

## CHAPTER 161—H. F. No. 1089

[Coded in Part]

*An act relating to aeronautics; providing for the registration and taxation of aircraft; amending Minnesota Statutes 1961, Section 360.511, by adding a new subdivision thereto; 360.531, Subdivisions 1, 4, 7, 8, 9; 360.54; 360.55; 360.58; 360.59, Subdivisions 1 and 6; 360.60, Subdivision 1; 360.61, as amended; 360.62, as amended; and 360.653.*

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

Section 1. Minnesota Statutes 1961, Section 360.511, is amended by adding a new subdivision thereto:

*Subd. 15. Aeronautics; registration and taxation of aircraft. Fiscal year starts July 1 and ends June 30, effective July 1, 1966.*

Sec. 2. Minnesota Statutes 1961, Section 360.531, Subdivision 1, is amended to read:

360.531 **Taxation.** Subdivision 1. **An in lieu tax.** All aircraft using the air space overlying the state of Minnesota ~~and~~ *or* the airports thereof, except as set forth in section 360.55, shall be taxed in lieu of all other taxes thereon, on the basis and at the rate for *the period January 1, 1966, to June 30, 1967, and for each calendar fiscal year as follows.*

Sec. 3. Minnesota Statutes 1961, Section 360.531, Subdivision 4, is amended to read:

Subd. 4. **Base price for taxation.** For the purpose of fixing a base price for taxation from which depreciation in value at a fixed per cent per annum can be counted, such price is defined as follows:

(1) The base price for taxation of an aircraft of which a similar or corresponding model was being manufactured on August 1 preceding the *fiscal* year for which the tax is levied shall be the manufacturer's list price of such similar or corresponding model in effect on such August 1.

(2) The base price for taxation of an aircraft of which no similar or corresponding model was manufactured until after such August 1 shall be the ~~manufacturers'~~ *manufacturer's* list price at the factory when the aircraft taxed was first manufactured.

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

(3) The commissioner shall have authority to fix the base value for taxation purposes of any aircraft of which no such similar or corresponding model has been manufactured since a time prior to such August 1, and of any rebuilt or foreign aircraft, any aircraft on which a record of the list price is not available in his office, or any military aircraft converted for civilian use, using as a basis for such valuation the list price on such August 1 of aircraft with comparable performance characteristics, and taking into consideration the age and condition of the aircraft.

Sec. 4. Minnesota Statutes 1961, Section 360.531, Subdivision 7, is amended to read:

Subd. 7. **Prorating the tax.** *When an aircraft first becomes subject to taxation during the calendar year for which the tax is paid, the tax on it shall be for the remainder of that year prorated on a monthly basis of one-twelfth of the annual tax for each calendar month, counting the month during which it becomes subject to the tax as the first month of such remainder. When an aircraft first becomes subject to taxation during the period for which the tax is to be paid, the tax on it shall be for the remainder of that period, prorated on a monthly basis of one-twelfth of the annual tax for each calendar month counting the month during which it becomes subject to the tax as the first month of such period, except that the tax for the period of January 1, 1966, through June 30, 1967, shall be prorated on a monthly basis of one-eighteenth of the tax for said period.*

Sec. 5. Minnesota Statutes 1961, Section 360.531, Subdivision 8, is amended to read:

Subd. 8. **Tax, fiscal year.** Every aircraft subject to the provisions of this act which has at any time since April 19, 1945, used the air space overlying the state of Minnesota ~~and~~ *or* the airports thereof shall be taxed for the *period from January 1, 1966, through June 30, 1967, for each full calendar fiscal year thereafter of any year* in which it is so used. Any aircraft which does not use the air space overlying the state of Minnesota ~~and~~ *or* the airports thereof at any time during the *period of January 1, 1966, to and including June 30, 1967, or at any time during any one full calendar fiscal year thereafter* shall not be subject to the tax provided by this act for such ~~year period~~. Rebuilt aircraft shall be subject to the tax provided by Minnesota Statutes, Sections 360.511 to 360.67 for that portion of the ~~calendar year aforesaid periods~~ remaining after the aircraft has been rebuilt, prorated on a monthly basis.

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

Sec. 6. Minnesota Statutes 1961, Section 360.531, Subdivision 9, is amended to read:

**Subd. 9. Assessed as personal property in certain cases.** Aircraft subject to taxation under the provisions of sections 360.54 to 360.67 shall not be assessed as personal property and shall be subject to no tax except as provided for by these sections. Aircraft not subject to taxation as provided in these sections, but subject to taxation as personal property within the state of Minnesota shall be assessed and valued at 33½ percent of the true and full value thereof and taxed at the rate and in the manner provided by law for the taxation of ordinary personal property. If the person against whom any tax has been levied on the ad valorem basis because of any aircraft shall, during the calendar year for which such *ad valorem* tax is levied, be also taxed under provisions of ~~such~~ *these* sections, then and in that event, upon proper showing, the commissioner of taxation shall grant to the person against whom said ad valorem tax was levied, such reduction or abatement of assessed valuation or taxes as was occasioned by the so-called ad valorem tax imposed. If the ad valorem tax upon any aircraft has been assessed against a dealer in new and ~~unused~~ *used* aircraft, and the tax imposed by ~~such~~ *these* sections for the required period is thereafter paid by the owner, then and in that event, upon proper showing, the commissioner of taxation, upon the application of said dealer, shall grant to such dealer against whom said ad valorem tax was levied such reduction or abatement of assessed valuation or taxes as was occasioned by the so-called ad valorem tax imposed.

Sec. 7. Minnesota Statutes 1961, Section 360.54, is amended to read:

**360.54 Subject to tax, exemption.** Every aircraft shall be presumed to be one using the air space overlying the state of Minnesota ~~and or~~ the airports thereof, and thence subject to taxation under sections 360.511 to 360.67, if such aircraft has prior to the effective date of Laws 1945, Chapter 411, used such air space ~~and or~~ airports, or shall actually use them or if it shall come into the possession of an owner in this state, other than ~~as~~ a manufacturer, dealer, warehouseman, mortgagee, or pledgee and it shall be the burden of the owner thereof to prove that said aircraft has not in fact used the air space overlying the state of Minnesota ~~and or~~ the airports thereof in order to avoid the payment of the tax as required herein.

Sec. 8. Minnesota Statutes 1961, Section 360.55, is amended to read:

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**360.55 Exemptions.** Subdivision 1. **Nonresident, non-commercial operators.** *Subject to the exceptions set forth in section 1 of this act, any aircraft owned by a nonresident of this state and transiently or temporarily using the air space overlying this state or the airports thereof shall be exempt from taxation under the provisions of sections 360.511 to 360.67 unless it uses the air space overlying this state or the airports thereof for more than 60 days in the tax period of January 1, 1966, to and including June 30, 1967, or any calendar fiscal year thereafter.* The operation of an aircraft in the air space overlying this state or the use of airports within this state for any purpose at any time during one day shall be considered as use for one complete day. Aircraft owned by nonresidents, on the ground at an airport in this state for major repairs, shall not be considered as using the airports of this state while being repaired and while awaiting return to the nonresident owner provided however, such waiting period shall not exceed 60 days from completion of the repairs.

Sec. 9. Minnesota Statutes 1961, Section 360.58, is amended to read:

**360.58 Operation without registration and payment of tax.** No aircraft except as exempted by sections 360.54 and 360.55 shall use or be operated in the air space over this state or upon any of the airports thereof *in the tax period of January 1, 1966, to and including June 30, 1967, or in any calendar fiscal year thereafter* until it shall have been registered as required in sections 360.54 to 360.67 and the aircraft tax and fees herein provided shall have been paid and the number plates, labels, or stamps issued therefor shall be duly displayed on such aircraft. A purchaser of a new aircraft may operate his aircraft without such plates, labels, or stamps provided that he shall secure from the commissioner, or any person designated by the commissioner for that purpose, a permit to operate such aircraft pending the issuance of plates, ~~which~~ *such* permit shall be valid for not to exceed ~~more than~~ 15 days.

Sec. 10. Minnesota Statutes 1961, Section 360.59, Subdivision 1, is amended to read:

**360.59 Registration and listing.** Subdivision 1. **Date of listing and application; form.** Every owner of any aircraft in this state, except as exempted by sections 360.54 and 360.55, shall, before July 1, 1945, and before February 15 in each calendar fiscal year thereafter, or as soon after such ~~dates~~ *date* as he shall become the owner thereof, file with the commissioner, on a blank provided

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by him, a listing for taxation and application for the registration of such aircraft, in such form and stating such information as the commissioner may require. The said owner shall make an oath or affirmation before some officer authorized by law to administer oaths or affirmations that the statements made are correct and true, and any false statement wilfully and knowingly made in regard thereto shall be deemed a perjury and punished accordingly. Such listing for taxation and application for registration need not be sworn to *when the applicant is listing the same aircraft for taxation and registration for the second and any succeeding time.* The listing and application for registration by dealers or manufacturers' agents within the state of aircraft received for sale or use within the state shall be accepted as compliance with the requirements of sections 360.54 to 360.67 imposed upon the manufacturer.

Sec. 11. Minnesota Statutes 1961, Section 360.59, Subdivision 6, is amended to read:

Subd. 6. **Expiration of registration certificate.** The registered owner's right to the registration certificate provided for herein and the right to use the number plates issued therewith shall expire upon the termination of ownership of any person in the aircraft for which the same was issued, and in any event at midnight on ~~February 15~~ *June 30* of the *fiscal year following the year* for which the registration certificate was issued.

Sec. 12. Minnesota Statutes 1961, Section 360.60, Subdivision 1, is amended to read:

**360.60 Damaged aircraft; registration requirements; issuance of certificate; failure to register; penalty.** Subdivision 1. Every aircraft not exempted by sections 360.54 and 360.55 shall be registered as required by this act whether or not said aircraft is being used in the air space overlying the state of Minnesota ~~and or~~ on the airports thereof. Aircraft which have become damaged, are unairworthy and not in flying condition and which have not in fact used the air space overlying the state of Minnesota ~~and or~~ the airports thereof during ~~any calendar~~ *the period January 1, 1966, to and including June 30, 1967, or during any fiscal year thereafter,* shall not be subject to the tax provided by this act for such ~~year~~ *tax periods* provided the owner of such aircraft shall with his application for registration file with the commissioner a verified statement describing the aircraft, its condition, and the reason for such aircraft not being in operating condition, and furnish such other information as may be necessary for the commissioner to determine

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that the aircraft is not in fact using the air space overlying the state of Minnesota ~~and or the airports thereof~~. Upon receipt of such application together with the statement required herein, the commissioner shall issue to such owner a certificate which shall state thereon that the tax has not been paid and that the aircraft shall not use the air space overlying the state of Minnesota ~~and or the airports thereof~~ until the tax required by this act has been paid.

Sec. 13. Minnesota Statutes 1961, Section 360.61, as amended by Laws 1963, Chapter 97, Section 1, and Chapter 112, Section 1, is amended to read:

**360.61 Due date of tax; penalty.** Subdivision 1. **First registration.** The tax required under sections 360.54 to 360.67 to be paid upon an aircraft is due as soon as such aircraft first ~~use~~ *uses* the air space overlying the state of Minnesota ~~and or the airports thereof~~, in accordance with section 360.54, ~~and upon June 1 in each year thereafter~~, and shall become delinquent upon the expiration of ~~ten~~ 20 days thereafter, unless paid.

*Subd. 2. Renewal registration.* The tax for *that period January 1, 1966, to and including June 30, 1967, and for each any calendar fiscal year subsequent to 1945 may be paid at any time between January 1 and June 1 thereafter, shall be due and payable July 1, and shall become delinquent upon the expiration of ten days thereafter unless paid.*

*Subd. 3. Penalties.* Every owner or person charged with the duty to register an aircraft or pay any tax payable under the provisions of sections 360.511 to 360.67 who fails or delays to register such aircraft and pay such tax as required by the provisions of this act shall pay to the commissioner as an added fee for failure or delay in registering and paying the tax a penalty fee of \$2.50 for the first calendar month or any part thereof in which such failure or delay continues, plus a monthly penalty of five percent of the tax *due and payable for the year tax period for which the penalty is charged, such monthly penalty to be paid for the second calendar month or any part thereof and for each additional month thereafter or any part thereof in which such failure or delay continues; but in no event shall such total added fees and penalties for such failure or such delay exceed the sum of \$200 for the year tax period for which the added fee or penalty is charged.* When the last day for payment without penalty of any taxes shall fall upon Sunday or any legal holiday, such taxes may be paid without such penalty on the next succeeding business day.

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Sec. 14. Minnesota Statutes 1961, Section 360.62, as amended by Laws 1963, Chapter 188, Section 1, is amended to read:

**360.62 Aircraft; refund of tax.** Except as provided herein the tax upon any aircraft which has been paid for any year, shall be refunded only for errors made in computing the tax or fees ~~and~~ *or* for the error on the part of an owner who may in error have registered an aircraft that was not before, nor at the time of such registration, nor at any time thereafter during the ~~current past year~~ *tax period*, subject to such tax in this state, provided that after more than ~~two years~~ *24 months* after such tax was paid no refund shall be made for any tax paid on any aircraft. Refunds as provided by sections 360.511 to 360.67 shall be made in the manner provided by Laws 1947, Chapter 416. *The former owner of a transferred aircraft by an assignment in writing endorsed upon his registration certificate and delivered to the commissioner within the time provided herein may sell and assign to the new owner thereof the right to have the tax paid by him accredited to such new owner who duly registers such aircraft. Any owner whose aircraft shall be destroyed or permanently removed from the state shall be entitled to a refund for the unused portion of the tax paid upon the aircraft so destroyed or removed from the state, such refund to be computed pro rata by the month, and to be equal to  $\frac{1}{12}$  of the annual tax paid for each month of the year remaining the monthly tax rate multiplied by the number of full calendar months remaining in the fiscal year, or multiplied by the number of full calendar months remaining in that period between January 1, 1966, to and including June 30, 1967, whichever period is applicable.*

In order to secure such refund, the aircraft owner shall submit a verified statement that such aircraft has either been sold out-of-state or destroyed, the date of such sale or destruction and such other information as the commissioner may require. No refund shall be made if application is not made within ~~six~~ 12 months after the date the aircraft was sold out-of-state or destroyed.

Sec. 15. Minnesota Statutes 1961, Section 360.653, is amended to read:

**360.653 Aircraft, exemptions.** The following aircraft, under the conditions specified, shall be exempt from the registration and the tax provided by Minnesota Statutes, Sections 360.511 to 360.67.

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(1) Any aircraft held by a dealer listed and used as provided in Section 360.63, except that aircraft held by dealers on October 1, of each year, shall be registered and the entire tax provided by sections 360.511 to 360.67 shall be paid for the portion of the ~~calendar~~ *fiscal* year, prorated on a monthly basis remaining after the aircraft came into the possession of the dealer. *It is further provided that a dealer who has previously had aircraft on withholding may register such aircraft in September of each fiscal year by payment of an amount equal to 1/3 of the annual tax, which tax shall be applicable for the months of September through December and in January the dealer may again list these aircraft on his withholding form.*

Sec. 16. *This act shall become effective January 1, 1966.*

Approved April 2, 1965.

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#### CHAPTER 162—S. F. No. 166

*An act relating to county welfare board offices; amending Minnesota Statutes 1961, Section 393.05.*

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

Section 1. Minnesota Statutes 1961, Section 393.05, is amended to read:

393.05 **County welfare board; offices.** The county, except as provided in section 393.01, subdivision 4, shall provide suitable offices for the county welfare board and its employees. *Any expenditures for rent, purchase, or construction and maintenance of the office may be paid from county welfare funds.*

Approved April 5, 1965.

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