

## CHAPTER 492—S. F. No. 1125

[Coded in Part]

*An act relating to inheritances, devises, bequests and gifts and the assessment thereof, amending Minnesota Statutes 1957, Section 291.11, Subdivision 1, and Section 292.08 by adding new subdivisions.*

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

Section 1. Minnesota Statutes 1957, Section 291.11, Subdivision 1 is amended to read:

**291.11 Time effective.** Subdivision 1. **Upon death; time of assessment.** (a) All taxes imposed by this chapter shall take effect at and upon the death of the person from whom the transfer is made and shall be due and payable at the expiration of 18 months from such death, except as otherwise provided in this chapter.

(b) *Except as otherwise provided in this chapter, in the case where probate proceedings are had, the tax imposed by this chapter shall be assessed not later than 18 months after the probate court has furnished the commissioner of taxation with the inheritance record and order determining tax.*

(c) *Except as otherwise provided in this chapter, in the case where there are no assets subject to the jurisdiction of the probate court, the tax imposed by this chapter shall be assessed not later than three years after an inheritance tax return has been filed in the form prescribed by the commissioner of taxation.*

(d) (A) *False return—in the case of a false or fraudulent return with the intent to evade tax, the tax may be assessed at any time.*

(B) *No return—in the case of failure to file a return, the tax may be assessed at any time.*

(C) *Omissions—in the case where there is omitted from the estate items subject to tax under this chapter the tax on such omitted items may be assessed at any time.*

*In determining the items omitted, there shall not be taken into account any item which has been disclosed in the return or in a statement attached to the return in a manner adequate to apprise the commissioner of taxation of the nature and amount of such item.*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

(e) *Where before the expiration of the time prescribed in (b) and (c) for the assessment of the tax, the commissioner of taxation and the taxpayer shall consent in writing to the extension of time for the assessment of the tax, the tax may be assessed at any time prior to the expiration agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.*

(f) *If, prior to the expiration of the period of limitations prescribed in section 291.21, subdivisions 3 and 4, and in section 291.48, subdivisions 1 and 2, the estate returnable to the United States treasury department under present federal law is changed or corrected by the commissioner of internal revenue, the taxpayer or a proper representative of the taxpayer shall report such changed or corrected estate and shall concede the accuracy of such determination or state wherein it is erroneous. Any taxpayer filing an amended return with the United States treasury department shall also file within 90 days thereafter a copy of such amended return with the commissioner of taxation.*

(g) *Failure to report such changed or corrected federal estate or to file a copy of such amended federal return, as set forth in subdivision (f) above and within the time stated, shall suspend the running of the period of limitations until such report or copy has been furnished to the commissioner of taxation.*

(h) *The tax prescribed in section 291.34, notwithstanding the period of limitations prescribed in subdivision (b) and (c) above, shall be assessed not later than 90 days following the filing of the Minnesota estate tax return with the commissioner of taxation, together with a copy of the federal deficiency assessment or the closing letter accepting the federal return as originally filed.*

(i) (A) *In the case where the probate court has furnished the commissioner of taxation with the inheritance tax record and order determining tax at a date on or subsequent to January 1, 1956, then, for the purposes of this act such inheritance tax record and order determining tax shall be deemed to have been furnished to the commissioner of taxation on the effective date of this act.*

(B) *In the case where an inheritance tax return has been filed on or subsequent to January 1, 1956, in accordance with subdivision (c) of this section, then, for the purposes*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

*of this act such return shall be deemed to have been filed with the commissioner of taxation on the effective date of this act.*

Sec. 2. Minnesota Statutes 1957, Section 292.08 is amended by adding new subdivisions to read:

*Subd. 5. Time of assessment. Except as otherwise expressly provided by Chapter 292, the amount of any tax imposed by that chapter shall be assessed within three years after the return was filed (whether or not such return was filed on or after the date prescribed), and no proceeding in court, without assessment for the collection of such tax as herein required, shall be begun after the expiration of such period. If a return of tax imposed by this chapter is filed before the last day prescribed by law for the filing thereof, the return shall be considered as having been filed on such the last day for the purposes of this subdivision.*

*Subd. 6. Evasion, omissions, extensions and corrections. (a) In the case of a false or fraudulent return, with the intent to evade tax, or in case of an unlawful attempt in any manner to defeat or evade a tax imposed by this chapter, or in case of failure to file a return, the tax may be assessed or a proceeding in court for the collection of such tax may be begun without assessment at any time.*

*(b) Omissions—in the case where there is omitted from the return items subject to tax under chapter 291, the tax on such omitted items may be assessed at any time.*

*In determining the items omitted, there shall not be taken into account any item which is omitted from the gift subject to tax, if such item is disclosed in the return or in a statement attached to the return in a manner adequate to apprise the commissioner of taxation of the nature and amount of such item.*

*(c) Where before the expiration of the time prescribed in subdivisions 5 and 6 (a) for the assessment of the tax, the commissioner of taxation and the taxpayer shall consent in writing to the extension of time for the assessment of the tax, the tax may be assessed at any time prior to the expiration agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.*

*(d) If, prior to the expiration of the period of limitations prescribed in subdivision 5, the value of the gift re-*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

turnable to the United States treasury department under present federal law is changed or corrected by the commissioner of internal revenue, the taxpayer or a proper representative of the taxpayer shall report such changed or corrected estate and shall concede the accuracy of such determination or state wherein it is erroneous. Any taxpayer filing an amended return with the United States treasury department shall also file within 90 days thereafter a copy of such amended return with the commissioner of taxation.

(e) Failure to report such changed or corrected federal gift tax return or to file a copy of such amended gift tax return as set forth in (d) above and within the time stated, shall suspend the running of the period of limitations until such report or copy has been furnished to the commissioner of taxation.

(f) In any case where a gift tax return has been filed prior to the effective date of this act and on or subsequent to January 1, 1956, such return shall be deemed to have been filed on the effective date of this act.

Approved April 20, 1961.

---

CHAPTER 493—S. F. No. 1134

[Coded in Part]

An act relating to highway patrolmen, retirement; amending Minnesota Statutes 1957, Section 172.02, as amended by Laws 1959, Chapter 642; Section 172.08, as amended by Laws 1959, Chapter 642; Section 172.09, as amended by Laws 1959, Chapter 642; Section 172.10, Subdivision 1; repealing Minnesota Statutes 1957, Section 172.103.

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

Section 1. Minnesota Statutes 1957, Section 172.02, as amended by Laws 1959, Chapter 642, is amended to read:

**172.02 Highway patrolmen retirement association.** There is hereby established a Highway Patrolmen's Retirement Association, the membership of which shall consist of highway patrolmen. Every highway patrolman who is employed by the state of Minnesota, as such, on July 1, 1943, and every person employed as a patrolman thereafter, shall become a member of this association. Each patrolman while

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.