

they are intended for personal use by that person and not to be sold or offered for sale;

(5) ~~Sample~~ Packages of not more than ~~five~~ *ten* cigarettes each, in the possession of a representative of *either* a manufacturer or a person authorized pursuant to section 297.03, subdivision 10, to distribute such packages.

Sec. 3. Minnesota Statutes 1967, Section 297.05, Subdivision 3, is amended to read:

Subd. 3. **Warehouse, record of deliveries and shipments.** Records of all deliveries or shipments of cigarettes from a licensed warehouse to persons within this state shall be kept by the warehouse and be available to the commissioner for inspection. They shall show the name and address of the consignee, the date, the quantity of cigarettes delivered, and such other information as the commissioner may require. These records shall be ~~reserved~~ *preserved* for one year from the date of delivery of the cigarettes.

Sec. 4. *The provisions of this act shall be effective beginning July 1, 1969.*

Approved May 29, 1969.

---

#### CHAPTER 883—S. F. No. 1619

*An act relating to the taxation of cigarettes and tobacco products; amending Minnesota Statutes 1967, Sections 297.07, Subdivisions 1 and 4; 297.23, Subdivision 1; and 297.35, Subdivisions 1, 5 and 8.*

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

Section 1. Minnesota Statutes 1967, Section 297.07, Subdivision 1, is amended to read:

297.07 **Taxation; tobacco products; distributor to file returns.** Subdivision 1. **Monthly return filed with commissioner.** On or before the ~~twentieth~~ *18th* day of each calendar month every distributor with a place of business in this state shall file a return with the commissioner showing the quantity of cigarettes manufactured or brought in from without the state or purchased during the preceding calendar month and the quantity of cigarettes sold or otherwise disposed of in this state and outside this state during that

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

month. Every licensed distributor outside this state shall in like manner file a return showing the quantity of cigarettes shipped or transported into this state during the preceding calendar month. Returns shall be made upon forms furnished and prescribed by the commissioner and shall contain such other information as the commissioner may require. The return shall be accompanied by a remittance for the full unpaid tax liability shown by it.

Sec. 2. Minnesota Statutes 1967, Section 297.07, Subdivision 4, is amended to read:

Subd. 4. **Monthly tax payments; penalty for non-payment.** All taxes shall be due and payable not later than the ~~twentieth~~ *18th* day of the month following the calendar month in which they were incurred, and thereafter shall bear interest at the rate of ~~one six~~ *one and one-half* percent per ~~month~~ *annum*. The commissioner in issuing his final assessment pursuant to subdivision 3 shall add to the amount of tax found due and unpaid a penalty of ten percent thereof, except that, if he finds that the distributor has made a false and fraudulent return with intent to evade the tax imposed by sections 297.01 to 297.13, the penalty shall be 25 percent of the entire tax as shown by the corrected return.

Sec. 3. Minnesota Statutes 1967, Section 297.23, Subdivision 1, is amended to read:

297.23 **Consumers to file return.** Subdivision 1. On or before the ~~twentieth~~ *18th* day of each calendar month, every consumer who during the preceding calendar month has acquired title to or possession of cigarettes for use or storage in this state, upon which cigarettes the tax imposed by sections 297.01 to 297.13 has not been paid, shall file a return with the commissioner showing the quantity of cigarettes so acquired. The return shall be made upon a form furnished and prescribed by the commissioner, and shall contain such other information as the commissioner may require. The return shall be accompanied by a remittance for the full unpaid tax liability shown by it.

Sec. 4. Minnesota Statutes 1967, Section 297.35, Subdivision 1, is amended to read:

297.35 **Distributors, monthly returns.** Subdivision 1. On or before the ~~twentieth~~ *18th* day of each calendar month every distributor with a place of business in this state shall file a return with the commissioner showing the quantity and wholesale sales price of each tobacco product (1) brought, or caused to be brought, into this state for sale; and (2) made, manufactured or fabricated in

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

this state for sale in this state, during the preceding calendar month. Every licensed distributor outside this state shall in like manner file a return showing the quantity and wholesale sales price of each tobacco product shipped or transported to retailers in this state to be sold by those retailers, during the preceding calendar month. Returns shall be made upon forms furnished and prescribed by the commissioner and shall contain such other information as the commissioner may require. Each return shall be accompanied by a remittance for the full tax liability shown therein, less 2-1/2 percent of such liability as compensation to reimburse the distributor for his expenses incurred in the administration of sections 297.31 to 297.39.

Sec. 5. Minnesota Statutes 1967, Section 297.35, Subdivision 5, is amended to read:

Subd. 5. All taxes shall be due and payable not later than the ~~twentieth~~ 18th day of the month following the calendar month in which they were incurred, and thereafter shall bear interest at the rate of ~~one six percent per month~~ *annum*.

Where, under the provisions of subdivisions 2 and 3 of this section, the amount of tax due for a given period is assessed without allocating it to any particular month or months, the interest shall commence to run from the date of such assessment.

The commissioner shall have power to reduce or abate interest when in his opinion the facts warrant such reduction or abatement. The exercise of this power shall be subject to the ~~approval of the attorney general~~ *provisions of Minnesota Statutes, Chapter 270*.

Sec. 6. Minnesota Statutes 1967, Section 297.35, Subdivision 8, is amended to read:

Subd. 8. On or before the ~~20th~~ 18th day of each calendar month, every consumer who, during the preceding calendar month, has acquired title to or possession of tobacco products for use or storage in this state, upon which tobacco products the tax imposed by section 297.32 has not been paid, shall file a return with the commissioner showing the quantity of tobacco products so acquired. The return shall be made upon a form furnished and prescribed by the commissioner, and shall contain such other information as the commissioner may require. The return shall be accompanied by a remittance for the full unpaid tax liability shown by it.

Sec. 7. *The provisions of this act shall be effective beginning July 1, 1969.*

Approved May 29, 1969.

---

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