EAP/MA

15-2302

S.F. No. 837

STATE OF MINNESOTA EIGHTY-NINTH SESSION

SENATE

(SENATE AUTHORS: REST, Gazelka, Koenen and Bonoff)

DATE	D-PG	OFFICIAL STATUS
02/16/2015	304	Introduction and first reading Referred to Taxes

1.1 1.2 1.3 1.4	A bill for an act relating to taxation; estate; extending the date after which certain taxable gifts are included in the Minnesota taxable estate; appropriating money; amending Minnesota Statutes 2014, section 291.016, subdivision 2; Laws 2014, chapter
1.5	150, article 3, section 3; repealing Laws 2014, chapter 308, article 4, section 21.
1.6	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.7	Section 1. Minnesota Statutes 2014, section 291.016, subdivision 2, is amended to read:
1.8	Subd. 2. Additions. The following amounts, to the extent deducted in computing
1.9	the federal taxable estate, must be added in computing the Minnesota taxable estate:
1.10	(1) the amount of the deduction for state death taxes allowed under section 2058 of
1.11	the Internal Revenue Code;
1.12	(2) the amount of the deduction for foreign death taxes allowed under section
1.13	2053(d) of the Internal Revenue Code; and
1.14	(3) for decedents dying after June 30, 2016, the aggregate amount of taxable gifts as
1.15	defined in section 2503 of the Internal Revenue Code, made by the decedent within three
1.16	years of the date of death. For purposes of this clause, the amount of the addition equals
1.17	the value of the gift under section 2512 of the Internal Revenue Code and excludes any
1.18	value of the gift included in the federal estate.
1.19	EFFECTIVE DATE. This section is effective retroactively for estates of decedents
1.20	dying after December 31, 2013.

Sec. 2. Laws 2014, chapter 150, article 3, section 3, the effective date, is amended to 1.21 1.22 read:

1

	02/02/15	REVISOR	EAP/MA	15-2302	as introduced
2.1	EFFF	ECTIVE DATE.	This section is effe	ective retroactively for est	tates of decedents
2.2				repeal of clause (4), item	
2.3			cedents dying afte		
2.4	EFFE	ECTIVE DATE.	This section is effe	ective the day following f	inal enactment.
2.5	Sec. 3.	AMENDED RET	TURNS.		
2.6	Estate	es that have made	an overpayment o	of tax resulting from the c	hanges made
2.7	in this act n	nay file an amend	ed return and, if a	pplicable, a claim for ref	und with the
2.8	commission	ner of revenue pur	suant to the requi	rements of Minnesota Sta	tutes, sections
2.9	289A.40 an	d 289A.50.			
2.10	EFFE	ECTIVE DATE.	This section is effe	ective the day following fi	inal enactment.
2.11	Sec. 4.	APPROPRIATIO	DN.		
2.12	An an	nount sufficient to	pay refunds resul	ting from the changes ma	de under this act
2.13	is appropria	ated from the gene	eral fund to the con	mmissioner of revenue.	
2.14	EFFF	ECTIVE DATE.	This section is effe	ective the day following f	inal enactment.
2.15	Sec. 5.	REPEALER.			
2.16	Laws	2014, chapter 308	8, article 4, section	121, is repealed.	
2.17	EFFF	ECTIVE DATE.	This section is effe	ective retroactively for est	tates of decedents
2.18	dying after	June 30, 2013.			

APPENDIX Repealed Minnesota Session Laws: 15-2302

Laws 2014, chapter 308, article 4, section 21 Sec. 21. DEFINITION OF TAXABLE GIFT FOR DECEDENTS DYING BEFORE JANUARY 1, 2014.

For estates of decedents dying before January 1, 2014, "taxable gift" as used by Minnesota Statutes, section 291.005, subdivision 1, paragraph (4), means a transfer by gift which is included in taxable gifts for federal gift tax purposes under the following sections of the Internal Revenue Code: section 529; section 530; section 2501(a)(4); section 2503; sections 2511 to 2514; and sections 2516 to 2519; less the deductions allowed in sections 2522 to 2524 of the Internal Revenue Code, and after excluding taxable gifts of any property that has its situs outside Minnesota and including taxable gifts of any property that has its situs in Minnesota and were not disclosed to federal taxing authorities.

EFFECTIVE DATE. This section is effective retroactively for taxable gifts made after June 30, 2013.