

deposited to guarantee a defendant's appearance in court, which forfeiture has not been vacated or the defendant has not within 15 days of such forfeiture secured from the court the reinstatement of the trial; or (3) a breach of a condition of release without bail.

Sec. 2. Minnesota Statutes 1976, Section 98.52, Subdivision 1, is amended to read:

98.52 LOSS AND REVOCATION OF LICENSES. Subdivision 1. Except as otherwise provided herein, the license of any person who is convicted of violating any provisions of chapters 97 to 102, or any order or regulation duly prescribed by the commissioner under authority thereof, relating to the license or to the wild animals covered thereby, shall immediately become null and void, and no license of the same kind shall be issued to such person for three years after the date of conviction if the license is a big game license, or for one year after the date of conviction if the license is other than a big game license. Every person convicted of doing anything without a license for which chapters 97 to 102 require a license, shall forfeit his right to secure such a license for a period of three years from a conviction related to big game, or for a period of one year from a conviction other than a conviction related to big game.

Sec. 3. This act is effective the day following final enactment.

Approved May 19, 1977.

CHAPTER 111—H.F.No.229

An act providing for withholding of pay to residents for active service as members of the armed forces; amending Minnesota Statutes 1976, Section 290.92, Subdivisions 1 and 16.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 290.92, Subdivision 1, is amended to read:

290.92 TAXATION; INCOME TAX; TAX WITHHELD AT SOURCE UPON WAGES; ARMED FORCES. Subdivision 1. **DEFINITIONS. (1) WAGES.** For purposes of this section, the term "wages" means all remuneration, other than fees paid to a public official for services performed by an employee for his employer, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include remuneration paid

(a) ~~For active service as a member of the armed forces of the United States, or~~

~~(b) (a) For agricultural labor, as defined in section 312(e) 3121(g) of the Internal Revenue Code of 1954, as amended through December 31, 1972 1976, or~~

~~(e) (b) For domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, or~~

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~~(d)~~ (c) For service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is \$50 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if

(i) On each of some 24 days during such quarter such individual performs for such employer for some portion of the day, service not in the course of the employer's trade or business, or,

(ii) Such individual was regularly employed (as determined under (i)) by such employer in the performance of such service during the preceding calendar quarter, or,

(e) ~~(d)~~ For services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order, or,

(f) (e) (i) For services performed by an individual under the age 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution, or

(ii) For services performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such services, or is entitled to be credited with the unsold newspapers or magazines turned back, or

(g) ~~(f)~~ For services not in the course of the employer's trade or business, to the extent paid in any medium other than cash, or

(h) (g) To, or on behalf of, an employee or his beneficiary, from or to a trust described in Minnesota Statutes, Section 290.26, which is exempt from tax under Minnesota Statutes, Section 290.05, at the time of such payment, unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or under or to an annuity plan which, at the time of such payment, meets the requirements of Minnesota Statutes, Section 290.26;

(2) **PAYROLL PERIOD.** For purposes of this section the term "payroll period" means a period for which a payment of wages is ordinarily made to the employee by his employer, and the term "miscellaneous payroll period" means a payroll period other than a daily, weekly, bi-weekly, semi-monthly, monthly, quarterly, semi-annual, or annual payroll period.

(3) **EMPLOYEE.** For purposes of this section the term "employee" means any resident individual performing services for an employer, either within or without, or both

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within and without the state of Minnesota, and every nonresident individual performing services within the state of Minnesota, the performance of which services constitute, establish, and determine the relationship between the parties as that of employer and employee. As used in the preceding sentence, the term "employee" includes an officer of a corporation, and an officer, employee, or elected official of the United States, a state, territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing.

(4) **EMPLOYER.** For purposes of this section the term "employer" means any person, including individuals, fiduciaries, estates, trusts, partnerships, and corporations transacting business in or deriving any income from sources within the state of Minnesota for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that if the person for whom the individual performs or performed the services does not have legal control of the payment of the wages for such services, the term "employer," except for purposes of paragraph (1), means the person having legal control of the payment of such wages. As used in the preceding sentence, the term "employer" includes any corporation, individual, estate, trust, or organization which is exempt from taxation under Minnesota Statutes, Section 290.05 and further includes, but is not limited to, officers of corporations who have legal control, either individually or jointly with another or others, of the payment of the wages.

(5) **NUMBER OF WITHHOLDING EXEMPTIONS CLAIMED.** For purposes of this section, the term "number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under subdivision 5, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero.

Sec. 2. Minnesota Statutes 1976, Section 290.92, Subdivision 16, is amended to read:

Subd. 16. **AGREEMENT WITH SECRETARY OF TREASURY.** The commissioner is authorized to enter into an agreement with the secretary of treasury of the United States pursuant to the provisions of public law 587 (66 United States Statutes at Large 765), enacted July 17, 1952 and an agreement with the secretary of the treasury of the United States to provide for withholding of state income taxes from pay for service as a member of the armed forces of the United States, pursuant to section 1207 (a)(1) of public law 94-455.

Sec. 3. **EFFECTIVE DATE.** Section 2 is effective the day following final enactment of this act. Section 1 is effective for taxes to be withheld from wages paid later than 120 days after the agreement provided in section 2 has been reached.

Approved May 19, 1977.

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