

CHAPTER 332—H. F. No. 1026

An act to obtain the benefit of credit allowed under the Federal Estate Tax.

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

Section 1. **Inheritance tax.**—There shall be assessed by the probate court in addition to the inheritance tax as now provided by Mason's Minnesota Statutes of 1927, Sections 2292-2321, an estate tax upon all estates which are subject to taxation under the present Federal Revenue Act of Nineteen Hundred Twenty-six. Said tax is hereby imposed upon the transfer of the estate of every person, who at the time of his death was a resident of this state. The amount of said tax shall be computed by the attorney general and his computation shall be sent to the probate court of the county of deceased's residence and shall be by the probate court assessed as an additional amount of inheritance tax as fixed in accordance with the provisions of this act by said probate court. In the event that the estate of the deceased is not probated, said tax shall be determined and computed by the attorney general. The amount of said tax so assessed shall be the amount by which eighty per cent of the estate tax, payable to the United States under the provisions of the said Federal Revenue Act of Nineteen Hundred Twenty-six, shall exceed the aggregate amount of all estate, inheritance, legacy and succession taxes actually paid to the several states of the United States in respect to any property owned by such decedent, or subject to such taxes as a part of or in connection with his estate.

Sec. 2. **When payable.**—The tax imposed by this act shall become due and payable at the expiration of 18 months after the death of the person from whom the transfer is made, and executors, administrators, trustees, grantees, donees, beneficiaries and surviving joint owners shall be and remain liable for the tax until it is paid. If the tax is not paid when due interest at the rate of seven per centum per annum shall be charged and collected from the time the same became payable unless by reason of claims upon the estate, necessary litigation or other unavoidable cause of delay, such tax cannot be determined as herein provided; in such case interest at the rate of six per centum per annum shall be charged upon such tax from the accrual thereof until the cause of such delay is removed, after which seven per centum shall be charged.

Sec. 3. **To become void when.**—This act shall become void and of no effect in respect to the estates of persons who die subsequent to the effective date of the repeal of Title III of said Federal

Revenue Act or of the provisions thereof providing for a credit of the taxes paid to the several states of the United States not exceeding 80 percent of the tax imposed by said Title III.

Sec. 4. Intent of act.—It is hereby declared to be the intent and purpose of this act to obtain for this state the benefit of the credit allowed under the provisions of said Title III, Section 301, sub-section (b) of the Federal Revenue Act of Nineteen Hundred Twenty-six to the extent that this state may be entitled by the provisions of this act, by imposing additional taxes, and the same shall be liberally construed to effect this purpose. The attorney general may make such regulations, relative to the assessment and the collection of the tax provided by this act, not inconsistent with law, as may be necessary to carry out this intent.

Sec. 5. Application.—The provisions of this act shall also apply to all estates not fully distributed and now in process of settlement, where the date of death was subsequent to February 26, 1926.

Sec. 6. Other laws made part of this act.—All provisions of Sections 2292-2321, Mason's Minnesota Statutes of 1927, and amendments thereto, relating to succession taxes are hereby made a part of this act wherever the same are applicable.

Sec. 7. Apportionment of tax.—The tax which may be imposed under section 1 of this act shall be chargeable against the interests of each beneficiary in proportion to the amount of the normal state inheritance tax paid by each.

Sec. 8. Provisions separable.—If any portion of this act is held to be unconstitutional, such decision shall not invalidate the provisions unaffected thereby. In the event that any part of the Federal Revenue Act or Federal Estate Tax Law, hereinbefore referred to, shall be declared to be in violation of the constitution of the United States, such declaration shall not be construed to affect the provisions of this act.

Approved April 24, 1931.

CHAPTER 333—H. F. No. 1289

An act to amend Mason's Minnesota Statutes of 1927, Sections 2203 and 2204, relating to the removal of any structures, timber, or minerals from land upon which a lien for taxes has attached, and the seizure and sale thereof.