rate specified in section 270.75 on or before the date of the expiration of the period of the extension.

((B) WHEN ANY PORTION OF THE TAX AS REPORTED BY THE TAXPAYER TOGETHER WITH INTEREST AND PENALTY THEREON, IF ANY, HAS NOT BEEN PAID SIX MONTHS FROM THE DATE PRESCRIBED BY LAW FOR THE PAYMENT THEREOF THE COMMISSIONER MAY EXTEND THE TIME FOR PAYMENT THEREOF FOR A FURTHER PERIOD NOT TO EXCEED 30 MONTHS. WHEN THE AUTHORITY OF THIS PARAGRAPH (B) IS

INVOKED, THE EXTENSION SHALL BE EVIDENCED BY WRITTEN AGREEMENT SIGNED BY THE TAXPAYER AND THE COMMISSIONER, STATING THE AMOUNT OF SUCH TAX WITH PENALTY AND INTEREST, IF ANY, AND PROVIDING FOR THE PAYMENT OF SUCH AMOUNT IN REGULAR WEEKLY, SEMI-MONTHLY OR MONTHLY INSTALLMENTS, WHICH AGREEMENT SHALL CONTAIN A CONFESSION OF JUDGMENT FOR SUCH AMOUNT AND FOR ANY UNPAID PORTION THEREOF AND PROVIDING THAT THE COMMISSIONER MAY FORTHWITH ENTER JUDGMENT AGAINST THE TAXPAYER IN THE DISTRICT COURT OF THE COUNTY OF HIS RESIDENCE AS SHOWN UPON HIS TAX RETURN FOR THE UNPAID PORTION OF THE AMOUNT SPECIFIED IN SAID EXTENSION AGREEMENT. THE PRINCIPAL SUM SPECIFIED IN SAID AGREEMENT SHALL BEAR INTEREST AT THE RATE SPECIFIED IN SECTION 270.75 ON ALL UNPAID PORTIONS THEREOF UNTIL THE SAME HAS BEEN FULLY PAID OR THE UNPAID PORTION THEREOF HAS BEEN ENTERED AS A JUDGMENT, WHICH JUDGMENT SHALL BEAR INTEREST AT THE RATE SPECIFIED IN SECTION 270.75. IF IT SHALL APPEAR TO THE SATISFACTION OF THE COMMISSIONER THAT THE TAX REPORTED BY THE TAXPAYER IS IN EXCESS OF THE AMOUNT ACTUALLY OWING BY THE TAXPAYER, THE EXTENSION AGREEMENT OR THE JUDGMENT ENTERED PURSUANT THERETO SHALL BE SO CORRECTED. IF AFTER MAKING SUCH EXTENSION AGREEMENT OR ENTERING JUDGMENT WITH RESPECT THERETO, THE COMMISSIONER SHALL DETERMINE THAT THE TAX AS REPORTED BY THE TAXPAYER IS LESS THAN THE AMOUNT ACTUALLY DUE, THE COMMISSIONER SHALL ASSESS SUCH FURTHER TAX IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER. THE AUTHORITY GRANTED TO THE COMMISSIONER BY THIS PARAGRAPH (B) IS IN ADDITION TO ANY OTHER AUTHORITY GRANTED TO THE COMMISSIONER BY LAW TO EXTEND THE TIME OF PAYMENT OR THE TIME FOR FILING A RETURN AND SHALL NOT BE CONSTRUED IN LIMITATION THEREOF.)

Sec. 30, Minnesota Statutes 1980, Section 290.48, Subdivision 3, is amended to read:

Subd. 3. [COLLECTION JEOPARDIZED BY DELAY.] The commissioner may (ALSO) proceed under the provisions of (SUBDIVISION 2) *section 270.70* when he has reasonable grounds for believing that the collection of any taxes, interest, or penalties due under this chapter will be jeopardized by delays incident to other methods of collection; and, in such cases, no preliminary notice and demand shall be required.

Sec. 31, Minnesota Statutes 1980, Section 290.48, Subdivision 4, is amended to read:

Subd. 4. [(TAXPAYER ABOUT TO REMOVE FROM STATE) *ASSESSMENT JEOPARDIZED BY DELAY.*] If the commissioner has reasonable grounds for believing that a taxpayer is about to remove himself or his property from this state with the purpose of evading the tax imposed by this chapter, *or that the collection of the tax will be jeopardized by delays incident to other methods of collection*, he may immediately declare the taxpayer's taxable year at an end and assess a tax on the basis of his own knowledge or information available to him, mail the taxpayer written notice of the amount thereof, at his last known address, demand its immediate payment; and, if payment is not immediately made, collect the tax by (THE) *any* method prescribed in (SUBDIVISION 2) *chapter 270*, except that it need not await the expiration of the periods of time therein specified.

Sec. 32. Minnesota Statutes 1980, Section 290.48, Subdivision 6, is amended to read:

Subd. 6. [APPEALS.] Either party to an action or a judgment for the recovery of any taxes, interest, or penalties under (SUBDIVISION 1 OR) subdivision 5 may remove the judgment to the supreme court by appeal, as provided for appeals in civil cases.

Sec. 33. Minnesota Statutes 1980, Section 290.48, Subdivision 8, is amended to read:

Subd. 8. [TAX PRESUMED VALID.] The tax, as assessed by the commissioner, with any penalties included therein, shall be presumed to be valid and correctly determined and assessed, and the burden shall be upon the taxpayer to show its incorrectness or invalidity. (THE) *Any* statement filed by the commissioner with the clerk of court, (AS PROVIDED HEREIN,) or any other certificate by the commissioner of the amount of the tax and penalties as determined or assessed by him, shall be admissible in evidence and shall establish prima facie the facts set forth therein.

Sec. 34. Minnesota Statutes 1980, Section 290.53, Subdivision 2, is amended to read:

Subd. 2. [FAILURE TO MAKE AND FILE RETURN (, NOT DUE TO WILFUL NEGLIGENCE).] In case of any failure to make and file a return as required by this chapter within the time prescribed by law or prescribed by the commissioner in pursuance of law, (UNLESS IT IS SHOWN THAT SUCH FAILURE IS NOT DUE TO WILFUL NEGLIGENCE,) there shall be added to the tax in lieu of the penalty provided in subdivision 1: ten percent if the failure is for not more than 30 days with an additional five percent for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The amount so added to any tax shall

be collected at the same time and in the same manner and as a part of the tax, and the amount of said tax together with the amount so added shall bear interest at the rate specified in section 270.75 from the time such tax should have been paid until paid unless the tax has been paid before the discovery of the neglect, in which case the amount so added shall be collected in the same manner as the tax.

For the purposes of this subdivision the amount of any taxes required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.

Sec. 35. Minnesota Statutes 1980, Section 290.53, Subdivision 5, is amended to read:

Subd. 5. [ALLOCATION OF PAYMENTS.] All payments received may, in the discretion of the commissioner of revenue, be credited first to the oldest liability not secured by a judgment or lien, but in all cases shall be credited first to penalties, next to interest, and then to the tax due.

Sec. 36. Minnesota Statutes 1980, Section 290.54, is amended to read:

290.54 [TAX A PERSONAL DEBT.]

The tax imposed by this chapter, and interest and penalties imposed with respect thereto, shall become a personal debt of the taxpayer from the time the liability therefor arises, irrespective of when the time for discharging such liability by payment occurs. The debt shall, in the case of the personal representative of the estate of a decedent and in the case of any fiduciary, be that of such person in his official or fiduciary capacity only unless he shall have voluntarily distributed the assets held in such capacity without reserving sufficient assets to pay such tax, interest, and penalties, in which event he shall be personally liable for any deficiency. This provision shall apply only to cases in which this state is legally competent to impose such personal liability.

(THE TAX IMPOSED BY THIS CHAPTER, AND INTEREST AND PENALTIES IMPOSED WITH RESPECT THERETO, SHALL BECOME A LIEN UPON ALL OF THE PROPERTY, BOTH REAL AND PERSONAL, OF THE TAXPAYER WITHIN THIS STATE, EXCEPT HIS HOMESTEAD, FROM AND AFTER THE FILING BY THE COMMISSIONER OF A NOTICE OF SUCH LIEN IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY IN WHICH SUCH PROPERTY IS SITUATED, OR IN THE CASE OF PERSONAL PROPERTY BELONGING TO AN INDIVIDUAL WHO IS NOT A RESIDENT OF THIS STATE, OR WHICH

IS A CORPORATION, PARTNERSHIP, OR OTHER ORGANIZATION, IN THE OFFICE OF THE SECRETARY OF STATE.)

(THE LIEN CREATED UNDER THIS SECTION SHALL BECOME EFFECTIVE WITH RESPECT TO PERSONAL PROPERTY FROM AND AFTER THE DATE OF FILING BY THE COMMISSIONER OF A NOTICE OF SUCH LIEN DESCRIBING THE PROPERTY TO WHICH THE LIEN ATTACHES IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY IN WHICH THE COMMISSIONER BELIEVES THE PROPERTY IS LOCATED AT THE TIME SUCH LIEN IS FILED, AND WITH THE SECRETARY OF STATE.)

(THE LIEN IMPOSED ON PERSONAL PROPERTY BY THIS SECTION, EVEN, THOUGH PROPERLY FILED, SHALL NOT BE VALID AS AGAINST A PURCHASER WITH RESPECT TO TANGIBLE PERSONAL PROPERTY PURCHASED AT RETAIL OR AS AGAINST THE PERSONAL PROPERTY LISTED AS EXEMPT IN SECTIONS 550.37, 550.38, AND 500.39.)

Sec. 37. Minnesota Statutes 1981 Supplement, Section 290.92, Subdivision 6, is amended to read:

Subd. 6. [RETURNS, DEPOSITS.] (1) (a) [RETURNS.] Every employer who is required to deduct and withhold tax under subdivision 2a or 3 shall file a return with the commissioner for each quarterly period, on or before the last day of the month following the close of each quarterly period, unless otherwise prescribed by the commissioner. Any tax required to be deducted and withheld during the quarterly period shall be paid with the return unless an earlier time for payment is provided herein. However, any such return may be filed on or before the tenth day of the second calendar month following such period if such return shows timely deposits in full payment of such taxes due for such period. For the purpose of the preceding sentence, a deposit which is not required to be made within such return period, may be made on or before the last day of the first calendar month following the close of such period. Every employer, in preparing said quarterly return, shall take credit for monthly deposits previously made in accordance with this subdivision.

The return shall be in the form and contain the information prescribed by the commissioner. The commissioner may grant a reasonable extension of time for filing the return and paying the tax, but no extension shall be granted for more than six months.

(b) [ADVANCE DEPOSITS REQUIRED IN CERTAIN CASES.] (i) Unless clause (ii) is applicable, if during any

calendar month, other than the last month of the calendar quarter, the aggregate amount of the tax withheld during that quarter under subdivision 2a or 3 exceeds \$200, or beginning January 1, 1982, \$500, the employer shall deposit the aggregate amount with the commissioner within 15 days after the close of the calendar month. (ii) If at the close of any eighth-monthly period the aggregate amount of undeposited taxes is \$3,000 or more, the employer shall deposit the undeposited taxes with the commissioner within three banking days after the close of the eighth-monthly period. For purposes of this subparagraph, the term "eighth-monthly period" means the first three days of a calendar month, the fourth day through the seventh day of a calendar month, the eighth day through the 11th day of a calendar month, the 12th day through the 15th day of a calendar month, the 16th day through the 19th day of a calendar month, the 20th day through the 22nd day of a calendar month, the 23rd day through the 25th day of a calendar month, or the portion of a calendar month following the 25th day of such month.

(c) [OTHER METHODS.] The commissioner shall have the power by rule to prescribe other return periods or deposit requirements. In prescribing the reporting period, the commissioner may classify employers according to the amount of their tax liability and may adopt an appropriate reporting period for each class which he deems to be consistent with efficient tax collection. In no event shall the duration of the reporting period be more than one year, provided that for employers with annual withholding tax liabilities of less than \$1,200 the reporting period shall be no more frequent than quarterly.

(2) If less than the correct amount of such tax is paid to the commissioner, proper adjustments, with respect to both the tax and the amount to be deducted, shall be made, without interest, in such manner and at such times as the commissioner may prescribe. If such underpayment cannot be so adjusted the amount of the underpayment shall be assessed and collected in such manner and at such times as the commissioner may prescribe.

(3) If any employer fails to make and file any return required by paragraph (1) at the time prescribed therefor, or makes and files a false or fraudulent return, the commissioner shall make for him a return from his own knowledge and from such information as he can obtain through testimony, or otherwise, and assess a tax on the basis thereof. The amount of tax shown thereon shall be paid to the commissioner at such times as the commissioner may prescribe. Any such return or assessment so made by the commissioner shall be prima facie correct and valid, and the employer shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto.

(4) If the commissioner, in any case, has reason to believe that the collection of the tax provided for in paragraph (1) of

this subdivision, and any added penalties and interest, if any, will be jeopardized by delay, he may immediately assess such tax, whether or not the time otherwise prescribed by law for making and filing the return and paying such tax has expired.

(5) Any assessment under this subdivision shall be made by recording the liability of the employer in the office of the commissioner in accordance with regulations prescribed by the commissioner. Upon request of the employer, the commissioner shall furnish the employer a copy of the record of assessment.

(6) Any assessment of tax under this subdivision shall be made within three and one-half years after the due date of the return required by paragraph (1), or the date the return was filed, whichever is later; except that in the case of a false or fraudulent return or failure to file a return, the tax may be assessed at any time.

(7) (a) Except as provided in (b) of this paragraph, every employer who fails to pay to or deposit with the commissioner any sum or sums required by this section to be deducted, withheld and paid, shall be personally and individually liable to the state of Minnesota for such sum or sums (and any added penalties and interest); and any sum or sums deducted and withheld in accordance with the provisions of subdivision 2a or subdivision 3 shall be held to be a special fund in trust for the state of Minnesota.

(b) If the employer, in violation of the provision of this section, fails to deduct and withhold the tax under this section, and thereafter the taxes against which such tax may be credited are paid, the tax so required to be deducted and withheld shall not be collected from the employer; but this shall in no case relieve the employer from liability for any penalties and interest otherwise applicable in respect of such failure to deduct and withhold.

(8) Upon the failure of any employer to pay to or deposit with the commissioner within the time provided by paragraphs (1), (2) or (3) of this subdivision any tax required to be withheld in accordance with the provisions of subdivision 2a or subdivision 3, or if the commissioner has assessed a tax pursuant to paragraph (4), such tax shall become immediately due and payable, and the commissioner may deliver to the attorney general a certified statement of the tax, penalties and interest due from such employer. The statement shall also give the address of the employer owing such tax, the period for which the tax is due, the date of the delinquency, and such other information as may be required by the attorney general. It shall be the duty of the attorney general to institute legal action in the name of the state to recover the amount of such tax, penalties, interest and costs. The commissioner's certified statement to the attorney general shall for all purposes and in all courts

be prima facie evidence of the facts therein stated and that the amount shown therein is due from the employer named in the statement. In event action is instituted as herein provided, the court shall, upon application of the attorney general, appoint a receiver of the property and business of the delinquent employer for the purpose of impounding the same as security for any judgment which has been or may be recovered. Any such action shall be brought within four years and three months after the due date of the return or deposit required by paragraph (1), or the date the return was filed, or deposit made whichever is later; except that in the case of failure to make and file such return or if such return is false or fraudulent, or such deposit is not made such action may be brought at any time.

(9) (THE TAX REQUIRED TO BE WITHHELD UNDER SUBDIVISION 2A OR SUBDIVISION 3 OR PAID TO, OR DEPOSITED WITH THE COMMISSIONER UNDER THIS SUBDIVISION, TOGETHER WITH PENALTIES, INTEREST AND COSTS, SHALL BECOME A LIEN UPON ALL OF THE REAL PROPERTY OF THE EMPLOYER WITHIN THIS STATE, EXCEPT HIS HOMESTEAD, FROM AND AFTER THE FILING BY THE COMMISSIONER OF A NOTICE OF SUCH LIEN IN THE OFFICES OF THE COUNTY RECORDER OF THE COUNTY IN WHICH SUCH REAL PROPERTY IS SITUATED.)

((10)) Either party to an action for the recovery of any tax, interest or penalties under this subdivision may remove the judgment to the supreme court by appeal, as provided for appeals in civil cases.

((11)) (10) No suit shall lie to enjoin the assessment or collection of any tax imposed by this section, or the interest and penalties added thereto.

((12) WHEN ANY TAX IS DUE AND PAYABLE AS PROVIDED IN PARAGRAPH (8) THE COMMISSIONER MAY ISSUE HIS WARRANT TO THE SHERIFF OF ANY COUNTY OF THE STATE COMMANDING HIM TO LEVY UPON AND SELL THE REAL AND PERSONAL PROPERTY OF THE EMPLOYER AND TO LEVY UPON THE RIGHTS TO PROPERTY OF THE EMPLOYER WITHIN THE COUNTY AND TO RETURN SUCH WARRANT TO THE COMMISSIONER AND PAY TO HIM THE MONEY COLLECTED BY VIRTUE THEREOF BY A TIME TO BE THEREIN SPECIFIED, NOT LESS THAN 60 DAYS FROM THE DATE OF THE WARRANT. THE SHERIFF SHALL PROCEED THEREUNDER TO LEVY UPON AND SEIZE ANY PROPERTY OF THE EMPLOYER AND TO LEVY UPON THE RIGHTS TO PROPERTY OF THE EMPLOYER WITHIN HIS COUNTY, EXCEPT THE HOMESTEAD AND HOUSEHOLD GOODS OF THE EMPLOYER AND PROPERTY OF THE EMPLOYER NOT LIABLE TO ATTACHMENT, GAR-

NISHMENT, OR SALE ON ANY FINAL PROCESS ISSUED FROM ANY COURT UNDER THE PROVISIONS OF SECTION 550.37, AND SHALL SELL SO MUCH THEREOF AS IS REQUIRED TO SATISFY SUCH TAXES, INTEREST, AND PENALTIES, TOGETHER WITH HIS COSTS; BUT SUCH SALES SHALL, AS TO THEIR MANNER, BE GOVERNED BY THE LAWS APPLICABLE TO SALES OF LIKE PROPERTY ON EXECUTION ISSUED AGAINST PROPERTY UPON A JUDGMENT OF A COURT OF RECORD. THE PROCEEDS OF SUCH SALES, LESS THE SHERIFF'S COSTS, SHALL BE TURNED OVER TO THE COMMISSIONER, WHO SHALL RETAIN SUCH PART THEREOF AS IS REQUIRED TO SATISFY THE TAX, INTEREST, PENALTIES AND COSTS, AND PAY OVER ANY BALANCE TO THE TAXPAYER. ANY ACTION TAKEN BY THE COMMISSIONER PURSUANT TO THIS SUBDIVISION SHALL NOT CONSTITUTE AN ELECTION BY THE STATE TO PURSUE A REMEDY TO THE EXCLUSION OF ANY OTHER REMEDY PROVIDING FOR THE COLLECTION OF TAXES REQUIRED TO BE WITHHELD BY EMPLOYERS.)

Sec. 38. Minnesota Statutes 1981 Supplement, Section 290.92, Subdivision 15, is amended to read:

Subd. 15. [PENALTIES.] (1) If any tax required to be deducted and withheld under subdivision 2a or subdivision 3, or any portion thereof, is not paid to or deposited with the commissioner within the time specified in subdivision 6 for the payment thereof, there shall be added thereto a penalty equal to ten percent of the amount so remaining unpaid. Such penalty shall be collected as part of said tax, and the amount of said tax not timely paid, together with said penalty, shall bear interest at the rate specified in section 270.75 from the time such tax should have been paid or deposited until paid. Where an extension of time for payment has been granted under the provisions of subdivision 6, interest shall be paid at the rate specified in section 270.75 from the date when such payment or deposit should have been made if no extension had been granted, until such tax is paid. If payment is not made at the expiration of the extended period the penalties provided in this subdivision shall apply.

(2) In the case of any failure to withhold a tax on wages, make and file quarterly returns or make payments to or deposits with the commissioner of amounts withheld, as required by this section, within the time prescribed by law, (UNLESS IT IS SHOWN THAT SUCH FAILURE IS NOT DUE TO WILFUL NEGLIGENCE,) there shall be added to the tax in lieu of the penalty provided in paragraph (1) a penalty equal to ten percent of the amount of tax that should have been properly withheld and paid over to or deposited with the commissioner if the failure is for not more than 30 days with an additional five

percent for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The amount of the tax together with this amount shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid. The amount so added to the tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the negligence, in which case the amount so added shall be collected in the same manner as the tax.

(3) If any employer required to withhold a tax on wages, make deposits, make and file quarterly returns and make payments to the commissioner of amounts withheld, as required by sections 290.92 to 290.97, wilfully fails to withhold such a tax or make such deposits, files a false or fraudulent return, wilfully fails to make such a payment or deposit, or wilfully attempts in any manner to evade or defeat any such tax or the payment or deposit thereof, there shall also be imposed on such employer as a penalty an amount equal to 50 percent of the amount of tax (less any amount paid or deposited by such employer on the basis of such false or fraudulent return or deposit) that should have been properly withheld and paid over or deposited with the commissioner. The amount of the tax together with this amount shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid. The penalty imposed by this paragraph shall be collected as a part of the tax, and shall be in addition to any other penalties civil and criminal, prescribed by this subdivision.

(4) If any person required under the provisions of subdivision 7 to furnish a statement to an employee or payee and a duplicate statement to the commissioner, or to furnish a reconciliation of such statements (and quarterly returns) to the commissioner, wilfully furnishes a false or fraudulent statement to an employee or payee or a false or fraudulent duplicate statement or reconciliation of statements (and quarterly returns) to the commissioner, or wilfully fails to furnish a statement or such reconciliation in the manner, at the time, and showing the information required by the provisions of subdivision 7, or regulations prescribed by the commissioner thereunder, there shall be imposed on such a person a penalty of \$10 for each such act or failure to act. The penalty imposed by this paragraph shall become due and payable within ten days after the mailing of a written demand therefor, and may be collected in the manner prescribed in subdivision 6(8).

(5) In addition to the penalties hereinbefore prescribed, any person required to withhold a tax on wages, make and file quarterly returns and make payments or deposits to the commissioner of amounts withheld, as required by this section, who wilfully fails to withhold such a tax or truthfully make and file such a

quarterly return or make such a payment or deposit, shall be guilty of a gross misdemeanor.

(6) In lieu of any other penalty provided by law, except the penalty provided by paragraph (4), any person required under the provisions of subdivision 7 to furnish a statement of wages to an employee and a duplicate statement to the commissioner, who wilfully furnishes a false or fraudulent statement of wages to an employee or a false or fraudulent duplicate statement of wages to the commissioner, or who wilfully fails to furnish such a statement in the manner, at the time, and showing the information required by the provisions of subdivision 7, or regulations prescribed by the commissioner thereunder, shall be guilty of a gross misdemeanor.

(7) Any employee required to supply information to his employer under the provisions of subdivision 5, who wilfully fails to supply information thereunder which would require an increase in the tax to be deducted and withheld under subdivision 2a or subdivision 3, shall be guilty of a misdemeanor.

(8) The term "person," as used in this section, includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

(9) All payments received, *may, in the discretion of the commissioner of revenue, be credited first to the oldest liability not secured by a judgment or lien, but in all cases shall be credited first to penalties, next to interest, and then to the tax due.*

(10) In addition to any other penalty provided by law, any employee who furnishes a withholding exemption certificate to his employer which the employee has reason to know contains a materially incorrect statement shall be liable to the commissioner of revenue for a penalty of \$100 for each instance. The penalty shall be immediately due and payable and may be collected in the same manner as any delinquent income tax.

(11) In addition to any other penalty provided by law, any employer who fails to submit a copy of a withholding exemption certificate required by section 26, clause (1)(a), (1)(b), or (2) shall be liable to the commissioner of revenue for a penalty of \$50 for each instance. The penalty shall be immediately due and payable and may be collected in the manner provided in subdivision 6(8).

Sec. 39. Minnesota Statutes 1980, Section 290.92, Subdivision 23, is amended to read:

Subd. 23. [WITHHOLDING BY EMPLOYER OF DELINQUENT TAXES.] (1) The commissioner may, *within five years after the taxes should have been paid or the return is filed, whichever is later*, give notice to any employer deriving income which has a taxable situs in this state regardless of whether the income is exempt from taxation, that an employee of that employer is delinquent in a certain amount with respect to any state taxes, including penalties, interest and costs. The commissioner can proceed under this subdivision only if the tax is uncontested or if the time for appeal of the tax has expired. The commissioner shall not proceed under this subdivision until the expiration of 30 days after mailing to the taxpayer, at his last known address, a written notice of (a) the amount of taxes, interest, and penalties due from the taxpayer and demand for their payment, and (b) the commissioner's intention to require additional withholding by the taxpayer's employer pursuant to this subdivision. The effect of the notice shall expire (90) 180 days after it has been mailed to the taxpayer provided that the notice may be renewed by mailing a new notice which is in accordance with this subdivision. The renewed notice shall have the effect of reinstating the priority of the original claim. The notice to the taxpayer shall be in substantially the same form as that provided in section 571.41. The notice shall further inform the taxpayer of the wage exemptions contained in section 550.37, subdivision 14. If no statement of exemption is received by the commissioner within 30 days from the mailing of the notice, he may proceed under this subdivision. The notice to the taxpayer's employer may be served by mail or by delivery by an employee of the department of revenue and shall be in substantially the same form as provided in section 571.495. Upon receipt of notice, the employer shall withhold from compensation due or to become due to the employee, the total amount shown by the notice, subject to the provisions of section 571.55. The employer shall continue to withhold each pay period until the total amount shown by the notice is paid in full. Upon receipt of notice by the employer, the claim of the state of Minnesota shall have priority over any subsequent garnishments or wage assignments. The commissioner may arrange between the employer and the employee for withholding a portion of the total amount due the employee each pay period, until the total amount shown by the notice plus accrued interest has been withheld.

The "compensation due" any employee is defined in accordance with the provisions of section 571.55. The maximum withholding allowed under this subdivision for any one pay period shall be decreased by any amounts payable pursuant to a garnishment action with respect to which the employer was served prior to being served with the notice of delinquency and any amounts covered by any irrevocable and previously effective assignment of wages; the employer shall give notice to the department of the amounts and the facts relating to such assignments within ten days after the service of the notice of delinquency on the form provided by the department of revenue as

noted in this subdivision. In crediting amounts withheld against delinquent taxes of an employee, the department shall apply amounts withheld in the following order: penalties, interest, tax and costs.

(2) If the employee ceases to be employed by the employer before the full amount set forth in a notice of delinquency plus accrued interest has been withheld, the employer shall immediately notify the commissioner in writing of the termination date of the employee and the total amount withheld. No employer may discharge any employee by reason of the fact that the commissioner has proceeded under this subdivision. If an employer discharges an employee in violation of this provision, the employee shall have the same remedy as provided in section 571.61, subdivision 2.

(3) The employer shall, by the date prescribed in subdivision 6, remit to the commissioner, on a form and in the manner prescribed by the commissioner, the amount withheld during the calendar quarter under this subdivision. Should any employer, after notice, willfully fail to withhold in accordance with the notice and this subdivision, or willfully fail to remit any amount withheld as required by this subdivision, the employer shall be liable for the total amount set forth in the notice together with accrued interest which may be collected by any means provided by law relating to taxation. No amount required to be paid by an employer by reason of his failure to remit under this subdivision, may be deducted from the gross income of the employer, under sections 290.09, subdivision 4 or 290.01, subdivision 20. Any amount collected from the employer for failure to withhold or for failure to remit under this subdivision shall be credited to the employee's account in the following manner: penalties, interest, tax and costs.

(4) Clauses (1), (2) and (3), except provisions imposing a liability on the employer for failure to withhold or remit, shall apply to cases in which the employer is the United States or any instrumentality thereof or this state or any municipality or other subordinate unit thereof.

(5) The commissioner shall refund to the employee excess amounts withheld from him under this subdivision. If any excess results from payments by the employer because of willful failure to withhold or remit as prescribed in clause (3) above, the excess attributable to the employer's payment shall be refunded to the employer.

(6) Employers required to withhold delinquent taxes, penalties, interest and costs under this subdivision shall not be required to compute any additional interest, costs or other charges to be withheld.

(7) *The collection remedy provided to the commissioner by this subdivision shall have the same legal effect as if it were a levy made pursuant to section 270.70.*

Sec. 40. Minnesota Statutes 1980, Section 296.01, Subdivision 8, is amended to read:

Subd. 8. [PERSON.] "Person" means any individual, firm, trust, estate, partnership, association, cooperative association, joint stock company or corporation, public or private, or any representative appointed by order of any court; or an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee or member is under a duty to perform any act prescribed by this chapter.

Sec. 41. Minnesota Statutes 1981 Supplement, Section 296.12, Subdivision 4, is amended to read:

Subd. 4. [MONTHLY REPORTS; SHRINKAGE ALLOWANCE.] On or before the 23rd day of each month, the persons subject to the provisions of this section shall file in the office of the commissioner at St. Paul, Minnesota, a report in the following manner:

(1) Distributors and special fuel dealers shall report the total number of gallons delivered to them during the preceding calendar month and shall pay the special fuel excise tax due thereon to the commissioner. Credit for the excise tax due or previously paid on special fuel used by the distributor or special fuel dealer for heating his place of business, or special fuel sold for any purpose other than use in licensed motor vehicles and evidenced by an invoice issued at time of sale, may be allowed in computing the tax liability. The invoice must show the true and correct name and address of the purchaser, and the purchaser's signature. The report shall contain such other information as the commissioner may require.

(2) Distributors and special fuel dealers who have elected to pay the special fuel excise tax on all special fuel delivered into the supply tank of an aircraft or licensed motor vehicle as provided in section 296.12, subdivision 3, shall report the total number of gallons delivered into the supply tank of an aircraft or licensed motor vehicle during the preceding calendar month and shall pay the special fuel excise tax due thereon to the commissioner.

(3) Bulk purchasers shall report and pay the special fuel excise tax on all special fuel purchased by them for storage, during the preceding calendar month. In such cases as the commissioner may permit, credit for the excise tax due or previously paid on special fuel not used in aircraft or licensed motor vehicles, may be allowed in computing tax liability. The report shall

contain such other information as the commissioner may require.

(4) In computing the special fuel excise tax due under clauses (1), (2), and (3), a deduction of one percent of the quantity of special fuel on which tax is due shall be made for evaporation and loss.

(5) *Each report shall contain a confession of judgment for the amount of the tax shown due thereon to the extent not timely paid.*

Sec. 42. Minnesota Statutes 1980, Section 296.14, Subdivision 1, is amended to read:

Subdivision 1. [CONTENTS; PAYMENT OF TAX; SHRINKAGE ALLOWANCE.] On or before the twenty-third day of each month, every person who is required to pay gasoline tax or inspection fee on petroleum products and every distributor shall file in the office of the commissioner at St. Paul, Minnesota, a report in a manner approved by the commissioner showing the number of gallons of petroleum products received by him during the preceding calendar month, and such other information as the commissioner may require. The number of gallons of gasoline shall be reported in U.S. standard liquid gallons (231 cubic inches), except that the commissioner may upon written application therefor and for cause shown permit the distributor to report the number of gallons of such gasoline as corrected to a 60 degree Fahrenheit temperature. If such application is granted, all gasoline covered in such application and as allowed by the commissioner must continue to be reported by the distributor on the adjusted basis for a period of one year from the date of the granting of the application. The number of gallons of petroleum products other than gasoline shall be reported as originally invoiced.

Each report shall show separately the number of gallons of aviation gasoline received by him during such calendar month.

Each report shall be accompanied by remittance covering inspection fees on petroleum products and gasoline tax on gasoline received by him during the preceding month; provided that in computing such tax a deduction of three percent of the quantity of gasoline received by a distributor shall be made for evaporation and loss; provided further that at the time of remittance the distributor shall submit satisfactory evidence that one-third of such three percent deduction shall have been credited or paid to dealers on quantities sold to them. The report and remittance shall be deemed to have been filed as herein required if postmarked on or before the twenty-third day of the month in which payable.

Each report shall contain a confession of judgment for the amount of the tax shown due thereon to the extent not timely paid.

Sec. 43. Minnesota Statutes 1980, Section 296.17, Subdivision 11, is amended to read:

Subd. 11. [REPORTS.] Every motor carrier subject to the road tax shall, on or before the last day of April, July, October and January, file with the commissioner such reports of his operations during the previous three months as the commissioner may require and such other reports from time to time as the commissioner may deem necessary. The commissioner by regulation may exempt from the reporting requirements of this section those motor carriers all or substantially all of whose mileage is within this state, or states with which Minnesota has reciprocity and require in such instances an annual affidavit attesting to the intrastate or substantially intrastate character of their operations, provided that the enforcement of subdivisions 7 to 22 is not adversely affected thereby and that the commissioner is satisfied that an equitable amount of motor fuel is purchased within this state by such carriers.

Each report shall contain a confession of judgment for the amount of the tax shown due thereon to the extent not timely paid.

Sec. 44. Minnesota Statutes 1980, Section 297A.33, Subdivision 2, is amended to read:

Subd. 2. If the commissioner has reason to believe that the person required to file the return is about to remove himself or his property from this state with the purpose of evading the tax and penalties imposed by sections 297A.01 to 297A.44, or that the collection of such tax will be jeopardized by delays incident to other methods of collection, he may immediately declare such person's reporting period at an end and assess a tax on the basis of his own knowledge or information available to him, demand its immediate payment; and, if payment is not immediately made, collect the tax by any method prescribed in (THIS) chapter 270. It shall not be a defense to any assessment made under this section that the tax period has not terminated, or that the time otherwise allowed by law for filing a return has not expired, or that the notices otherwise required by law for making an assessment have not been given, or that the time otherwise allowed by law for taking or prosecuting an appeal or for paying the tax has not expired.

Sec. 45. Minnesota Statutes 1980, Section 297A.39, Subdivision 2, is amended to read:

Subd. 2. In case of any failure to make and file a return within the time prescribed by sections 297A.01 to 297A.44 or an extension thereof, (UNLESS IT IS SHOWN THAT SUCH

FAILURE IS NOT DUE TO WILFUL NEGLECT,) there shall be added to the tax in lieu of the ten percent specific penalty provided in subdivision 1 ten percent if the failure is for not more than 30 days with an additional five percent for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. If the penalty as computed does not exceed \$10, a minimum penalty of \$10 shall be assessed. The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the negligence, in which case the amount so added shall be collected in the same manner as the tax.

Sec. 46. Minnesota Statutes 1980, Section 297A.39, Subdivision 5, is amended to read:

Subd. 5. All payments received *may, in the discretion of the commissioner of revenue, be credited first to the oldest liability not secured by a judgment or lien, but in all cases shall be credited first to penalties, next to interest, and then to the tax due.*

Sec. 47. Minnesota Statutes 1980, Section 508.25, is amended to read:

508.25 [RIGHTS OF PERSON HOLDING CERTIFICATE OF TITLE.]

Every person receiving a certificate of title pursuant to a decree of registration and every subsequent purchaser of registered land who receives a certificate of title in good faith and for a valuable consideration shall hold the same free from all encumbrances and adverse claims, excepting only such estates, mortgages, liens, charges, and interests as may be noted in the last certificate of title in the office of the registrar, and also excepting any of the following rights or encumbrances subsisting against the same, if any:

(1) Liens, claims, or rights arising or existing under the laws or the constitution of the United States, which this state cannot require to appear of record;

(2) The lien of any tax or special assessment for which the land has not been sold at the date of the certificate of title;

(3) Any lease for a period not exceeding three years when there is actual occupation of the premises thereunder;

(4) All rights in public highways upon the land;

(5) Such right of appeal, or right to appear and contest the application, as is allowed by this chapter;

(6) The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;

(7) *Liens or judgments, notwithstanding section 508.63, arising under the laws of this state for the nonpayment of any tax administered by the commissioner of revenue.*

Sec. 48. Minnesota Statutes 1980, Section 559.21, is amended by adding a subdivision to read:

Subd. 5. When required by and in the manner provided in section 9, subdivision 7, the notice required by this section shall also be given to the commissioner of revenue.

Sec. 49. Minnesota Statutes 1980, Section 580.15, is amended to read:

580.15 [PERPETUATING EVIDENCE OF SALE.]

Any party desiring to perpetuate the evidence of any sale made in pursuance of this chapter may procure:

(1) An affidavit of the publication of the notice of sale and of any notice of postponement to be made by the printer of the newspaper in which the same was inserted or by some person in his employ knowing the facts;

(2) An affidavit or return of service of such notice upon the occupant of the mortgaged premises to be made by the officer or person making such service or, in case the premises were vacant or unoccupied at the time the service must be made, an affidavit or return showing that fact, to be made by the officer or person attempting to make such service;

(3) An affidavit by the person foreclosing the mortgage, or his attorney, or someone knowing the facts, setting forth the facts relating to the military service status of the owner of the mortgaged premises at the time of sale.

(4) An affidavit by the person foreclosing the mortgage, or his attorney, or someone having knowledge of the facts, setting forth the fact of service of notice of sale upon the secretary of the treasury of the United States or his delegate in accordance with the provisions of Section 7425 of the Internal Revenue Code of 1954 as amended by Section 109 of the Federal Tax Lien Act of 1966, and also setting forth the fact of service of notice of sale upon the commissioner of revenue of the state of Minnesota in accordance with the provisions of section 9, subdivision 7. Any such affidavit recorded prior to May 16, 1967 shall be effective as prima facie evidence of the facts therein contained as though recorded subsequent to May 16, 1967.

Such affidavits and returns shall be recorded by the county recorder and they and the records thereof, and certified copies of such records, shall be prima facie evidence of the facts therein contained.

The affidavit provided for in clause (3) hereof may be made and filed for record for the purpose of complying with the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, passed by the Congress of the United States and approved on October 17, 1940, and may be made and filed for record at any time subsequent to the date of the mortgage foreclosure sale.

Sec. 50. [REPEALER.]

Minnesota Statutes 1980, Sections 290.48, Subdivisions 1 and 9; 290.51; 290.97; 297A.33, Subdivision 6; 297A.36; 297A.39, Subdivision 6; 297A.40, Subdivision 2; and Minnesota Statutes 1981 Supplement, Section 290.48, Subdivision 2, are repealed.

Sec. 51. [EFFECTIVE DATE.]

This article is effective July 1, 1982, but shall not apply to any tax the collection of which is barred by statute of limitations on July 1, 1982.

ARTICLE X

Section 1. Minnesota Statutes 1980, Section 274.19, Subdivision 3, is amended to read:

Subd. 3. Not later than July 15 in the year of assessment the county treasurer shall mail to the taxpayer a statement of tax due on class 2a property. The taxes shall be due on the last day of August. Taxes remaining unpaid after the due date shall be deemed delinquent, and a penalty of eight percent shall be assessed and collected as part of the unpaid taxes. On September (10) 30 the county treasurer shall make a list of taxes remaining unpaid and shall certify the list immediately to the clerk of district court, who shall issue warrants to the sheriff for collection.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for taxes payable in 1982 and thereafter.

ARTICLE XI

Section 1. Minnesota Statutes 1981 Supplement, Section 297A.01, Subdivision 3, is amended to read:

Subd. 3. A "sale" and a "purchase" includes, but is not limited to, each of the following transactions:

(a) Any transfer of title or possession, or both, of tangible personal property, whether absolutely or conditionally, and the leasing of or the granting of a license to use or consume tangible personal property, for a consideration in money or by exchange or barter;

(b) The production, fabrication, printing or processing of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication, printing or processing;

(c) The furnishing, preparing or serving for a consideration of food, meals or drinks, not including hospitals, sanatoriums, nursing homes or senior citizens homes, meals or drinks purchased for and served exclusively to individuals who are 60 years of age or over and their spouses or to the handicapped and their spouses by governmental agencies, nonprofit organizations, agencies, or churches or pursuant to any program funded in whole or part through 42 USCA sections 3001 through 3045, wherever delivered, prepared or served, meals and lunches served at public and private schools, universities or colleges, or the occasional meal thereof by a charitable or church organization. *Notwithstanding section 297A.25, subdivision 1, clause (a), taxable food or meals include, but is not limited to, the following:*

(i) *heated food or drinks;*

(ii) *sandwiches prepared by the retailer;*

(iii) *single sales of prepackaged ice cream or ice milk novelties prepared by the retailer;*

(iv) *hand-prepared or dispensed ice cream or ice milk products including cones, sundaes, and snow cones;*

(v) *soft drinks and other beverages prepared or served by the retailer;*

(vi) *gum;*

(vii) *ice;*

(viii) *all food, except candy, sold in vending machines;*

(ix) *party trays prepared by the retailers; and*

(x) *all meals and single servings of packaged snack food, single cans or bottles of pop, sold in restaurants and bars;*

(d) The granting of the privilege of admission to places of amusement or athletic events and the privilege of use of amusement devices or athletic facilities;

(e) The furnishing for a consideration of lodging and related services by a hotel, rooming house, tourist court, motel or trailer camp and of the granting of any similar license to use real property other than the renting or leasing thereof for a continuous period of 30 days or more;

(f) The furnishing for a consideration of electricity, gas, water, or steam for use or consumption within this state, or local exchange telephone service and intrastate toll service except such service provided by means of coin operated telephones; the tax imposed on amounts paid for telephone services is the liability of and shall be paid by the person paying for the services. Sales by municipal corporations in a proprietary capacity are included in the provisions of this clause. The furnishing of water and sewer services for residential use shall not be considered a sale.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 297A.-25, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 2, Article V, Section 2, is amended to read:

Subdivision 1. The following are specifically exempted from the taxes imposed by sections 297A.01 to 297A.44:

(a) The gross receipts from the sale of food products including but not limited to cereal and cereal products, butter, cheese, milk and milk products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products, (BUT NOT INCLUDING FOODS WHICH ARE PREPARED OR SPECIALLY SLICED, WRAPPED, ARRANGED OR DISPLAYED, AND SOLD COLD OR HOT FOR IMMEDIATE CONSUMPTION ON OR OFF THE PREMISES ON WHICH THE SALE IS MADE, WHETHER SOLD IN INDIVIDUAL SERVINGS OR IN LARGER QUANTITIES, EXCEPT) and food products which are not taxable pursuant to section 297A.01, subdivision 3, clause (c) and which are sold by a retailer, organized as a nonprofit corporation or association, within a place located on property owned by the state or an agency or instrumentality of the state, the entrance to which is subject to an admission charge;

(b) The gross receipts from the sale of prescribed drugs and medicine intended for use, internal or external, in the cure, mitigation, treatment or prevention of illness or disease in human beings and products consumed by humans for the preservation of health, including prescription glasses, therapeutic and prosthetic devices, but not including cosmetics or toilet articles notwithstanding the presence of medicinal ingredients therein;

(c) The gross receipts from the sale of and the storage, use or other consumption in Minnesota of tangible personal property,

tickets, or admissions, electricity, gas, or local exchange telephone service, which under the Constitution or laws of the United States or under the Constitution of Minnesota, the state of Minnesota is prohibited from taxing;

(d) The gross receipts from the sale of tangible personal property (i) which, without intermediate use, is shipped or transported outside Minnesota and thereafter used in a trade or business or is stored, processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property transported or shipped outside Minnesota and thereafter used in a trade or business outside Minnesota, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce (storage shall not constitute intermediate use); or (ii) which the seller delivers to a common carrier for delivery outside Minnesota, places in the United States mail or parcel post directed to the purchaser outside Minnesota, or delivers to the purchaser outside Minnesota by means of the seller's own delivery vehicles, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(e) The gross receipts from the sale of packing materials used to pack and ship household goods, the ultimate destination of which is outside the state of Minnesota and which are not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(f) The gross receipts from the sale of and storage, use or consumption of petroleum products upon which a tax has been imposed under the provisions of chapter 296, whether or not any part of said tax may be subsequently refunded;

(g) The gross receipts from the sale of clothing and wearing apparel except the following:

(i) all articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with precious metals or imitations thereof; watches; clocks; cases and movements for watches and clocks; gold, gold-plated, silver, or sterling flatware or hollow ware and silver-plated hollow ware; opera glasses; lorgnettes; marine glasses; field glasses and binoculars.

(ii) articles made of fur on the hide or pelt, and articles of which such fur is the component material or chief value, but only if such value is more than three times the value of the next most valuable component material.

(iii) perfume, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restora-

tives, hair dyes, aromatic cachous and toilet powders. The tax imposed by this act shall not apply to lotion, oil, powder, or other article intended to be used or applied only in the case of babies.

(iv) trunks, valises, traveling bags, suitcases, satchels, overnight bags, hat boxes for use by travelers, beach bags, bathing suit bags, brief cases made of leather or imitation leather, salesmen's sample and display cases, purses, handbags, pocketbooks, wallets, billfolds, card, pass, and key cases and toilet cases.

(h) The gross receipts from the sale of and the storage, use, or consumption of all materials, including chemicals, fuels, petroleum products, lubricants, packaging materials, including returnable containers used in packaging food and beverage products, feeds, seeds, fertilizers, electricity, gas and steam, used or consumed in agricultural or industrial production of personal property intended to be sold ultimately at retail, whether or not the item so used becomes an ingredient or constituent part of the property produced. Such production shall include, but is not limited to, research, development, design or production of any tangible personal property, manufacturing, processing (other than by restaurants and consumers) of agricultural products whether vegetable or animal, commercial fishing, refining, smelting, reducing, brewing, distilling, printing, mining, quarrying, lumbering, generating electricity and the production of road building materials. Such production shall not include painting, cleaning, repairing or similar processing of property except as part of the original manufacturing process. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures, used in such production and fuel, electricity, gas or steam used for space heating or lighting, are not included within this exemption; however, accessory tools, equipment and other short lived items, which are separate detachable units used in producing a direct effect upon the product, where such items have an ordinary useful life of less than 12 months, are included within the exemption provided herein;

(i) The gross receipts from the sale of and storage, use or other consumption in Minnesota of tangible personal property (except as provided in section 297A.14) which is used or consumed in producing any publication regularly issued at average intervals not exceeding three months, and any such publication. For purposes of this subsection, "publication" as used herein shall include, without limiting the foregoing, a legal newspaper as defined by Minnesota Statutes 1965, Section 331.02, and any supplements or enclosures with or part of said newspaper; and the gross receipts of any advertising contained therein or therewith shall be exempt. For this purpose, advertising in any such publication shall be deemed to be a service and not tangible personal property, and persons or their agents who publish or sell such newspapers shall be deemed to be engaging in a service with respect to gross receipts realized from such newsgathering or publishing activities by them, including the sale of advertis-

ing. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures used in such publication and fuel, electricity, gas or steam used for space heating or lighting, are not exempt;

(j) The gross receipts from all sales of tangible personal property to, and all storage, use or consumption of such property by, the United States and its agencies and instrumentalities or a state and its agencies, instrumentalities and political subdivisions;

(k) The gross receipts from the isolated or occasional sale of tangible personal property in Minnesota not made in the normal course of business of selling that kind of property, and the storage, use, or consumption of property acquired as a result of such a sale;

(l) The gross receipts from sales of rolling stock and the storage, use or other consumption of such property by railroads, freight line companies, sleeping car companies and express companies taxed on the gross earnings basis in lieu of ad valorem taxes. For purposes of this clause "rolling stock" is defined as the portable or moving apparatus and machinery of any such company which moves on the road, and includes, but is not limited to, engines, cars, tenders, coaches, sleeping cars and parts necessary for the repair and maintenance of such rolling stock.

(m) The gross receipts from sales of airflight equipment and the storage, use or other consumption of such property by airline companies taxed under the provisions of sections 270.071 to 270.079. For purposes of this clause, "airflight equipment" includes airplanes and parts necessary for the repair and maintenance of such airflight equipment, and flight simulators.

(n) The gross receipts from the sale of telephone central office telephone equipment used in furnishing intrastate and interstate telephone service to the public.

(o) The gross receipts from the sale of and the storage, use or other consumption by persons taxed under the in lieu provisions of chapter 298, of mill liners, grinding rods and grinding balls which are substantially consumed in the production of taconite, the material of which primarily is added to and becomes a part of the material being processed.

(p) The gross receipts from the sale of tangible personal property to, and the storage, use or other consumption of such property by, any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious or educational purposes if the property purchased is to be used in the performance of charitable, religious or educational

functions, or any senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders;

(q) The gross receipts from the sale of caskets and burial vaults;

(r) The gross receipts from the sale of an automobile or other conveyance if the purchaser is assisted by a grant from the United States in accordance with 38 United States Code, Section 1901, as amended.

(s) The gross receipts from the sale to the licensed aircraft dealer of an aircraft for which a commercial use permit has been issued pursuant to section 360.654, if the aircraft is resold while the permit is in effect.

(t) The gross receipts from the sale of building materials to be used in the construction or remodeling of a residence when the construction or remodeling is financed in whole or in part by the United States in accordance with 38 United States Code, Sections 801 to 805, as amended. The exemption shall not be effective at time of sale of the materials to contractors, subcontractors, builders or owners, but shall be applicable only upon a claim for refund to the commissioner of revenue filed by recipients of the benefits provided in Title 38 United States Code, Chapter 21, as amended. The commissioner shall provide by regulation for the refund of taxes paid on sales exempt in accordance with this paragraph.

(u) The gross receipts from the sale of textbooks which are prescribed for use in conjunction with a course of study in a public or private school, college, university and business or trade school to students who are regularly enrolled at such institutions. For purposes of this clause a "public school" is defined as one that furnishes course of study, enrollment and staff that meets standards of the state board of education and a private school is one which under the standards of the state board of education, provides an education substantially equivalent to that furnished at a public school. Business and trade schools shall mean such schools licensed pursuant to section 141.25.

(v) The gross receipts from the sale of and the storage of material designed to advertise and promote the sale of merchandise or services, which material is purchased and stored for the purpose of subsequently shipping or otherwise transferring outside the state by the purchaser for use thereafter solely outside the state of Minnesota.

(w) The gross receipt from the sale of residential heating fuels in the following manner:

(i) all fuel oil, coal, wood, steam, propane gas, and L.P. gas sold to residential customers for residential use;

(ii) natural gas sold for residential use to customers who are metered and billed as residential users and who use natural gas for their primary source of residential heat, for the billing months of November, December, January, February, March and April;

(iii) electricity sold for residential use to customers who are metered and billed as residential users and who use electricity for their primary source of residential heat, for the billing months of November, December, January, February, March and April.

(x) The gross receipts from the sale or use of tickets or admissions to the premises of or events sponsored by an association, corporation or other group of persons which provides an opportunity for citizens of the state to participate in the creation, performance or appreciation of the arts and which qualifies as a tax-exempt organization within the meaning of section 290.05, subdivision 1, clause (i).

(y) The gross receipts from either the sales to or the storage, use or consumption of tangible personal property by an organization of military service veterans or an auxiliary unit of an organization of military service veterans, provided that;

(i) the organization or auxiliary unit is organized within the state of Minnesota and is exempt from federal taxation pursuant to section 501(c), clause (19), of the Internal Revenue Code as amended through December 31, 1978; and

(ii) the tangible personal property which is sold to or stored, used or consumed by the organization or auxiliary unit is for charitable, civic, educational, or nonprofit uses and not for social, recreational, pleasure or profit uses.

(z) The gross receipts from the sale of sanitary napkins, tampons, or similar items used for feminine hygiene.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment.

ARTICLE XII

Section 1. Minnesota Statutes 1980, Section 105.482, Subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] The public health, safety, and welfare is promoted by the orderly repair and restoration of dams serving the public interest and by the use of existing dams and potential dam sites for hydroelectric or hydromechanical power generation wherever that use is economically justified and environmentally sound. In furtherance of this objective, it is the purpose of this section to facilitate the repair and restoration of dams owned by the state and local governmental units and to investigate and analyze hydroelectric or hydromechanical generating capability of publicly owned dams and potential dam sites.

Sec. 2. Minnesota Statutes 1980, Section 105.482, is amended by adding a subdivision to read:

Subd. 8. [HYDROPOWER GENERATION POLICY; LEASING OF DAMS AND DAM SITES.] *Consistent with laws relating to dam construction, reconstruction, repair, and maintenance, the legislature finds that the public health, safety, and welfare of the state is also promoted by the use of state waters to produce hydroelectric or hydromechanical power. Further, the legislature finds that the leasing of existing dams and potential dam sites primarily for such power generation is a valid public purpose. A local governmental unit, or the commissioner of natural resources with the approval of the state executive council, may provide pursuant to a lease or development agreement for the development and operation of dams, dam sites, and hydroelectric or hydromechanical power generation plants owned by the respective government by an individual, a corporation, an organization, or other legal entity upon such terms and conditions as the local governmental unit or the commissioner may negotiate for a period not to exceed 50 years. If the dam, dam site or power generation plant is located in or contiguous to a city or town, other than the lessor governmental unit, the lease or agreement shall not be effective unless it is approved by the governing body of such city or town. For purposes of this subdivision, city means a statutory or home rule charter city.*

Sec. 3. Minnesota Statutes 1980, Section 105.482, is amended by adding a subdivision to read:

Subd. 9. [CONTENTS OF DEVELOPMENT AGREEMENT.] *An agreement for the development or redevelopment of a hydropower site may contain, but need not be limited to, the following provisions:*

(a) *Length of the development agreement, subject to negotiations between the parties but not more than 50 years, and conditions for extension, modification, or termination;*

(b) Provisions for a performance bond on the developer, or, certification that the equipment and its installation have a design life at least as long as the lease;

(c) Provisions to assure adequate maintenance and safety in the impoundment structures, if any, and to assure access to recreational sites, if any.

Sec. 4. Minnesota Statutes 1980, Section 272.02, Subdivision 1, is amended to read:

Subdivision 1. Except as provided in other subdivisions of this section or in section 272.025, or section 273.13, subdivisions 17, 17b, 17c or 17d, all property described in this section to the extent herein limited shall be exempt from taxation:

- (1) All public burying grounds;
- (2) All public schoolhouses;
- (3) All public hospitals;
- (4) All academies, colleges, and universities, and all seminaries of learning;
- (5) All churches, church property, and houses of worship;
- (6) Institutions of purely public charity except property assessed pursuant to section 273.13, subdivisions 17, 17b, 17c or 17d;
- (7) All public property exclusively used for any public purpose;
- (8) All natural cheese held in storage for aging by the original Minnesota manufacturer;
- (9) (a) Class 2 property of every household of the value of \$100, maintained in the principal place of residence of the owner thereof. The county auditor shall deduct such exemption from the total valuation of such property as equalized by the revenue commissioner assessed to such household, and extend the levy of taxes upon the remainder only. The term "household" as used in this section is defined to be a domestic establishment maintained either (1) by two or more persons living together within the same house or place of abode, subsisting in common and constituting a domestic or family relationship, or (2) by one person.
- (b) During the period of his active service and for six months after his discharge therefrom, no member of the armed

forces of the United States shall lose status of a householder under paragraph (a) which he had immediately prior to becoming a member of the armed forces.

In case there is an assessment against more than one member of a household the \$100 exemption shall be divided among the members assessed in the proportion that the assessed value of the Class 2 property of each bears to the total assessed value of the Class 2 property of all the members assessed. The Class 2 property of each household claimed to be exempt shall be limited to property in one taxing district, except in those cases where a single domestic establishment is maintained in two or more adjoining districts.

Bonds and certificates of indebtedness hereafter issued by the state of Minnesota, or by any county or city of the state, or any town, or any common or independent school district of the state, or any governmental board of the state, or any county or city thereof, shall hereafter be exempt from taxation; provided, that nothing herein contained shall be construed as exempting such bonds from the payment of a tax thereon, as provided for by section 291.01, when any of such bonds constitute, in whole or in part, any inheritance or bequest, taken or received by any person or corporation.

(10) Farm machinery manufactured prior to 1930, which is used only for display purposes as a collectors item;

(11) The taxpayer shall be exempted with respect to, all agricultural products, inventories, stocks of merchandise of all sorts, all materials, parts and supplies, furniture and equipment, manufacturers material, manufactured articles including the inventories of manufacturers, wholesalers, retailers and contractors; and the furnishings of a room or apartment in a hotel, rooming house, tourist court, motel or trailer camp, tools and machinery which by law are considered as personal property, and the property described in section 272.03, subdivision 1, clause (c), except personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings and structures. Railroad docks and wharves which are part of the operating property of a railroad company as defined in section 270.80 are not exempt.

(12) Containers of a kind customarily in the possession of the consumer during the consumption of commodities, the sale of which are subject to tax under the provisions of the excise tax imposed by Extra Session Laws 1967, Chapter 32;

(13) All livestock, poultry, all horses, mules and other animals used exclusively for agricultural purposes;

(14) All agricultural tools, implements and machinery used by the owners in any agricultural pursuit.

(15) Real and personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used, other than real property used primarily as a solid waste disposal site.

Any taxpayer requesting exemption of all or a portion of any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of revenue. Any such equipment or device shall meet standards, regulations or criteria prescribed by the Minnesota Pollution Control Agency, and must be installed or operated in accordance with a permit or order issued by that agency. The Minnesota Pollution Control Agency shall upon request of the commissioner furnish information or advice to the commissioner. If the commissioner determines that property qualifies for exemption, he shall issue an order exempting such property from taxation. Any such equipment or device shall continue to be exempt from taxation as long as the permit issued by the Minnesota Pollution Control Agency remains in effect.

(16) Wetlands. For purposes of this subdivision, "wetlands" means land which is mostly under water, produces little if any income, and has no use except for wildlife or water conservation purposes. "Wetlands" shall be land preserved in its natural condition, drainage of which would be feasible and practical and would provide land suitable for the production of livestock, dairy animals, poultry, fruit, vegetables, forage and grains, except wild rice. "Wetlands" shall include adjacent land which is not suitable for agricultural purposes due to the presence of the wetlands. Exemption of wetlands from taxation pursuant to this section shall not grant the public any additional or greater right of access to the wetlands or diminish any right of ownership to the wetlands.

(17) Native prairie. The commissioner of the department of natural resources shall determine lands in the state which are native prairie and shall notify the county assessor of each county in which the lands are located. Upon receipt of an application for the exemption and credit provided in this clause and section 273.116 for lands for which the assessor has no determination from the commissioner of natural resources, the assessor shall refer the application to the commissioner of natural resources who shall determine within 30 days whether the land is native prairie and notify the county assessor of his decision. Exemption of native prairie pursuant to this clause shall not grant the public any additional or greater right of access to the native prairie or diminish any right of ownership to it.

(18) *To the extent provided by section 5, real and personal property used or to be used primarily for the production of hy-*

droelectric or hydromechanical power on a site owned by the state or a local governmental unit which is developed and operated pursuant to the provisions of sections 1 to 3.

Sec. 5. [295.44] [HYDROPOWER FACILITIES; EXEMPTION; TAXATION IN LIEU OF PROPERTY TAXATION.]

Subdivision 1. [EXEMPTION.] Notwithstanding the provisions of sections 272.01, subdivision 2, 272.02, subdivision 5, and 273.19, subdivision 1, real or personal property used or to be used primarily for the production of hydroelectric or hydromechanical power on a site owned by the state or a local governmental unit and developed and operated pursuant to sections 1 to 3 shall be exempt from property taxation for the five calendar years succeeding the year in which the development agreement is executed.

Subd. 2. [GROSS EARNINGS TAX.] On or before March first of each year, every lessee or operator of a hydropower facility pursuant to sections 1 to 3 shall pay into the treasury of the county where the hydropower facility is principally located ten percent of the gross earnings of the facility for the preceding calendar year. This tax shall be in lieu of all ad valorem taxes upon the real or personal property of the hydropower facility for the calendar year, and the tax shall be imposed for as long as the property is exempt from property taxation under subdivision 1.

Subd. 3. [PROCEEDS; DISTRIBUTION.] The county auditor shall distribute the proceeds of the gross earnings tax to the taxing districts in which the hydropower facility is located. The proceeds shall be apportioned on the basis of the mill rates of the respective taxing districts. If the facility consists of two or more parcels of property which are located in different taxing districts, the proceeds of the tax shall first be apportioned on the basis of the market value of the respective parcels in each of the taxing districts and then apportioned on the basis of the respective taxing districts' mill rates.

Subd. 4. [CALCULATION OF LEVY LIMITS.] In calculating the levy limits pursuant to sections 275.50 to 275.515, the amount of any proceeds of the gross receipts tax distributed to a governmental subdivision shall be deducted from the levy limitation determined under section 275.51, subdivision 3e for the year following the year in which the distribution was received.

Sec. 6. [EFFECTIVE DATE.]

This article is effective the day following final enactment.

ARTICLE XIII

Section 1. Minnesota Statutes 1980, Section 273.111, Subdivision 9, is amended to read:

Subd. 9. When real property which is being, or has been valued and assessed under this section (IS SOLD OR) no longer qualifies under subdivisions 3 and 6, the portion (SOLD) *no longer qualifying* shall be subject to additional taxes, in the amount equal to the difference between the taxes determined in accordance with subdivision 4, and the amount determined under subdivision 5, provided, however, that the amount determined under subdivision 5 shall not be greater than it would have been had the actual bona fide sale price of the real property at an arms length transaction been used in lieu of the market value determined under subdivision 5. Such additional taxes shall be extended against the property on the tax list for the current year, provided, however, that no interest or penalties shall be levied on such additional taxes if timely paid, and provided further, that such additional taxes shall only be levied with respect to the last three years that the said property has been valued and assessed under this section.

Sec. 2. Minnesota Statutes 1980, Section 273.111, Subdivision 11, is amended to read:

Subd. 11. The payment of special local assessments levied after the date of Extra Session Laws 1967, Chapter 60, for improvements made to any real property described in subdivision 3 together with the interest thereon shall, on timely application as provided in subdivision 8, be deferred as long as such property meets the conditions contained in subdivisions 3 and 6. If special assessments against the property have been deferred pursuant to this subdivision, the governmental unit shall file with the county recorder in the county in which the property is located a certificate containing the legal description of the affected property and of the amount deferred. When such property (IS SOLD OR) no longer qualifies under subdivisions 3 and 6, all deferred special assessments plus interest shall be payable within 90 days. Penalty shall not be levied on any such special assessments if timely paid. If not paid within such 90 days, the county auditor shall include such deferred special assessments plus a ten percent penalty on the tax list for the current year.

Sec. 3. Minnesota Statutes 1980, Section 273.111, is amended by adding a subdivision to read:

Subd. 11a. When real property qualifying under subdivisions 3 and 6 is sold, no additional taxes or deferred special assessments plus interest shall be extended against the property provided the property continues to qualify pursuant to subdivi-

visions 3 and 6, and provided the new owner files an application for continued deferment within 30 days after the sale.

For purposes of meeting the income requirements of subdivision 6, the property purchased shall be considered in conjunction with other qualifying property owned by the purchaser.

Sec. 4. [EFFECTIVE DATE.]

This article is effective for sales of qualifying property made after the day of final enactment.

ARTICLE XIV

Section 1. [273.123] [REASSESSMENT OF HOMESTEAD PROPERTY DAMAGED BY A DISASTER.]

Subdivision 1. [DEFINITIONS.]

For purposes of this section (a) "disaster or emergency" means

(1) a major disaster as determined by the president of the United States;

(2) a natural disaster as determined by the secretary of agriculture;

(3) a disaster as determined by the administrator of the small business administration; or

(4) a tornado, storm, flood, earthquake, landslide, explosion, fire or similar catastrophe, as a result of which a local emergency is declared pursuant to section 12.29.

(b) "disaster or emergency area" means an area

(1) in which the president of the United States, the secretary of agriculture, or the administrator of the small business administration has determined that a disaster exists pursuant to federal law or in which a local emergency has been declared pursuant to section 12.29; and

(2) for which an application by the local unit of government requesting property tax relief under this section has been received by the governor and approved by the executive council.

(c) "homestead property" means homestead dwelling located on property classified pursuant to section 273.13, subdivision 6, 6a, 7, 7b, 7d, or 14a, including mobile homes and sectional homes

used as homesteads and taxed pursuant to section 273.13, subdivision 3, clause (b), (c), or (d).

Subd. 2. [REASSESSMENT OF HOMESTEAD PROPERTY.] *The county assessor shall reassess all homestead property located within a disaster or emergency area which is physically damaged by the disaster or emergency and shall adjust the valuation for taxes payable the following year to reflect the loss in market value caused by the damage as follows: Subtract the market value of the property as reassessed from the market value of the property as assessed for January 1 of the year in which the disaster or emergency occurred; multiply the remainder by a fraction, the numerator of which is the number of full months remaining in the year on the date the disaster or emergency occurred, and the denominator of which is 12; subtract the product of the calculation from the market value of the property as assessed for January 1 of the year in which the disaster or emergency occurred; the remainder is the estimated market value to be used for taxes payable the following year. The assessor shall report to the county auditor the assessed value based on the assessment of January 1 of the year in which the disaster or emergency occurred and the assessed value based on the reassessment made pursuant to this subdivision.*

Subd. 3. [COMPUTATION OF MILL RATES.] *When computing mill rates, the county auditor shall use the valuation reported by the assessor for the assessment made on January 1 of the year in which the disaster or emergency occurred.*

Subd. 4. [STATE REIMBURSEMENT.] *The county auditor shall calculate the tax on the property described in subdivision 2 based on the assessment made on January 1 of the year in which the disaster or emergency occurred. The difference between the tax determined on the January 1 assessed value and the tax actually payable based on the reassessed value determined under subdivision 2 shall be reimbursed to each taxing jurisdiction in which the damaged property is located. The amount shall be certified by the county auditor and reported to the commissioner of revenue. The commissioner shall make the payments to the taxing jurisdictions containing the property at the time distributions are made pursuant to section 273.13, subdivision 15a, in the same proportion that the ad valorem tax is distributed.*

Subd. 5. [COMPUTATION OF CREDITS.] *The amounts of any homestead, agricultural, or similar credits or tax relief which reduce the gross tax shall be computed upon the reassessed value determined under subdivision 2. For purposes of the property tax refund, property taxes payable, as defined in section 290A.03, subdivision 13, and net property taxes payable, as defined in section 290A.04, subdivision 2d, shall be computed upon the reassessed value determined under subdivision 2.*

Subd. 6. [APPROPRIATION.] There is annually appropriated from the general fund to the commissioner of revenue an amount necessary to make the payments required by this section.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for taxes levied in 1982 and thereafter, payable in 1983 and thereafter.

ARTICLE XV

Section 1. [RICE LAKE; EXCESS LEVY.]

Subdivision 1. [LEVY INCREASE.] Notwithstanding any contrary provision of other law, the town board of Rice Lake may levy for taxes payable in 1982 the sum of \$20,000 to meet the cost of construction of a fire hall. The levy shall be in addition to the 1981 levy of \$118,000 for taxes payable in 1982 previously authorized for the town. No penalty shall be imposed on this levy pursuant to Minnesota Statutes, Section 275.51, Subdivision 4.

Subd. 2. [ADMINISTRATION.] As soon as practicable after enactment of this provision, the St. Louis county auditor shall be notified of the additional levy required by Rice Lake. Collection of the tax shall proceed according to Minnesota Statutes, Chapter 276 except that, if the statements of real property taxes due have been mailed or processed so that it would be uneconomical to revise them, a supplementary tax statement for the additional levy shall be prepared and mailed as expeditiously as possible.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the Rice Lake town board.

ARTICLE XVI

Section 1. Minnesota Statutes 1980, Section 290.50, is amended by adding a subdivision to read:

Subd. 6. [WITHHOLDING OF REFUNDS FROM CHILD SUPPORT DEBTORS.]

Upon a finding by a court of this state that a person obligated to pay child support is delinquent in making payments, the amount of child support unpaid and owing shall be withheld from a refund due the person under this section. The public agency responsible for child support enforcement or the parent

or guardian of a child for whom the support is owed may petition the district or county court for an order providing for the withholding of the amount of child support unpaid and owing as determined by court order. The person from whom the refund may be withheld shall be notified of the petition pursuant to the rules of civil procedure prior to the issuance of an order pursuant to this subdivision. The order may be granted on a showing to the court that required support payments have not been made when they were due.

On order of the court, the support money shall be withheld by the commissioner from the refund due to the person obligated to pay the support and the amount withheld shall be remitted to the public agency responsible for child support enforcement or to the parent or guardian petitioning on behalf of the child. Any amount received by the responsible public agency or the petitioning parent or guardian in excess of the amount of public assistance expended for the benefit of the child to be supported, or the amount of any support that had been the subject of the claim pursuant to this subdivision which has been paid by the taxpayer prior to the diversion of the refund, shall be remitted to the person entitled to the money. If the refund is based on a joint or combined return, the portion of the refund that shall be remitted to the petitioner shall be the proportion of the total refund that equals the proportion of the total federal adjusted gross income of the spouses that is the federal adjusted gross income of the spouse who is delinquent in making the child support payments. A petition filed pursuant to this subdivision shall be in effect with respect to any refunds due under this section during a period of one year from the date when the petition was filed. If a petition is filed pursuant to this subdivision and a claim is made pursuant to chapter 270A with respect to the same individual's refund and notices of both are received prior to the time when payment of the refund is made on either claim, the commissioner shall transmit the claims to the court that issued the order under this subdivision. The court shall order that the claim relating to the liability that accrued first in time shall be paid first; any amount of the refund remaining shall then be applied to the other claim. The provisions of section 290.61 shall not prohibit the exchange of information among the department, the petitioner, and the court to the extent necessary to accomplish the intent of this subdivision. Not later than five days after the court has notified the department of its withholding order, the department shall send a written notification of the order to the person to whom the refund would otherwise be paid.

Sec. 2. [EFFECTIVE DATE.]

This article is effective the day following final enactment and shall terminate June 30, 1984.

ARTICLE XVII

Section 1. Minnesota Statutes 1981 Supplement, Section 168.-113, Subdivision 1e, is amended to read:

Subd. 1e. [TRUCKS; TRACTORS; COMBINATIONS; EXCEPTIONS.] On all trucks and tractors except those in this chapter defined as farm trucks, and urban trucks, and on all truck-tractor and semi-trailer combinations except those defined as farm combinations and urban combinations and on commercial zone vehicles, the tax based on total gross weight shall be graduated according to the Minnesota base rate schedule prescribed in this subdivision, but in no event less than \$120.

MINNESOTA BASE RATE SCHEDULE

Scheduled taxes include five percent
surtax provided for in subdivision 14

TOTAL GROSS
WEIGHT
IN POUNDS

		Tax
A	0 - 1,500	\$ 15
B	1,501 - 3,000	20
C	3,001 - 4,500	25
D	4,501 - 6,000	35
E	6,001 - 9,000	45
F	9,001 - 12,000	70
G	12,001 - 15,000	105
H	15,001 - 18,000	145
I	18,001 - 21,000	190
J	21,001 - 27,000	270
K	27,001 - 33,000	360
L	33,001 - 39,000	470
M	39,001 - 45,000	590
N	45,001 - 51,000	710

O	51,001 - 57,000	860
P	57,001 - 63,000	1010
Q	63,001 - 69,000	1180
R	69,001 - 73,280	1320
S	73,281 - 78,000	1520
T	78,001 - 81,000	1620

For each vehicle with a gross weight in excess of 81,000 pounds an additional tax of \$50 is imposed for each ton or fraction thereof in excess of 81,000 pounds, subject to provisions of subdivision 12.

All truck-tractors except those herein defined as farm and urban truck-tractors and commercial zone vehicles shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of such truck-tractor and any semi-trailer or semitrailers which the applicant proposes to combine with the truck-tractor. In addition, to the gross weight tax imposed on the truck-tractor, each semi-trailer shall be taxed a fee of \$10 for a one year period or \$50 for a five year period whichever the applicant elects.

Commercial zone trucks include only all trucks and all truck-tractors and semi-trailers which are:

(1) used by an authorized local cartage carrier operating under a permit issued pursuant to section 221.296 and whose gross transportation revenue consists of at least 60 percent obtained solely from local cartage carriage, and are operated solely within the area defined in section 221.296, subdivision 1; or,

(2) operated by an interstate carrier registered pursuant to section 221.61 or 221.62, or by an authorized local cartage carrier or other carrier receiving operating authority pursuant to chapter 221, and operated solely within a zone exempt from regulation by the Interstate Commerce Commission pursuant to 49 U.S.C. 10526(b).

The license plates issued for commercial zone vehicles shall be plainly marked. Any person operating a commercial zone vehicle outside the zone or area in which its operation is authorized is guilty of a misdemeanor and, in addition to the penalty therefor, shall have the registration of the vehicle as a commercial zone vehicle revoked by the registrar and shall be required to re-register the vehicle at 100 percent of the full annual tax prescribed in the Minnesota base rate schedule, and no part of this tax shall be refunded during the balance of the registration year.

On commercial zone trucks the tax shall be based on the total gross weight of the vehicle and during the first eight years of vehicle life shall be 75 percent of the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the tax shall be 50 percent of the Minnesota base rate schedule, except as otherwise provided in this subdivision. On commercial zone trucks, during the ninth and succeeding years of vehicle life, the tax shall be:

(a) for the 1982 registration year, 35 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the 1983 registration year, 40 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the 1984 registration year, 45 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the 1985 registration year, and each succeeding year, 50 percent of the tax imposed in the Minnesota base rate schedule.

On all trucks, truck-tractors and semi-trailer combinations, except those defined as farm trucks and farm combinations, and except for those urban trucks and combinations and commercial zone vehicles specifically provided for in this subdivision, the tax for the first eight years of vehicle life shall be 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life, the tax shall be 75 percent of the Minnesota base rate prescribed by this subdivision, except as otherwise provided in this subdivision.

On all trucks, truck-tractors, and semi-trailer combinations, except those defined as farm trucks and farm combinations, and except for those urban trucks and combinations and commercial zone vehicles specifically provided for in this (SUBDIVISION) section, during each of the first eight years of vehicle life the tax shall be:

(a) for the registration year 1982, 83 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the registration year 1983, 89 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the registration year 1984, 95 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the registration year 1985, and each succeeding year, 100 percent of the tax imposed in the Minnesota base rate schedule.

On all trucks, truck-tractors and semi-trailer combinations, except those defined as farm trucks and farm combinations, and except for those urban trucks and combinations and commercial zone vehicles specifically provided for in this section, during the ninth and succeeding years of vehicle life the tax shall be:

(a) for the registration year 1982, 75 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the registration year 1983, 60 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the registration year 1984, 66 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the registration year 1985 and each succeeding year, 75 percent of the tax imposed in the Minnesota base rate schedule.

Sec. 2. [EFFECTIVE DATE.]

This article is effective the day following final enactment, for registration year 1982 and subsequent years.

ARTICLE XVIII

Section 1. [FIRE PROTECTION LEVY: TOWNS OF ERIN, FOREST, WEBSTER, AND WHEATLAND.]

The provisions of Minnesota Statutes, Section 368.85, Subdivision 6, limiting the levy of a town for the support of a fire protection district shall not apply to the levies of the towns of Erin, Forest, Webster, and Wheatland in Rice County for the purposes of providing fire protection.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3 by the governing bodies of the towns of Erin, Forest, Webster, and Wheatland in Rice County.

ARTICLE XIX

Section 1. Laws 1981, Third Special Session Chapter 2, Article III, Section 6, is amended to read:

Sec. 6. [290.068] [CREDIT FOR RESEARCH AND EXPERIMENTAL EXPENDITURES.]

Subdivision 1. [CREDIT ALLOWED.] In addition to the deduction provided in section 290.09, a credit shall be allowed against the tax imposed by this chapter for the taxable year equal to (TEN PERCENT OF RESEARCH AND EXPERIMENTAL EXPENDITURES PAID OR INCURRED IN MINNESOTA DURING THE TAXABLE YEAR.)

(a) 12.5 percent of the first \$2 million of the excess (if any) of

(1) the qualified research expenses for the taxable year, over

(2) the base period research expenses; and

(b) 6.25 percent on all of such excess expenses over \$2 million.

Subd. 2. [(DEFINITION) DEFINITIONS.] For purposes of this section, the following terms have the meanings given.

(a) "Qualified research (AND EXPERIMENTAL EXPENDITURES) expenses" means (EXPENDITURES INCURRED IN MINNESOTA WHICH QUALIFY FOR THE DEDUCTION PROVIDED IN SECTION 290.09, SUBDIVISION 18, TO THE EXTENT THE EXPENDITURES EXCEED THE AVERAGE OF THE THREE PRECEDING TAXABLE YEARS' QUALIFYING EXPENDITURES UNDER SECTION 290.09, SUBDIVISION 18, INCURRED IN MINNESOTA. IF THE TAXPAYER HAS NOT CONDUCTED TRADE OR BUSINESS IN MINNESOTA FOR THE THREE PRECEDING TAXABLE YEARS, THE AVERAGE EXPENDITURES INCURRED SHALL BE DETERMINED BY DIVIDING THE EXPENDITURES BY THE LESSER NUMBER OF COMPLETE PRIOR TAXABLE YEARS. IF THERE HAS BEEN LESS THAN ONE PRIOR TAXABLE YEAR OF TRADE OR BUSINESS CONDUCTED IN MINNESOTA THE AVERAGE EXPENDITURES FOR THE THREE PRECEDING TAXABLE YEARS SHALL BE ZERO) qualified research expenses as defined in section 44F(b) and (e) of the Internal Revenue Code, except it shall not include expenses incurred for basic research conducted outside the state of Minnesota pursuant to section 44F(e).

(b) "Qualified research" means qualified research as defined in section 44F(d) of the Internal Revenue Code, except that the term shall not include qualified research conducted outside the state of Minnesota.

(c) "Base period research expenses" means base period research expenses as defined in section 44F(c) of the Internal Revenue Code, except that "December 31, 1981" shall be substituted for "June 30, 1981" in subparagraph (B) of paragraph

(2) and the definitions contained in clauses (a) and (b) shall apply.

(d) "Internal Revenue Code" means the Internal Revenue Code of 1954, as amended through December 31, 1981.

Subd. 3. [LIMITATION; CARRYBACK AND CARRY-OVER.] (a)(1) The credit for the taxable year shall not exceed (\$300,000 OR TEN PERCENT OF) the liability for tax (, WHICHEVER IS LESS). "Liability for tax" for purposes of this section means the tax imposed under this chapter for the taxable year reduced by the sum of the credits allowed under section 290.06, except the credit allowed under section 290.06, subdivision 13.

(2) In the case of an individual who

(A) owns an interest in an unincorporated business,

(B) is a partner in a partnership,

(C) is a beneficiary of an estate or trust, or

(D) is a shareholder in a small business corporation, having a valid election in effect under section 1372 of the Internal Revenue Code,

the credit allowed for the taxable year shall not exceed the lesser of the amount determined under clause (1) for the taxable year or an amount (separately computed with respect to such person's interest in the trade or business or entity) equal to the amount of tax attributable to that portion of a person's taxable income which is allocable or apportionable to the person's interest in the trade or business or entity.

(b) If the amount of the credit determined under (SUBDIVISION 2) this section for any taxable year exceeds (THIS) the limitation under clause (a), the excess shall be a research credit carryback to each of the three preceding taxable years and a research credit carryover to each of the (SEVEN) 15 succeeding taxable years (, PROVIDED THE AGGREGATE OF THE CREDIT FOR THE TAXABLE YEAR AND ANY CARRYOVER AND CARRYBACK CREDITS SHALL NOT EXCEED \$300,000 OR TEN PERCENT OF THE LIABILITY FOR TAX, WHICHEVER IS LESS). The entire amount of the excess unused credit for the taxable year shall be carried first to the earliest of the taxable years to which the credit may be carried and then to each successive year to which the credit may be carried. The amount of the unused credit which may be added under this clause shall not exceed the taxpayer's liability for tax less the research credit for the taxable year.

Subd. 4. [SMALL BUSINESS CORPORATIONS; PARTNERSHIPS.] In the case of small business corporations, hav-

ing a valid election in effect, under section 1372 of the Internal Revenue Code of 1954, estates and trusts, and partnerships, the credit shall be allocated in the same manner provided by section 44F(f)(2) of the Internal Revenue Code.

Subd. 5. [ADJUSTMENTS; ACQUISITIONS AND DISPOSITIONS.] *If a taxpayer acquires or disposes of the major portion of a trade or business or the major portion of a separate unit of a trade or business in a transaction with another taxpayer, the taxpayer's qualified research expenses and base period shall be adjusted in the same manner provided by section 44F(f)(3) of the Internal Revenue Code, except that "December 31, 1980" shall be substituted for "June 30, 1980."*

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for taxable years beginning after December 31, 1981.

ARTICLE XX

Section 1. Minnesota Statutes 1980, Section 273.121, is amended to read:

273.121 [VALUATION OF REAL PROPERTY, NOTICE.]

Any county assessor or city assessor having the powers of a county assessor, valuing or classifying taxable real property shall in each year notify those persons whose property is to be assessed or reclassified that year if the person's address is known to the assessor, otherwise the occupant of the property. *In the case of property owned by a married couple in joint tenancy or tenancy in common, the assessor shall not deny the 3b, 3c or 3cc property classification in whole or in part if only one of the spouses is occupying the property and the other spouse is absent due to divorce or separation, or is a resident of a nursing home or a boarding care facility.* The notice shall be in writing and shall be sent by ordinary mail at least ten days before the meeting of the local board of review or equalization. It shall contain the amount of the valuation in terms of market value, the new classification, the assessor's office address, and the dates, places, and times set for the meetings of the local board of review or equalization and the county board of equalization. If the assessment roll is not complete, the notice shall be sent by ordinary mail at least ten days prior to the date on which the board of review has adjourned. The assessor shall attach to the assessment roll a statement that the notices required by this section have been mailed. Any such assessor who is not provided sufficient funds from his governing body to provide such notices, may make application to the commissioner of revenue to finance such notices. The commissioner of revenue shall conduct an investigation and if he is satisfied that the assessor does not have the necessary funds, issue his certification to the commissioner of finance of the amount necessary to provide such

notices. The commissioner of finance shall issue a warrant for such amount and shall deduct such amount from any state payment to such county or municipality. The necessary funds to make such payments are hereby appropriated. Failure to receive the notice shall in no way affect the validity of the assessment, the resulting tax, the procedures of any board of review or equalization, or the enforcement of delinquent taxes by statutory means.

Sec. 2. Minnesota Statutes 1980, Section 273.13, Subdivision 7c, is amended to read:

Subd. 7c. [TOWNHOUSES; COMMON AREAS; CONDOMINIUMS.] (a) Townhouse property shall be classified and valued as is other property under this section except that the value of the townhouse property shall be increased by the value added by the right to use any common areas in connection with the townhouse development. The common areas of the development shall not be separately taxed. The total value of the townhouse property, including the value added as provided herein, shall have the benefit of homestead treatment or other special classification if the townhouse otherwise qualifies.

(b) *Condominium property qualifying as a homestead under section 515A.1-105 shall have the benefit of homestead treatment or other special classification if the condominium otherwise qualifies. In the event that the condominium is owned by the occupant and used for the purposes of a homestead but is located upon land which is leased, that leased land shall be valued and assessed as if it were homestead property within the scope of class 3c or 3cc, whichever is applicable, if all of the following criteria are met:*

(1) *The occupant is using the property as his permanent residence;*

(2) *The occupant is paying the ad valorem property taxes and any special assessments levied against the land and structure;*

(3) *The occupant has signed a land lease; and*

(4) *The term of the land lease is at least 50 years, notwithstanding the fact that the amount of the rental payment may be renegotiated at shorter intervals.*

Sec. 3. Minnesota Statutes 1980, Section 278.05, subdivision 4, is amended to read:

Subd. 4. [SALES RATIO STUDIES AS EVIDENCE.] The sales ratio studies published by the department of revenue, or any part of the studies, or any copy of the studies or records ac-

cumulated to prepare the studies which is prepared by the commissioner of revenue for the equalization aid review committee for use in determining school aids shall be admissible in evidence as a public record without the laying of a foundation. *Additional evidence relevant to the sales ratio study is also admissible.*

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective for property taxes levied in 1982 and thereafter, payable in 1983 and thereafter.

ARTICLE XXI

Section 1. Minnesota Statutes 1981 Supplement, Section 290.61, is amended to read:

290.61 [PUBLICITY OF RETURNS, INFORMATION.]

It shall be unlawful for the commissioner or any other public official or employee to divulge or otherwise make known in any manner any particulars set forth or disclosed in any report or return required by this chapter, or any information concerning, the taxpayer's affairs acquired from his or its records, officers, or employees while examining or auditing any taxpayer's liability for taxes imposed hereunder, except in connection with a proceeding involving taxes due under this chapter from the taxpayer making such return or to comply with the provisions of sections 290.612 and 302A.821. The commissioner may furnish a copy of any taxpayer's return to any official of the United States or of any state having duties to perform in respect to the assessment or collection of any tax imposed upon or measured by income, if such taxpayer is required by the laws of the United States or of such state to make a return therein. Prior to the release of any information to any official of the United States or any other state under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed thereby to the extent that it is protected under the laws of the state of Minnesota. The commissioner and all other public officials and employees shall keep and maintain the same secrecy in respect to any information furnished by any department, commission, or official of the United States or of any other state in respect to the income of any person as is required by this section in respect to information concerning the affairs of taxpayers under this chapter. Nothing herein contained shall be construed to prohibit the commissioner from publishing statistics so classified as not to disclose the identity of particular returns or reports and the items thereof. Upon request of a majority of the members of the senate tax committee or of the house tax committee or the tax study commission, the commissioner shall furnish abstracted financial information to those committees for research purposes from returns or reports filed pursuant to this chapter, provided that he shall not disclose the

name, address, social security number, business identification number or any other item of information associated with any return or report which the commissioner believes is likely to identify the taxpayer. The commissioner shall not furnish the actual return, or a portion thereof, or a reproduction or copy of any return or portion thereof. "Abstracted financial information" means only the dollar amounts set forth on each line on the form including the filing status.

Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

In order to locate the named payee on state warrants issued pursuant to this chapter or chapter 290A and undeliverable by the United States postal service, the commissioner may publish in any English language newspaper of general circulation in this state a list of the name and last known address of the payee as shown on the reports or returns filed with the commissioner. The commissioner may exclude the names of payees whose refunds are in an amount which is less than a minimal amount to be determined by the commissioner. The published list shall not contain any particulars set forth on any report or return. The publication shall include instructions on claiming the warrants.

An employee of the department of revenue may, in connection with his official duties relating to any audit, collection activity, or civil or criminal tax investigation or any other offense under this chapter, disclose return information to the extent that such disclosure is necessary in obtaining information, which is not otherwise reasonably available, with respect to the correct determination of tax, liability for tax, or the amount to be collected or with respect to the enforcement of any other provision of this chapter.

In order to facilitate processing of returns and payments of taxes required by this chapter, the commissioner may contract with outside vendors and may disclose private and nonpublic data to the vendor. The data disclosed will be administered by the vendor consistent with this section.

Sec. 2. Minnesota Statutes 1980, Section 297A.43, is amended to read:

297A.43 [CONFIDENTIAL NATURE OF INFORMATION.]

It shall be unlawful for the commissioner or any other public official or employee to divulge or otherwise make known in any manner any particulars disclosed in any report or return required by sections 297A.01 to 297A.44, or any information concerning the affairs of the person making the return acquired from his records, officers, or employees while examining or auditing under the authority of sections 297A.01 to 297A.44, except in connection with a proceeding involving taxes due under

this chapter from the taxpayer making such report or return or to comply with the provisions of section 297A.431 or where a question arises as to the proper tax applicable, that is, sales or use tax. In the latter instance, the commissioner may furnish information to a buyer and a seller with respect to the specific transaction in question. Nothing herein contained shall be construed to prohibit the commissioner from publishing statistics so classified as not to disclose the identity of particular returns or reports and the contents thereof. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

The commissioner may enter into an agreement with the commissioner or other taxing officials of another state for the interpretation and administration of the acts of their several states providing for the collection of a sales and/or use tax for the purpose of promoting fair and equitable administration of such acts and to eliminate double taxation.

Notwithstanding the above provisions of this section, the commissioner, at his discretion, in order to implement the purposes of this chapter, may furnish information on a reciprocal basis to the taxing officials of another state, or to the taxing officials of any municipality of the state of Minnesota which has a local sales and/or use tax.

In order to facilitate processing of returns and payments of taxes required by this chapter, the commissioner may contract with outside vendors and may disclose private and nonpublic data to the vendor. The data disclosed will be administered by the vendor consistent with this section.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment.

ARTICLE XXII

Section 1. Minnesota Statutes 1981 Supplement, Section 290A.03, Subdivision 8, is amended to read:

Subd. 8. [CLAIMANT.] "Claimant" means a person, other than a dependent, who filed a claim authorized by sections 290A.01 to 290A.20 and who was domiciled in this state during the calendar year for which the claim for relief was filed. In the case of a claim relating to rent constituting property taxes, the claimant shall have resided in a rented or leased unit on which ad valorem taxes or payments made in lieu of ad valorem taxes, including payments of special assessments imposed in lieu of ad valorem taxes, are payable at some time during the calendar year covered by the claim (, EXCEPT THAT A CLAIMANT WHO IS DISABLED OR WHO HAS ATTAINED

THE AGE OF 65 ON THE DATE SPECIFIED IN SECTION 290A.04, SUBDIVISION 1, MAY FILE A CLAIM BASED ON RESIDENCE IN A NURSING HOME ON WHICH AD VALOREM TAXES WERE NOT PAYABLE.) "Claimant" shall not include a resident of a nursing home, intermediate care facility, or long term residential facility whose rent constituting property taxes is paid pursuant to the supplemental security income program under Title XVI of the social security act, the Minnesota supplemental aid program under sections 256D.35 to 256D.41, the medical assistance program pursuant to Title XIX of the social security act, or the general assistance medical care program pursuant to section 256D.03, Subdivision 3. If only a portion of the rent constituting property taxes is paid by these programs, the resident shall be a claimant for purposes of this chapter, but the refund calculated pursuant to section 290A.04 shall be multiplied by a fraction, the numerator of which is income as defined in subdivision 3 reduced by the total amount of income from the above sources other than vendor payments under the medical assistance program or the general assistance medical care program and the denominator of which is income as defined in subdivision 3 plus vendor payments under the medical assistance program or the general assistance medical care program, to determine the allowable refund pursuant to this chapter. In the case of a claim for rent constituting property taxes of a part year resident, the income and rental reflected in this computation shall be for the period of Minnesota residency only. Any rental expenses paid which may be reflected in arriving at federal adjusted gross income cannot be utilized for this computation. When two individuals of a household are able to meet the qualifications for a claimant, they may determine among them as to who the claimant shall be. If they are unable to agree, the matter shall be referred to the commissioner of revenue and his decision shall be final. If a homestead property owner was a part year resident, the income reflected in the computation made pursuant to section 290A.04 shall be for the entire calendar year, including income not assignable to Minnesota.

If a homestead is occupied by two or more renters, who are not husband and wife, the rent shall be deemed to be paid equally by each, and separate claims shall be filed by each. The income of each shall be his household income for purposes of computing the amount of credit to be allowed.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 290A.-03, Subdivision 11, is amended to read:

Subd. 11. [RENT CONSTITUTING PROPERTY TAXES.] "Rent constituting property taxes" means (23 PERCENT) *the amount* of the gross rent actually paid in cash, or its equivalent, or (THAT PORTION) *the amount* of gross rent which is paid in lieu of property taxes, *which is attributable to the tax paid*

on the rental unit in any calendar year by a claimant solely for the right of occupancy of his Minnesota homestead in the calendar year, and which rent constitutes the basis, in the succeeding calendar year of a claim for relief under sections 290A.01 to 290A.20 by the claimant. The amount attributable to taxes paid on the unit shall be determined by multiplying the net tax on the property where the unit is located by a fraction, the numerator of which is the gross rent paid for the calendar year for the unit and the denominator of which is the gross rent paid for the calendar year for the building where the unit is located.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 290A.03, Subdivision 13, is amended to read:

Subd. 13. [PROPERTY TAXES PAYABLE.] "Property taxes payable" means the property tax exclusive of special assessments, penalties, and interest payable on a claimant's homestead before reductions made pursuant to section 273.13, subdivisions 6, 7 and 14a, but after deductions made pursuant to sections 124.213, 273.115, 273.116, 273.135 and 273.139 in any calendar year. No apportionment or reduction of the "property taxes payable" shall be required for the use of a portion of the claimant's homestead for a business purpose if the claimant does not deduct any business depreciation expenses for the use of a portion of the homestead in the determination of federal adjusted gross income. For homesteads which are mobile homes as defined in section 168.011, subdivision 8, "property taxes payable" shall also include (23 PERCENT) *the amount of gross rent paid in the preceding year for the site on which the homestead is located, exclusive of charges for utilities or services which is attributable to the net tax paid on the site; that amount shall be determined by multiplying the net tax on the parcel where the site is located by a fraction, the numerator of which is the gross rent paid for the calendar year for the site and the denominator of which is the gross rent paid for the calendar year for the parcel.* When a homestead is owned by two or more persons as joint tenants or tenants in common, such tenants shall determine between them which tenant may claim the property taxes payable on the homestead. If they are unable to agree, the matter shall be referred to the commissioner of revenue and his decision shall be final. Property taxes are considered payable in the year prescribed by law for the payment of the taxes.

In the case of a claim relating to "property taxes payable", the claimant must have owned and occupied the homestead on January 2 of the year in which the tax is payable and (i) the property must have been classified as homestead property pursuant to section 273.13, subdivisions 6, 7, or 14a on or before June 1 of the year in which the "property taxes payable" were levied; or (ii) the claimant must provide documentation from the local assessor that application for homestead classification has been made prior to July 1 of the year in which the "property taxes payable" were payable.

For property taxes levied in 1981, payable 1982, "property taxes payable" shall be limited to that portion of the property taxes eligible for the homestead credit as determined pursuant to section 273.13, subdivision 15b.

Sec. 4. Minnesota Statutes 1980, Section 290A.03, is amended by adding a subdivision to read:

Subd. 14. [NET TAX.] "Net tax" means the property tax, exclusive of special assessments, interest, and penalties, or payments made in lieu of ad valorem taxes, including payments of special assessments imposed in lieu of ad valorem taxes, for the calendar year in which the rent was paid. If a portion of the property is occupied as a homestead or is used for other than rental purposes, the net tax shall be the amount of tax before reductions pursuant to section 273.13, subdivisions 6, 7, and 14a, reduced by the proportion which the square footage of the non-rental use is of the total.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective for claims based on rent paid in 1982 and thereafter.

ARTICLE XXIII

Section 1. Minnesota Statutes 1981 Supplement, Section 298.225, is amended to read:

298.225. [APPROPRIATION.]

If a taconite producer ceases beneficiation operation, either temporarily or permanently, and if the recipients of the taconite production tax as provided in section 298.28, subdivision 1, clauses (1) to (4) and (5) (b) to (8), would receive decreased distributions as a result thereof, then the distribution to these recipients in each of the two years immediately following the year in which operations ceased shall be equal to the amount they received in the last full year before operations ceased. There is hereby appropriated to the commissioner of revenue from the taconite environmental protection fund and the northeast Minnesota economic protection fund in equal proportions the amount needed to make the above payments.

If a taconite producer (, WHICH) ceases beneficiation operations (EITHER TEMPORARILY OR) permanently (,) and is required by a special law to make bond payments for a school district, the northeast Minnesota economic protection fund shall assume the payments of the taconite producer if the producer ceases to make the needed payments. There is hereby appropriated from the northeast Minnesota economic protection fund

to the commissioner of revenue the amounts needed to make these school bond payments.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 298.24, Subdivision 3, is amended to read:

Subd. 3. (a) A credit in the amount of (THREE) *not to exceed four cents per gross ton of merchantable iron ore concentrate produced shall be allowed against the tax imposed by subdivision 1, with respect to the production of iron ore concentrate from taconite plants which, together with the lands upon which they are located and lands used in connection with the mining, quarrying and concentration of taconite and buildings, machinery, equipment and other fixtures used in the production of taconite, and notwithstanding the provisions of section 298.25, have by law been made subject to direct taxes for the payment of principal and interest on bonds issued by a school district or city (; PROVIDED HOWEVER, THAT).*

(b) *Notwithstanding clause (a), a credit of not to exceed seven cents shall be allowed a producer for the payment of taxes for bonds, and interest on them, issued by Independent School District 703 prior to July 1, 1983, for which the producer's property has been made subject to direct taxes.*

(c) *The credit allowed in this subdivision shall be allowed against taxes payable in the calendar years following the issuance and sale of the bonds until the total credit allowed in all years equals the total liability of the producer for direct taxes for the payment of the bonds and interest. If necessary to equal the total liability of the producer, the credit may be taken in years after the years when the taxes for the bond principal and interest were paid.*

The (TOTAL) amount of credit allowable hereunder *in any year with respect to production from any plant subjected to (SUCH) direct taxes shall not exceed the amount of the direct taxes levied in the prior year against (SUCH) the plant (AND PAYABLE AFTER JANUARY 1, 1969, AND UNTIL SAID BONDS) for the bonds and interest and the indebtedness secured thereby (HAVE BEEN PAID IN FULL).*

Sec. 3. [INDEPENDENT SCHOOL DISTRICTS 319 AND 703; BONDS.]

Subdivision 1. Independent School District 319 may issue bonds in an aggregate principal amount not exceeding \$850,000 and Independent School District 703 may issue bonds in an aggregate principal amount not exceeding \$5,480,000, in addition to any bonds already issued or authorized, to provide funds to construct, equip, furnish, remodel, rehabilitate, and acquire land for school facilities and buildings. They may spend the proceeds

of the bond sale for those purposes and any architects', engineers', and legal fees incidental to those purposes or the sale. Except as permitted by this section, the bonds shall be authorized, issued, sold, executed, and delivered in the manner provided by Minnesota Statutes, Chapter 475. A resolution of the board levying taxes for the payment of the bonds and interest on them as authorized by this section and pledging the proceeds of the levies for the payment of the bonds and interest on them shall be deemed to be in compliance with the provisions of chapter 475 with respect to the levying of taxes for their payment.

Subd. 2. Taconite plants, lands containing taconite, and lands where taconite plants are located or which are used in connection with them and the buildings, machinery, equipment, and other fixtures used in the production of taconite, as defined in Minnesota Statutes, Sections 298.23 to 298.28, located in the school district are made subject to taxes for payments of 90 percent of the principal and interest on the bonds issued under authority of this section, notwithstanding any contrary provision of sections 298.23 to 298.28. If the properties are all owned by one person, corporation, partnership or joint venture, it shall not be necessary to make any determination of their value. If the properties are owned by more than one person, corporation, partnership or joint venture, the taxes shall be apportioned annually among them by the county auditor on the basis of their relative values, upon investigation of the facts as the auditor deems necessary. Taxes levied in accordance with subdivisions 2 to 4 shall be collected in the same manner as taxes levied by a school district upon real property subject to taxation but any portion of taxes levied for the payment of installments of principal and interest of bonds may be paid without penalty on or before October 31 of the year in which the taxes become due and payable if the installment of principal and interest is not due until more than 60 days thereafter.

Subd. 3. After the sale and before the delivery of any bonds under authority of this section, the school board shall, by resolution, levy upon all of the property described in subdivision 2 located in the school district a direct, general tax for each year of the term of the bonds in amounts that, if collected in full, will produce 90 percent of the amounts needed to meet when due the principal and interest payments on the bonds. A copy of the resolution shall be filed and the taxes levied shall be collected as nearly as possible as specified in Minnesota Statutes, Section 475.61.

Subd. 4. Bonds issued under authority of this section shall be the general obligations of the school district, for which its full faith and credit and unlimited taxing powers shall be pledged. If there are any deficiencies in the collections of the taxes levied pursuant to subdivision 3, and they are not made good as provided by section 298.225, they shall be made good by general levies, not subject to limit, on all taxable properties in the district in

accordance with Minnesota Statutes, Section 475.74. If any deficiency levies are necessary, the school board may effect a temporary loan or loans on certificates of indebtedness issued in anticipation of them to meet payments of principal or interest on the bonds due or about to become due.

Subd. 5. In addition to the levies made in accordance with subdivisions 2 and 3, the school board shall at the same time by resolution levy on all property in the school district subject to the general ad valorem school tax levies, and not subject to taxation under Minnesota Statutes, Sections 298.23 to 298.28, a direct annual, ad valorem tax for each year of the term of the bonds in amounts that, if collected in full, will produce the amounts needed to meet when due ten percent of the principal and interest payments on the bonds. A copy of the resolution shall be filed, and the necessary taxes shall be extended, assessed, collected, and remitted in accordance with Minnesota Statutes, Section 475.61.

Subd. 6. The lien imposed by taxes levied by Independent School District 319 upon the properties described in subdivision 2 shall be subordinate to all mortgages or other encumbrances of record and on file on the effective date of this section.

Subd. 7. Taxes levied pursuant to this section shall be disregarded in the calculation of any other tax levies or limits on tax levies provided by other law.

Subd. 8. Bonds may be issued under authority of this section notwithstanding any limitations upon the indebtedness of a district, and their amounts shall not be included in computing the indebtedness of a district for any purpose, including the issuance of subsequent bonds and the incurring of subsequent indebtedness.

Subd. 9. This section is effective for Independent School District 319 the day after its governing body complies with Minnesota Statutes, Section 645.021, Subdivision 3 and for Independent School District 703 the day after its governing body complies with Minnesota Statutes, Section 645.021, Subdivision 3.

Sec. 4. [INDEPENDENT SCHOOL DISTRICT 710.]

Subdivision 1. Commencing with taxes payable in 1983, the commissioner of revenue shall deduct and annually pay to Independent School District 710 an amount equal to four cents per gross ton of merchantable iron concentrate produced but not less than \$240,000 annually from the taxes paid pursuant to sections 298.23 to 298.28 by a person, corporation, partnership, operator, joint venture or other owner of a taconite plant and taconite properties located within the school district. The deduction shall be made from the amount which would otherwise have been distributed to the northeast Minnesota economic protection fund

in the apportionment fund in the state treasury under section 298.28, subdivision 1. A sum is annually appropriated to the commissioner from the proceeds of the taxes sufficient to make the payments required by this section.

Subd. 2. If the producer described in subdivision 1 ceases operations or decreases its operations so that the amount of the deduction of four cents per gross ton of concentrate produced is insufficient to raise \$240,000 annually, then the difference between the deduction of four cents per gross ton of concentrate produced and \$240,000 shall be paid as provided in section 298.225.

Subd. 3. The revenue received pursuant to this section by Independent School District 710 shall be deposited in the bond redemption fund of the district and shall be used only to retire the bonds issued on May 1, 1981 in the amount of \$6,000,000.

Subd. 4. The deduction and payment provided in subdivisions 1 and 2 shall terminate upon maturity or payment of the last of those bonds.

Subd. 5. This section is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the governing body of Independent School District 710.

Sec. 5. [EFFECTIVE DATE.]

The credit provided by section 2 shall be allowed for direct taxes levied in 1982 and thereafter and payable in 1983 and thereafter. Except as otherwise provided in this article, this article is effective the day after final enactment.

ARTICLE XXIV

Section 1. Minnesota Statutes 1980, Section 273.42, as amended by Laws 1981, First Special Session Chapter 1, Article II, Section 15, is amended to read:

273.42 [RATE OF TAX; ENTRY AND CERTIFICATION; CREDIT ON PAYMENT; PROPERTY TAX CREDIT.]

Subdivision 1. The property set forth in section 273.37, subdivision 2, consisting of transmission lines of less than 69 kv and transmission lines of 69 kv and above located in an unorganized township, and distribution lines not taxed as provided in sections 273.38, 273.40 and 273.41 shall be taxed at the average rate of taxes levied for all purposes throughout the county and shall be entered on the tax lists by the county auditor against the owner thereof and certified to the county treasurer at the same time

and in the same manner that other taxes are certified, and, when paid, shall be credited (, 35) as follows: 50 percent to the general revenue fund of the county (,) and 50 percent to the general school fund of the county, (AND 15 PERCENT TO THE TOWNSHIPS WITHIN THE COUNTY IN WHICH THE LINES ARE LOCATED. THE AMOUNT AVAILABLE FOR DISTRIBUTION TO THE TOWNSHIPS SHALL BE DIVIDED AMONG THE TOWNSHIPS IN THE SAME PROPORTION THAT THE LENGTH OF TRANSMISSION LINE IN EACH TOWNSHIP BEARS TO THE TOTAL LENGTH OF TRANSMISSION LINE IN THE COUNTY) *except that if there are high voltage transmission lines as defined in section 116C.52, the construction of which was commenced after July 1, 1974 and which are located in unorganized townships within the county, then the distribution of taxes within this subdivision shall be credited as follows: 50 percent to the general revenue fund of the county, 40 percent to the general school fund of the county and 10 percent to a utility property tax credit fund, which is hereby established.*

Subd. 2. Owners of land defined as class 3, 3b, 3c, 3cc, 3d or 3f pursuant to section 273.13 listed on records of the county auditor or county treasurer over which runs a high voltage transmission line as defined in section 116C.52, subdivision 3, except a high voltage transmission line the construction of which was commenced prior to July 1, 1974, shall receive a property tax credit in an amount determined by multiplying a fraction, the numerator of which is the length of high voltage transmission line which runs over that parcel and the denominator of which is the total length of that particular line running over all property within the city (,) or township (OR UNORGANIZED TOWNSHIP) by ten percent of the transmission line tax revenue derived from the tax on that portion of the line within the city (,) or township (OR UNORGANIZED TOWNSHIP) pursuant to section 273.36. *In the case of property owners in unorganized townships, the property tax credit shall be determined by multiplying a fraction, the numerator of which is the length of the qualifying high voltage transmission line which runs over the parcel and the denominator of which is the total length of the qualifying high voltage transmission line running over all property within all the unorganized townships within the county, by the total utility property tax credit fund amount available within the county for that year pursuant to section 273.42, subdivision 1.* Where a right-of-way width is shared by more than one property owner, the numerator shall be adjusted by multiplying the length of line on the parcel by the proportion of the total width of the parcel owned by that property owner. The amount of credit for which the property qualifies shall not exceed 20 percent of the total gross tax on the parcel prior to deduction of the state paid agricultural credit and the state paid homestead credit, provided that, if the property containing the right of way is included in a parcel which exceeds 40 acres, the total gross tax on the parcel shall be multiplied by a fraction, the numerator of which is the sum of the number of acres

in each quarter-quarter section or portion thereof which contains a right of way and the denominator of which is the total number of acres in the parcel set forth on the tax statement, and the maximum credit shall be 20 percent of the product of that computation, prior to deduction of those credits. The auditor of the county in which the affected parcel is located shall calculate the amount of the credit due for each parcel and transmit that information to the county treasurer. The county auditor, in computing the credits received pursuant to sections 273.13 and 273.135, shall reduce the gross tax by the amount of the credit received pursuant to this section, unless the amount of the credit would be less than \$10.

If, after the county auditor has computed the credit to those qualifying property owners in unorganized townships, there is money remaining in the utility property tax credit fund, then that excess amount in the fund shall be returned to the general school fund of the county.

Sec. 2. Minnesota Statutes 1980, Section 273.425, is amended to read:

273.425 [ADJUSTMENT OF LEVY.]

When preparing tax lists pursuant to section 275.28 for each levy year for which credits will be payable under section 273.42, the county auditor shall deduct from the assessed valuation of the property within the county an amount equal to ten percent of the assessed valuation of transmission lines with respect to which a credit is to be paid and which are valued pursuant to section 273.36. The mill rate necessary to be applied to this reduced total valuation in order to raise the required amount of tax revenue for the local taxing authorities shall be applied to the value of all taxable property in the county, including the entire valuation of those transmission lines. The proceeds of the tax levied against the excluded ten percent of the value of those transmission lines shall be available for purposes of funding of the credit provided in section 273.42. If the amount of that portion of the levy exceeds the amount necessary to fund the credits, the excess shall be distributed to the taxing districts within which the affected property is located in proportion to their respective mill rates, to be used for general levy purposes.

Sec. 3 [EFFECTIVE DATE.]

This article is effective for taxes levied in 1982 and thereafter, payable in 1983 and thereafter.

ARTICLE XXV

Section 1. Minnesota Statutes 1981 Supplement, Section 297A.01, Subdivision 3, is amended to read:

Subd. 3. A "sale" and a "purchase" includes, but is not limited to, each of the following transactions:

(a) Any transfer of title or possession, or both, of tangible personal property, whether absolutely or conditionally, and the leasing of or the granting of a license to use or consume tangible personal property *other than manufactured homes used for residential purposes for a continuous period of 30 days or more*, for a consideration in money or by exchange or barter;

(b) The production, fabrication, printing or processing of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication, printing or processing;

(c) The furnishing, preparing or serving for a consideration of food, meals or drinks, not including hospitals, sanatoriums, nursing homes or senior citizens homes, meals or drinks purchased for and served exclusively to individuals who are 60 years of age or over and their spouses or to the handicapped and their spouses by governmental agencies, nonprofit organizations, agencies, or churches or pursuant to any program funded in whole or part through 42 USCA sections 3001 through 3045, wherever delivered, prepared or served, meals and lunches served at public and private schools, universities or colleges, or the occasional meal thereof by a charitable or church organization;

(d) The granting of the privilege of admission to places of amusement or athletic events and the privilege of use of amusement devices or athletic facilities;

(e) The furnishing for a consideration of lodging and related services by a hotel, rooming house, tourist court, motel or trailer camp and of the granting of any similar license to use real property other than the renting or leasing thereof for a continuous period of 30 days or more;

(f) The furnishing for a consideration of electricity, gas, water, or steam for use or consumption within this state, or local exchange telephone service and intrastate toll service except such service provided by means of coin operated telephones; the tax imposed on amounts paid for telephone services is the liability of and shall be paid by the person paying for the services. Sales by municipal corporations in a proprietary capacity are included in the provisions of this clause. The furnishing of water and sewer services for residential use shall not be considered a sale.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 297A.-25, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 2, Article V, Section 2, is amended to read:

Subdivision 1. The following are specifically exempted from the taxes imposed by sections 297A.01 to 297A.44:

(a) The gross receipts from the sale of food products including but not limited to cereal and cereal products, butter, cheese, milk and milk products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products, but not including foods which are prepared or specially sliced, wrapped, arranged or displayed, and sold cold or hot for immediate consumption on or off the premises on which the sale is made, whether sold in individual servings or in larger quantities, except food products which are not taxable pursuant to section 297A.01, subdivision 3, clause (c) and which are sold by a retailer, organized as a nonprofit corporation or association, within a place located on property owned by the state or an agency or instrumentality of the state, the entrance to which is subject to an admission charge;

(b) The gross receipts from the sale of prescribed drugs and medicine intended for use, internal or external, in the cure, mitigation, treatment or prevention of illness or disease in human beings and products consumed by humans for the preservation of health, including prescription glasses, therapeutic and prosthetic devices, but not including cosmetics or toilet articles notwithstanding the presence of medicinal ingredients therein;

(c) The gross receipts from the sale of and the storage, use or other consumption in Minnesota of tangible personal property, tickets, or admissions, electricity, gas, or local exchange telephone service, which under the Constitution or laws of the United States or under the Constitution of Minnesota, the state of Minnesota is prohibited from taxing;

(d) The gross receipts from the sale of tangible personal property (i) which, without intermediate use, is shipped or transported outside Minnesota and thereafter used in a trade or business or is stored, processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property transported or shipped outside Minnesota and thereafter used in a trade or business outside Minnesota, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce (storage shall not constitute intermediate use); or (ii) which the seller delivers to a common carrier for delivery outside Minnesota, places in the United States mail or parcel post directed to the purchaser outside Minnesota, or delivers to the purchaser outside Minnesota by means of the seller's own delivery vehicles, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(e) The gross receipts from the sale of packing materials used to pack and ship household goods, the ultimate destination of which is outside the state of Minnesota and which are not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(f) The gross receipts from the sale of and storage, use or consumption of petroleum products upon which a tax has been imposed under the provisions of chapter 296, whether or not any part of said tax may be subsequently refunded;

(g) The gross receipts from the sale of clothing and wearing apparel except the following:

(i) all articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with precious metals or imitations thereof; watches; clocks; cases and movements for watches and clocks; gold, gold-plated, silver, or sterling flatware or hollow ware and silver-plated hollow ware; opera glasses; lorgnettes; marine glasses; field glasses and binoculars.

(ii) articles made of fur on the hide or pelt, and articles of which such fur is the component material or chief value, but only if such value is more than three times the value of the next most valuable component material.

(iii) perfume, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous and toilet powders. The tax imposed by this act shall not apply to lotion, oil, powder, or other article intended to be used or applied only in the case of babies.

(iv) trunks, valises, traveling bags, suitcases, satchels, overnight bags, hat boxes for use by travelers, beach bags, bathing suit bags, brief cases made of leather or imitation leather, salesmen's sample and display cases, purses, handbags, pocketbooks, wallets, billfolds, card, pass, and key cases and toilet cases.

(h) The gross receipts from the sale of and the storage, use, or consumption of all materials, including chemicals, fuels, petroleum products, lubricants, packaging materials, including returnable containers used in packaging food and beverage products, feeds, seeds, fertilizers, electricity, gas and steam, used or consumed in agricultural or industrial production of personal property intended to be sold ultimately at retail, whether or not the item so used becomes an ingredient or constituent part of the property produced. Such production shall include, but is not limited to, research, development, design or production of any tangible personal property, manufacturing, processing (other

than by restaurants and consumers) of agricultural products whether vegetable or animal, commercial fishing, refining, smelting, reducing, brewing, distilling, printing, mining, quarrying, lumbering, generating electricity and the production of road building materials. Such production shall not include painting, cleaning, repairing or similar processing of property except as part of the original manufacturing process. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures, used in such production and fuel, electricity, gas or steam used for space heating or lighting, are not included within this exemption; however, accessory tools, equipment and other short lived items, which are separate detachable units used in producing a direct effect upon the product, where such items have an ordinary useful life of less than 12 months, are included within the exemption provided herein;

(i) The gross receipts from the sale of and storage, use or other consumption in Minnesota of tangible personal property (except as provided in section 297A.14) which is used or consumed in producing any publication regularly issued at average intervals not exceeding three months, and any such publication. For purposes of this subsection, "publication" as used herein shall include, without limiting the foregoing, a legal newspaper as defined by Minnesota Statutes 1965, Section 331.02, and any supplements or enclosures with or part of said newspaper; and the gross receipts of any advertising contained therein or therewith shall be exempt. For this purpose, advertising in any such publication shall be deemed to be a service and not tangible personal property, and persons or their agents who publish or sell such newspapers shall be deemed to be engaging in a service with respect to gross receipts realized from such newsgathering or publishing activities by them, including the sale of advertising. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures used in such publication and fuel, electricity, gas or steam used for space heating or lighting, are not exempt;

(j) The gross receipts from all sales of tangible personal property to, and all storage, use or consumption of such property by, the United States and its agencies and instrumentalities or a state and its agencies, instrumentalities and political subdivisions;

(k) The gross receipts from the isolated or occasional sale of tangible personal property in Minnesota not made in the normal course of business of selling that kind of property, and the storage, use, or consumption of property acquired as a result of such a sale;

(1) The gross receipts from sales of rolling stock and the storage, use or other consumption of such property by railroads, freight line companies, sleeping car companies and express companies taxed on the gross earnings basis in lieu of ad valorem

taxes. For purposes of this clause "rolling stock" is defined as the portable or moving apparatus and machinery of any such company which moves on the road, and includes, but is not limited to, engines, cars, tenders, coaches, sleeping cars and parts necessary for the repair and maintenance of such rolling stock.

(m) The gross receipts from sales of airflight equipment and the storage, use or other consumption of such property by airline companies taxed under the provisions of sections 270.071 to 270.079. For purposes of this clause, "airflight equipment" includes airplanes and parts necessary for the repair and maintenance of such airflight equipment, and flight simulators.

(n) The gross receipts from the sale of telephone central office telephone equipment used in furnishing intrastate and interstate telephone service to the public.

(o) The gross receipts from the sale of and the storage, use or other consumption by persons taxed under the in lieu provisions of chapter 298, of mill liners, grinding rods and grinding balls which are substantially consumed in the production of taconite, the material of which primarily is added to and becomes a part of the material being processed.

(p) The gross receipts from the sale of tangible personal property to, and the storage, use or other consumption of such property by, any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious or educational purposes if the property purchased is to be used in the performance of charitable, religious or educational functions, or any senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders;

(q) The gross receipts from the sale of caskets and burial vaults;

(r) The gross receipts from the sale of an automobile or other conveyance if the purchaser is assisted by a grant from the United States in accordance with 38 United States Code, Section 1901, as amended.

(s) The gross receipts from the sale to the licensed aircraft dealer of an aircraft for which a commercial use permit has been issued pursuant to section 360.654, if the aircraft is resold while the permit is in effect.

(t) The gross receipts from the sale of building materials to be used in the construction or remodeling of a residence when the construction or remodeling is financed in whole or in part

by the United States in accordance with 38 United States Code, Sections 801 to 805, as amended. This exemption shall not be effective at time of sale of the materials to contractors, subcontractors, builders or owners, but shall be applicable only upon a claim for refund to the commissioner of revenue filed by recipients of the benefits provided in Title 38 United States Code, Chapter 21, as amended. The commissioner shall provide by regulation for the refund of taxes paid on sales exempt in accordance with this paragraph.

(u) The gross receipts from the sale of textbooks which are prescribed for use in conjunction with a course of study in a public or private school, college, university and business or trade school to students who are regularly enrolled at such institutions. For purposes of this clause a "public school" is defined as one that furnishes course of study, enrollment and staff that meets standards of the state board of education and a private school is one which under the standards of the state board of education, provides an education substantially equivalent to that furnished at a public school. Business and trade schools shall mean such schools licensed pursuant to section 141.25.

(v) The gross receipts from the sale of and the storage of material designed to advertise and promote the sale of merchandise or services, which material is purchased and stored for the purpose of subsequently shipping or otherwise transferring outside the state by the purchaser for use thereafter solely outside the state of Minnesota.

(w) The gross receipts from the sale of residential heating fuels in the following manner:

(i) all fuel oil, coal, wood, steam, propane gas, and L.P. gas sold to residential customers for residential use;

(ii) natural gas sold for residential use to customers who are metered and billed as residential users and who use natural gas for their primary source of residential heat, for the billing months of November, December, January, February, March and April;

(iii) electricity sold for residential use to customers who are metered and billed as residential users and who use electricity for their primary source of residential heat, for the billing months of November, December, January, February, March and April.

(x) The gross receipts from the sale or use of tickets or admissions to the premises of or events sponsored by an association, corporation or other group of persons which provides an opportunity for citizens of the state to participate in the creation, performance or appreciation of the arts and which qualifies as a

tax-exempt organization within the meaning of section 290.05, subdivision 1, clause (i).

(y) The gross receipts from either the sales to or the storage, use or consumption of tangible personal property by an organization of military service veterans or an auxiliary unit of an organization of military service veterans, provided that:

(i) the organization or auxiliary unit is organized within the state of Minnesota and is exempt from federal taxation pursuant to section 501(c), clause (19), of the Internal Revenue Code as amended through December 31, 1978; and

(ii) the tangible personal property which is sold to or stored, used or consumed by the organization or auxiliary unit is for charitable, civic, educational, or nonprofit uses and not for social, recreational, pleasure or profit uses.

(z) The gross receipts from the sale of sanitary napkins, tampons, or similar items used for feminine hygiene.

(aa) *The gross receipts from the sale of a manufactured home, as defined in section 327.31, subdivision 6, to be used by the purchaser for residential purposes, unless the sale is the first retail sale of the manufactured home in this state.*

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective retroactive to January 1, 1972; provided, however, that the department of revenue shall not entertain any refund claims to those taxpayers who have paid the sales tax on those rentals. Section 2 is effective for sales made on or after July 1, 1982.

ARTICLE XXVI

Section 1. [CLEARWATER COUNTY LEVY LIMIT INCREASE.]

Any limitation imposed upon the levy of Clearwater County by Minnesota Statutes, Sections 275.50 to 275.56, shall be increased for taxes levied in 1982, payable 1983 and subsequent years by an amount authorized by the county board, not to exceed one mill, to cover the expenses of the agricultural society as authorized by Minnesota Statutes, Section 38.27.

ARTICLE XXVII

Section 1. Laws 1980, Chapter 453, is amended by adding a section to read:

Sec. 3. [BLOOMINGTON; PORT AUTHORITY.]

Subdivision 1. As used in this section, the terms defined in Minnesota Statutes, Section 273.73 shall have the meanings given them therein and the terms defined in this subdivision have the meanings given them.

(a) "Port authority" means the port authority of the city of Bloomington.

(b) "City" means the city of Bloomington.

(c) "Development district" means a district established by the port authority pursuant to Minnesota Statutes, Section 458.191.

(d) "City council" means the city council of the city.

Subd. 2. Notwithstanding any contrary provision of other law or charter, any action taken by the port authority to adopt bylaws or rules of procedure, issue bonds, notes or other evidences of indebtedness, or establish development districts or tax increment districts within the city shall not be effective until approved by the city council.

Subd. 3. The port authority may exercise the powers of an authority under Minnesota Statutes, Sections 273.73 to 273.78.

Subd. 4. Notwithstanding any contrary provision of other law or charter, the port authority may establish one or more tax increment financing districts pursuant to Minnesota Statutes, Sections 273.73 to 273.78 except provided that:

(a) Tax increments may only be used to pay debt service on any bonds, including maintaining any reserve for them, and administrative expenses for the development district;

(b) Any tax increments received in any year in excess of those required to pay debt service on any bonds, including maintaining any reserve for them and administrative expenses for the development district in the year, shall be used to prepay any bonds unless the county board and school board by resolution adopted prior to approval of the tax increment financing plan by the city direct that the excess tax increments be distributed among the city, county, and school district by the county auditor in accordance with the tax increment financing plan;

(c) The aggregate principal amount of bonds secured by a pledge of tax increments that may be issued may not exceed five percent of the total assessed valuation of taxable property in the city as most recently certified by the commissioner of revenue as of the date any bonds are issued, which valuation shall be without regard to the existence of any tax increment district and

before the application of the fiscal disparities provisions of Minnesota Statutes, Chapter 473;

(d) Tax increments may be paid to the port authority for a period of not to exceed 12 years from date of receipt of the first tax increment or 14 years from approval of the tax increment financing plan, whichever is less, for an economic development district; and

(e) The limitation on tax increments in Minnesota Statutes, Section 273.75, Subdivision 6, may be extended for such time as may be approved by resolution of the county board and school board.

Subd. 5. Notwithstanding any contrary provisions of law or charter, any tax increment financing plan of the port authority may provide for the financing of land acquisition and public improvements, including relocation costs and administrative expenses in connection therewith, located anywhere in the development district in which the tax increment financing district is located.

Subd. 6. The port authority may exercise any of the powers granted a redevelopment agency in Minnesota Statutes, Chapter 474, to provide for the financing of any properties, real or personal, used or useful in connection with a revenue producing enterprise, or any combination of two or more revenue producing enterprises engaged in any business, including any project described in Minnesota Statutes, Section 474.02, Subdivisions 1, 1a, 1b, 1c, and 1e and any equipment regardless of where located so long as the equipment is related to facilities located within the city. The project must be approved in accordance with Minnesota Statutes, Chapter 474, and not include any property described in Minnesota Statutes, Section 474.02, Subdivision 1d.

Subd. 7. The formation of the port authority and all actions taken by the city and the port authority that would have been authorized if this article had been effective on the date the actions were taken are validated.

Subd. 8. The powers conferred by this section are in addition and supplemental to the powers conferred by any other law. Insofar as the provisions of any other law or charter are inconsistent with this section, the provisions of this section shall be controlling as to projects instituted under this section.

Sec. 2. [LOCAL APPROVAL.]

This article is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the governing body of the city of Bloomington.

ARTICLE XXVIII

Section 1. Minnesota Statutes 1980, Section 473H.02, Subdivision 2, is amended to read:

Subd. 2. "Agricultural preserve" or "preserve" means a land area (COVENANTED) *created and restricted* according to section 473H.05 to remain in agricultural use.

Sec. 2. Minnesota Statutes 1980, Section 473H.02, is amended by adding a subdivision to read:

Subd. 11. "County recorder" means registrar of titles for the purposes of registered property.

Sec. 3. Minnesota Statutes 1980, Section 473H.04, Subdivision 1, is amended to read:

Subdivision 1. (ON OR BEFORE JANUARY 1, 1981) Each authority in the metropolitan area having land classified agricultural pursuant to section 273.13 shall certify by resolution using appropriate maps which lands, if any, are eligible for designation as agricultural preserves. Maps shall be in sufficient detail to identify eligible lands by property boundaries. (NOTIFICATION OF THE CERTIFICATION SHALL BE PUBLISHED) *At least two weeks before the resolution is to be adopted, the authority shall publish notice of its intended action in a newspaper having a general circulation within the area of jurisdiction of the authority. No additional lands shall qualify for designation as agricultural preserves until the authority certifies qualification.*

Sec. 4. Minnesota Statutes 1980, Section 473H.04, Subdivision 2, is amended to read:

Subd. 2. Land shall cease to be eligible for designation as an agricultural preserve when the comprehensive plan and zoning for the land have been amended so that the land is no longer planned for long term agricultural use and is no longer zoned for long term agricultural use, evidenced by a maximum residential density permitting more than one unit per 40 acres. When changes have been made, the authority shall certify by resolution and appropriate maps which lands are no longer eligible. (NOTIFICATION OF THE DECERTIFICATION SHALL BE PUBLISHED) *At least two weeks before the resolution is to be adopted, the authority shall publish a notice of its intended action in a newspaper having a general circulation within the area of jurisdiction of the authority.*

Sec. 5. Minnesota Statutes 1980, Section 473H.05, Subdivision 1, is amended to read:

Subdivision 1. An owner or owners of certified long term agricultural land may apply to the authority with jurisdiction over the land on forms provided by the commissioner of agriculture for the creation of an agricultural preserve at any time. *If the land to be placed in a preserve is registered property, the owner shall submit the owner's duplicate certificate of title together with the application.* Land for which application is received prior to March 1 of any year shall be assessed pursuant to section 473H.10 for taxes payable in the following year. Land for which application is received on or after March 1 of any year shall be assessed pursuant to section 473H.10 in the following year. The application shall contain at least the following information and such other information as the commissioner deems necessary:

(a) Legal description of the area proposed to be designated (OR) and parcel identification numbers (AS) if so designated by the county auditor;

(b) Name and address of owner;

(c) An affidavit by the authority evidencing that the land is certified long term agricultural land at the date of application;

(d) A witnessed signature of the owner covenanting that the land shall be kept in agricultural use, and shall be used in accordance with the provisions of sections 473H.02 to 473H.17 which exist on the date of application;

(e) A statement that the restrictive covenant shall be binding on the owner or his successor or assignee, and shall (BE AN EASEMENT RUNNING) run with the land (;)

((F) DATE OF APPLICATION AND DATE THAT DESIGNATION IS EFFECTUATED).

Sec. 6. Minnesota Statutes 1980, Section 473H.05, is amended by adding a subdivision to read:

Subd. 3. [REGISTERED PROPERTY.] In the case of registered property, the applicant shall submit the owner's duplicate certificate at the time the application is made to the authority. The county recorder shall memorialize the restrictive covenant upon the certificate of title and owner's duplicate certificate of title. When the property or any portion of it ceases to be an agricultural preserve in accordance with section 473H.08 and the passage of the required time period, section 473H.09 or 473H.15, the county recorder upon presentation of the owner's duplicate certificate of title shall cause the restrictive covenant to be cancelled upon the effective date of the expiration, termination or taking.

Sec. 7. Minnesota Statutes 1980, Section 473H.06, Subdivision 1, is amended to read:

Subdivision 1. *Upon receipt of an application, the authority shall determine if all material required in section 473H.05 has been submitted and, if so, shall determine that the application is complete. When used in this chapter, the term "date of application" means the date the application is determined complete by the authority. Within five days of the date of application, the authority shall forward (COPIES OF) the completed and signed application to the county recorder, together with the owner's duplicate certificate of title in the case of registered property, and copies to the county auditor, the county assessor, the metropolitan council, and the county soil and water conservation district.*

Sec. 8. Minnesota Statutes 1980, Section 473H.06, Subdivision 2, is amended to read:

Subd. 2. *The county recorder shall (FILE AND) record the restrictive covenant and return it to the applicant. If the property is registered property, the recorder shall memorialize the restrictive covenant upon presentation of the owner's duplicate certificate of title. The authority shall be notified by the recorder that the covenant has been recorded or memorialized.*

Sec. 9. Minnesota Statutes 1980, Section 473H.06, Subdivision 5, is amended to read:

Subd. 5. *The metropolitan council shall maintain agricultural preserve maps, illustrating (a) certified long term agricultural lands; and (b) lands covenanted as agricultural preserves. The council shall make yearly reports to the state planning agency, the department of agriculture, and such other agencies as the council deems appropriate.*

Sec. 10. Minnesota Statutes 1980, Section 473H.08, Subdivision 4, is amended to read:

Subd. 4. *Upon receipt of the notice provided in subdivision 2, or upon notice served by the authority as provided in subdivision 3, the authority shall forward the original notice to the county recorder for recording and shall notify the (COUNTY RECORDER,) county auditor, county assessor, the metropolitan council, and the county soil and water conservation district of the date of expiration. Designation as an agricultural preserve and all benefits and limitations accruing through sections 473H.02 to 473H.17 for the preserve shall cease on the date of expiration. The restrictive covenant filed with the application shall terminate on the date of expiration.*

Sec. 11. Minnesota Statutes 1980, Section 473H.14, is amended to read:

473H.14 [ANNEXATION PROCEEDINGS.]

Agricultural preserve land within a township shall not be annexed to a municipality pursuant to chapter 414, without a specific finding by the Minnesota municipal board that either (a) the expiration period as provided for in section 473H.08 has begun; (b) the (SURVIVING UNIT OF GOVERNMENT) township due to size, tax base, population or other relevant factors would not be able to provide normal governmental functions and services; or (c) the agricultural preserve would be completely surrounded by lands within a municipality.

This section shall not apply to annexation agreements approved by the Minnesota municipal board prior to creation of the preserve.

Sec. 12. Minnesota Statutes 1980, Section 473H.15, is amended by adding a subdivision to read:

Subd. 10. The agricultural preserve designation and all benefits and limitations accruing through sections 473H.02 to 473H.17 for the preserve and the restrictive covenant for that portion of the preserve taken, shall cease on the date the final certificate is filed with the clerk of district court in accordance with section 117.205.

Sec. 13. Minnesota Statutes 1980, Section 473H.16, Subdivision 3, is amended to read:

Subd. 3. Any owner who fails to implement corrective measures to the satisfaction of the authority within one year of notice from the authority shall be subject to a (FINE) civil penalty of not more than \$1,000. The authority may recover the penalty by a civil action in a court of competent jurisdiction.

Sec. 14. [473H.18] [TRANSFER FROM AGRICULTURAL PROPERTY TAX LAW TREATMENT.]

When land which has been receiving the special agricultural valuation and tax deferment provided in section 273.111 becomes an agricultural preserve pursuant to sections 473H.02 to 473H.17, the recapture of deferred tax and special assessments, as provided in section 273.111, subdivisions 9 and 11, shall not be made. Special assessments deferred under section 273.111, at the date of commencement of the preserve, shall continue to be deferred for the duration of the preserve. All special assessments so deferred shall be payable within 90 days of the date of expiration unless other terms are mutually agreed upon by the authority and the owner. In the event of early termination of a preserve or a portion of it under section 473H.09, all special assessments accruing to the terminated portion plus interest shall be payable within 90 days of the date of termination unless otherwise deferred or abated by executive order of the governor. In the

event of a taking under section 473H.15 all special assessments accruing to the taken portion plus interest shall be payable within 90 days of the date the final certificate is filed with the clerk of district court in accordance with section 117.205.

Sec. 15. [APPLICATION.]

This article applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

Sec. 16. [EFFECTIVE DATE.]

This article is effective the day following final enactment.

ARTICLE XXIX

Section 1. Minnesota Statutes 1981 Supplement, Section 272.46, is amended to read:

272.46 [AUDITOR TO FURNISH STATEMENT OF TAX LIENS AND TAX SALES; FEES; APPLICATION.]

Subdivision 1. [CERTIFICATION OF TAX LIENS.] The county auditor, upon written application of any person, shall make search of the records of his office, and ascertain the existence of all tax liens and tax sales as to any lands described in the application, and certify the result of such search under his hand and the seal of his office, giving the description of the land and all tax liens and tax sales shown by such records, and the amount thereof, the year of tax covered by such lien, the date of tax sale, and the name of the purchaser at such tax sale.

For such service the county auditor shall charge a fee not to exceed \$5 for each lot or tract of land described in the certificate. The amount of the fee will be established by the county board on or before July 1 of each year. Any number of contiguous tracts of land not exceeding one section, assessed as broad acres, or adjoining lots in the same block, in the city, shall be considered as one lot or parcel within the meaning of this section. The provisions of this section shall not apply to counties having a population of more than 225,000.

Subd. 2. [AUDITOR TO COMBINE LEGAL DESCRIPTIONS.] The county auditor, upon written application of any person, shall for property tax purposes only, combine legal descriptions, as defined in section 272.195, of contiguous parcels to which the applicants hold title.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 273.11, Subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] Except as provided in subdivisions 2, 6 and 7 or section 273.17, subdivision 1, all property shall be valued at its market value. *The market value as determined pursuant to this section shall be stated such that any amount under \$100 is rounded up to \$100 and any amount exceeding \$100 shall be rounded to the nearest \$100.* In estimating and determining such value, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price for which such property would sell at auction or at a forced sale, or in the aggregate with all the property in the town or district; but he shall value each article or description of property by itself, and at such sum or price as he believes the same to be fairly worth in money. In assessing any tract or lot of real property, the value of the land, exclusive of structures and improvements, shall be determined, and also the value of all structures and improvements thereon, and the aggregate value of the property, including all structures and improvements, excluding the value of crops growing upon cultivated land. In valuing real property upon which there is a mine or quarry, it shall be valued at such price as such property, including the mine or quarry, would sell for a fair, voluntary sale, for cash. In valuing real property which is vacant, the fact that such property is platted shall not be taken into account. An individual lot of such platted property shall not be assessed in excess of the assessment of the land as if it were unplatted until the lot is improved with a permanent improvement all or a portion of which is located upon the lot, or for a period of three years after final approval of said plat whichever is shorter. When a lot is sold or construction begun, the assessed value of that lot or any single contiguous lot fronting on the same street shall be eligible for reassessment. All property, or the use thereof, which is taxable under sections 272.01, subdivision 2, or 273.19, shall be valued at the market value of such property and not at the value of a leasehold estate in such property, or at some lesser value than its market value.

Sec. 3. Minnesota Statutes 1980, Section 282.014, is amended to read:

282.014 [COMPLETION OF SALE AND CONVEYANCE.]

Upon compliance by the purchaser with the provisions of sections 282.011 to 282.015 and with the terms and conditions of the sale, and upon full payment for the land, *plus a \$10 fee in addition to the sale price*, the sale shall be complete and a conveyance of the land shall be issued to the purchaser as provided by the appropriate statutes according to the status of the land upon forfeiture.

Sec. 4. Minnesota Statutes 1980, Section 282.09, Subdivision 1, is amended to read:

Subdivision 1. [MONEYS PLACED IN FUND.] The county auditor and county treasurer shall place all moneys received through the operation of sections 282.01 to 282.13 in a fund to be known as the forfeited tax sale fund and all disbursements and costs shall be charged against that fund, when allowed by the county board. Members of the county board may be paid a per diem pursuant to section 375.055, subdivision 1, and reimbursed for their necessary expenses, and may receive mileage as now or hereafter fixed by law. Compensation of a land commissioner and his assistants, if a land commissioner is appointed, shall be in such amount as shall be determined by the county board. The county auditor shall receive 50 cents for each certificate of sale, each contract for deed and each lease executed by him, and in counties where no land commissioner is appointed such additional annual compensation, not exceeding \$300, as shall be fixed by the county board. Compensation of any other clerical help that may be needed by the county auditor or land commissioner shall be in such amount as shall be determined by the county board. All compensation provided for herein shall be in addition to other compensation allowed by law. (OUT OF THE GROSS PROCEEDS IN THIS FUND THERE SHALL BE PAID TO THE STATE, IN ADDITION TO ANY DISTRIBUTION OF NET PROCEEDS THEREFROM, A FEE OF \$3 FOR EACH AND EVERY STATE DEED HEREAFTER ISSUED OR REISSUED BY THE COMMISSIONER OF REVENUE PURSUANT TO THE SALE OF ANY TAX-FORFEITED LANDS.) Fees so charged *in addition to the fee imposed in section 3* shall be included in the annual settlement by the county auditor as hereinafter provided. On or before February 1 in each year, the commissioner of revenue shall certify to the commissioner of finance, by counties, the total number of state deeds issued and reissued during the preceding calendar year for which such fees are charged and the total amount thereof. When disbursements are made from the fund for repairs, refundments, expenses of actions to quiet title, or any other purpose which particularly affects specific parcels of forfeited lands, the amount of such disbursements shall be charged to the account of the taxing districts interested in such parcels. The county auditor shall make an annual settlement of the net proceeds received from sales and rentals by the operation of sections 282.01 to 282.13, at the regular March settlement, for the preceding calendar year.

Sec. 5. [297.041] [SALES TO INDIAN TRIBES.]

Subdivision 1. [WHOLESALEERS.] *Any wholesaler who furnishes a surety bond in a sum satisfactory to the commissioner shall be permitted to set aside, without affixing the stamps required by this chapter, that part of his stock necessary for the conduct of his business in making sales to the established governing body of any Indian tribe recognized by the United States Department of Interior. The unstamped stock shall be kept separate*

and apart from stamped stock. Every wholesaler shall, at the time of shipping or delivering any of the unstamped stock to an Indian tribal organization, make a true duplicate invoice which shall show the complete details of the sale or delivery and shall transmit the duplicate to the commissioner not later than the fifteenth day of the following calendar month. Failure to comply with the requirements of this section shall cause the commissioner to revoke the permission granted to the wholesaler to maintain a stock of goods which may be unstamped. The commissioner may also revoke this permission to maintain a stock of unstamped goods for sale to a specific Indian tribal organization when it appears that sales of unstamped cigarettes to persons who are not enrolled members of a recognized Indian tribe are taking place, or have taken place, within the exterior boundaries of the reservation occupied by that tribe.

Subd. 2. [RETAILERS.] Retailers who are Indian tribal organizations may maintain unstamped stock intended for sale to qualified purchasers.

Subd. 3. [QUALIFIED PURCHASERS.] A qualified purchaser of unstamped cigarettes means only an enrolled member of the Indian tribe which is offering the cigarettes for sale.

Subd. 4. [SALES TO NONQUALIFIED BUYERS.] Any retailer who sells or otherwise disposes of any unstamped cigarettes other than to a qualified purchaser shall collect from the buyer or transferee the tax imposed by section 297.02, subdivision 1, and remit the tax to the department of revenue at the same time and manner as required by section 297.07. In the event the retailer fails to collect the tax from the buyer or transferee, or fails to remit the tax, the retailer shall be personally responsible for the tax and the commissioner may seize any cigarettes destined to be delivered to the retailer. The cigarettes so seized shall be considered contraband and be subject to the procedures outlined in section 297.08, subdivision 3. The proceeds of the sale of any such cigarettes may, after deducting all costs and expenses, be applied to any tax liability owed by the retailer.

The provisions of this section shall not relieve the buyer or possessor of unstamped cigarettes from personal liability for the tax.

ARTICLE XXX

Section 1. Minnesota Statutes 1981 Supplement, Section 290.01, Subdivision 20, as amended by Laws 1981, Third Special Session Chapter 2, Article III, Section 2, is amended to read:

Subd. 20. [GROSS INCOME.] Except as otherwise provided in this chapter, the term "gross income," as applied to corporations includes every kind of compensation for labor or personal services of every kind from any private or public employment, office, position or services; income derived from the ownership or use of property; gains or profits derived from every kind

of disposition of, or every kind of dealing in, property; income derived from the transaction of any trade or business; and income derived from any source; except that gross income shall not include "exempt function income" of a "homeowners association" as those terms are defined in Section 528 of the Internal Revenue Code of 1954, as amended through December 31, 1980.

The term "gross income" in its application to individuals, estates, and trusts shall mean the adjusted gross income as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this subdivision. For estates and trusts the adjusted gross income shall be their federal taxable income as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this subdivision and with the modification that the federal deduction for personal exemptions for trusts and estates shall not be allowed.

(i) The Internal Revenue Code of 1954, as amended through December 31, 1974, shall be in effect for the taxable years beginning after December 31, 1974.

(ii) The Internal Revenue Code of 1954, as amended through December 31, 1976, including the amendments made to section 280A (relating to licensed day care centers) in H.R. 3477 as it passed the Congress on May 16, 1977, shall be in effect for the taxable years beginning after December 31, 1976. The provisions of the Tax Reform Act of 1976, P.L. 94-455, which affect adjusted gross income shall become effective for purposes of this chapter at the same time they become effective for federal income tax purposes. Section 207 (relating to extension of period for nonrecognition of gain on sale or exchange of residence) and section 402 (relating to time for making contributions to pension plans of self employed people) of P.L. 94-12 shall be effective for taxable years beginning after December 31, 1974.

The provisions of section 4 of P.L. 95-458, sections 131, 133, 134, 141, 152, 156, 157, 405, and 543 of P.L. 95-600, and section 2 of P.L. 96-608 (relating to pensions, individual retirement accounts, deferred compensation plans, the sale of a residence and to conservation payments to farmers) including the amendments made to these sections in P.L. 96-222 shall be effective at the same time that these provisions became effective for federal income tax purposes.

(iii) The Internal Revenue Code of 1954, as amended through December 31, 1979, shall be in effect for taxable years beginning after December 31, 1979.

(iv) The Internal Revenue Code of 1954, as amended through December 31, 1980, and as amended by sections 302(b) and 501 to 509 of Public Law Number 97-34, shall be in effect

for taxable years beginning after December 31, 1980 including the provisions of section 404 (relating to partial exclusions of dividends and interest received by individuals) of the Crude Oil Windfall Profit Tax Act of 1980, P.L. 96-223. The provisions of P.L. 96-471 (relating to installment sales) (AND) sections 122, 123, 126, 201, 202, 203, 204, 211, 213, 214, 251, 261, 264, 265, 311(g)(3), 313, 314(a)(1), 321(a), 501 to 507, 811, and 812 of the Economic Recovery Tax Act of 1981, Public Law Number 97-34 and section 113 of Public Law Number 97-119 shall be effective at the same time that they become effective for federal income tax purposes.

(v) The Internal Revenue Code of 1954, as amended through December 31, 1981, shall be in effect for taxable years beginning after December 31, 1981.

References to the Internal Revenue Code of 1954 in clauses (a), (b) and (c) following shall mean the code in effect for the purpose of defining gross income for the applicable taxable year.

(a) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state other than Minnesota or a political subdivision of any other state exempt from federal income taxes under the Internal Revenue Code of 1954;

(2) A business casualty loss if the taxpayer elected to deduct the loss on the current year's federal income tax return but had deducted the loss on the previous year's Minnesota income tax return;

(3) Income taxes imposed by this state or any other taxing jurisdiction, to the extent deductible in determining federal adjusted gross income and not credited against federal income tax;

(4) Interest on indebtedness incurred or continued to purchase or carry securities the income from which is exempt from tax under this chapter, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for the reimbursed expenditure resulted in a tax benefit;

(6) The amount of any federal income tax overpayment for any previous taxable year, received as refund or credited to another taxable year's income tax liability, proportionate to the percentage of federal income tax that was claimed as a deduction in determining Minnesota income tax for the previous taxable year.

The amount of the federal income tax overpayment shall be reported only to the extent that the amount resulted in a reduction of the tax imposed by this chapter.

The overpayment refund or credit, determined with respect to a husband and wife on a joint federal income tax return for a previous taxable year, shall be reported on joint, combined, or separate Minnesota income tax returns. In the case of combined or separate Minnesota returns, the overpayment shall be reported by each spouse proportionately according to the relative amounts of federal income tax claimed as a deduction on his or her combined or separate Minnesota income tax return for such previous taxable year;

(7) In the case of a change of residence from Minnesota to another state or nation, the amount of moving expenses which exceed total reimbursements and which were therefore deducted in arriving at federal adjusted gross income;

(8) The amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954 to the extent of the credit under section 38 of the Internal Revenue Code of 1954 that was previously allowed as a deduction either under section 290.01, subdivision 20 (b) (7);

(9) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29;

(10) Expenses and depreciation attributable to substandard buildings disallowed by section 290.101;

(11) The amount by which the gain determined pursuant to section 41.59, subdivision 2 exceeds the amount of such gain included in federal adjusted gross income;

(12) To the extent deducted in computing the taxpayer's federal adjusted gross income for the taxable year, losses recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(13) Interest income from qualified scholarship funding bonds as defined in section 103(e) of the Internal Revenue Code of 1954, if the nonprofit corporation is domiciled outside of Minnesota;

(14) Exempt-interest dividends, as defined in section 852(b)(5)(A) of the Internal Revenue Code of 1954, not included in federal adjusted gross income pursuant to section 852(b)(5)(B) of the Internal Revenue Code of 1954, except for that portion of exempt-interest dividends derived from interest income on obligations of the state of Minnesota, any of its politi-

cal or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities;

(15) The amount of any excluded gain recognized by a trust on the sale or exchange of property as defined in section 641(c) (1) of the Internal Revenue Code of 1954;

(16) (FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1980 BUT BEFORE JANUARY 1, 1983, IN THE CASE OF RECOVERY PROPERTY WITHIN THE MEANING OF SECTION 168 OF THE INTERNAL REVENUE CODE OF 1954 AS AMENDED THROUGH DECEMBER 31, 1981, THE AMOUNT ALLOWED UNDER SECTION 167 OF THE INTERNAL REVENUE CODE;)

((17)) To the extent not included in the taxpayer's federal adjusted gross income, the amount of any gain, from the sale or other disposition of property having a lower adjusted basis for Minnesota income tax purposes than for federal income tax purposes. This modification shall not exceed the difference in basis. If the gain is considered a long term capital gain for federal income tax purposes, the modification shall be limited to 40 percent of the portion of the gain. This modification is limited to property that qualified for the energy credit contained in section 290.06, subdivision 14, and to property acquired in exchange for the release of the taxpayer's marital rights contained in section 290.14, clause (9);

((18)) (17) The amount of any loss from a source outside of Minnesota which is not allowed under section 290.17 including any capital loss or net operating loss carryforwards or carrybacks resulting from the loss;

((19)) (18) The amount of a distribution from an individual housing account which is to be included in gross income as required under section 290.08, subdivision 25;

((20)) (19) To the extent deducted in computing the taxpayer's federal adjusted gross income, interest, taxes and other expenses which are not allowed under section 290.10, clause (9) or (10);

((21)) (20) To the extent excluded from federal adjusted gross income, in the case of a city manager or city administrator who elects to be excluded from the public employees retirement association and who makes contributions to a deferred compensation program pursuant to section 353.028, the amount of contributions made by the city manager or administrator which is equal to the amount which would have been the city manager's or administrator's employee contribution pursuant to section 353.27, subdivision 2, if he were a member of the public employees retirement association;

(21) *The deduction for two-earner married couples provided in section 221 of the Internal Revenue Code of 1954; and*

(22) (FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1980 BUT BEFORE JANUARY 1, 1983, IN THE CASE OF SECTION 179 PROPERTY WITHIN THE MEANING OF THE INTERNAL REVENUE CODE OF 1954, THE AMOUNT ALLOWED AS A DEDUCTION UNDER SECTION 179 OF THE INTERNAL REVENUE CODE) *Interest on all-savers certificates which is excluded under section 128 of the Internal Revenue Code of 1954.*

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to 60 per centum of the portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Interest or dividend income on securities to the extent exempt from income tax under the laws of this state authorizing the issuance of the securities but includible in gross income for federal income tax purposes;

(4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks or out of state loss carryforwards resulting from the losses, and including any farm loss carryforwards or carrybacks;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether the amount is received as a refund or credited to another taxable year's income tax liability;

(6) To the extent included in federal adjusted gross income, or the amount reflected as the ordinary income portion of a lump sum distribution under section 402(e) of the Internal Revenue Code of 1954, notwithstanding any other law to the contrary, the amount received by any person (i) from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighters relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or (ii) as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A of the Internal Revenue Code of 1954. The maximum amount of this subtraction shall be \$11,000 less the amount by which the individual's federal adjusted gross income, plus the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code of 1954, exceeds \$17,000. In the case of a volunteer firefighter who receives an involuntary lump sum distribution of his pension or retirement benefits, the maximum amount of this subtraction shall be \$11,000; this subtraction shall not be reduced by the amount of the individual's federal adjusted gross income in excess of \$17,000;

(7) The amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954 but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(8) To the extent included in the taxpayer's federal adjusted gross income for the taxable year, gain recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(9) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(10) Interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan executed before January 1, 1986 that is guaranteed by the commissioner of agriculture as provided in sections 41.51 to 41.60;

(11) The first \$3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next \$2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota. This modification does not apply to compensation defined in clause (b)(6);

(12) The amount of any income earned for personal services rendered outside of Minnesota prior to the date when the taxpayer became a resident of Minnesota. This modification does not apply to compensation defined in clause (b) (6);

(13) In the case of wages or salaries paid or incurred on or after January 1, 1977, the amount of any credit for employment of certain new employees under sections 44B and 51 to 53 of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(14) In the case of work incentive program expenses paid or incurred on or after January 1, 1979, the amount of any credit for expenses of work incentive programs under sections 40, 50A and 50B of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(15) Unemployment compensation to the extent includible in gross income for federal income tax purposes under section 85 of the Internal Revenue Code of 1954;

(16) To the extent included in federal adjusted gross income, severance pay that may be treated as a lump sum distribution under the provisions of section 290.032, subdivision 5;

(17) The amount of any income or gain which is not assignable to Minnesota under the provisions of section 290.17;

(18) Minnesota exempt-interest dividends as provided by subdivision 27;

(19) A business casualty loss which the taxpayer elected to deduct on the current year's Minnesota income tax return but did not deduct on the current year's federal income tax return; and

(20) Income from the performance of personal or professional services which is subject to the reciprocity exclusion contained in section 290.081, clause (a);

(21) To the extent included in federal adjusted gross income, in the case of a city manager or city administrator who elects to be excluded from the public employees retirement association and who makes contributions to a deferred compensation program pursuant to section 353.028, the amount of payments from the deferred compensation program equivalent to the amount of contributions taxed under clause (a) ((21)) (20);

(22) Contributions to and interest earned on an individual housing account as provided by section 290.08, subdivision 25;

(23) Interest earned on a contract for deed entered into for the purchase of property for agricultural use if the rate of interest set in the contract is no more than eight percent per year for the duration of the term of the contract. This exclusion shall be available only if (1) the purchaser is an individual who, together with his spouse and dependents, has a total net worth valued at less than \$150,000 and (2) the property purchased under the contract is farm land as defined in section 41.52, subdivision 6 of no more than 1,000 acres that the purchaser intends to use for agricultural purposes. Compliance with these requirements shall be stated in an affidavit to be filed with the first income tax return on which the taxpayer claims the exclusion provided in this clause. Upon request accompanied by the information necessary to make the determination, the commissioner shall determine whether interest to be paid on a proposed transaction will qualify for this exclusion; the determination shall be provided within 30 days of receipt of the request, unless the commissioner finds it necessary to obtain additional information, or verification of the information provided, in which case the determination shall be provided within 30 days of receipt of the final item of information or verification. The exclusion provided in this clause shall apply to interest earned on contracts for deed entered into after December 31, 1981 and before July 1, 1983; *and*

(24) (FOR THE TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 1980, BUT BEFORE JANUARY 1, 1982, AN AMOUNT EQUAL TO 85 PERCENT OF THE DEDUCTION ALLOWED UNDER SECTION 168 OF THE INTERNAL REVENUE CODE OF 1954 AS AMENDED THROUGH DECEMBER 31, 1981. FOR THE TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 1981 BUT BEFORE JANUARY 1, 1983, 83 PERCENT OF THE DEDUCTION ALLOWED UNDER SECTION 168 OF THE INTERNAL REVENUE CODE OF 1954 AS AMENDED THROUGH DECEMBER 31, 1981. THE DEPRECIATION ADJUSTMENTS MADE TO BASIS IN THE CASE OF RECOVERY PROPERTY WITHIN THE MEANING OF SECTION 168 OF THE INTERNAL REVENUE CODE OF 1954 AS AMENDED THROUGH DECEMBER 31, 1981 SHALL BE THE DEPRECIATION ADJUSTMENTS MADE FOR FEDERAL INCOME TAX PURPOSES UNDER THE INTERNAL REVENUE CODE OF 1954, AS AMENDED THROUGH DECEMBER 31, 1981. ADOPTION OF THIS PROVISION SHALL NOT BE CONSTRUED AS INDICATING THE INTENT OF THE LEGISLATURE TO ENACT PROVISIONS AUTHORIZING AMORTIZATION OF THE AMOUNT OF DEPRECIATION NOT EXCLUDABLE UNDER THIS CLAUSE; AND)

((25) FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1980 BUT BEFORE JANUARY 1, 1983, AN AMOUNT EQUAL TO THE DEDUCTION ALLOWED UNDER SECTION 179 OF THE INTERNAL REVENUE CODE OF 1954 AS AMENDED THROUGH DECEMBER 31, 1981) *The penalty on the early withdrawal of an all-savers certificate as provided in section 128(e) of the Internal Revenue Code of 1954 to the extent that the interest was included in income under clause (a)(22).*

(c) A modification affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954 shall be made.

In cases where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under this chapter and at the close of the taxable year immediately preceding the effective election under this chapter the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that the reserve is distributed to shareholders the distribution shall be taxed as a dividend for purposes of this chapter.

(d) Amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that the amounts were accumulated through deductions from gross income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer occurs, but only to the extent that the amounts resulted in a reduction of the tax imposed by this chapter and amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this chapter.

(e) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1, clause (2) in computing Minnesota inheritance or estate tax liability shall not be allowed as a deduction (or as an offset against the sale price of property in determining gain or loss) in computing the taxable income of the estate or any person unless there is filed within the time and in the manner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have the amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642(g) of the Internal Revenue Code of 1954 differs from the election made under this paragraph appropriate modifi-

cation of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commissioner.

(f) A modification shall be made for the allowable deduction under the accelerated cost recovery system as provided in section 2.

Sec. 2. Minnesota Statutes 1980, Section 290.01, is amended by adding a subdivision to read:

Subd. 28. The allowable deduction for the accelerated cost recovery system as provided in section 168 of the Internal Revenue Code shall be the same amount as provided in that section for individuals, estates, and trusts with the following modifications:

(1) For property placed in service after December 31, 1980 and for taxable years beginning before January 1, 1982, 15 percent of the allowance provided in section 168 of the Internal Revenue Code shall not be allowed.

(2)(a) For taxable years beginning after December 31, 1981 and before December 31, 1982, for 15 year real property as defined in section 168 of the Internal Revenue Code, 40 percent of the allowance provided in section 168 of the Internal Revenue Code shall not be allowed and for all other property, 17 percent of the allowance shall not be allowed.

(2)(b) For taxable years beginning after December 31, 1982, for 15 year real property as defined in section 168 of the Internal Revenue Code, 40 percent of the allowance provided in section 168 of the Internal Revenue Code shall not be allowed and for all other property 20 percent of the allowance shall not be allowed.

(3) For property placed in service after December 31, 1980 for which the taxpayer elects to use the straight line method provided in section 168(b)(3) or a method provided in section 168(e)(2) of the Internal Revenue Code, the modifications provided in clauses (1) and (2) do not apply.

(4) For property subject to the modifications contained in clause (1) or (2) above, the following modification shall be made after the entire amount of the allowable deduction for that property under the provisions of section 168 of the Internal Revenue Code has been obtained. The remaining basis in those assets for Minnesota purposes shall be a depreciation allowance computed by using the straight line method over the following number of years:

(a) 3 year property - 1 year.

- (b) 5 year property - 2 years.
- (c) 10 year property - 5 years.
- (d) All 15 year property - 7 years.

(5) *The basis of property to which section 168 of the Internal Revenue Code applies shall be its basis as provided in this chapter and including the modifications provided in this subdivision. The recapture tax provisions provided in sections 1245 and 1250 of the Internal Revenue Code shall apply but shall be calculated using the basis provided in the preceding sentence. When an asset is exchanged for another asset including an involuntary conversion and under the provision of the Internal Revenue Code gain is not recognized in whole or in part on the exchange of the first asset, the basis of the second asset shall be the same as its federal basis provided that the difference in basis due to clause (1) or (2) can be written off as provided in clause (4).*

(6) *Wherever used in this subdivision, the term "Internal Revenue Code" shall mean the Internal Revenue Code of 1954, as amended through December 31, 1981.*

(7) *The modifications provided in this subdivision shall apply before applying any limitation to out of state losses contained in section 290.17 or farm losses contained in section 290.09, subdivision 29.*

Sec. 3. Minnesota Statutes 1981 Supplement, Section 290.09, Subdivision 7, as amended by Laws 1981, Third Special Session Chapter 2, Article III, Section 8, is amended to read:

Subd. 7. [DEPRECIATION.] (A) [CUMULATIVE DEPRECIATION.] (a) There shall be allowed as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence) :

- (1) of property used in the trade or business, or
- (2) of property held for the production of income.

(b) The term "reasonable allowance" as used in clause (a) shall include (but shall not be limited to) an allowance computed in accordance with regulations prescribed by the commissioner, under any of the following methods:

- (1) the straight line method.
- (2) the declining balance method, using a rate not exceeding twice the rate which would have been used had the annual

allowance been computed under the method described in paragraph (1).

(3) the sum of the years-digits method, and

(4) any other consistent method productive of an annual allowance, which, when added to all allowances for the period commencing with the taxpayer's use of the property and including the taxable year, does not, during the first two-thirds of the useful life of the property, exceed the total of such allowances which would have been used had such allowances been computed under the method described in (2). Nothing in this clause (b) shall be construed to limit or reduce an allowance otherwise allowable under clause (a).

(c) For purposes of this subdivision "reasonable allowance" shall (NOT) include the accelerated cost recovery system provisions of section 168 of the Internal Revenue Code of 1954, as amended through December 31, 1981, except as provided in this subdivision (UNLESS SPECIFICALLY AUTHORIZED BY LEGISLATION ENACTED AFTER THE FINAL ENACTMENT OF THIS SECTION). In the case of recovery property within the meaning of section 168 of the Internal Revenue Code of 1954, as amended through December 31, 1981, the term "reasonable allowance" as used in clause (a) shall mean 85 percent of the deduction allowed pursuant to section 168 of the Internal Revenue Code of 1954 for *property placed in service after December 31, 1980 and for taxable years beginning (AFTER DECEMBER 31, 1980 AND) before January 1, 1982* (; AND 83 PERCENT OF THE DEDUCTION ALLOWED PURSUANT TO SECTION 168 OF THE INTERNAL REVENUE CODE OF 1954 FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1981 AND BEFORE JANUARY 1, 1983).

For taxable years beginning after December 31, 1981 the term reasonable allowance as used in clause (a) shall mean the following percent of the deduction allowed pursuant to section 168 of the Internal Revenue Code of 1954, as amended through December 31, 1981:

(1) *For 3, 5 and 10 year property and for 15 year public utility property the allowable percentage is 83 percent and 80 percent for taxable years beginning after December 31, 1982.*

(2) *For 15 year real property the allowable percentage is 60 percent.*

For property placed in service after December 31, 1980 the term "reasonable allowance" as used in clause (a) shall mean 100 percent of the deduction allowed pursuant to section 168 of the Internal Revenue Code of 1954 where the taxpayer elects to use the straight line method provided in section 168(b)(3) or a method provided in section 168(e)(2) of the Internal Revenue Code of 1954, as amended through December 31, 1981. For prop-

erty placed in service after December 31, 1980 and for which the full amount of the deduction allowed under section 168 of the Internal Revenue Code of 1954, as amended through December 31, 1981 has been allowed, the remaining basis in those assets for Minnesota purposes shall be a depreciation allowance computed by using the straight line method over the following number of years:

- (1) 3 year property - 1 year.
- (2) 5 year property - 2 years.
- (3) 10 year property - 5 years.
- (4) All 15 year property - 7 years.

When an asset is exchanged for another asset including an involuntary conversion and under the provision of the Internal Revenue Code gain is not recognized in whole or in part on the exchange of the first asset, the basis of the second asset shall be the same as its federal basis provided that the difference in basis due to the limitations provided in this clause can be written off as provided in the preceding sentence.

The modification provided in this clause shall apply before applying a limitation on farm losses as contained in section 290.09, subdivision 29.

(d) Paragraphs (2), (3), and (4) of clause (b) shall apply only in the case of property (other than intangible property) described in clause (a) with a useful life of three years or more.

(1) the construction, reconstruction, or erection of which is completed after December 31, 1958, and then only to that portion of the basis which is properly attributable to such construction, reconstruction, or erection after December 31, 1958, or

(2) acquired after December 31, 1958, if the original use of such property commenced with the taxpayer and commences after such date.

(e) Where, under regulations prescribed by the commissioner, the taxpayer and the commissioner have, after June 30, 1959, entered into an agreement in writing specifically dealing with the useful life and rate of depreciation of any property, the rate so agreed upon shall be binding on both the taxpayer and the commissioner in the absence of facts or circumstances not taken into consideration in the adoption of such agreement. The responsibility of establishing the existence of such facts and circumstances shall rest with the party initiating the modification.

Any change in the agreed rate and useful life specified in the agreement shall not be effective for taxable years before the taxable year in which notice in writing by certified mail is served by the party to the agreement initiating such change.

(f) In the absence of an agreement under clause ((D)) (e) containing a provision to the contrary, a taxpayer may at any time elect in accordance with regulations prescribed by the commissioner to change from the method of depreciation prescribed in clause (b) (2) to the method described in clause (b) (1).

(g) The basis on which exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be the adjusted basis provided in (SECTIONS 290.131 TO 290.139, 290.14 AND 290.15) *this chapter* for the purpose of determining the gain on the sale or other disposition of such property (EXCEPT THAT IN THE CASE OF RECOVERY PROPERTY WITHIN THE MEANING OF SECTION 168 OF THE INTERNAL REVENUE CODE AS AMENDED THROUGH DECEMBER 31, 1981, FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1980 BUT BEFORE JANUARY 1, 1983, THE DEPRECIATION ADJUSTMENT TO BASIS SHALL BE THE SAME AS THE DEPRECIATION ADJUSTMENTS UNDER THE INTERNAL REVENUE CODE OF 1954 AS AMENDED THROUGH DECEMBER 31, 1981).

((H) IN THE CASE OF PROPERTY HELD BY ONE PERSON FOR LIFE WITH REMAINDER TO ANOTHER PERSON, THE DEDUCTION SHALL BE COMPUTED AS IF THE LIFE TENANT WERE THE ABSOLUTE OWNER OF THE PROPERTY AND SHALL BE ALLOWED TO THE LIFE TENANT. IN THE CASE OF PROPERTY HELD IN TRUST THE ALLOWABLE DEDUCTION SHALL BE APPORTIONED BETWEEN THE INCOME BENEFICIARY AND THE TRUSTEE IN ACCORDANCE WITH THE PERTINENT PROVISIONS OF THE INSTRUMENT CREATING THE TRUST, OR, IN THE ABSENCE OF SUCH PROVISIONS, ON THE BASIS OF THE TRUST INCOME ALLOCABLE TO EACH. IN THE CASE OF AN ESTATE, THE ALLOWABLE DEDUCTION SHALL BE APPORTIONED BETWEEN THE ESTATE AND THE HEIRS, LEGATEES, AND DEVISEES ON THE BASIS OF THE INCOME OF THE ESTATE ALLOCABLE TO EACH.)

((I) IN THE CASE OF BUILDINGS OR OTHER STRUCTURES OR IMPROVEMENTS CONSTRUCTED OR MADE ON LEASED PREMISES BY A LESSEE, AND THE FIXTURES AND MACHINERY THEREIN INSTALLED, THE LESSEE ALONE SHALL BE ENTITLED TO THE ALLOWANCE OF THIS DEDUCTION.)

(B) [FIRST YEAR DEPRECIATION.] ((A) IN THE CASE OF SECTION 1 PROPERTY,) The term "reasonable

allowance" as used (IN) *this* subdivision (7.) may, at the election of the taxpayer, include an (ALLOWANCE, FOR THE FIRST TAXABLE YEAR FOR WHICH A DEDUCTION IS ALLOWABLE UNDER SUBDIVISION 7, TO THE TAXPAYER WITH RESPECT TO SUCH PROPERTY, OF 20 PERCENT OF THE COST OF SUCH PROPERTY. FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1980 AND BEFORE JANUARY 1, 1983, IN THE CASE OF RECOVERY PROPERTY WITHIN THE MEANING OF SECTION 168 OF THE INTERNAL REVENUE CODE OF 1954, AS AMENDED THROUGH DECEMBER 31, 1981, THE FIRST YEAR DEPRECIATION ALLOWANCE SHALL BE THE ALLOWANCE FOR FEDERAL INCOME TAX PURPOSES) *amount as provided* under section 179 of the Internal Revenue Code of 1954, as amended through December 31, 1981.

((B) IF IN ANY ONE TAXABLE YEAR THE COST OF SECTION 1 PROPERTY WITH RESPECT TO WHICH THE TAXPAYER MAY ELECT AN ALLOWANCE UNDER (A) FOR SUCH TAXABLE YEAR EXCEEDS \$10,000, THEN (A) SHALL APPLY WITH RESPECT TO THOSE ITEMS SELECTED BY THE TAXPAYER, BUT ONLY TO THE EXTENT OF AN AGGREGATE COST OF \$10,000. IN THE CASE OF A HUSBAND AND WIFE WHO FILE A JOINT RETURN UNDER SECTION 290.38 FOR THE TAXABLE YEAR, THE LIMITATION UNDER THE PRECEDING SENTENCE SHALL BE \$20,000 IN LIEU OF \$10,000.)

((C) (1) THE ELECTION UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL BE MADE WITHIN THE TIME PRESCRIBED BY LAW (INCLUDING EXTENSIONS THEREOF) FOR FILING THE RETURN FOR SUCH TAXABLE YEAR. THE ELECTION SHALL BE MADE IN SUCH MANNER AS THE COMMISSIONER MAY BY REGULATIONS PRESCRIBE.)

((2) ANY ELECTION MADE UNDER THIS SUBDIVISION MAY NOT BE REVOKED EXCEPT WITH THE CONSENT OF THE COMMISSIONER.)

((D) (1) FOR PURPOSES OF THIS SUBDIVISION, THE TERM "SECTION 1 PROPERTY" MEANS TANGIBLE PERSONAL PROPERTY (EXCLUDING BUILDINGS AND STRUCTURES))

((A) OF A CHARACTER SUBJECT TO THE ALLOWANCE FOR DEPRECIATION UNDER SUBDIVISION 7.)

((B) ACQUIRED BY PURCHASE AFTER DECEMBER 31, 1958, FOR USE IN A TRADE OR BUSINESS OR FOR HOLDING FOR PRODUCTION OF INCOME, AND)

((C) WITH A USEFUL LIFE (DETERMINED AT THE TIME OF SUCH ACQUISITION) OF SIX YEARS OR MORE.)

((2) FOR PURPOSES OF PARAGRAPH (1), THE TERM "PURCHASE" MEANS ANY ACQUISITION OF PROPERTY, BUT ONLY IF)

((A) THE PROPERTY IS NOT ACQUIRED FROM A PERSON WHOSE RELATIONSHIP TO THE PERSON ACQUIRING IT WOULD RESULT IN THE DISALLOWANCE OF LOSSES UNDER SECTION 290.10(6),)

((B) THE PROPERTY IS NOT ACQUIRED BY ONE COMPONENT MEMBER OF A CONTROLLED GROUP FROM ANOTHER COMPONENT MEMBER OF THE SAME CONTROLLED GROUP, AND)

((C) THE BASIS OF THE PROPERTY IN THE HANDS OF THE PERSON ACQUIRING IT IS NOT DETERMINED)

((I) IN WHOLE OR IN PART BY REFERENCE TO THE ADJUSTED BASIS OF SUCH PROPERTY IN THE HANDS OF THE PERSON FROM WHOM ACQUIRED, OR)

((II) UNDER SECTION 290.14(4) (RELATING TO PROPERTY ACQUIRED FROM A DECEDENT).)

((3) FOR PURPOSES OF THIS SUBDIVISION, THE COST OF PROPERTY DOES NOT INCLUDE SO MUCH OF THE BASIS OF SUCH PROPERTY AS IS DETERMINED BY REFERENCE TO THE BASIS OF OTHER PROPERTY HELD AT ANY TIME BY THE PERSON ACQUIRING SUCH PROPERTY.)

((4) THIS SUBDIVISION SHALL NOT APPLY TO TRUSTS.)

((5) IN THE CASE OF AN ESTATE, ANY AMOUNT APPORTIONED TO AN HEIR, LEGATEE, OR DEVISEE SHALL NOT BE TAKEN INTO ACCOUNT IN APPLYING (B) OF THIS SUBDIVISION TO SECTION 1 PROPERTY OF SUCH HEIR, LEGATEE, OR DEVISEE NOT HELD BY SUCH ESTATE.)

((6) FOR PURPOSES OF (B) OF THIS SUBDIVISION)

((A) ALL COMPONENT MEMBERS OF A CONTROLLED GROUP SHALL BE TREATED AS ONE TAXPAYER, AND)

((B) THE COMMISSIONER SHALL APPORTION THE DOLLAR LIMITATION CONTAINED IN SUCH (B) AMONG THE COMPONENT MEMBERS OF SUCH CONTROLLED

GROUP IN SUCH MANNER AS HE SHALL BY REGULATIONS PRESCRIBE.)

((7) FOR PURPOSES OF PARAGRAPHS (2) AND (6), THE TERM "CONTROLLED GROUP" HAS THE MEANING ASSIGNED TO IT BY SECTION 1563(A) OF THE INTERNAL REVENUE CODE OF 1954, AS AMENDED THROUGH DECEMBER 31, 1979, EXCEPT THAT, FOR SUCH PURPOSES, THE PHRASE "MORE THAN 50 PERCENT" SHALL BE SUBSTITUTED FOR THE PHRASE "AT LEAST 80 PERCENT" EACH PLACE IT APPEARS IN SECTION 1563(A) (1) OF THE INTERNAL REVENUE CODE OF 1954, AS AMENDED THROUGH DECEMBER 31, 1979.)

Sec. 4. Minnesota Statutes 1981 Supplement, Section 290.09, Subdivision 29, is amended to read:

Subd. 29. [DEDUCTIONS ATTRIBUTABLE TO FARMING.] (a) [DEFINITIONS.] For purposes of this subdivision, income and gains and expenses and losses shall be considered as "arising from a farm" if such items are received or incurred in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife, and all operations incident thereto, including but not limited to the common use of "hedging".

(b) [DEDUCTIONS LIMITED.] Except as provided in this subdivision, expenses and losses, except for interest and taxes, arising from a farm shall not be allowed as deductions in excess of income and gains arising from a farm.

(c) [DEDUCTIONS ALLOWED; CARRYOVER DEDUCTIONS.] (FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 1974,) Expenses and losses arising from a farm or farms shall be allowed as deductions up to the amount of the income and gains arising from a farm or farms in any taxable year, plus the first \$15,000 of non-farm gross income, or non-farm taxable net income in the case of a corporation, provided however that in any case where non-farm income exceeds \$15,000, the maximum allowable amount of \$15,000 shall be reduced by twice the amount by which the non-farm income exceeds the amount of \$15,000. For this purpose and for the purpose of applying the limitation in the following paragraph regarding the application of any carryback or carryforward, the term gross income shall include the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code of 1954, as amended through December 31, 1980, and no deduction shall be allowed for two-earner married couples as provided in section 221 of the Internal Revenue Code of 1954, as amended through December 31, 1981.

Any remaining balance of the deductions shall be carried back three years and carried forward five years, in chronological order, provided, however, that in any case in which any individual, estate or trust which elects a net operating loss carry-forward under section 172(b)(3)(C) of the Internal Revenue Code of 1954, as amended through December 31, 1980, such losses shall not be carried back but shall only be carried forward.

Current expenses and losses shall be utilized as deductions in any taxable year, to the extent herein allowable, prior to the application of any carryback or carryover deductions. In any event, the combined amounts of such current expenses and losses and carryback or carryover deductions shall be allowed as deductions up to the amount of the income and gains arising from a farm or farms in any taxable year, plus the first \$15,000 of non-farm gross income, or non-farm taxable net income in the case of a corporation, provided however that in any case where non-farm income exceeds \$15,000, the maximum allowable amount of \$15,000 shall be reduced by twice the amount by which the non-farm income exceeds the amount of \$15,000.

(d) [SHAREHOLDERS SEPARATE ENTITIES.] For purposes of this subdivision, individual shareholders of an electing small business corporation shall be considered separate entities.

(e) [SPECIAL PERIOD OF LIMITATION WITH RESPECT TO FARM LOSS LIMITATION CARRYBACKS.] For the purposes of sections 290.46 and 290.50, if the claim for refund relates to an overpayment attributable to a farm loss limitation carryback under this subdivision, in lieu of the period of limitation prescribed in sections 290.46 and 290.50, the period of limitation shall be that period which ends with the expiration of the 15th day of the 46th month (or the 45th month, in the case of a corporation) following the end of the taxable year of the farm loss which results in the carryback. (NO DEDUCTION OR REFUND SHALL BE ALLOWED ON 1974 RETURNS FOR FARM LOSSES WHICH HAVE BEEN PREVIOUSLY CARRIED BACK TO EARLIER YEARS AND FOR WHICH A TAX REFUND OR REDUCTION HAS BEEN ALLOWED.)

(f) [INTEREST ON CLAIMS.] In any case in which a taxpayer is entitled to a refund in a carryback year due to the carryback of a farm loss, interest shall be computed only from the end of the taxable year in which the loss occurs.

(g) [ORDER OF APPLICATION.] The application of this subdivision shall be made after applying any limitation to out of state losses contained in section 290.17.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 290.091, as amended by Laws 1981, Third Special Session Chapter 2, Article III, Section 9, is amended to read:

290.091 [MINIMUM TAX ON PREFERENCE ITEMS.]

In addition to all other taxes imposed by this chapter there is hereby imposed, a tax which, in the case of a resident individual, shall be equal to 40 percent of the amount of the taxpayer's minimum tax liability for tax preference items pursuant to the provisions of sections 55 to 58 and 443(d) of the Internal Revenue Code of 1954 as amended through December 31, 1980 except that for purposes of the tax imposed by this section, capital gain as defined in section 57(a) of the Internal Revenue Code shall not include that portion of any gain occasioned by sale, transfer or the granting of a perpetual easement pursuant to any eminent domain proceeding or threat thereof as described in section 290.13, subdivision 5. This modification shall apply to the years in which the gain or reduction in loss is actually included in federal adjusted gross income even though amounts received pursuant to the eminent domain proceedings were received in prior years. In the case of a resident individual, having preference items which could not be taken to reduce income from sources outside the state pursuant to section 290.17, subdivision 1, or any other taxpayer the tax shall equal 40 percent of that federal liability, multiplied by a fraction the numerator of which is the amount of the taxpayer's preference item income allocated to this state pursuant to the provisions of sections 290.17 to 290.20, and the denominator of which is the taxpayer's total preference item income for federal purposes.

For property placed in service after December 31, 1980, the preference items contained in section 57 (a) (12) of the Internal Revenue Code of 1954, as amended through December 31, 1981, shall not apply to individuals, estates, trusts, or corporations.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 290.095, Subdivision 11, is amended to read:

Subd. 11. [CARRYBACK OR CARRYOVER ADJUSTMENTS.] (a) For individuals the amount of a net operating loss that may be carried back or carried over shall be the same dollar amount allowable in the determination of federal adjusted gross income. For estates and trusts the amount of a net operating loss that may be carried back or carried over shall be the same dollar amount allowable in the determination of federal taxable income.

(b) The following adjustments to the amount of the net operating loss that may be carried back or carried over must be made for:

(1) Nonassignable income or losses as required by section 290.17, subdivision 2.

(2) Losses which constitute tax preference items as required in section 290.17, subdivision 1.

(3) Modifications required because of the restrictions on farm losses as provided in section 290.09, subdivision 29.

(4) Adjustments to the determination of federal adjusted gross income that must be made because of changes in the Internal Revenue Code that have not yet been adopted by the legislature by updating the reference to the Internal Revenue Code contained in section 290.01, subdivision 20.

(5) Modifications to income and loss contained in federal adjusted gross income according to the provisions of section 290.01, subdivision 20, clause (c).

(6) Gains or losses which result from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes subject to the limitations contained in section 290.01, subdivision 20, clause (b) (2) and (4).

(7) Interest, taxes, and other expenses not allowed under section 290.10, clauses (9) and (10) or section 290.101.

(8) *The modification for accelerated cost recovery system depreciation as provided in section 2.*

(c) (1) The net operating loss carryback or carryover applied as a deduction in the taxable year to which the net operating loss is carried back or carried over shall be equal to the net operating loss carryback or carryover applied in the taxable year in arriving at federal adjusted gross income (or federal taxable income for trusts and estates) subject to the modifications contained in clause (b) and to the following modifications:

(A) Increase the amount of carryback or carryover applied in the taxable year by the amount of losses and interest, taxes and other expenses not assignable or allowable to Minnesota incurred in the taxable year.

(B) Decrease the amount of carryback or carryover applied in the taxable year by the amount of income not assignable to Minnesota earned in the taxable year and the amount of federal jobs credit or WIN credit earned in the taxable year.

(C) A taxpayer who is not a resident of Minnesota during any part of the taxable year and who has no income assignable

to Minnesota during the taxable year shall apply no net operating loss carryback or carryover in the taxable year.

(2) The provisions of section 172(b) of the Internal Revenue Code of 1954 as amended through December 31, 1980 (relating to carrybacks and carryovers) shall apply. The net operating loss carryback or carryover to the next consecutive taxable year shall be the net operating loss carryback or carryover as calculated in clause (c) (1) less the amount applied in the earlier taxable year(s). No additional net operating loss carryback or carryover shall be allowed if the entire amount has been used to offset Minnesota income in a year earlier than was possible on the federal return. A net operating loss carryback or carryover that was allowed to offset federal income in a year earlier than was possible on the Minnesota return shall still be allowed to offset Minnesota income but only if the loss was assignable to Minnesota in the year the loss occurred.

(d) A net operating loss shall be allowed to be carried back or carried forward only to the extent that loss was assignable to Minnesota in the year the loss occurred or in the year to which the loss was carried over, whichever would allow more of the loss to be allowed for Minnesota purposes.

(e) If a taxpayer has a net operating loss for federal purposes and the provisions of the farm loss limitation as provided in section 290.09, subdivision 29 apply, the limitations applying to the farm losses that are carried back or carried over are applied first and the net operating loss that is carried back or carried over is limited to the excess, if any, that the net operating loss exceeds the farm loss limitation.

Sec. 7. Minnesota Statutes 1980, Section 290.16, Subdivision 15, as amended by Laws 1981, Third Special Session Chapter 2, Article III, Section 11, is amended to read:

Subd. 15. [GAIN FROM DISPOSITIONS OF CERTAIN DEPRECIABLE PROPERTY.] For purposes of this subdivision "depreciable property" shall mean "Section 1245 property" as that phrase is defined in Section 1245(a) (3) of the Internal Revenue Code of 1954, as amended through December 31, (1979) 1981.

In determining net income of any corporate taxpayer, the gain realized from the disposition of "depreciable property" shall be treated in the same manner as is provided by Section 1245 of the Internal Revenue Code of 1954, as amended through December 31, (1979) 1981 and regulations adopted pursuant thereto except that the determination shall be made using the basis computed under this chapter.

Sec. 8. Minnesota Statutes 1980, Section 290.16, Subdivision 16, as amended by Laws 1981, Third Special Session Chapter 2, Article III, Section 12, is amended to read:

Subd. 16. [GAIN FROM DISPOSITION OF CERTAIN DEPRECIABLE REALTY.] For purposes of this subdivision "depreciable realty" shall mean "Section 1250 realty" as that phrase is defined in Section 1250(c) of the Internal Revenue Code of 1954, as amended through December 31, (1979) 1981.

In determining net income of any corporate taxpayer, the gain realized from the disposition of "depreciable realty" shall be treated in the same manner as is provided by Section 1250 of the Internal Revenue Code of 1954, as amended through December 31, (1979) 1981, and regulations adopted pursuant thereto except that the determination shall be made using the basis computed under this chapter.

Sec. 9. Minnesota Statutes 1981 Supplement, Section 290.92, Subdivision 15, is amended to read:

Subd. 15. [PENALTIES.] (1) If any tax required to be deducted and withheld under subdivision 2a or subdivision 3, or any portion thereof, is not paid to or deposited with the commissioner within the time specified in subdivision 6 for the payment thereof, there shall be added thereto a penalty equal to ten percent of the amount so remaining unpaid. Such penalty shall be collected as part of said tax, and the amount of said tax not timely paid, together with said penalty, shall bear interest at the rate specified in section 270.75 from the time such tax should have been paid or deposited until paid. Where an extension of time for payment has been granted under the provisions of subdivision 6, interest shall be paid at the rate specified in section 270.75 from the date when such payment or deposit should have been made if no extension had been granted, until such tax is paid. If payment is not made at the expiration of the extended period the penalties provided in this subdivision shall apply.

(2) In the case of any failure to withhold a tax on wages, make and file quarterly returns or make payments to or deposits with the commissioner of amounts withheld, as required by this section, within the time prescribed by law, unless it is shown that such failure is not due to wilful neglect, there shall be added to the tax in lieu of the penalty provided in paragraph (1) a penalty equal to ten percent of the amount of tax that should have been properly withheld and paid over to or deposited with the commissioner if the failure is for not more than 30 days with an additional five percent for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The amount of the tax together with this amount shall bear interest at the rate specified in section 270.75 from the time the tax should have been

paid until paid. The amount so added to the tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the negligence, in which case the amount so added shall be collected in the same manner as the tax.

(3) If any employer required to withhold a tax on wages, make deposits, make and file quarterly returns and make payments to the commissioner of amounts withheld, as required by sections 290.92 to 290.97, wilfully fails to withhold such a tax or make such deposits, files a false or fraudulent return, wilfully fails to make such a payment or deposit, or wilfully attempts in any manner to evade or defeat any such tax or the payment or deposit thereof, there shall also be imposed on such employer as a penalty an amount equal to 50 percent of the amount of tax (less any amount paid or deposited by such employer on the basis of such false or fraudulent return or deposit) that should have been properly withheld and paid over or deposited with the commissioner. The amount of the tax together with this amount shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid. The penalty imposed by this paragraph shall be collected as a part of the tax, and shall be in addition to any other penalties civil and criminal, prescribed by this subdivision.

(4) If any person required under the provisions of subdivision 7 to furnish a statement to an employee or payee and a duplicate statement to the commissioner, or to furnish a reconciliation of such statements (and quarterly returns) to the commissioner, wilfully furnishes a false or fraudulent statement to an employee or payee or a false or fraudulent duplicate statement or reconciliation of statements (and quarterly returns) to the commissioner, or wilfully fails to furnish a statement or such reconciliation in the manner, at the time, and showing the information required by the provisions of subdivision 7, or regulations prescribed by the commissioner thereunder, there shall be imposed on such a person a penalty of \$10 for each such act or failure to act. The penalty imposed by this paragraph shall become due and payable within ten days after the mailing of a written demand therefor, and may be collected in the manner prescribed in subdivision 6(8).

(5) In addition to the penalties hereinbefore prescribed, any person required to withhold a tax on wages, make and file quarterly returns and make payments or deposits to the commissioner of amounts withheld, as required by this section, who wilfully fails to withhold such a tax or truthfully make and file such a quarterly return or make such a payment or deposit, shall be guilty of a gross misdemeanor.

(6) In lieu of any other penalty provided by law, except the penalty provided by paragraph (4), any person required under the provisions of subdivision 7 to furnish a statement

of wages to an employee and a duplicate statement to the commissioner, who wilfully furnishes a false or fraudulent statement of wages to an employee or a false or fraudulent duplicate statement of wages to the commissioner, or who wilfully fails to furnish such a statement in the manner, at the time, and showing the information required by the provisions of subdivision 7, or regulations prescribed by the commissioner thereunder, shall be guilty of a gross misdemeanor.

(7) Any employee required to supply information to his employer under the provisions of subdivision 5, who wilfully fails to supply information thereunder which would require an increase in the tax to be deducted and withheld under subdivision 2a or subdivision 3, shall be guilty of a misdemeanor.

(8) The term "person," as used in this section, includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

(9) All payments received shall be credited first to penalties, next to interest, and then to the tax due.

(10) In addition to any other penalty provided by law, any employee who furnishes a withholding exemption certificate to his employer which the employee has reason to know contains a materially incorrect statement shall be liable to the commissioner of revenue for a penalty of (\$100) \$500 for each instance. The penalty shall be immediately due and payable and may be collected in the same manner as any delinquent income tax.

(11) In addition to any other penalty provided by law, any employer who fails to submit a copy of a withholding exemption certificate required by subdivision 5a, clause (1) (a), (1) (b), or (2) shall be liable to the commissioner of revenue for a penalty of \$50 for each instance. The penalty shall be immediately due and payable and may be collected in the manner provided in subdivision 6(8).

Sec. 10. Minnesota Statutes 1981 Supplement, Section 290.93, Subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT OF DECLARATION.]

(1) Every individual shall, at the time prescribed in subdivision 5 of this section, make and file with the commissioner a declaration of his estimated tax for the taxable year if

(a) The gross income (as defined in section 290.01, subdivision 20) for the taxable year can reasonably be expected to exceed the gross income amounts set forth in section 290.37,

subdivision 1 pertaining to the requirements for making a return; and

(b) Such gross income can reasonably be expected to include more than \$500 from sources other than wages upon which a tax has been deducted and withheld under section 290.92, subdivision 2a or subdivision 3.

(2) If the individual is an infant or incompetent person, the declaration shall be made by his guardian.

(3) Notwithstanding the provisions of this section, no declaration is required if the estimated tax (as defined in subdivision 3) **(CAN REASONABLY BE EXPECTED TO BE)** is less than (\$100) *\$200 for taxable years beginning after December 31, 1981, \$300 for taxable years beginning after December 31, 1982, \$400 for taxable years beginning after December 31, 1983, and \$500 for taxable years beginning after December 31, 1984.*

Sec. 11. Minnesota Statutes 1981 Supplement, Section 290.-934, Subdivision 4, is amended to read:

Subd. 4. [EXCEPTION.] (a) Notwithstanding the provisions of the preceding subdivisions, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser

(1) The tax shown on the return of the corporation for the preceding taxable year, if a return showing a liability for tax was filed by the corporation for the preceding taxable year and such preceding year was a taxable year of 12 months.

(2) An amount equal to the tax computed at the rates applicable to the taxable year but otherwise on the basis of the facts shown on the return of the corporation for, and the law applicable to, the preceding taxable year.

(3) (A) *An amount equal to the tax for the taxable year computed by placing on an annualized basis the taxable income:*

(i) for the first two months of the taxable year, in the case of the installment required to be paid in the third month,

(ii) for the first two months or for the first five months of the taxable year, in the case of the installment required to be paid in the sixth month,

(iii) for the first six months or for the first eight months of the taxable year in the case of the installment required to be paid in the ninth month, and

(iv) for the first nine months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the 12th month of the taxable year.

(B) For purposes of this paragraph, the taxable income shall be placed on an annualized basis by

(i) multiplying by 12 the taxable income referred to in subparagraph (A), and

(ii) dividing the resulting amount by the number of months in the taxable year (2, 5, 6, 8, 9, or 11, as the case may be) referred to in subparagraph (A).

(b) Notwithstanding clause (a) (1) and (2), in the case of a large corporation, the addition to the tax with respect to any underpayment of any installment shall be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of the installment is less than the amount required to be paid on or before the date. The amount required to be paid as estimated tax for the taxable year shall in no event be less than (60 PERCENT) *the applicable percentage of (A) the tax shown on the return for the taxable year, or (B) if no return was filed, the tax for the year.* The term "large corporation" means any corporation (or any predecessor corporation) which had taxable net income of \$1,000,000 or more for any taxable year during the testing period. The term "testing period" means the three taxable years immediately preceding the taxable year involved. *The term "applicable percentage" means 65 percent for taxable years beginning after April 30, 1982, 75 percent for taxable years beginning after December 31, 1982, and 80 percent for taxable years beginning after December 31, 1983.*

Sec. 12. Minnesota Statutes 1981 Supplement, Section 290A.03, Subdivision 3, is amended to read:

Subd. 3. [INCOME.] (1) "Income" means the sum of the following:

(a) federal adjusted gross income as defined in the Internal Revenue Code of 1954 as amended through December 31, (1980) 1981; and

(b) the sum of the following amounts to the extent not included in clause (a):

(i) additions to federal adjusted gross income as provided in Minnesota Statutes, Section 290.01, Subdivision 20, Clause (a) (1), (a) (3), (a) (9), (a) (14), (AND) (a) (15), and (a) (21);

(ii) all nontaxable income;

(iii) recognized net long term capital gains;

(iv) dividends and interest excluded from federal adjusted gross income under (SECTION) sections 116 or 128 of the Internal Revenue Code of 1954;

(v) cash public assistance and relief;

(vi) any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act, supplemental security income, and veterans benefits), which was not exclusively funded by the claimant or spouse, or which was funded exclusively by the claimant or spouse and which funding payments were excluded from federal adjusted gross income in the years when the payments were made;

(vii) nontaxable interest received from the state or federal government or any instrumentality or political subdivision thereof;

(viii) workers' compensation;

(ix) unemployment benefits;

(x) nontaxable strike benefits; and

(xi) the gross amounts of payments received in the nature of disability income or sick pay as a result of accident, sickness, or other disability, whether funded through insurance or otherwise. In the case of an individual who files an income tax return on a fiscal year basis, the term "federal adjusted gross income" shall mean federal adjusted gross income reflected in the fiscal year ending in the calendar year.

(2) "Income" does not include

(a) amounts excluded pursuant to the Internal Revenue Code, Sections 101(a), 102, 117, and 121;

(b) amounts of any pension or annuity which was exclusively funded by the claimant or spouse and which funding payments were not excluded from federal adjusted gross income in the years when the payments were made;

- (c) gifts from nongovernmental sources;
- (d) surplus food or other relief in kind supplied by a governmental agency;
- (e) relief granted under sections 290A.01 to 290A.20;
- (f) child support payments received under a temporary or final decree of dissolution or legal separation; (OR)
- (g) federal adjusted gross income shall be reduced by wage or salary expense, or expense of work incentive programs which are not allowed as a deduction under provisions of section 280C of the Internal Revenue Code of 1954; or
- (h) *federal adjusted gross income shall be reduced by the amount of the penalty on the early withdrawal of an all-savers certificate as provided in section 128(e) of the Internal Revenue Code of 1954.*

Sec. 13. [DIRECTION TO REVISOR.]

In the next edition of Minnesota Statutes, the revisor of statutes shall substitute the phrase "Internal Revenue Code of 1954, as amended through December 31, 1981" for the words "Internal Revenue Code of 1954, as amended through December 31, 1980" wherever the phrase occurs in chapter 290, except section 290.01, subdivision 20.

Sec. 14. [REPEALER.]

Minnesota Statutes 1980, Section 290.65, Subdivisions 2, 3, 4, 5, 6, and 7 are repealed.

Sec. 15. [EFFECTIVE DATE.]

Section 1 is effective for taxable years beginning after December 31, 1981, except as otherwise provided. In section 1, the repeal of the language concerning depreciation contained in clauses (a)(16), (a)(22), (b)(24), and (b)(25) and the provision of clause (f) is effective for property placed in service after December 31, 1980 in taxable years ending after that date. Sections 2, 3, Part (A), 5, 6, 7, and 8 are effective for property placed in service after December 31, 1980 in taxable years ending after that date, except as otherwise provided. Part (B) of section 3 is effective for taxable years beginning after December 31, 1980. Sections 4, 10, 13, and 14 are effective for taxable years beginning after December 31, 1981. Section 9 is effective on May 1, 1982. Section 11 is effective for taxable years beginning after April 30, 1982. Section 12 is effective for claims based on rent paid in 1981 and subsequent years and property taxes payable in 1982 and subsequent years."

Delete the title in its entirety and insert:

"A bill for an act relating to the financing of government in this state; extending the effective date of residential energy credits; providing the interest rate maximum on certain public indebtedness; providing an action to enjoin certain tax return preparers from engaging in certain conduct or from preparing returns; making technical corrections and administrative changes to the income tax and property tax refund; clarifying the taxation of gravel and the distribution of revenue; providing for allocation of income for nonresident athletes and entertainers; providing for apportionment of income for athletic teams; permitting leases and installment purchases of equipment by local governments and providing for their tax and fiscal treatment; requiring notification to school districts of certain property tax assessment challenge proceedings; authorizing school districts to participate at certain hearings; providing for the collection of taxes; altering the date on which warrants are issued to the sheriff for collection of certain delinquent mobile home property taxes; clarifying the taxation of meals and food products for sales tax purposes; providing for the lease of hydropower sites by the state or local governmental units; eliminating tax recapture or payment acceleration of deferred special assessments upon certain sales of qualifying agricultural property; providing for reassessment of homestead property damaged by a disaster; allowing the town of Rice Lake to levy in excess of its levy limitation for taxes payable in 1982; providing for withholding of income tax refunds from child support debtors; providing for taxation of certain motor vehicles and combinations in the ninth and succeeding years of vehicle life; permitting the towns of Erin, Forest, Webster, and Wheatland in Rice County to impose a special levy for fire protection purposes; adopting certain federal definitions for purposes of the credit for research and experimental expenditures; providing for homestead treatment of certain condominium leased land; clarifying the homestead classification in certain cases of joint tenancy; clarifying use of additional sales ratio study information; allowing disclosure of private data to permit vendor processing of income and sales tax returns; redefining rent constituting property taxes; providing for the rate and disposition of certain taconite credits; providing for school bonds and related taxation in certain school districts; providing that landowners in unorganized townships receive a property tax credit for certain high voltage transmission lines; providing for the imposition of sales tax on certain retail sales of manufactured homes; allowing a levy limit increase for Clearwater County; granting the city of Bloomington port authority certain redevelopment financing powers; requiring county auditors to combine certain legal descriptions for property tax purposes; providing for sales of unstamped cigarettes to members of Indian tribes; imposing a fee on completion of tax forfeited land sales; revising the metropolitan agricultural preserves act; adopting certain federal income tax amendments; altering the adoption of

accelerated cost recovery system; imposing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 105.482, Subdivision 1, and by adding subdivisions; 168.012, by adding a subdivision; 270.06; 270.07, Subdivision 1; 270.10, Subdivision 1; 270.70, Subdivisions 1, 2, 3, and 5, and by adding subdivisions; 272.02, Subdivision 1; 273.111, Subdivisions 9, 11, and by adding a subdivision; 273.121; 273.13, Subdivision 7c; 273.42, as amended; 273.425; 274.19, Subdivision 3; 278.01; 278.05, Subdivisions 2 and 4; 282.014; 282.09, Subdivision 1; 290.01, by adding a subdivision; 290.012, Subdivision 2; 290.02; 290.03; 290.032, Subdivision 5; 290.06, Subdivisions 9 and 9a; 290.079, Subdivision 1; 290.09, Subdivisions 16 and 17; 290.095, Subdivision 4; 290.13, Subdivision 1; 290.133, Subdivision 1; 290.16, Subdivision 15, as amended, and 16, as amended; 290.19, Subdivision 1; 290.281, Subdivision 1; 290.31, Subdivisions 5 and 19; 290.36; 290.45, Subdivisions 1 and 2; 290.48, Subdivisions 3, 4, 6, and 8; 290.49, Subdivisions 3, 7, and by adding a subdivision; 290.50, by adding a subdivision; 290.53, Subdivisions 2 and 5, and by adding a subdivision; 290.54; 290.65, Subdivisions 9 and 11; 290.91; 290.92, Subdivisions 4a, 13, and 23; 290.93, Subdivision 9; 290.936; 290A.03, by adding a subdivision; 290A.11, by adding a subdivision; 296.01, Subdivision 8; 296.14, Subdivision 1; 296.17, Subdivision 11; 297A.33, Subdivision 2; 297A.39, Subdivisions 2 and 5; 297A.43; 297B.03; 465.71; 473H.02, Subdivision 2, and by adding a subdivision; 473H.04, Subdivisions 1 and 2; 473H.05, Subdivision 1, and by adding a subdivision; 473H.06, Subdivisions 1, 2, and 5; 473H.08, Subdivision 4; 473H.14; 473H.15, by adding a subdivision; 473H.16, Subdivision 3; 475.55, Subdivision 1, and by adding a subdivision; 508.25; 559.21, by adding a subdivision; 580.15; Minnesota Statutes 1981 Supplement, Sections 168.013, Subdivision 1e; 270.063; 270.66; 270.75, Subdivisions 4, as amended, and 5, as amended, and by adding a subdivision; 272.46; 273.11, Subdivision 1; 290.01, Subdivisions 20, as amended, and 27; 290.05, Subdivisions 1 and 4; 290.06, Subdivision 14; 290.075; 290.081; 290.09, Subdivisions 4, 7, as amended, 15, and 29; 290.091, as amended; 290.095, Subdivision 11; 290.10; 290.131, Subdivision 1; 290.132, Subdivision 1; 290.136, Subdivision 1; 290.14; 290.17, Subdivision 2; 290.18, Subdivisions 1 and 2; 290.21, Subdivision 3; 290.23, Subdivision 3; 290.31, Subdivisions 3 and 4; 290.32; 290.37, Subdivision 1; 290.41, Subdivision 2; 290.42; 290.431; 290.61; 290.92, Subdivisions 2a, 5, 5a, 6 and 15; 290.93, Subdivisions 1 and 10; 290.934, Subdivision 4; 290.9725; 290.974; 290A.03, Subdivisions 3, 8, 11, and 13; 290A.07, Subdivision 2a; 290A.11, Subdivision 1; 296.12, Subdivision 4; 297A.01, Subdivision 3; 297A.25, Subdivision 1, as amended; 298.225; 298.24, Subdivision 3; 298.75; Laws 1980, Chapter 453, by adding a section; Laws 1981, Third Special Session Chapter 2, Article III, Section 6; proposing new law coded in Minnesota Statutes, Chapters 270, 273, 290, 295, 297, and 473H; repealing Minnesota Statutes 1980, Sections 62E.03, Subdivision 2; 290.06, Subdivision 3c; 290.0781; 290.079, Subdivisions 2, 3, 4, and 5; 290.08, Subdivision 21; 290.09, Subdivision 24; 290.13, Subdivisions 2, 4, and

10; 290.136, Subdivision 8; 290.26, Subdivision 5; 290.281, Subdivisions 3, 4, and 6; 290.31, Subdivisions 7, 8, 12, 13, 14, 15, 16, 17, 18, 20, 22, 23, 24, 25, and 26; 290.48, Subdivisions 1 and 9; 290.51; 290.65, Subdivisions 2, 3, 4, 5, 6, and 7; 290.97; 290.973; 297A.33, Subdivision 6; 297A.36; 297A.39, Subdivision 6; 297A.40, Subdivision 2; Minnesota Statutes 1981 Supplement, Sections 290.079, Subdivision 6; 290.09, Subdivision 17a; 290.131, Subdivisions 2 and 3; 290.132, Subdivision 2; 290.133, Subdivision 2; 290.21, Subdivision 7; 290.26, Subdivisions 1 and 3; 290.281, Subdivision 2; 290.31, Subdivisions 6, 8a, 9, 10, 11, and 21; 290.48, Subdivision 2; 290.971, Subdivision 7; and 298.76."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 1872 was read for the second time.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of H. F. No. 1690.

H. F. No. 1690, A bill for an act relating to public welfare; requiring the commissioner of public welfare to promulgate rules which establish foster care maintenance payments by the state; establishing a state goal for the reduction of the number of children in residential facilities for more than 24 months; requiring the commissioner of public welfare to comply with the requirements of Title IV-E of the federal Social Security Act in order to obtain adoption assistance funds for eligible children; expanding the eligibility for medical assistance to include children receiving foster care maintenance payments under Title IV-E of the federal Social Security Act; authorizing the transfer of funds; amending Minnesota Statutes 1980, Sections 256.82; 257.071, by adding a subdivision; and 259.40, Subdivisions 2, 3, and 10; Minnesota Statutes 1981 Supplement, Section 256B.06, Subdivision 1, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, B.	Anderson, I.	Begich	Blatz
Ainley	Anderson, G.	Battaglia	Berkelman	Brandl

Brinkman	Gustafson	Lehto	Onnen	Sieben, M.
Byrne	Halberg	Lemen	Osthoff	Simoneau
Carlson, D.	Hanson	Levi	Otis	Skoglund
Carlson, L.	Hauge	Long	Peterson, B.	Stadum
Clark, J.	Haukoos	Ludeman	Peterson, D.	Staten
Clark, K.	Heap	Luknic	Piepho	Stowell
Clawson	Heinitz	Mann	Pogemiller	Stumpf
Dahlvang	Himle	Marsh	Redalen	Sviggun
Dean	Hoberg	McCarron	Reding	Swanson
Dempsey	Hokanson	McDonald	Rees	Tomlinson
Den Ouden	Hokr	McEachern	Reif	Valan
Drew	Jacobs	Mehrkens	Rice	Valento
Eken	Jennings	Metzen	Rodriguez, C.	Vanasek
Elioff	Johnson, C.	Minne	Rodriguez, F.	Vellenga
Ellingson	Johnson, D.	Munger	Rose	Voss
Erickson	Jude	Murphy	Rothenberg	Weaver
Esau	Kahn	Nelsen, B.	Samuelson	Welch
Evans	Kaley	Niehaus	Sarna	Welker
Ewald	Kalis	Norton	Schafer	Wenzel
Fjoslien	Kelly	Novak	Schoenfeld	Wieser
Forsythe	Knickerbocker	Nysether	Schreiber	Wigley
Frerichs	Kostohryz	O'Connor	Searles	Wynia
Greenfield	Kvam	Ogren	Shea	Zubay
Gruenes	Laidig	Olsen	Sherman	Spkr. Sieben, H.

The bill was passed and its title agreed to.

SPECIAL ORDERS

H. F. No. 1459 was reported to the House.

Eken moved that H. F. No. 1459 be returned to its author. The motion prevailed.

H. F. No. 612 was reported to the House.

Skoglund moved that H. F. No. 612 be continued for one day. The motion prevailed.

The Speaker called Wynia to the Chair.

H. F. No. 1499 was reported to the House.

Clawson moved to amend H. F. No. 1499, the second engrossment, as follows:

Page 19, line 25, delete "12" and insert "14"

Page 23, line 18, delete "statement"

Page 24, line 4, after "by" insert "this"

Page 24, line 4, delete "14"

Page 24, line 7, delete "this section" and insert "sections 15 and 16"

Page 34, line 10, after "*receive*" insert "*as*"

Page 34, line 11, delete everything after "*compensation*" and insert "*the sum of \$50 for each day or any portion thereof*"

Page 34, line 12, delete "*welfare for time*"

Page 44, line 36, after "*receive*" insert "*as*"

Page 44, line 36, delete everything after "*compensation*" and insert "*the sum of \$50 for each day or any portion thereof*"

Page 45, line 1, delete "*public welfare for time*"

The motion prevailed and the amendment was adopted.

H. F. No. 1499, A bill for an act relating to the commitment of persons who are mentally ill, mentally ill and dangerous, mentally retarded, or chemically dependent; providing for informal admissions by consent, involuntary emergency admissions and for involuntary commitment by civil judicial procedures; providing for rights of persons admitted under voluntary, emergency or involuntary judicial procedures; requiring pre-petition screening; providing for commitment hearings and procedures in conformance with due process; requiring a hearing and review before final determination of commitment; providing for commitment for determinate periods; providing for provisional discharge and partial hospitalization; requiring special review boards for mentally ill and dangerous and psychopathic personalities; establishing review boards for civilly committed persons; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 253A; repealing Minnesota Statutes 1980, Sections 253A.01 to 253A.23.

The bill was read for the third time, as amended, and placed upon it final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Erickson	Haukoos	Kaley
Ainley	Carlson, L.	Esau	Heap	Kalis
Anderson, B.	Clark, J.	Evans	Heinitz	Kelly
Anderson, G.	Clark, K.	Ewald	Himle	Kostohryz
Anderson, I.	Clawson	Fjoslien	Hoberg	Kvam
Battaglia	Dahlvang	Forsythe	Hokanson	Laidig
Begich	Dean	Frerichs	Hokr	Lehto
Berkelman	Dempsey	Greenfield	Jacobs	Lemen
Blatz	Den Ouden	Gruenes	Johnson, C.	Levi
Brandl	Eken	Gustafson	Johnson, D.	Long
Brinkman	Elioff	Hanson	Jude	Ludeman
Byrne	Ellingson	Hauge	Kahn	Luknic

Mann	Novak	Rees	Sherman	Vellenga
Marsh	Nysether	Reif	Sieben, M.	Voss
McCarron	O'Connor	Rice	Simoneau	Weaver
McDonald	Ogren	Rodriguez, C.	Skoglund	Welch
McEachern	Olsen	Rodriguez, F.	Stadum	Welker
Mehrkens	Onnen	Rose	Staten	Wenzel
Metzen	Osthoff	Rothenberg	Stowell	Wieser
Minne	Otis	Samuelson	Stumpf	Wigley
Munger	Peterson, B.	Sarna	Sviggum	Wynia
Murphy	Peterson, D.	Schafer	Swanson	Zubay
Nelsen, B.	Piepho	Schoenfeld	Tomlinson	Spkr. Sieben, H.
Nelson, K.	Pogemiller	Schreiber	Valan	
Niehaus	Redalen	Searles	Valento	
Norton	Reding	Shea	Vanasek	

The bill was passed, as amended, and its title agreed to.

H. F. No. 1625, A bill for an act relating to retirement; public employees retirement association; changing the reduction factors for early retirement; amending Minnesota Statutes 1980, Section 353.30, Subdivisions 1 and 1a; Minnesota Statutes 1981 Supplement, Section 353.30, Subdivision 1c; repealing Minnesota Statutes 1980, Section 353.30, Subdivision 1b.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kostohryz	O'Connor	Sherman
Ainley	Evans	Kvam	Ogren	Sieben, M.
Anderson, B.	Fjoslien	Laidig	Olsen	Simoneau
Anderson, G.	Forsythe	Lehto	Onnen	Skoglund
Anderson, I.	Frerichs	Lemen	Osthoff	Stadum
Anderson, R.	Greenfield	Levi	Otis	Staten
Battaglia	Gruenes	Long	Peterson, B.	Stowell
Begich	Gustafson	Ludeman	Peterson, D.	Stumpf
Berkelman	Halberg	Luknic	Piepho	Sviggum
Blatz	Hanson	Mann	Pogemiller	Swanson
Brandl	Harens	Marsh	Redalen	Tomlinson
Brinkman	Haukoos	McCarron	Reding	Valan
Byrne	Heap	McDonald	Rees	Valento
Carlson, D.	Himle	McEachern	Reif	Vanasek
Carlson, L.	Hoberg	Mehrkens	Rice	Vellenga
Clark, J.	Hokanson	Metzen	Rodriguez, C.	Voss
Clark, K.	Hokr	Minne	Rodriguez, F.	Weaver
Clawson	Jacobs	Munger	Rose	Welch
Dahlvang	Jennings	Murphy	Rothenberg	Welker
Dean	Johnson, C.	Nelsen, B.	Samuelson	Wenzel
Dempsey	Johnson, D.	Nelson, K.	Sarna	Wieser
Den Ouden	Jude	Niehaus	Schafer	Wigley
Drew	Kahn	Norton	Schoenfeld	Wynia
Eken	Kalis	Novak	Schreiber	Spkr. Sieben, H.
Elioff	Kelly	Nysether	Shea	

Those who voted in the negative were:

Erickson	Esau	Hauge	Kaley	Zubay
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The bill was passed and its title agreed to.

H. F. No. 1701, A bill for an act relating to the city of Hibbing; authorizing increases in certain firefighters service pensions and survivor benefits; amending Laws 1977, Chapter 169, Section 1 and Laws 1971, Chapter 614, Section 1, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kalis	Nysether	Sherman
Ainley	Esau	Kelly	O'Connor	Sieben, M.
Anderson, B.	Evans	Kostohryz	Ogren	Simoneau
Anderson, G.	Fjoslien	Kvam	Olsen	Skoglund
Anderson, I.	Forsythe	Laidig	Onnen	Stadum
Anderson, R.	Frerichs	Lehto	Osthoff	Staten
Battaglia	Greenfield	Lemen	Otis	Stowell
Begich	Gruenes	Levi	Peterson, B.	Stumpf
Berkelman	Gustafson	Long	Peterson, D.	Sviggum
Blatz	Halberg	Ludeman	Piepho	Swanson
Brandl	Hanson	Luknic	Pogemiller	Tomlinson
Brinkman	Harens	Mann	Redalen	Valan
Byrne	Hauge	Marsh	Reding	Valento
Carlson, D.	Haukoos	McCarron	Rees	Vanasek
Carlson, L.	Heap	McDonald	Reif	Vellenga
Clark, J.	Heinitz	McEachern	Rice	Voss
Clark, K.	Himle	Mehrkens	Rodriguez, C.	Weaver
Clawson	Hoberg	Metzen	Rodriguez, F.	Welch
Dahlvang	Hokanson	Minne	Rose	Welker
Dean	Hokr	Munger	Rothenberg	Wenzel
Dempsey	Jacobs	Murphy	Samuelson	Wieser
Den Ouden	Jennings	Nelsen, B.	Sarna	Wigley
Drew	Johnson, C.	Nelson, K.	Schafer	Wynia
Eken	Johnson, D.	Niehaus	Schoenfeld	Zubay
Elloff	Jude	Norton	Searles	Spkr. Sieben, H.
Ellingson	Kaley	Novak	Shea	

The bill was passed and its title agreed to.

H. F. No. 1795 was reported to the House.

Staten moved to amend H. F. No. 1795, as follows:

Page 1, line 15, after the period insert *"In addition to the limitations of sections 462C.03, subdivision 10, and 462C.05, subdivision 2, at least 30 percent of the dwelling units financed with bonds issued pursuant to chapter 462C and located in a development district within the city of Minneapolis shall be held for occupancy by persons and families of moderate income."*

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 43 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Nysether	Shea
Ainley	Frerichs	Kelly	Ogren	Staten
Anderson, G.	Greenfield	Long	Otis	Sviggun
Anderson, I.	Gustafson	Ludeman	Reding	Tomlinson
Battaglia	Harens	Marsh	Rice	Welker
Begich	Heap	McEachern	Rothenberg	Wenzel
Brandl	Hokr	Metzen	Samuelson	Wynia
Clark, K.	Jennings	Niehaus	Sarna	
Den Ouden	Jude	Novak	Schoenfeld	

Those who voted in the negative were:

Anderson, R.	Ewald	Knickerbocker	Onnen	Skoglund
Berkelman	Fjoslien	Kostohryz	Osthoff	Stowell
Blatz	Forsythe	Kvam	Peterson, B.	Stumpf
Brinkman	Gruenes	Laidig	Peterson, D.	Swanson
Byrne	Halberg	Lehto	Piepho	Valan
Carlson, D.	Hanson	Lemen	Pogemiller	Valento
Carlson, L.	Hauge	Levi	Redalen	Vanasek
Clark, J.	Haukoos	Luknic	Rees	Vellenga
Dahlvang	Heinitz	Mann	Reif	Voss
Dean	Himle	McCarron	Rodriguez, C.	Weaver
Dempsey	Hoberg	McDonald	Rodriguez, F.	Welch
Eken	Hokanson	Mehrken	Rose	Wigley
Elioff	Jacobs	Minne	Schafer	Spkr. Sieben, H.
Ellingson	Johnson, C.	Murphy	Schreiber	
Erickson	Johnson, D.	Nelsen, B.	Searles	
Esau	Kaley	O'Connor	Sieben, M.	
Evans	Kalis	Olsen	Simoneau	

The motion did not prevail and the amendment was not adopted.

H. F. No. 1795, A bill for an act relating to the city of Minneapolis; changing limitations on housing programs in two Minneapolis development districts; amending Laws 1971, Chapter 677.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 91 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Carlson, L.	Evans	Heap	Kalis
Anderson, R.	Clark, J.	Fjoslien	Heinitz	Kelly
Battaglia	Clawson	Forsythe	Himle	Kostohryz
Begich	Dahlvang	Gruenes	Hoberg	Laidig
Berkelman	Dean	Gustafson	Hokanson	Lehto
Blatz	Dempsey	Halberg	Jacobs	Lemen
Brinkman	Eken	Hanson	Johnson, C.	Levi
Byrne	Elioff	Harens	Jude	Luknic
Carlson, D.	Ellingson	Haukoos	Kaley	Mann

McCarron	O'Connor	Rees	Sieben, M.	Voss
McEachern	Olsen	Reif	Simoneau	Weaver
Mehrkens	Onnen	Rodriguez, C.	Skoglund	Welch
Metzen	Osthoff	Rodriguez, F.	Stumpf	Wenzel
Minne	Peterson, B.	Rose	Swanson	Wigley
Munger	Peterson, D.	Samuelson	Tomlinson	Spkr. Sieben, H.
Murphy	Piepho	Sarna	Valan	
Nelson, K.	Pogemiller	Schoenfeld	Valento	
Norton	Redalen	Schreiber	Vanasek	
Novak	Reding	Searles	Vellenga	

Those who voted in the negative were:

Aasness	Erickson	Kahn	Nysether	Staten
Ainley	Esau	Kvam	Ogren	Stowell
Anderson, G.	Ewald	Long	Otis	Welker
Brandl	Frerichs	Ludeman	Rice	Wieser
Clark, K.	Greenfield	McDonald	Rothenberg	Wynia
Den Ouden	Jennings	Nelsen, B.	Schafer	Zubay
Drew	Johnson, D.	Niehaus	Shea	

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1758, A bill for an act relating to controlled substances; prohibiting conspiracies to violate controlled substances laws; prescribing penalties; proposing new law coded in Minnesota Statutes 1980, Chapter 152.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [152.095] [CONSPIRACIES PROHIBITED.]

Subdivision 1. [PROHIBITED ACTS; PENALTIES.] Any person who conspires to commit any act prohibited by section 152.09, except possession or distribution for no remuneration of a small amount of marijuana as defined in section 152.01, subdivision 16, is guilty of a felony and upon conviction may be imprisoned, fined, or both, up to the maximum amount authorized by law for the act the person conspired to commit.

Subd. 2. [CONVICTION OF CO-CONSPIRATOR NOT REQUIRED.] A person liable under this section may be charged with and convicted of conspiracy although the person or persons with whom he conspired have not been convicted or have been convicted of some other crime based on the same act.

Sec. 2. Minnesota Statutes 1980, Section 609.485, Subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS.] This section does not apply to a person who is free on bail or who is on parole or probation, or subject to a stayed sentence or stayed execution of sentence, unless he (1) has been taken into actual custody upon revocation of the parole, probation, or stay of the sentence or execution of sentence, or (2) *is in custody in a county jail or workhouse as a condition of a stayed sentence.*"

Delete the title and insert:

"A bill for an act relating to crimes; prohibiting conspiracies to violate controlled substances laws; clarifying the crime of escape from jail; prescribing penalties; amending Minnesota Statutes 1980, Section 609.485, Subdivision 3; proposing new law coded in Minnesota Statutes 1980, Chapter 152."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Taxes to which was referred:

H. F. No. 2080, A bill for an act relating to economic development; providing for a Minnesota conference on job formation; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CONFERENCE CREATED.]

The Minnesota conference on job formation is established. The conference shall be directed by three commissioners. One shall be appointed by the governor, one by the speaker of the house of representatives, and one by the subcommittee on committees of the committee on rules and administration of the senate. The commissioners shall select a chairperson from among themselves. They shall meet from time to time to discharge the duties imposed by this act.

Sec. 2. [STATE MEETING; PROCEDURES.]

The Minnesota conference commissioners shall establish procedures for a state meeting of representatives from labor, industry, and government to discuss job formation and the opportunity and need for job formation within the state. The meeting shall

be held as soon as possible and be conducted according to the rules and procedures provided by the conference commissioners.

Sec. 3. [REPORT.]

The conference shall report proposals for action to assist in the formation of jobs to the legislature and governor by January 15, 1983.

Sec. 4. [APPROPRIATION.]

Expenses of the Minnesota conference on job formation for the purposes of this act shall be paid from appropriations previously made to the office of the governor, the senate, and the house of representatives. Gifts to the conference are also appropriated to it for the purposes of this act. The commissioners shall submit a budget request, showing proposed income and expenditures, to the governor, the senate committee on rules and administration, and the house committee on rules and legislative administration for their approval. Amounts transferred by the governor, the senate, and the house of representatives to the conference are appropriated to the conference for the purposes of this act. These appropriations cancel March 31, 1983.

Sec. 5. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2174, A bill for an act relating to housing; directing the department of energy, planning and development to administer certain federal money; proposing new law coded in Minnesota Statutes, Chapter 362.

Reported the same back with the following amendments:

Page 1, line 8, delete "362.171" and insert "4.131"

Page 1, line 17, delete everything after the period

Page 1, delete lines 18 and 19

Page 1, delete line 20 to the period and insert "*Criteria used for determining distribution of money shall give primary*

consideration to the extent to which proposed projects directly benefit low and moderate income persons. All funded activities must benefit low or moderate income persons; or aid in the prevention or elimination of slums and blight; or meet other community development needs which are urgent because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such urgent needs"

Page 1, line 22, after "possible" delete the balance of the line

Page 1, line 23, delete everything before the period

Page 2, line 2, delete "the joint development"

Page 2, delete line 3

Page 2, delete line 4 to the period and insert "local officials to seek the advice of concerned and affected citizens in the development of proposals for funding"

Page 2, line 14, delete "The department" and insert "If established, the advisory council on local government"

Page 2, line 16, delete "whether a project"

Page 2, delete line 17 to the period and insert "the extent to which grant money is used to directly benefit low and moderate income persons. If the advisory council is not established, the monitoring and evaluation function shall be performed by the department"

Page 2, after line 17 insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment and will apply to grants to be awarded during the federal fiscal year 1983 and subsequent years."

Amend the title as follows:

Page 1, line 5, delete "362" and insert "4"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 2199, A bill for an act relating to elections; recodifying municipal elections law; amending Minnesota Statutes 1980, Sections 205.02; 205.07, Subdivision 1; 205.13, as amended; 205.16; 205.17, as amended; 205.20, as amended; and 205.84; Minnesota Statutes 1981 Supplement, Section 205.10; proposing new law coded in Minnesota Statutes, Chapter 205; repealing Minnesota Statutes 1980, Sections 205.021; 205.04; 205.11, Subdivisions 1, 2, 3, 4 and 5; 205.14, Subdivisions 1, 2 and 3; 205.18; and 205.19; and Minnesota Statutes 1981 Supplement, Sections 205.03; 205.10; 205.11, Subdivision 4a; 205.121; 205.14, Subdivision 4; and 205.15.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

S. F. No. 85, A bill for an act relating to towns; providing for separate election of town supervisors; amending Minnesota Statutes 1980, Section 367.03, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 367.03, Subdivision 2, is amended to read:

Subd. 2. [VACANCIES.] When a vacancy occurs in any town office the town board shall fill the same by appointment. The person so appointed shall hold his office until the next annual town meeting and until his successor qualifies; provided, that a vacancy in the office of supervisor shall be filled by the remaining supervisors and the town clerk until the next annual town meeting, when his successor shall be elected to hold for the unexpired term. *When, because of a vacancy, more than one supervisor is to be chosen at the same election, candidates for the offices of supervisor shall file for one of the specific terms being filled.*"

Amend the title as follows:

Page 1, line 2, delete "separate"

Page 1, line 4, delete "by adding a subdivision" and insert "Subdivision 2"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1758 and 2199 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 85 was read for the second time.

SPECIAL ORDERS, Continued

H. F. No. 1799, A bill for an act relating to health; providing for evaluation of certain changes in certificate of need review; requiring certain price information to be reported and disseminated; requiring monitoring; amending the thresholds of review; providing for additional waivers; requiring reports; amending Minnesota Statutes 1980, Sections 145.833, Subdivision 5; 145.835, Subdivisions 3 and 4; Minnesota Statutes 1981 Supplement, Sections 250.05, Subdivision 4; 447.45, Subdivision 1; and 474.03; proposing new law coded in Minnesota Statutes, Chapter 144; repealing Minnesota Statutes 1980, Sections 145.832 to 145.845, as amended; and Minnesota Statutes 1981 Supplement, Sections 62D.22, Subdivision 6; 145.834; and 145.845.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Dahlvang	Hanson	Kelly	Minne
Ainley	Dempsey	Harens	Knickerbocker	Munger
Anderson, B.	Den Ouden	Hauge	Kostohryz	Murphy
Anderson, G.	Drew	Haukoos	Kvam	Nelsen, B.
Anderson, I.	Eken	Heap	Laidig	Nelson, K.
Anderson, R.	Elioff	Heinitz	Lehto	Niehaus
Battaglia	Ellingson	Himle	Lemen	Norton
Begich	Erickson	Hoberg	Levi	Novak
Berkelman	Esau	Hokanson	Long	Nysether
Blatz	Evans	Hokr	Ludeman	O'Connor
Brandl	Ewald	Jacobs	Luknic	Ogren
Brinkman	Fjoslien	Jennings	Mann	Olsen
Byrne	Forsythe	Johnson, C.	Marsh	Onnen
Carlson, D.	Frerichs	Johnson, D.	McCarron	Osthoff
Carlson, L.	Greenfield	Jude	McDonald	Otis
Clark, J.	Gruenes	Kahn	McEachern	Peterson, B.
Clark, K.	Gustafson	Kaley	Mehrrens	Peterson, D.
Clawson	Halberg	Kalis	Metzen	Piepho

Redalen	Samuelson	Simoneau	Valan	Wieser
Reding	Sarna	Skoglund	Valento	Wigley
Rees	Schafer	Stadum	Vanasek	Wynia
Reif	Schoenfeld	Staten	Vellenga	Zubay
Rice	Schreiber	Stowell	Voss	Spkr. Sieben, H.
Rodriguez, C.	Searles	Stumpf	Weaver	
Rodriguez, F.	Shea	Sviggum	Welch	
Rose	Sherman	Swanson	Welker	
Rothenberg	Sieben, M.	Tomlinson	Wenzel	

The bill was passed and its title agreed to.

Anderson, R., was excused for the remainder of today's session.

H. F. No. 1852, A bill for an act relating to waters; making the water well contractors and exploratory borers advisory council permanent; amending Minnesota Statutes 1980, Section 156A.06, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Kaley	O'Connor	Shea
Anderson, G.	Ewald	Kalis	Ogren	Sherman
Anderson, I.	Fjoslien	Kelly	Olsen	Sieben, M.
Battaglia	Forsythe	Knickerbocker	Onnen	Simoneau
Begich	Greenfield	Kostohryz	Osthoff	Skoglund
Berkelman	Gruenes	Kvam	Otis	Stadum
Blatz	Gustafson	Laidig	Peterson, B.	Staten
Brandl	Halberg	Lehto	Peterson, D.	Stumpf
Brinkman	Hanson	Levi	Piepho	Swanson
Byrne	Harens	Long	Pogemiller	Tomlinson
Carlson, D.	Hauge	Luknic	Redalen	Valan
Carlson, L.	Haukoos	Mann	Reding	Valento
Clark, J.	Heap	Marsh	Reif	Vanasek
Clark, K.	Heinitz	McCarron	Rice	Vellenga
Clawson	Himle	Mehrkins	Rodriguez, C.	Voss
Dahlvang	Hoberg	Metzen	Rodriguez, F.	Weaver
Dempsey	Hokanson	Minne	Rose	Welch
Drew	Jacobs	Munger	Rothenberg	Wenzel
Eken	Jennings	Murphy	Samuelson	Wieser
Elioff	Johnson, C.	Nelson, K.	Sarna	Wigley
Ellingson	Johnson, D.	Niehaus	Schoenfeld	Wynia
Erickson	Jude	Norton	Schreiber	Zubay
Esau	Kahn	Novak	Searles	Spkr. Sieben, H.

Those who voted in the negative were:

Ainley	Lemen	Nysether	Stowell	Welker
Den Ouden	Ludeman	Rees	Sviggum	
Frerichs	McDonald	Schafer		

The bill was passed and its title agreed to.

H. F. No. 1863, A bill for an act relating to credit unions; providing for approval of amendments to certificates of organization and bylaws; authorizing the board of directors to appoint a credit committee or a credit manager; prescribing the powers of a credit committee and credit manager; allowing certain nonmembers to establish individual retirement accounts; amending Minnesota Statutes 1980, Sections 52.02; 52.08; 52.09, Subdivisions 2 and 3; 52.10; and 52.135.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Kelly	O'Connor	Sieben, M.
Ainley	Fjoslien	Knickerbocker	Ogren	Simoneau
Anderson, B.	Forsythe	Kostohryz	Olsen	Skoglund
Anderson, G.	Frerichs	Kvam	Onnen	Stadum
Anderson, I.	Greenfield	Laidig	Osthoff	Staten
Battaglia	Gruenes	Lehto	Otis	Stowell
Begich	Gustafson	Lemen	Peterson, B.	Stumpf
Berkelman	Halberg	Levi	Peterson, D.	Sviggum
Blatz	Hanson	Long	Piepho	Swanson
Brandl	Harens	Ludeman	Pogemiller	Tomlinson
Brinkman	Hauge	Luknic	Redalen	Valan
Byrne	Haukoos	Mann	Rees	Valento
Carlson, D.	Heap	Marsh	Reif	Vanasek
Carlson, L.	Heinitz	McCarron	Rice	Vellenga
Clark, J.	Himle	McDonald	Rodriguez, C.	Voss
Clark, K.	Hoberg	McEachern	Rodriguez, F.	Weaver
Clawson	Hokanson	Mehrkens	Rose	Welch
Dahlvang	Hokr	Metzen	Rothenberg	Welker
Dempsey	Jacobs	Minne	Samuelson	Wenzel
Den Ouden	Jennings	Murphy	Sarna	Wieser
Drew	Johnson, C.	Nelsen, B.	Schafer	Wigley
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Wynia
Elioff	Jude	Niehaus	Schreiber	Zubay
Ellingson	Kahn	Norton	Searles	Spkr. Sieben, H.
Erickson	Kaley	Novak	Shea	
Evans	Kalis	Nysether	Sherman	

The bill was passed and its title agreed to.

H. F. No. 1941, A bill for an act relating to agriculture; setting a standard of proof and procedures for decision and appeal for claims of damage to livestock by endangered species; amending Minnesota Statutes 1980, Section 3.737, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Sherman
Ainley	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, B.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, G.	Forsythe	Kvam	Onnen	Skoglund
Anderson, I.	Frerichs	Laidig	Osthoff	Stadum
Battaglia	Greenfield	Lehto	Otis	Staten
Begich	Gruenes	Lemen	Peterson, B.	Stowell
Berkelman	Gustafson	Levi	Peterson, D.	Stumpf
Blatz	Halberg	Long	Piepho	Sviggum
Brandl	Hanson	Ludeman	Pogemiller	Swanson
Brinkman	Harens	Luknic	Redalen	Valan
Byrne	Hauge	Mann	Reding	Valento
Carlson, D.	Haukoos	Marsh	Rees	Vellenga
Carlson, L.	Heap	McCarron	Reif	Voss
Clark, J.	Heinitz	McDonald	Rice	Weaver
Clark, K.	Hoberg	McEachern	Rodriguez, C.	Welch
Clawson	Hokanson	Mehrkens	Rodriguez, F.	Welker
Dahlvang	Hokr	Metzen	Rose	Wenzel
Dempsey	Jacobs	Minne	Rothenberg	Wieser
Den Ouden	Jennings	Murphy	Samuelson	Wigley
Drew	Johnson, C.	Nelsen, B.	Sarna	Wynia
Eken	Johnson, D.	Nelson, K.	Schafer	Zubay
Elioff	Jude	Niehaus	Schoenfeld	Spkr. Sieben, H.
Ellingson	Kahn	Norton	Schreiber	
Erickson	Kaley	Novak	Searles	
Esau	Kalis	Nysether	Shea	

The bill was passed and its title agreed to.

H. F. No. 1975, A bill for an act relating to local government; permitting towns to issue off-sale liquor licenses; amending Minnesota Statutes 1980, Section 340.11, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Dempsey	Heinitz	Long	O'Connor
Ainley	Den Ouden	Himle	Ludeman	Ogren
Anderson, B.	Drew	Hoberg	Luknic	Olsen
Anderson, G.	Eken	Hokanson	Mann	Onnen
Anderson, I.	Elioff	Hokr	Marsh	Osthoff
Battaglia	Ellingson	Jacobs	McCarron	Otis
Begich	Evans	Jennings	McDonald	Peterson, D.
Berkelman	Ewald	Johnson, C.	McEachern	Piepho
Blatz	Fjoslien	Johnson, D.	Mehrkens	Pogemiller
Brandl	Forsythe	Jude	Metzen	Redalen
Brinkman	Frerichs	Kahn	Minne	Reding
Byrne	Greenfield	Kaley	Munger	Rees
Carlson, D.	Gruenes	Kelly	Murphy	Reif
Carlson, L.	Gustafson	Knickerbocker	Nelsen, B.	Rice
Clark, J.	Halberg	Kostohryz	Nelson, K.	Rodriguez, C.
Clark, K.	Hanson	Kvam	Niehaus	Rodriguez, F.
Clawson	Hauge	Laidig	Norton	Rose
Dahlvang	Haukoos	Lemen	Novak	Rothenberg
Dean	Heap	Levi	Nysether	Samuelson

Sarna	Sherman	Stowell	Valento	Wieser
Schafer	Sieben, M.	Stumpf	Vellenga	Wigley
Schoenfeld	Simoneau	Svigum	Voss	Wynia
Schreiber	Skoglund	Swanson	Weaver	Zubay
Searles	Stadum	Tomlinson	Welker	Spkr. Sieben, H.
Shea	Staten	Valan	Wenzel	

Those who voted in the negative were:

Erickson Welch

The bill was passed and its title agreed to.

H. F. No. 1993, A bill for an act relating to intoxicating liquor; veteran's organization licenses in first class cities; amending Minnesota Statutes 1980, Section 340.11, Subdivision 11.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Ainley	Fjoslien	Kelly	Nysether	Shea
Anderson, B.	Forsythe	Knickerbocker	O'Connor	Sherman
Anderson, G.	Frerichs	Kostohryz	Ogren	Sieben, M.
Anderson, I.	Greenfield	Kvam	Olsen	Simoneau
Battaglia	Gruenes	Laidig	Onnen	Skoglund
Begich	Gustafson	Levi	Osthoff	Stadum
Blatz	Halberg	Long	Otis	Staten
Brandl	Hanson	Ludeman	Peterson, D.	Stumpf
Brinkman	Harens	Luknic	Piepho	Svigum
Byrne	Hauge	Mann	Pogemiller	Swanson
Carlson, D.	Haukoos	Marsh	Redalen	Tomlinson
Carlson, L.	Heap	McCarron	Reding	Valan
Clark, J.	Heinitz	McDonald	Rees	Valento
Clark, K.	Himle	McEachern	Reif	Vellenga
Clawson	Hoberg	Mehrrens	Rice	Voss
Dahlvang	Hokanson	Metzen	Rodriguez, C.	Weaver
Dean	Hokr	Minne	Rodriguez, F.	Welker
Dempsey	Jacobs	Munger	Rothenberg	Wenzel
Drew	Jennings	Murphy	Samuelson	Wieser
Eken	Johnson, C.	Nelsen, B.	Sarna	Wigley
Elioff	Johnson, D.	Nelson, K.	Schafer	Wynia
Ellingson	Jude	Niehaus	Schoenfeld	Zubay
Esaue	Kahn	Norton	Schreiber	Spkr. Sieben, H.
Ewald	Kaley	Novak	Searles	

Those who voted in the negative were:

Aasness Den Ouden Erickson Stowell

The bill was passed and its title agreed to.

H. F. No. 2011 was reported to the House.

Dempsey moved to amend H. F. No. 2011, the first engrossment, as follows:

Page 3, line 2, delete "(g)" and insert "(f)"

Page 3, line 16, strike everything after "(e)"

Page 3, strike lines 17 to 23

Page 3, line 24, strike "whichever is less. The" and delete the new language

Page 3, lines 25 and 26, delete the new language

Page 3, line 26, strike "manufacturer has no"

Page 3, strike lines 27 to 33

Page 3, line 34, strike everything before the semicolon and insert "*A sum equal to the current fair rental value of the dealership facilities for a period of one year from the effective date of the termination or cancellation, or the remainder of the term of the lease, whichever is less. Payment under this clause shall not be required if the termination or cancellation was for good cause based on a conviction or plea of nolo contendere of the dealer or one of its principal owners for a crime which constitutes a felony as described in section 609.02, subdivision 2, or if it has been demonstrated that the dealer has exhibited a course of conduct constituting fraud with respect to the manufacturer or the general public*"

Page 3, line 35, strike everything after "(f)"

Page 3, strike line 36

Page 4, strike lines 1 to 5

Page 4, line 6, strike "apply" and delete the semicolon

Page 4, line 7, delete "(g)"

Page 4, line 11, after "inventory" insert "*acquired from the manufacturer*"

Page 4, line 14, delete "*non-current*" and insert "*noncurrent*"

Page 4, line 15, after "manufacturer" insert "*and drafted on the dealer's financing source or paid for*"

Page 4, line 16, after the first "the" insert "*effective date of the*"

Page 5, line 4, delete "*clauses (e) and (f)*" and insert "*clause (e)*"

Pages 5 and 6, delete sections 6 and 7

Renumber the remaining sections

Pages 6 to 9, delete section 10

Renumber the remaining sections

Page 10, line 13, delete "*13*" and insert "*10*"

Amend the title as follows :

Page 1, line 4, delete "*; specifying*" and insert "*and certain payments to be made by manufacturers in the event thereof;*"

Page 1, delete lines 5 to 8

Page 1, line 14, delete "*80E.10, Subdivision 5;*"

Page 1, line 14, delete "*1,*"

Page 1, line 15, delete "*80E.13;*"

The motion prevailed and the amendment was adopted.

H. F. No. 2011, A bill for an act relating to commerce; motor vehicle sale and distribution; providing for the termination or cancellation of franchise agreements and certain payments to be made by manufacturers in the event thereof; specifying certain circumstances establishing good cause for entering into or relocating an additional franchise for the same line make; amending Minnesota Statutes 1981 Supplement, Sections 80E.03, Subdivision 8; 80E.07, Subdivision 1; 80E.09, Subdivisions 1, 2 and 3; 80E.11, Subdivisions 2 and 6; and 80E.14, Subdivision 2; and proposing new law coded in Minnesota Statutes, Chapter 80E.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Aasness	Begich	Carlson, L.	Den Ouden	Erickson
Anderson, B.	Blatz	Clark, J.	Drew	Esau
Anderson, G.	Brandl	Clawson	Eken	Evans
Anderson, I.	Brinkman	Dahlvang	Elioff	Ewald
Battaglia	Carlson, D.	Dempsey	Ellingson	Fjoslien

Forsythe	Kaley	Minne	Reding	Skoglund
Frerichs	Kalis	Munger	Rees	Stadum
Greenfield	Kelly	Murphy	Reif	Stowell
Gruenes	Knickerbocker	Nelsen, B.	Rice	Stumpf
Gustafson	Kostohryz	Nelson, K.	Rodriguez, C.	Swiggum
Halberg	Kvam	Niehaus	Rodriguez, F.	Swanson
Hanson	Laidig	Norton	Rose	Tomlinson
Hauge	Lehto	Novak	Rothenberg	Valan
Heap	Lemen	O'Connor	Samuelson	Valento
Himle	Levi	Ogren	Sarna	Vanasek
Hoberg	Long	Olsen	Schafer	Vellenga
Hokanson	Luknic	Osthoff	Schoenfeld	Welch
Jacobs	Mann	Otis	Schreiber	Wenzel
Jennings	Marsh	Peterson, B.	Searles	Wigley
Johnson, C.	McCarron	Peterson, D.	Shea	Wynia
Johnson, D.	McEachern	Piepho	Sherman	Spkr. Sieben, H.
Jude	Mehrkens	Pogemiller	Sieben, M.	
Kahn	Metzen	Redalen	Simoneau	

Those who voted in the negative were:

Ainley	McDonald	Welker	Wieser	Zubay
Ludeman	Weaver			

The bill was passed, as amended, and its title agreed to.

H. F. No. 2058 was reported to the House.

Hokanson moved to amend H. F. No. 2058, as follows:

Page 3, line 21, after "substantiated" insert "*or the report is unsubstantiated but the agency finds that the reporter acted in good faith and exercised due care*"

Page 3, line 24, after "unsubstantiated" insert "*and the agency finds that the reporter did not act in good faith and exercise due care*"

Page 3, line 35, after "data" insert "*except that when the agency has found that the reporter acted in good faith and exercised due care, the reporter's name shall be confidential but shall be accessible to the individual subject of the record upon court order*"

The motion prevailed and the amendment was adopted.

H. F. No. 2058, A bill for an act relating to public welfare; providing for classification, access, and destruction of certain child abuse report records; clarifying the classification of reports regarding vulnerable adults; amending Minnesota Statutes 1980, Sections 626.556, Subdivisions 3, 7, and by adding a subdivision; 626.557, by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 626.556, Subdivision 11.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	Nysether	Shea
Ainley	Ewald	Knickerbocker	O'Connor	Sherman
Anderson, B.	Fjoslien	Kostohryz	Ogren	Sieben, M.
Anderson, G.	Forsythe	Kvam	Olsen	Simoneau
Anderson, I.	Frerichs	Laidig	Onnen	Skoglund
Battaglia	Greenfield	Lehto	Osthoff	Stadum
Begich	Gruenes	Lemen	Otis	Stowell
Berkelman	Gustafson	Levi	Peterson, B.	Stumpf
Blatz	Halberg	Long	Peterson, D.	Sviggum
Brandl	Hanson	Ludeman	Piepho	Swanson
Brinkman	Hauge	Luknie	Pogemiller	Tomlinson
Byrne	Haukoos	Mann	Redalen	Valan
Carlson, D.	Heap	Marsh	Reding	Valento
Carlson, L.	Heinitz	McCarron	Rees	Vanasek
Clark, J.	Himle	McDonald	Reif	Vellenga
Clawson	Hoberg	McEachern	Rice	Voss
Dahlvang	Hokanson	Mehrkens	Rodriguez, C.	Weaver
Dean	Hokr	Metzen	Rodriguez, F.	Welch
Dempsey	Jacobs	Minne	Rose	Welker
Den Ouden	Jennings	Munger	Rothenberg	Wenzel
Drew	Johnson, C.	Murphy	Samuelson	Wieser
Eken	Johnson, D.	Nelsen, B.	Sarna	Wigley
Elioff	Jude	Nelson, K.	Schafer	Wynia
Ellingson	Kahn	Niehaus	Schoenfeld	Zubay
Erickson	Kaley	Norton	Schreiber	Spkr. Sieben, H.
Esau	Kalis	Novak	Searles	

The bill was passed, as amended, and its title agreed to.

H. F. No. 2079 was reported to the House.

There being no objection H. F. No. 2079 was continued one day.

H. F. No. 2170, A bill for an act relating to state lands; authorizing sale and conveyance of a certain tract in order to correct a survey error.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Brandl	Dean	Esau	Gustafson
Ainley	Brinkman	Dempsey	Evans	Hanson
Anderson, B.	Byrne	Den Ouden	Ewald	Hauge
Anderson, G.	Carlson, D.	Drew	Fjoslien	Haukoos
Anderson, I.	Carlson, L.	Eken	Forsythe	Heap
Battaglia	Clark, J.	Elioff	Frerichs	Heinitz
Begich	Clawson	Ellingson	Greenfield	Himle
Blatz	Dahlvang	Erickson	Gruenes	Hoberg

Hokanson	Ludeman	O'Connor	Rothenberg	Tomlinson
Hokr	Luknic	Ogren	Samuelson	Valan
Jacobs	Mann	Olsen	Sarna	Valento
Johnson, C.	Marsh	Onnen	Schafer	Vanasek
Johnson, D.	McCarron	Osthoff	Schoenfeld	Vellenga
Jude	McDonald	Otis	Schreiber	Voss
Kahn	McEachern	Peterson, B.	Searles	Weaver
Kaley	Mehrkens	Peterson, D.	Shea	Welch
Kalis	Metzen	Piepho	Sherman	Welker
Kelly	Minne	Pogemiller	Sieben, M.	Wenzel
Knickerbocker	Munger	Redalen	Simoneau	Wieser
Kostohryz	Murphy	Reding	Skoglund	Wigley
Kvam	Nelsen, B.	Rees	Stadum	Wynia
Laidig	Nelson, K.	Reif	Staten	Zubay
Lehto	Niehaus	Rice	Stowell	Spkr. Sieben, H.
Lemen	Norton	Rodriguez, C.	Stumpf	
Levi	Novak	Rodriguez, F.	Sviggum	
Long	Nysether	Rose	Swanson	

The bill was passed and its title agreed to.

H. F. No. 1572 was reported to the House.

Byrne moved to amend H. F. No. 1572, the first engrossment, as follows:

Page 4, line 35, after the semicolon insert "*and*"

Page 4, line 36, after "(22)" delete to the end of the line

Page 5, delete lines 1 and 2

Page 5, line 3, delete "(23)" and delete "*and*" and insert "*or*"

Page 5, line 5, delete "*her*" and insert "*the patient*"

Page 5, line 8, before the period insert "*and the risks associated with each potential effective method of treatment*"

Amend the title as follows:

Page 1, lines 4 and 5, delete "and the right of all patients to be informed of the risks of treatment"

The motion prevailed and the amendment was adopted.

H. F. No. 1572, A bill for an act relating to health; establishing the right to complete information on all alternative treatments for patients with breast cancer; amending Minnesota Statutes 1980, Section 144.651.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Sherman
Ainley	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, B.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, G.	Forsythe	Kvam	Onnen	Skoglund
Anderson, I.	Frerichs	Laidig	Osthoff	Stadum
Battaglia	Greenfield	Lehto	Otis	Staten
Begich	Gruenes	Lemen	Peterson, B.	Stowell
Berkelman	Halberg	Levi	Peterson, D.	Stumpf
Blatz	Hanson	Long	Piepho	Sviggum
Brandl	Harens	Ludeman	Pogemiller	Swanson
Brinkman	Hauge	Luknic	Redalen	Tomlinson
Byrne	Haukoos	Mann	Reding	Valan
Carlson, D.	Heap	McCarron	Rees	Valento
Carlson, L.	Heinitz	McDonald	Reif	Vanasek
Clark, J.	Himle	McEachern	Rice	Vellenga
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Voss
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Weaver
Dean	Hokr	Minne	Rose	Welch
Dempsey	Jacobs	Munger	Rothenberg	Wenzel
Den Ouden	Jennings	Murphy	Samuelson	Wieser
Drew	Johnson, C.	Nelsen, B.	Sarna	Wigley
Eken	Johnson, D.	Nelson, K.	Schafer	Wynia
Elioff	Jude	Niehaus	Schoenfeld	Zubay
Ellingson	Kahn	Norton	Schreiber	Spkr. Sieben, H.
Erickson	Kaley	Novak	Searles	
Esau	Kalis	Nysether	Shea	

The bill was passed, as amended, and its title agreed to.

The Speaker resumed the Chair.

H. F. No. 1707, A bill for an act relating to transportation; allowing certain vehicles to cross certain railroad crossings without stopping; removing the requirement for designated routes for certain buses; modifying the public transit capital grant assistance program; providing for public transit contract procedures; amending Minnesota Statutes 1980, Sections 169.28; 169.29; 169.80, Subdivisions 2 and 2a; 174.245; Laws 1981, Chapter 363, Section 55, Subdivision 1, as amended; repealing Minnesota Statutes 1980, Section 219.21.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Begich	Byrne	Dahlvang	Eken
Ainley	Berkelman	Carlson, L.	Dean	Elioff
Anderson, B.	Blatz	Clark, J.	Dempsey	Ellingson
Anderson, I.	Brandl	Clark, K.	Den Ouden	Erickson
Battaglia	Brinkman	Clawson	Drew	Esau

Evans	Kahn	Minne	Reif	Sviggum
Ewald	Kaley	Munger	Rice	Swanson
Fjoslien	Kalis	Murphy	Rodriguez, C.	Tomlinson
Forsythe	Kelly	Nelsen, B.	Rodriguez, F.	Valan
Frerichs	Knickerbocker	Nelson, K.	Rose	Valento
Greenfield	Kostohryz	Niehaus	Rothenberg	Vanasek
Gruenes	Kvam	Norton	Samuelson	Vellenga
Gustafson	Laidig	Novak	Sarna	Voss
Hanson	Lehto	Nysether	Schafer	Weaver
Hauge	Lemen	O'Connor	Schoenfeld	Welch
Haukoos	Levi	Ogren	Schreiber	Welker
Heap	Long	Olsen	Searles	Wenzel
Heinitz	Ludeman	Onnen	Shea	Wieser
Himle	Luknic	Osthoff	Sherman	Wigley
Hoberg	Mann	Otis	Sieben, M.	Wynia
Hokanson	Marsh	Peterson, B.	Simoneau	Zubay
Hokr	McCarron	Peterson, D.	Skoglund	Spkr. Sieben, H.
Jacobs	McDonald	Piepho	Stadum	
Johnson, C.	McEachern	Pogemiller	Staten	
Johnson, D.	Mehrkens	Reding	Stowell	
Jude	Metzen	Rees	Stumpf	

The bill was passed and its title agreed to.

H. F. No. 1794, A bill for an act relating to health; providing for an advisory task force to make recommendations on the distribution of funds for maternal and child health care needs; proposing new law coded in Minnesota Statutes, Chapter 145.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Johnson, D.	Murphy	Rose
Aimley	Erickson	Jude	Nelsen, B.	Rothenberg
Anderson, B.	Evans	Kahn	Nelson, K.	Samuelson
Anderson, G.	Ewald	Kaley	Niehaus	Sarna
Anderson, I.	Fjoslien	Kelly	Norton	Schafer
Battaglia	Frerichs	Knickerbocker	Novak	Schoenfeld
Begich	Greenfield	Kostohryz	Nysether	Schreiber
Berkelman	Gruenes	Kvam	O'Connor	Searles
Blatz	Gustafson	Laidig	Ogren	Shea
Brandl	Halberg	Lehto	Olsen	Sherman
Brinkman	Hanson	Levi	Onnen	Sieben, M.
Byrne	Harens	Long	Osthoff	Simoneau
Carlson, D.	Hauge	Ludeman	Otis	Skoglund
Carlson, L.	Haukoos	Luknic	Peterson, B.	Stadum
Clark, J.	Heap	Mann	Peterson, D.	Staten
Clark, K.	Heinitz	Marsh	Piepho	Stowell
Clawson	Himle	McCarron	Pogemiller	Stumpf
Dahlvang	Hoberg	McDonald	Redalen	Sviggum
Dean	Hokanson	McEachern	Reding	Swanson
Dempsey	Hokr	Mehrkens	Rees	Tomlinson
Den Ouden	Jacobs	Metzen	Reif	Valan
Drew	Jennings	Minne	Rice	Valento
Eken	Johnson, C.	Munger	Rodriguez, C.	Vanasek
Elioff			Rodriguez, F.	Vellenga

Voss
Weaver

Welch
Welker

Wenzel
Wigley

Wynia
Zubay

Spkr. Sieben, H.

Those who voted in the negative were:

Lemen

The bill was passed and its title agreed to.

GENERAL ORDERS

Eken moved that the bills on General Orders for today be continued one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

Staten moved that his name be stricken as an author on H. F. No. 1795. The motion prevailed.

Hanson moved that the name of Vellenga be added as an author on H. F. No. 2218. The motion prevailed.

Swanson moved that the names of Metzen, Halberg and Blatz be added as authors on H. F. No. 1901. The motion prevailed.

Clark, K., moved that S. F. No. 1589 be recalled from the Committee on Criminal Justice and together with H. F. No. 1875, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

Lehto moved that the name of Wenzel be added as second author on H. F. No. 1477. The motion prevailed.

Brinkman moved that H. F. No. 1780 be returned to its author. The motion prevailed.

Ellingson moved that the name of Jacobs be added as an author on H. F. No. 2228. The motion prevailed.

Clark, K., moved that her name be stricken as chief author and the name of Anderson, G., be added as chief author on H. F. No. 1220. The motion prevailed.

ADJOURNMENT

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Friday, March 5, 1982.

EDWARD A. BURDICK, Chief Clerk, House of Representatives