

## CHAPTER 9—H. F. No. 255

*An act to amend Mason's Minnesota Statutes of 1927, Sections 2272, 2274, 2278, 2268, 2289, 2290 and 2290-1, relating to the rate of gross earnings tax upon freight line companies, sleeping car companies, express companies and trust companies.*

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

Section 1. Law amended.—That Mason's Minnesota Statutes of 1927, Sections 2272 and 2274, are hereby amended to read respectively as follows:

"2272. Seven per cent gross earnings tax on freight line companies.—Every freight line company, as hereinbefore defined, shall pay annually a sum in the nature of a tax at *seven* per centum upon the total gross earnings received from all sources by such freight line companies within the state, which shall be in lieu of all *ad valorem* taxes upon all property of any freight line company so paying the same."

"2274. Statements to be filed by railroads using or leasing cars to freight line companies.—Every railroad company using or leasing the cars of any freight line company shall, upon making payment to such freight line company for the use or lease, after December 31st, 1925, of such cars withhold *so much thereof as shall represent the tax imposed on account thereof by Mason's Minnesota Statutes of 1927, Section 2272*. On or before August 1 and February 1 respectively, of each year such railroad company shall make and file with the tax commission a statement, and a duplicate thereof with the public examiner, showing the amount of such payment for the next preceding six-month period, ending June 30 and December 31, respectively, and of the amounts so withheld by it. If any railroad company shall fail to make such report, or shall fail to withhold *the part of such payment hereby required to be withheld* it shall not be entitled to deduct from its gross earnings for purposes of taxation the amounts so paid by it to freight line companies."

Section 2. Law amended.—That Mason's Minnesota Statutes of 1927, Section 2278, is hereby amended to read as follows:

"2278. Annual statement of sleeping car companies.—Annually on or before February 1st of each year, every such sleeping car company shall make and furnish to the Minnesota tax commission, with a duplicate to the public examiner, an itemized statement, in such form as the public examiner, with the approval of the Minnesota tax commission, may prescribe, containing a true and just return of the gross earnings from owning, operating, renting or leasing such cars for and during the year ending December 31st preceding, verified

by the person constituting such company, if a person, or by its president, secretary, treasurer, superintendent or chief officer in this state, if an association or corporation; and upon such gross earnings such sleeping car company shall pay into the state treasury of this state, in lieu of all *ad valorem* taxes upon all taxable property of said company within this state, a sum of money equal to *six* per cent of the gross earnings derived from the owning, operating, renting or leasing of such sleeping cars, tourist cars, drawing-room cars or parlor cars, and such amounts shall become due and be payable to the state of Minnesota, on March 1st next thereafter."

Section 3. Law amended.—That Mason's Minnesota Statutes of 1927, Section 2268, is hereby amended to read as follows:

"2268. Nine per cent on gross earnings of express companies.—Every such express company shall be assessed a tax equal to *nine* per cent of its gross earnings as defined in subdivision 6 of Section 1013, Revised Laws of 1905, after deducting payments to railroads for the transportation of freight as defined in subdivision 7 of said section, and the same shall become due and payable to the state of Minnesota on March 1st thereafter; and the payment of such sum at said time shall be in full and in lieu of all *ad valorem* taxes upon its property."

Section 4. Law amended.—That Mason's Minnesota Statutes of 1927, Sections 2289, 2290 and 2290-1 are hereby amended to read respectively as follows:

"2289. Six per cent gross earnings tax on trust companies.—On or before March 1 of each year every trust company organized under the laws of this state shall pay into the county treasury of the county where its principal place of business is located *six* (6) per cent of its gross earnings for the preceding calendar year, which amount shall be in lieu of all *ad valorem* taxes upon the capital stock and the personal property of such trust company; provided, however, that if any such company shall receive deposits subject to check other than trust deposits, that then such company shall be assessed in the same manner as incorporated banks are assessed, and shall pay taxes in the same manner as such banks."

"2290. Tax apportioned and distributed.—*One-sixth* of all taxes paid to county treasuries under the provisions of this act shall be remitted to the state treasury and be credited to the general revenue fund and the balance thereof shall be apportioned and distributed in the same manner as the general property tax is apportioned and distributed."

"2290-1. Reports filed by trust companies with tax commission.—It shall be the duty of every trust company which is required to pay a tax of *six* (6) per cent of its gross earnings in lieu

of taxes and assessments upon its capital stock and personal property pursuant to the provisions of Section 2289, General Statutes of Minnesota 1923, on or before the first day of February, 1926, and annually thereafter on or before the first day of February in each year, to make and file with the Minnesota tax commission a report covering the preceding calendar year, verified by the oath of an officer of such company, and setting forth correctly the full amount of the gross earnings of such company during the preceding calendar year, and such other and further information as the tax commission may require."

*Section 5. Act to apply to all taxes subsequent to 1936.—The increased rates of tax effected by this Act shall apply to all gross earnings derived after December 31st, 1936, and the amendment by Section 4 of Mason's Minnesota Statutes for 1927, Section 2290, with respect to the distribution of the taxes therein referred to, shall be effective with respect to such taxes levied for all years subsequent to the year 1936.*

Section 6. This act shall take effect and be in force from and after its passage.

Approved July 2, 1937.

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#### CHAPTER 10—H. F. No. 4

*An act to amend Mason's Minnesota Statutes of 1927, Section 2286, relating to tax on gross earnings of telephone companies and fixing the percentage of tax under certain conditions.*

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

Section 1. Law amended.—Mason's Minnesota Statutes of 1927; Section 2286, is hereby amended so as to read as follows:

"2286. Rate of gross earnings tax on telephone companies.—Every telephone company shall pay into the state treasury on or before March 1st in each year, beginning with March 1st, 1938, the following percentages of its gross earnings of the preceding calendar year derived from business within this state: (a) four percent of its gross earnings from service to rural subscribers: (b) four percent of its gross earnings from exchange business at all cities of the fourth class, and boroughs or villages having a population of ten thousand: (10,000); or under: and (c) seven per cent of its gross