
CHAPTER 766-H.F.No.1915

[Coded in Part]

An act relating to taxation; providing that all orders relating to valuation of property for ad valorem taxes be issued on or before November 15; requiring assessors to furnish copies of field cards to homeowners; authorizing the commissioner of revenue to provide new income tax tables; defining the deduction for tuition and transportation expense in computing income tax; limiting the deduction for charitable contributions; authorizing the commissioner to require a copy of computations used to compute federal income tax; allowing spouses to file combined returns even if one is a nonresident; requiring employers to file a withholding application; providing property tax relief benefits for persons becoming disabled before June 1; defining the acreage eligible for homestead exemption for inheritance tax purposes; changing gift tax rates and credits for certain donees; changing interest rates on certain gift tax refunds; altering classification of alcoholic beverages for tax purposes; eliminating inheritance tax receipts; repealing the deduction for alimony; altering the method of computing metropolitan council tax levies; amending Minnesota Statutes 1976, Sections 270.12, Subdivision 3; 290.09, Subdivision 22; 290.37, Subdivision 3; 290.39, Subdivision 2, and by adding a subdivision; 290.92, by adding a subdivision; 290A.04, Subdivision 1; 291.05; 292.07, Subdivisions 3 and 5; 292.125; 340.47, Subdivision 1; 473.249, Subdivisions 1 and 2; and Chapter 272, by adding a section; and Minnesota Statutes, 1977 Supplement, Sections 290.21, Subdivision 3; 290A.04, Subdivision 2b; 340.47, Subdivision 1a; repealing Minnesota Statutes 1976, Section 291.13, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Section 290.09, Subdivision 14.

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

Section 1. Minnesota Statutes 1976, Section 270.12, Subdivision 3, is amended to read:

Subd. 3. When a taxing jurisdiction lies in two or more counties, and the sales ratio studies prepared by the department of revenue show that the average level of assessment in the several portions of the district in the different counties differs by more than ten percent, the board may order that the levy of the taxing jurisdiction be apportioned among the portions in the different counties in the same proportion as the adjusted assessed value as determined by the equalization aid review committee in each portion is to the total adjusted assessed value, as determined by the equalization aid review committee, of the taxing jurisdiction.

For the purposes of this section, the average level of assessment in a taxing jurisdiction or portion thereof shall be the aggregate assessment sales ratio. Assessed values as determined by the equalization aid review committee shall be the values as determined for the year preceding the year in which the levy to be apportioned is levied.

Actions pursuant to this subdivision shall be commenced subsequent to the annual meeting on August 15 of the state board of equalization, but notice of the action shall be given to the affected jurisdiction and the appropriate county auditors by the following ~~September~~ November 15.

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Apportionment of a levy pursuant to this subdivision shall be considered as a remedy to be taken after equalization pursuant to subdivision 2, and when equalization within the jurisdiction would disturb equalization within other jurisdictions of which the several portions of the jurisdiction in question are a part.

Sec. 2. Minnesota Statutes 1976, Section 290.39, is amended by adding a subdivision to read:

Subd. 1a. TAX TABLES. Notwithstanding any other provision of chapter 290 to the contrary, the commissioner may, in his discretion, prepare tables for computing the tax for individuals, estates, and trusts which may reflect the allowance of personal and dependent credits or which may reflect the allowance of the standard deduction and the personal and dependent credits.

Sec. 3. Minnesota Statutes 1976, Section 290.09, Subdivision 22, is amended to read:

Subd. 22. TUITION AND TRANSPORTATION EXPENSE. The amount he has paid to others, not to exceed \$500 for each dependent in grades K to 6 and \$700 for each dependent in grades 7 to 12, for tuition, textbooks and transportation of each dependent in attending an elementary or secondary school situated in Minnesota, North Dakota, South Dakota, Iowa, or Wisconsin, wherein a resident of this state may legally fulfill the state's compulsory attendance laws, which is not operated for profit, and which adheres to the provisions of the Civil Rights Act of 1964 and chapter 363. As used in this subdivision, "textbooks" shall mean and include books and other instructional materials and equipment used in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state and shall not include instructional books and materials used in the teaching of religious tenets, doctrines or worship, the purpose of which is to inculcate such tenets, doctrines or worship, nor shall it include such books or materials for, or transportation to, extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature.

Sec. 4. Minnesota Statutes 1976, Chapter 272, is amended by adding a section to read:

[272.70] AVAILABILITY OF ASSESSOR'S FIELD CARDS. Upon request of the owner of a homestead, the assessor shall furnish the owner with a copy of the field card relating to the most recent appraisal of the property. The assessor may charge the owner a fee to meet the cost of furnishing the copy of the field card.

Sec. 5. Minnesota Statutes, 1977 Supplement, Section 290.21, Subdivision 3, is amended to read:

Subd. 3. An amount for contribution or gifts made within the taxable year:

(a) to or for the use of the state of Minnesota, or any of its political subdivisions for exclusively public purposes,

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(b) to or for the use of any community chest, corporation, organization, trust, fund, association, or foundation located in and carrying on substantially all of its activities within this state, organized and operating exclusively for religious, charitable, public cemetery, scientific, literary, artistic, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual,

(c) to a fraternal society, order, or association, operating under the lodge system located in and carrying on substantially all of their activities within this state if such contributions or gifts are to be used exclusively for the purposes specified in subdivision 3(b), or for or to posts or organizations of war veterans or auxiliary units or societies of such posts or organizations, if they are within the state and no part of their net income inures to the benefit of any private shareholder or individual, or to an employee stock ownership trust as defined in section 290.01, subdivision 25. Where the beneficiaries of a stock ownership trust include the transferor, his spouse, children, grandchildren, parents, siblings or their children, the amount of the deduction shall be reduced by the product of multiplying said amount by their percentage interest in the trust,

(d) to or for the use of the United States of America for exclusively public purposes, and to or for the use of any community chest, corporation, trust, fund, association, or foundation, organized and operated exclusively for any of the purposes specified in subdivision 3(b) and (c) no part of the net earnings of which inures to the benefit of any private shareholder or individual, but not carrying on substantially all of their activities within this state, in an amount equal to the ratio of Minnesota taxable net income to total net income, provided, however, that for an individual taxpayer, the credit shall be allowed in an amount equal to the ratio of the taxpayer's gross income from sources within the state to the taxpayer's gross income from all sources,

(e) to a political party, as defined in section 200.02, subdivision 7, or a political candidate, as defined in section 210A.01, or a political cause when sponsored by any party or association or committee, as defined in section 210A.01, in a maximum amount not to exceed the following:

(1) contributions made by individual natural persons, \$100,

(2) contributions made by a national committeeman, national committeewoman, state chairman, or state chairwoman of a political party, as defined in section 200.02, subdivision 7, \$1,000,

(3) contributions made by a congressional district committeeman or committeewoman of a political party, as defined in section 200.02, subdivision 7, \$350,

(4) contributions made by a county chairman or a county chairwoman of a political party, as defined in section 200.02, subdivision 7, \$150;

(f) in the case of an individual, the total credit against taxable net income allowable hereunder shall not exceed 30 percent of the taxpayer's Minnesota gross income as follows:

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(i) the aggregate of contributions made to organizations specified in (a), (b) and (d) shall not exceed ten percent of the taxpayer's Minnesota gross income,

(ii) the total credits under this subparagraph for any taxable year shall not exceed 20 percent of the taxpayer's Minnesota gross income. For purposes of this subparagraph, the credits under this section shall be computed without regard to any deduction allowed under subparagraph (i) but shall take into account any contributions described in subparagraph (i) which are in excess of the amount allowable as a credit under subparagraph (i);

(g) in the case of a corporation, the total credit against net income hereunder shall not exceed 15 percent of the taxpayer's taxable net income less the credits allowable under this section other than those for contributions or gifts,

(h) in the case of a corporation reporting its taxable income on the accrual basis, if: (A) the board of directors authorizes a charitable contribution during any taxable year, and (B) payment of such contribution is made after the close of such taxable year and on or before the fifteenth day of the third month following the close of such taxable year; then the taxpayer may elect to treat such contribution as paid during such taxable year. The election may be made only at the time of the filing of the return for such taxable year, and shall be signified in such manner as the commissioner shall by regulations prescribe;

(i) in the case of a contribution or property placed in trust as described in section 170(f)(2) of the Internal Revenue Code of 1954, as amended through December 31, 1976, a credit shall be allowed under this subdivision to the extent that a deduction is allowable for federal income tax purposes.

Sec. 6. Minnesota Statutes 1976, Section 290.37, Subdivision 3, is amended to read:

Subd. 3. INFORMATION INCLUDED IN RETURN. The return provided for herein shall require a statement of the name of the taxpayer, or taxpayers, if the return be a joint return, and the address of such taxpayer in the same name or names and same address as the taxpayer has used in making his income tax return to the United States under the terms of the internal revenue act of 1954, and shall include the social security number of the taxpayer, or taxpayers, if a social security number has been issued by the United States with respect to said taxpayers, and shall include the amount of the adjusted gross income of such taxpayer as the same appears on said return to the United States internal revenue service for the taxable year to which such Minnesota state return is applicable; or, in lieu thereof, the taxpayer shall attach to his Minnesota state income tax return a copy of the federal income tax return which he has filed or is about to file for such period. The commissioner of revenue, if necessary to audit the return of the taxpayer for a particular period, may require a detailed schedule of the items used to compute the adjusted gross income of such taxpayer as the same appears on said return to the United States internal revenue service for the taxable year to which such Minnesota return is applicable; or, in lieu thereof, a copy of the federal income tax return filed for such period.

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Sec. 7. Minnesota Statutes 1976, Section 290.39, Subdivision 2, is amended to read:

Subd. 2. SINGLE FORM FOR SEPARATE RETURNS. Notwithstanding the provisions of section 290.61, a husband and wife may elect to file separate Minnesota income tax returns on a single form in which event:

(a) if the sum of the payments by either spouse, including withheld and estimated taxes, exceeds the amount of tax for which such spouse is separately liable, the excess may be applied by the commissioner to the credit of the other spouse if the sum of the payments by such other spouse, including withheld and estimated taxes, is less than the amount of the tax for which such other spouse is separately liable;

(b) if the sum of the payments made by both spouses with respect to the taxes for which they are separately liable, including withheld and estimated taxes, exceeds the total of the taxes due, refund of the excess may be made payable to both spouse or may be credited against any liability in respect of Minnesota income tax on the part of either spouse;

(c) if the standard deduction provided for by section 290.09, subdivision 15, is not utilized, then the total of the Minnesota itemized deductions of a husband and wife may be taken by either or divided between them as they elect.

~~If either spouse is a nonresident, this subdivision shall not be applicable.~~

Sec. 8. Minnesota Statutes 1976, Section 290.92, is amended by adding a subdivision to read:

Subd. 24. APPLICATION FOR ACCOUNT NUMBER. An employer desiring to engage in business in Minnesota shall file with the commissioner an application for a withholding account number on or before the due date of the first payment required to be made under the provisions of subdivision 6. An application for an account number shall be made upon a form prescribed by the commissioner and shall set forth the name of the employer, the location of the place or places of business, the names, addresses and social security numbers of the owners or partners, or if the employer is a corporation of the officers, or if the employer is a trust of the trustees, and such other information as the commissioner may require. The application shall be filed by the owner if the employer is a natural person; by a member or partner if the employer is an association or partnership; by a trustee if the employer be a trust, or by a person authorized to sign the application if the employer is a corporation.

No fee shall be charged for the application.

The account number is not assignable.

An employer who fails to file an application for a withholding account number shall be liable to the commissioner for a penalty of \$100. The penalty shall be collected in the same manner as delinquent withholding tax is collected. The commissioner may abate this penalty.

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Sec. 9. Minnesota Statutes 1976, Section 290A.04, Subdivision 1, is amended to read:

290A.04 **CREDIT ALLOWABLE.** Subdivision 1. A credit shall be allowed each claimant in the amount that property taxes payable or rent constituting property taxes exceed the percentage of the household income of the claimant specified in subdivision 2 in the year for which the taxes were levied or in the year in which the rent was paid. The maximum credit for any claimant who was disabled on or before June 1 or who attained the age of 65 prior to June 1 of the year following the year for which the taxes were levied or in which the rent was paid shall be \$200 above the maximum for which that claimant would otherwise be eligible according to his income.

Sec. 10. Minnesota Statutes, 1977 Supplement, Section 290A.04, Subdivision 2b, is amended to read:

Subd. 2b. An additional refund shall be allowed each claimant who is disabled or has attained the age of 65 by June 1 of the year in which the taxes were payable in an amount equal to 50 percent of the amount by which property taxes payable or rent constituting property taxes exceed the sum of (a) the refund calculated pursuant to subdivision 2 and (b) the percentage of the claimant's household income specified in subdivision 2. The sum of the refunds provided in subdivision 2 and this subdivision shall not exceed the maximum amounts provided below.

For claimants earning:

\$0 to 19,999, up to \$800;

20,000 to 22,999, up to \$800;

23,000 to 25,999, up to \$763;

26,000 to 35,999, up to \$725;

36,000 and over, up to \$525;

provided that maximum refunds for incomes above \$20,000 decline according to the following schedule:

between \$20,000 and \$26,000 decline \$12.50 per \$1,000; between \$26,000 and \$36,000 decline \$20 per \$1,000.

In the case of a claimant who was disabled on or before June 1 or who attained the age of 65 on the date specified in subdivision 1, the refund shall not be less than the refund which the claimant's household income as defined in section 290A.03 and property tax or rent constituting property tax would have entitled him to receive under Minnesota Statutes 1974, Section 290.0618.

Sec. 11. Minnesota Statutes 1976, Section 291.05, is amended to read:

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291.05 EXEMPTIONS. The following exemptions from the tax are hereby allowed:

(1) Any devise, bequest, gift, or transfer to or for the use of the United States of America or any state or any political subdivision thereof for public purposes exclusively, and any devise, bequest, gift, or transfer to or for the use of any corporation, fund, foundation, trust, or association operated within this state for religious, charitable, scientific, literary, education or public cemetery purposes exclusively, including the encouragement of art and the prevention of cruelty to children or animals, no part of which devise, bequest, gift, or transfer inures to the profit of any private stockholder or individual, and any bequest or transfer to a trustee or trustees exclusively for such purposes, shall be exempt. Any devise, bequest, gift, or transfer to an employee stock ownership trust as defined in section 290.01, subdivision 25, shall be exempt. Where the beneficiaries of a stock ownership trust include the transferor, his spouse, children, grandchildren, parents, siblings or their children, the amount of the exemption shall be reduced by the product of multiplying said amount by their percentage interest in the trust.

Any devise, bequest, gift, or transfer, not to exceed \$1,000 made to a clergyman, the proceeds of which are to be used for religious purposes or rites designated by the testator, shall be exempt. Any devise, bequest, gift, or transfer to or for the use of any corporation, fund, foundation, trust, or association operated for religious, charitable, scientific, literary, education, or public cemetery purposes exclusively, including the encouragement of art, and the prevention of cruelty to children or animals, no part of which devise, bequest, gift, or transfer inures to the profit of any private stockholder or any individual, and any bequest or transfer to a trustee or trustees exclusively for such purposes, shall be exempt, if, at the date of the decedent's death, the laws of the state under the laws of which the transferee was organized or existing, either (1) did not impose a death tax of any character, in respect of property transferred to a similar corporation, fund, foundation, trust, or association, organized or existing under the laws of this state, or (2) contained a reciprocal provision under which transfers to a similar corporation, fund, foundation, trust, or association, organized or existing under the laws of another state were exempted from death taxes of every character if such other state allowed a similar exemption to a similar corporation, fund, foundation, trust, or association, organized under the laws of such state.

(2) The homestead of a decedent, and the proceeds thereof if sold during administration, transferred to the spouse or to any minor or dependent child of the decedent, or to any minor or dependent legally adopted child of the decedent, shall be exempt to the extent of \$45,000 of the appraised value thereof. In no case shall the quantity of land considered to be the homestead of a decedent for the purpose of this exemption exceed 120 acres if the land is not included in the laid out or platted portion of a city. If the land is within a laid out or platted portion of a city, its area shall not exceed one-half of an acre. In the case of a decedent's estate wherein no property or beneficial interest therein passing by reason of death is eligible for the homestead exemption because the decedent did not have an interest in property constituting a homestead at the time of his death, there shall be allowed an exemption in lieu of the homestead exemption, in the amount of \$10,000. The exemption shall be allocated among the surviving spouse and the decedent's natural or adopted minor or dependent children in

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proportion to the total amount of property or any interest therein passing to such spouse and children.

Proceeds of any insurance policy issued by the United States and generally known as war risk insurance, United States government life insurance or national service life insurance payable upon the death of any person dying on or after June 24, 1950, shall be exempt.

Proceeds of life insurance issued pursuant to Public Law 89-214 and generally known as servicemen's group life insurance payable upon the death of any person on or after September 1, 1965, shall be exempt. Claims for refunds of inheritance tax paid on such proceeds shall be accepted by the commissioner if filed with him by December 31, 1970, or within 18 months after such payment, whichever is later.

Proceeds of payments from the United States railroad retirement fund; or from the United States as social security benefit, shall be exempt.

(3) (i) Property or any beneficial interest therein of the clear value of \$60,000 transferred to the surviving spouse, shall be exempt.

(ii) Provided, where the amount of family maintenance allowed by the probate court is less than the maximum deductible under the provisions of section 291.10, or if no such maintenance is allowed, there shall be allowed to the surviving spouse an additional exemption equal in amount to the difference between the maximum deduction as provided by section 291.10 and the amount of such family maintenance allowed by the probate court. Further provided, where no probate proceedings are had there shall be allowed to the surviving spouse an additional exemption equal to the maximum deduction allowed for family maintenance under the provisions of section 291.10.

(4) (i) Property or any beneficial interest therein of the clear value of \$30,000 transferred to each minor or dependent child of the decedent, or any minor or dependent legally adopted child of the decedent, shall be exempt.

(ii) Provided, where the decedent left no surviving spouse entitled to the exemption allowed by clause (3) of this section the exemption allowed by subparagraph (ii) of clause (3) shall be allowed to beneficiaries entitled to exemption under the provisions of this clause. In no event shall the aggregate amount of exemption so allowed be in excess of the additional amount that would have been allowed under subparagraph (ii) of clause (3) had such paragraph been applicable.

(5) Property or any beneficial interest therein of the clear value of \$6,000 transferred to any adult child or other lineal descendant of the decedent, any adult legally adopted child, stepchild as defined in section 291.005, or any child to whom the decedent, for not less than ten years prior to his death, stood in the mutually acknowledged relation of a parent; provided, such mutually acknowledged relationship began at or before the child's fifteenth birthday, and was continuous for ten years thereafter, or any lineal issue of such adopted or mutually acknowledged child, or any lineal ancestor of the decedent, shall be exempt.

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(6) Property or any beneficial interest therein of the clear value of \$1,500 transferred to any brother or sister or a descendant of a brother or sister of the decedent, a wife or widow of a son, or a husband or widower of a daughter of the decedent, shall be exempt.

(7) Property or any beneficial interest therein of the clear value of \$500 transferred to any person in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate not exempt under this chapter, shall be exempt.

Sec. 12. Minnesota Statutes 1976, Section 292.07, Subdivision 3, is amended to read:

Subd. 3. **CREDITS.** A tax credit shall be allowed, in computing gift taxes due under this act, to the following donees in the following amounts:

Wife of the donor....\$300

Minor child, dependent child as defined in section 291.005, or any minor legally adopted child of the donor....\$75

Husband, an adult child, by blood or by adoption, other lineal descendant, a stepchild as defined in section 291.005, or any mutually acknowledged child of the donor, or lineal descendants of such adopted, dependent or mutually acknowledged children or of a stepchild\$20

Lineal ancestors of the donor....\$60

Brother or sister of the donor, a descendant of such brother or sister, a wife or widow of a son of the donor, and the husband or widower of a daughter of the donor....\$30

Brother or sister of the father or mother of the donor, and a descendant of a brother or sister of the father or mother of the donor....\$40

All others....\$20

The credit provided by this subdivision shall be allowed once only with respect to gifts by the donor to the same donee, and shall apply only to offset tax which would otherwise be due on gifts made on or after January 1, 1959.

Sec. 13. Minnesota Statutes 1976, Section 292.07, Subdivision 5, is amended to read:

Subd. 5. **CLASSES OF DONEES DEFINED.** Class A donees shall include only the wife and minor or dependent child, as defined in section 291.005, of the donor, and a *minor or dependent legally adopted child of the donor.* Class B donees shall include only the husband of the donor, adult child, stepchild as defined in section 291.005, or adult

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legally adopted child and the lineal issue of such stepchild or adopted child, lineal descendants and ancestors of the donor, any child of the donor, to whom he or she has stood in the mutually acknowledged relation of parent for not less than ten years prior to the making of the gift if such relationship began at or before such child's fifteenth birthday and was continuous for ten years thereafter, and the lineal issue of such child. Class C donees shall include only a brother or sister of the donor, a descendant of such brother or sister, a wife or widow of a son of the donor, and the husband or widower of a daughter of the donor. Class D donees shall include all donees other than those includible in the foregoing classes.

Sec. 14. Minnesota Statutes 1976, Section 292.125, is amended to read:

292.125 TRANSFER BY GIFT; REFUNDMENT OF TAX PAYMENTS. In the case of a transfer in respect of which a tax is imposed by section 292.01, if by reason of a contingency or condition occurring after such transfer an interest in property which resulted from or was created by such transfer be abridged or diminished or become vested in a person a transfer to whom is not subject to tax or is taxable at a rate lower than a rate theretofore applied, refund shall be made of the excess, if any, of the tax paid on such transfer over the amount of tax that would have been payable had the tax on such transfer been determined on the basis that such contingency or condition had occurred. Such refund shall bear interest at the rate of ~~three~~ six percent per annum from the time of payment of the tax, and shall be made ~~only~~ if a claim therefor be filed with the commissioner of revenue within two years after the occurrence of such contingency or condition. Except as otherwise provided in this section, the refund shall be made as provided in section 292.12, and any person aggrieved by a denial by the commissioner of any such claim may appeal therefrom.

Sec. 15. Minnesota Statutes 1976, Section 340.47, Subdivision 1, is amended to read:

340.47 EXCISE TAX. Subdivision 1. **ON INTOXICATING LIQUORS.** There shall be levied and collected on all intoxicating liquors manufactured, imported, sold or in possession of any person in this state, except as herein provided by sections 340.50 and 340.601, and except the natural fermentation of fruit juices in the home for family use the following excise tax:

(1) On all ~~unfortified wines~~ table wine containing 14 percent or less of alcohol by volume, the sum of 27 cents per gallon;

(2) On all ~~fortified wines~~ from containing more than 14 to percent and not exceeding 21 percent of alcohol by volume, the sum of 79 cents per gallon;

(3) On all ~~fortified wines~~ from containing more than 21 to percent and not exceeding 24 percent of alcohol by volume, the sum of \$1.58 per gallon;

(4) On all ~~fortified~~ wines containing more than 24 percent of alcohol by volume, the sum of \$3.08 per gallon;

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(5) On all natural and artificial sparkling wines containing alcohol, the sum of \$3.08 per gallon;

(6) On all other distilled spirituous liquors, liqueurs, cordials, and liquors designated as specialties regardless of alcoholic content, the sum of \$4.39 per gallon, but not including ethyl alcohol; provided, that in computing the tax on any package of spirits a proportional tax at a like rate on all fractional parts of a gallon shall be paid except that all fractional parts of a gallon less than one-sixteenth shall be taxed at the same rate as shall be taxed for one-sixteenth of a gallon; provided, however, that the contents of miniatures containing two fluid ounces or less shall be taxed 12 cents.

Sec. 16. Minnesota Statutes, 1977 Supplement, Section 340.47, Subdivision 1a, is amended to read:

Subd. 1a. **METRIC CONTAINERS.** In lieu of the tax imposed by subdivision 1, there shall be levied and collected on all intoxicating liquors manufactured, imported, sold or in possession of any person in this state when packaged in containers where the net contents is stated in metric units of measure, except as herein provided by sections 340.50 and 340.601, and except the natural fermentation of fruit juices in the home for family use the following excise tax:

(1) On all ~~unfortified wines~~ table wine containing 14 percent or less of alcohol by volume, the sum of seven cents per liter;

(2) On all ~~fortified wines from~~ containing more than 14 to percent and not exceeding 21 percent of alcohol by volume, the sum of 21 cents per liter;

(3) On all ~~fortified wines from~~ containing more than 21 to percent and not exceeding 24 percent of alcohol by volume, the sum of 42 cents per liter;

(4) On all ~~fortified~~ wines containing more than 24 percent of alcohol by volume, the sum of 81 cents per liter;

(5) On all natural and artificial sparkling wines containing alcohol, the sum of 81 cents per liter;

(6) On all other distilled spirituous liquors, liqueurs, cordials, and liquors designated as specialties regardless of alcoholic content, the sum of \$1.16 per liter, but not including ethyl alcohol; provided, that in computing the tax on any package of intoxicating liquors where the net contents is stated in metric units of measure, a proportional tax at a like rate on all fractional or multiple parts of a liter shall be paid, provided, however, that the contents of miniatures containing 50 milliliters or less shall be taxed 12 cents.

Sec. 17. Minnesota Statutes 1976, Section 473.249, Subdivision 1, is amended to read:

473.249 TAX LEVY. Subdivision 1. The metropolitan council may levy a tax on all **Changes or additions indicated by underline deletions by strikeout**

taxable property in the counties named in section 473.121 to provide funds for the purposes of sections 473.121 to 473.249 and for the purpose of carrying out other responsibilities of the council as provided by law. The tax shall not exceed eight-thirtieths of one mill on each dollar of the total assessed valuation of all such taxable property located in the metropolitan area, and shall be levied and collected in the manner provided by section 473.08.

Sec. 18. Minnesota Statutes 1976, Section 473.249, Subdivision 2, is amended to read:

Subd. 2. This section applies to taxes levied in 1969 and subsequent years. The commissioner of revenue shall annually determine whether the ad valorem property tax certified by the metropolitan council for levy following the adoption of its budget is within the levy limitation imposed by this section. To the extent practicable, the determination shall be completed prior to December 1 of each year. If current information regarding assessed valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current assessed valuation within that county for purposes of making the calculation.

Sec. 19. **REPEALER.** Minnesota Statutes, 1977 Supplement, Section 290.09, Subdivision 14, is repealed.

Sec. 20. **REPEALER.** Minnesota Statutes 1976, Section 291.13, Subdivision 2, is repealed.

Sec. 21. **EFFECTIVE DATE.** Sections 1, 6 and 20 are effective the day following final enactment. Sections 2, 3, 7 and 19 are effective for taxable years beginning after December 31, 1977. Section 5 is effective for taxable years beginning after December 31, 1978. Sections 8, 14, 15 and 16 are effective July 1, 1978. Section 9 is effective for claims based on property taxes payable in 1976 and subsequent years and rent paid in 1975 and subsequent years. A claimant who would qualify for a credit pursuant to the provisions of section 9 which is greater than that which he has received pursuant to Minnesota Statutes 1976, Section 290A.04, Subdivision 1, may file with the department of revenue a claim for an additional refund in the amount of the excess. Claims made pursuant to this provision shall not be subject to the penalties provided in Minnesota Statutes, Section 290A.06, if filed before December 31, 1978. Section 10 is effective for claims based on property taxes payable in 1978 and subsequent years and rent paid in 1977 and subsequent years. Section 11 is effective for estates of decedents dying after June 30, 1978. Sections 12 and 13 are effective for gifts made after December 31, 1978. Sections 17 and 18 are effective for property taxes levied in 1978, payable in 1979 and subsequent years.

Approved April 5, 1978.

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