

and the laws for conducting city elections in so far as applicable. Any person eligible to vote at a township or municipal election within the area of the new municipality, is eligible to vote at such election.

Any excess in the expense of conducting the election over receipts from filing fees shall be a charge against the new municipality; any excess of receipts shall be deposited in the treasury of the new municipality.

Sec. 20. **Repeals.** *Minnesota Statutes 1967, Sections 412.011; 412.021, Subdivisions 3 and 4; 414.01, Subdivisions 9 and 13; 414.02, Subdivisions 3a and 5; 414.03; 414.04; and 414.05, are repealed.*

Sec. 21. **Applicability.** *The provisions of this act are applicable to all proceedings before the commission initiated after the effective date of this act.*

Approved June 9, 1969.

CHAPTER 1147—H. F. No. 1666

[Coded in Part]

An act relating to taxation; providing for the self-assessment of gross earnings taxes; amending Minnesota Statutes 1967, Chapter 294 by adding a new section; and Sections 294.01, Subdivision 1; 294.02; 294.03; 294.06; 294.07; 294.08; 294.09; 294.10; 294.11; 295.02; 295.12; 295.13; 295.14; 295.15; 295.21; 295.25; 295.27; 295.29; 295.32; 295.34 by adding a new subdivision; and repealing Minnesota Statutes 1967, Sections 294.01, Subdivision 2; 294.04; 294.05; 295.06; 295.07; 295.08; 295.09; 295.10; 295.11; 295.16; 295.17; 295.18; 295.19; 295.20; 295.22; 295.26; and 295.35.

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

Section 1. Minnesota Statutes 1967, Section 294.01, Subdivision 1, is amended to read:

294.01 **Taxation; self assessment of gross earnings taxes; gross earnings tax.** *Subdivision 1. ~~On or before February first, of each year,~~ Every company, joint stock association, copartnership, corporation, or individual required by law to pay taxes to the state on a gross earnings basis shall ~~make and furnish an itemized statement, in duplicate,~~ to file a return with the commissioner of taxation, in*

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such form as he shall prescribe, containing a true and just report of the gross earnings for and during the year ending December thirty-first preceding; ~~verified by the president, secretary, treasurer, individual owner, or chief agent of such company in this state; provided; that railroad companies shall make semiannual reports, as provided in section 295.02. One copy of the report received shall be filed with the public examiner. Such return and payment of the tax due therewith shall be submitted on or before the date provided in Minnesota Statutes, Chapter 295, for such company, joint stock association, copartnership, corporation, or individual. Such~~ The gross earnings and the tax due thereon shall be computed in accordance with the method prescribed by law.

Sec. 2. Minnesota Statutes 1967, Section 294.02, is amended to read:

294.02 Examination of returns; assessments, refund. ~~The commissioner of taxation shall keep a permanent file of such gross earnings reports, inspect and verify each report and assess the earnings as shown thereon with the amount of taxes due; and, except in the case of telephone companies, certify the amount of such earnings and taxes to the state auditor, who thereupon shall make his draft on such company, joint stock association, copartnership, corporation, or individual, for the amount of taxes due, as thus certified, and place the draft in the hands of the state treasurer for collection. The commissioner of taxation shall, as soon as practicable after the return is filed, examine the same and make any investigation or examination of the taxpayer's records and accounts that he may deem necessary for determining the correctness of the return. The tax computed by him on the basis of such examination and investigation shall be the tax to be paid by such taxpayer. If the tax found due shall be greater than the amount reported as due on the taxpayer's return, the commissioner shall assess a tax in the amount of such excess and the whole amount of such excess shall be paid to the commissioner within 30 days after notice of the amount and demand for its payment shall have been mailed to the taxpayer by the commissioner. If the understatement of the tax on the return was false or fraudulent with intent to evade the tax, the installments of the tax shown by the taxpayer on his return which have not yet been paid shall be paid to the commissioner within 30 days after notice of the amount thereof and demand for payment shall have been mailed to the taxpayer by the commissioner. If the amount of tax found due by the commissioner shall be less than that reported as due on the taxpayer's return, the excess shall be refunded to the taxpayer in the manner provided in section 294.09 (except that no demand therefor shall be necessary), if he has already paid the whole of such tax, or credited against any unpaid in-~~

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stallment thereof; provided, that no refundment shall be made except as provided in section 294.09, after the expiration of three and one-half years after the filing of the return.

If the commissioner examines returns of a taxpayer for more than one year, he may issue one order covering the several years under consideration reflecting the aggregate refund or additional tax due.

The notices and demands provided for by sections 294.02 and 294.021 shall be in such form as the commissioner may determine (including a statement) and shall contain a brief explanation of the computation of the tax and shall be sent by mail to the taxpayer at the address given in his return, if any, and if no such address is given, then to his last known address.

In cases where there has been an overpayment of a self-assessed liability as shown on the return filed by the taxpayer, the commissioner may refund such overpayment to the taxpayer and no demand therefor shall be necessary.

Sec. 3. Minnesota Statutes 1967, Chapter 294, is amended by adding a new section to read:

[294.021] Assessment; failure to file return, false or fraudulent return filed. *If any company, joint stock association, copartnership, corporation, or individual required by this chapter to file any return shall fail to do so within the time prescribed by this chapter or by regulations under the authority thereof, or shall make, wilfully or otherwise, an incorrect, false, or fraudulent return, he shall, on the written demand of the commissioner of taxation, file such return, or corrected return, within 30 days after the mailing of such written demand and at the same time pay the whole tax, or additional tax, due on the basis thereof. If such taxpayer shall fail within that time to file such return, or corrected return, the commissioner shall make for him a return, or corrected return, from his own knowledge and from such information as he can obtain through testimony, or otherwise, and assess a tax on the basis thereof, which tax (less any payments theretofore made on account of the tax for the taxable year covered by such return) shall be paid within ten days after the commissioner has mailed to such taxpayer a written notice of the amount thereof and demand for its payment. Any such return or assessment made by the commissioner on account of the failure of the taxpayer to make a return, or a corrected return, shall be prima facie correct and valid, and the taxpayer shall have the burden of establishing its incorrectness or invalidity in any action or proceeding thereto.*

Sec. 4. Minnesota Statutes 1967, Section 294.03, is amended to read:

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294.03 Failure to pay tax; penalties, interest. *Subdivision 1.* If any company, joint stock association, copartnership, corporation, or individual required by law to pay taxes to the state on a gross earnings basis shall fail to pay such tax or gross earnings percentage by ~~March first, or, if a railway company subject to semiannual payment, by March first, and September first, respectively, or as provided by law, or if a telephone company shall fail to pay such tax by April 15,~~ a penalty of ~~ten percent thereof shall immediately accrue and thereafter one percent for each month after the same becomes delinquent March first or September first, while such tax remains unpaid within the time specified by law for the payment thereof, or within 30 days after final determination of an appeal to the Minnesota tax court relating thereto, there shall be added a specific penalty equal to five percent of the amount so remaining unpaid. Such penalty shall be collected as part of said tax, and the amount of said tax not timely paid, together with said penalty, shall bear interest at the rate of six percent per annum from the time such tax should have been paid until paid.~~

Subd. 2. In case of any failure to make and file a return as required by this chapter within the time prescribed by law or prescribed by the commissioner in pursuance of law, unless it is shown that such failure is not due to wilful neglect, there shall be added to the tax in lieu of the five percent specific penalty provided in subdivision 1: five percent if the failure is for not more than 30 days with an additional five percent for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax, and the amount of said tax together with the amount so added shall bear interest at the rate of six percent per annum from the time such tax should have been paid until paid unless the tax has been paid before the discovery of the neglect, in which case the amount so added shall be collected in the same manner as the tax.

For purposes of this subdivision, the amount of any taxes required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.

Subd. 3. Where any such company, joint stock association, copartnership, corporation or individual, with intent to evade the tax, shall fail to file any return required or shall with such intent file a false or fraudulent return, there shall also be imposed upon such company, joint stock association, copartnership, corporation or individual an additional penalty equal to fifty percent of any tax (less any

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amount paid on the basis of such false or fraudulent return) found due for the period to which such return related. The penalty imposed by this subdivision shall be collected as part of the tax and shall be in addition to any other penalties provided by law.

Sec. 5. Minnesota Statutes 1967, Section 294.06, is amended to read:

294.06 Delinquent taxes; collection. Such delinquent and unpaid *gross earnings tax and, penalties and interest*, assessed and certified by the commissioner of taxation, as provided in sections 294.03 and 294.05 *by law*, shall be a lien upon all the property, estate and effects of any such company, joint stock association, copartnership, corporation, or individual, and shall take precedence of all demands and judgments against the same; and said lien shall relate back to and be effective from the date when such tax was originally due and payable; and the certificate of the commissioner of taxation that said tax ~~and, penalties and interest~~ are due and unpaid, and/or the unpaid draft of the state auditor issued in pursuance ~~thereof~~ *of tax on gross earnings received by such company, joint stock association, copartnership, corporation, or individual on or prior to December 31, 1968, or by telephone companies on or prior to December 31, 1966*, shall be sufficient warrant for the attorney general to institute proceedings for the collection of said tax ~~and, penalties and interest~~ by sale of such property or otherwise.

~~Laws 1943, Chapter 120, shall apply to all taxes and penalties certified by the commissioner of taxation after March 15, 1943; provided that nothing therein shall affect property rights acquired in good faith and for value from a gross earnings taxpayer prior to March 15, 1943.~~

Sec. 6. Minnesota Statutes 1967, Section 294.07, is amended to read:

294.07 Uniform system of accounting. ~~The public examiner, with the approval of~~ The commissioner of taxation; shall have authority and power to prescribe for such companies, joint stock associations, copartnerships, corporations, or individuals a system of gross earnings accounts that shall be uniform for each class of companies; and he shall supervise the method of keeping such accounts; provided, that such system shall conform, as nearly as practicable, with that prescribed for such companies by the United States government.

Sec. 7. Minnesota Statutes 1967, Section 294.08, is amended to read:

294.08 Evasions; violations. ~~Any evasions or violations of~~

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the gross earnings tax laws which the public examiner may discover as a result of his examination of the books, records, and taxation reports of such companies; shall be reported by him to the governor. A transcript and a detailed report thereof containing a summary of all errors and omissions of taxable gross earnings shall be filed by the public examiner with the commissioner of taxation forthwith, who shall proceed, as under section 294.05, to assess omitted earnings for additional taxes and penalties and report to the attorney general such violations of law; and the attorney general shall institute such proceedings as may be required to secure compliance with the law and the recovery of public revenue. *Subdivision 1. Assessment, generally. Except as otherwise provided in this chapter, the amount of gross earnings taxes shall be assessed within three and one-half years after the return prescribed by section 294.01 is filed. Such taxes shall be deemed to have been assessed within the meaning of this section whenever the commissioner of taxation shall have determined the gross earnings subject to tax and computed and recorded the amount of tax with respect thereto, and if the amount is found to be in excess of that originally declared on the return, whenever the commissioner shall have prepared a notice of tax assessment and mailed same to the taxpayer. The notice of tax assessment shall be sent by mail to the post office address given in the return and the record of such mailing shall be presumptive evidence of the giving of such notice, and such records shall be preserved by the commissioner.*

Subd. 2. Computation of time. For the purposes of this section and section 294.09, a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

Subd. 3. False or fraudulent return and no return. When a company, joint stock association, copartnership, corporation, or individual required to file a return under this chapter files a false or fraudulent return or fails to file a return the tax may be assessed and the attorney general may begin proceedings in accordance with section 294.06 at any time.

Subd. 4. Consent to extend time. Where before the expiration of the time prescribed in subdivision 1 for the assessment of the tax, the commissioner of taxation and the company, joint stock association, copartnership, corporation, or individual filing the return consent in writing to an extension of time for the assessment of the tax, the tax may be assessed at any time prior to the expiration of the period 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.

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Subd. 5. Omission in excess of 25 percent. If the taxpayer omits from gross earnings an amount properly includible therein which is in excess of 25 percent of the amount of gross earnings stated in the return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun at any time within six years after the return was filed.

Sec. 8. Minnesota Statutes 1967, Section 294.09, is amended to read:

294.09 Overpayments; claims for refund. *It shall be the duty of the public examiner, the commissioner of taxation, the state auditor, and the state treasurer to keep a complete and properly itemized record of the transaction of their respective departments which reference to the assessment, collection, and verification of gross earnings taxes and penalties, and such record, and likewise the forms used by the several departments in certifying such earnings, taxes, and penalties, shall bear a three fold classification, namely, as they pertain to current year taxes, to delinquent tax payment, and to errors and omissions, respectively, as provided in sections 294.02, 294.03, and 294.08; and it shall be the duty of the public examiner, at least twice in each year, to compare the gross earnings records of each department and verify the collection of such taxes and penalties.*

1. Procedures; time limit. *A company, joint stock association, copartnership, corporation, or individual who has paid, voluntarily or otherwise, or from whom there has been collected (other than by proceedings instituted by the attorney general under sections 294.06 and 294.08, subdivision 3) an amount of gross earnings tax for any year in excess of the amount legally due for that year, may file with the commissioner of taxation a claim for a refund of such excess. Except as provided in subdivision 4, no such claim shall be entertained unless filed within two years after such tax was paid or collected, or within three and one-half years from the filing of the return, whichever period is the longer. Upon the filing of a claim the commissioner shall examine the same and shall make and file written findings thereon denying or allowing the claim in whole or in part and shall mail a notice thereof to such company, joint stock association, copartnership, corporation, or individual at the address stated upon the return. If such claim is allowed in whole or in part, the commissioner shall credit the amount of the allowance against any tax due the state from the claimant and for the balance of said allowance, if any, the commissioner shall issue his certificate for the refundment of the excess paid. The state auditor shall cause such refund to be paid out of the proceeds of the gross earnings taxes imposed by Minnesota Statutes 1967. Chapters 294 and 295 as other state moneys are expended. So much of the proceeds as may be necessary are hereby appropriated for that pur-*

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pose. Any allowance so made by the commissioner shall include interest at the rate of six percent computed from the date of payment or collection of the tax until the date the refund is paid to the claimant.

Subd. 2. Denial of claim, court proceedings. If the claim is denied in whole or in part, the taxpayer may commence an action against the commissioner to recover any overpayments of taxes claimed to be refundable but for which the commissioner has issued no certificate of refundment. Such action may be brought in the district court of the district in which lies the county of his residence or principal place of business or in the district court of Ramsey county. Such action may be commenced after the expiration of six months after the claim is filed if the commissioner has not then taken final action thereon, and shall be commenced within 18 months after the notice of the order denying the claim.

Subd. 3. Denial of claim, appeal. Either party to said action may appeal to the supreme court as in other cases.

Subd. 4. Consent to extend time. If the commissioner and the taxpayer have within the periods prescribed in subdivision 1 consented in writing to any extension of time for the assessment of the tax under the provisions of section 294.08, subdivision 4, the period within which a claim for refund may be filed, or a refund may be made or allowed, if no claim is filed, shall be the period within which the commissioner and the taxpayer have consented to an extension for the assessment of the tax and six months thereafter, provided, however, that the period within which a claim for refund may be filed shall not expire prior to two years after the tax was paid.

Sec. 9. Minnesota Statutes 1967, Section 294.10, is amended to read:

294.10 Records and files kept for six years by companies. Every person, company, joint stock association, co-partnership, or corporation required by law to pay taxes to the state upon a gross earnings basis, shall keep, as a permanent file and in such a manner as to make them easily accessible at all times for inspection by a properly accredited representative of the ~~public examiner of the railroad and warehouse commission~~ *commissioner of taxation*, all books, records, documents, papers, and statistics relating to such gross earnings for at least six years subsequent to the date that such gross earnings tax returns have been rendered to the state.

Sec. 10. Minnesota Statutes 1967, Section 294.11, is amended to read:

294.11 Destruction of certain papers. Any detached pa-

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pers subordinate to statements of gross earnings, or reports compiled in the accounting department, the full details of which are included in other statements or reports on file in as perfect a form, and which have been passed upon in a general examination by the special examiners or representatives of the state, but which have not reached the time limit prescribed in section 294.10, may, upon the recommendations of such special examiner or representative and the written approval of the ~~public examiner~~ *commissioner of taxation*, be destroyed.

If in the opinion of the commissioner of taxation, gross earnings may be adequately verified without reference to certain of such subordinate detached papers, he may authorize destruction of such detached papers without examination.

Sec. 11. Minnesota Statutes 1967, Section 295.02, is amended to read:

295.02 **Annual return.** Every railroad company owning or operating any line of railroad situated within, or partly within, this state shall, annually, pay ~~into the state treasury to the commissioner of taxation~~, in lieu of all taxes upon all property within this state owned or operated for railway purposes by such company, including equipment, appurtenances, appendages and franchises thereof, a sum of money equal to five percent of the gross earnings derived from the operation of such line of railway within this state.

On or before ~~August fifteenth~~ *September first*, annually, each such railroad company shall ~~make, according to law,~~ file a true and just return of all such gross earnings for the six months ending June thirtieth, next preceding, and the tax of five percent thereon shall become due and payable to the State of Minnesota, in manner provided by law, on September first ~~next thereafter~~.

On or before ~~February fifteenth~~ *March first*, annually, each such railroad company shall ~~make, according to law,~~ file a true and just return of all such gross earnings for the six months ending December thirty-first, next preceding, and tax of five percent thereon shall become due and payable to the State of Minnesota, in manner provided by law, on March first ~~next thereafter~~. The payments of such sums at the times hereinbefore set forth shall be in full and in lieu of all other taxes upon the property and franchises so taxed.

Such returns shall be filed with the commissioner, in such form as he shall prescribe, and the provisions of Minnesota Statutes, Chapter 294 and acts amendatory thereto, shall be applicable to such railroad companies and to the returns and the taxes submitted therewith by them.

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The lands acquired by public grant shall be and remain exempt from taxation until sold or contracted to be sold or conveyed, as provided in the respective acts whereby such grants were made or recognized.

Sec. 12. Minnesota Statutes 1967, Section 295.15, is amended to read:

295.15 Annual return. ~~Annually, on or before February first, every express company shall make and furnish to the commissioner of taxation, with a duplicate to the public examiner, an itemized statement, in such form as the public examiner, with the approval of the commissioner of taxation, may prescribe, containing a true and just return of the gross earnings, for and during the year ending December thirty-first 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, containing~~ *Every express company shall file a return with the commissioner of taxation, in such form as he shall prescribe, containing a true and just report of the gross earnings for and during the year ending December thirty-first preceding. Such return and payment of the tax due therewith shall be submitted on or before March first of each year. The provisions of Minnesota Statutes 1967, Chapter 294 and acts amendatory thereto, shall be applicable to such express companies and to the returns and the taxes submitted therewith by them.*

In addition to other facts required to be furnished on the form prescribed by the commissioner, the return shall contain the following facts:

- (1) ~~The name of the company;~~
- (2) ~~The nature of the company, whether a person, association, or corporation, and under the laws of what state or county organized;~~
- (3) ~~The location of its principal office;~~
- (4) ~~The name and post office address of the president, secretary, auditor, treasurer, and superintendent or general manager;~~
- (5) ~~The name and post office address of the chief officer or managing agent of the company in this state;~~
- (6) (1) ~~The entire receipts, including all sums earned or charged, whether actually received or not, for business done within this state, including its proportion of gross receipts for business done by such company within this state in connection with other companies;~~

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(7) (2) A statement of the amount actually paid by such express company for and during the year mentioned to the railroads within this state for the transportation of its freight within this state, showing the amount paid to each railroad company;

(8) (3) The entire receipts of the company for business done, as defined in clause (6) (1), after deducting the amounts paid for transportation of freight, as defined in clause (7) (2).

Sec. 13. Minnesota Statutes 1967, Section 295.21, is amended to read:

295.21 **Gross earnings assessment.** Every express company as defined in section 295.01, subdivision 4, shall be assessed a tax equal to five percent of its gross earnings, as defined in section 295.15, clause (6) (1), after deducting payments to railroads for the transportation of freight, as defined in section 295.15, clause (7) (2), and the same shall become due and payable to the state of Minnesota ~~on March first thereafter~~ *as required under Minnesota Statutes 1967, Section 294.01 and acts amendatory thereto*; and the payment of such sum at such time shall be in full and in lieu of all ad valorem taxes upon its property.

Sec. 14. Minnesota Statutes 1967, Section 295.25, is amended to read:

295.25 **Statement to be filed by railroads using or leasing cars of 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 31, 1925, of such cars, withhold so much thereof as shall represent the tax imposed on account thereof by section 295.24. On or before ~~August first~~ *September first* and ~~February first~~ *March first*, respectively, of each year, such railroad company shall make and file with the commissioner of taxation 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 thirtieth and December thirty-first, 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.

Sec. 15. Minnesota Statutes 1967, Section 295.27, is amended to read:

295.27 **Penalties and interest.** If any such railroad company shall fail to pay such tax when due ~~a penalty of ten percent~~

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thereof shall immediately accrue and thereafter one percent per month shall be added to such tax and penalty while such tax remains unpaid, the penalties and interest prescribed by Minnesota Statutes, Chapter 294 and acts amendatory thereto, in respect of taxes not paid when due shall be added to such unpaid tax. All provisions of law for enforcing payment of gross earnings taxes shall be applicable to the taxes of freight line companies. Any freight line company against which a tax is assessed under the provisions of sections 295.23 to 295.27 may appear and defend in any action brought for the collection of such tax. All taxes collected under the provisions of sections 295.23 to 295.27 shall be credited to the general revenue fund.

Sec. 16. Minnesota Statutes 1967, Section 295.29, is amended to read:

295.29 Annual return. *Annually, on or before February first* Every sleeping car company as defined in section 295.01, subdivision 7, shall ~~make and furnish to file a return with~~ the commissioner of taxation, ~~with a duplicate to the public examiner, an itemized statement, in such form as the public examiner, with the approval of the commissioner of taxation, he may prescribe, containing a true and just return report~~ of the gross earnings from owning, operating, renting, or leasing such cars for and during the year ending December thirty-first 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 Such return and payment of the tax due therewith shall be submitted on or before March first of each year.~~ Upon such gross earnings such sleeping car company shall pay ~~into the state treasury, in lieu of all ad valorem taxes upon all taxable property of the company within this state, a sum of money tax equal to six percent 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 first next thereafter. The provisions of Minnesota Statutes 1967, Chapter 294 and acts amendatory thereto, shall be applicable to such sleeping car companies and to the returns and taxes submitted therewith by them.~~

Sec. 17. Minnesota Statutes 1967, Section 295.32, is amended to read:

295.32 Gross earnings tax; annual return. Every telegraph company as defined in section 295.01, subdivision 9, shall ~~pay into the state treasury, on or before March first, of each year, beginning with March 1, 1946, six percent~~ file a return with the commissioner of taxation, in such form as he shall prescribe, containing a true and just

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report of its gross earnings derived from business within the state during the preceding calendar year, which return shall contain a computation of tax of six percent of such gross earnings. Such return and payment of the tax due therewith shall be submitted on or before March first of each year, and shall be in lieu of all ad valorem taxes upon the property of such company within the state for the year during which such gross earnings accrued. The provisions of Minnesota Statutes 1967, Chapter 294 and acts amendatory thereto, shall be applicable to such telegraph companies and to the returns and to the taxes submitted therewith by them.

Sec. 18. Minnesota Statutes 1967, Section 295.34, is amended by adding a new subdivision to read:

Subd. 3. The provisions of Minnesota Statutes 1967, Chapter 294 and acts amendatory thereto, shall be applicable to such telephone companies and to the returns and to the taxes submitted therewith by them.

Sec. 19. Minnesota Statutes 1967, Section 295.12, is amended to read:

295.12 Distraint; sale; fees. At any time after March first, of each year, when any such tax or percentage of gross earnings is due from any railroad or railway corporation or company, the ~~state treasurer, or his deputy~~ *commissioner of taxation*, shall distraint sufficient goods, chattels, or other movable property, if found within the state, to pay such taxes or percentage and the costs that may accrue, and shall immediately advertise the same in three newspapers published in the state, stating the time when and the place where such property will be sold; and if the taxes for which such property is distrained and the costs which accrue thereon are not paid before the day appointed for such sale, which shall not be sooner than three weeks from the taking of such property, the ~~treasurer, or his deputy~~ *commissioner of taxation*, shall sell such property at public vendue, or so much thereof as shall be sufficient to pay such taxes and the costs of such distress and sale and penalty, as in this chapter provided. The ~~treasurer and his deputies~~ *commissioner of taxation* shall be allowed the same fees, costs, and disbursements for making such distress and sale as are allowed by law to sheriffs for making levy and sale of property on execution, traveling fees to be computed from the state capitol to the place of making the distress; but they shall receive no fees or costs from the state for making such distress or sale.

Sec. 20. Minnesota Statutes 1967, Section 295.13, is amended to read:

295.13 What chattels may be distrained. All steam engines

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and cars of every kind shall be deemed chattels and movable property for the purpose of the enforcement of such taxes. When any steam engine or car is levied on, the ~~state treasurer, or his deputy commissioner of taxation,~~ making such distress or levy may move the same upon and over any road, track, or side track within the state, and to any town or city therein. The ~~treasurer, or his deputy commissioner of taxation,~~ making such levy may seize and take immediate and exclusive possession of any side track, roundhouse, or engine house, depot or warehouse, or building of the corporation or company in default, and move any property so distrained or levied on, upon, or into the same, and maintain such possession so long as, in the opinion of the ~~treasurer commissioner of taxation,~~ may be necessary for the collection of such taxes. Every person who, without authority from the ~~treasurer, or his deputy commissioner of taxation,~~ interferes with or molests the property so levied upon, or such side track or building upon or in which the same shall be placed, shall be deemed guilty of a felony, and be punished by imprisonment in the state prison for not less than one year, nor more than seven years.

Sec. 21. Minnesota Statutes 1967, Section 295.14, is amended to read:

295.14 **Lands sold to be returned.** On or before April first, of each year, every railroad company which has received lands from the state or the United States to aid it in the building of its road shall make, to the ~~railroad and warehouse commission~~ *commissioner of taxation*, a full and complete return of all lands sold or contracted to be sold during the year ending December thirty-first preceding, verified by the land commissioner or other proper officer of such company. All trustees or other persons to whom any such lands have been conveyed, or by whom such lands are held in trust or otherwise, shall be subject to this section.

Sec. 22. *Minnesota Statutes 1967, Sections 294.01, Subdivision 2; 294.04; 294.05; 295.06; 295.07; 295.08; 295.09; 295.10; 295.11; 295.16; 295.17; 295.18; 295.19; 295.20; 295.22; 295.26; and 295.35 are repealed.*

Approved June 9, 1969.

CHAPTER 1148—H. F. No. 2366

An act relating to fees to be paid to the state of Minnesota; amending Minnesota Statutes 1967, Sections 18.51, Subdivision 2;

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