

CHAPTER 295

**RAILROAD, EXPRESS, FREIGHT LINE,
SLEEPING CAR,
TELEPHONE, TELEGRAPH,
TRUST COMPANIES**

295.01	Definitions.		
	RAILROADS		
	EXPRESS COMPANIES	295.34	TELEPHONE COMPANIES
295.15	Annual return.	295.36	Gross earnings tax.
295.21	Gross earnings assessment.	295.365	Tax a lien.
	FREIGHT LINE COMPANIES		Declarations of estimated gross earnings tax
295.23	Property; situs; value.		by telegraph and telephone companies.
295.24	Freight line companies to pay seven percent	295.366	Failure by telegraph or telephone company
	on gross earnings.		to pay estimated gross earnings tax.
295.25	Statement to be filed by railroads using or		TRUST COMPANIES
	leasing cars of freight line companies.	295.37	Trust companies to pay gross earnings tax.
295.27	Penalties and interest.	295.39	Reports filed by trust companies with com-
	SLEEPING CAR COMPANIES		missioner of revenue.
295.29	Annual return.	295.40	Tax determined.
295.30	Certain laws made applicable.	295.41	Failure to report; penalty.
295.31	Collection by civil action.	295.42	Non-payment of tax; penalty.
	TELEGRAPH COMPANIES	295.43	Lien of tax.
295.32	Gross earnings tax; annual return.	295.44	Hydropower facilities; exemption; taxation
295.33	Enforcement; regulations.		in lieu of property taxation.

295.01 DEFINITIONS.

Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of this chapter, shall be given the meanings subjoined to them.

Subd. 2. [Repealed, 1979 c 303 art 7 s 15]

Subd. 3. [Repealed, 1979 c 303 art 7 s 15]

Subd. 4. **Express companies.** Every person, company, joint stock association, or corporation, wherever organized or incorporated, engaged in the business of conveying to, from, or through this state, or any part thereof, money, packages, gold, silver, plate, or other articles by express shall be deemed to be an express company.

Subd. 5. **Freight line company.** Any person, joint stock association, or corporation, wherever organized or incorporated, engaged in the business of operating cars or engaged in the business of furnishing or leasing cars, not otherwise listed for taxation in Minnesota, for the transportation of freight, whether such cars be owned by such company or any other person or company, over any railway or lines, in whole or in part, within this state, such line or lines not being owned, leased, or operated by such company, whether such cars be termed box, flat, coal, ore, tank, stock, gondola, furniture, or refrigerator car, or by some other name, shall be deemed a freight line company.

Subd. 6. **Gross earnings received from all sources from the operation of such freight car lines within the state.** The term "gross earnings received from all sources from the operation of such freight car lines within the state," as used in section 295.24, is hereby declared and shall be construed to mean all earnings on business beginning and ending within the state and a proportion, based upon the proportion of mileage over which such business is done, of earnings on all interstate business passing through, into, or out of the state.

Subd. 7. **Sleeping car company.** Every person, company, joint stock association, or corporation, wherever organized or incorporated, owning, operating,

renting, or leasing to other companies sleeping cars, tourist cars, drawing-room cars, or parlor cars which are used on railroads within this state and for which an extra fare is charged in addition to the railroad fare for transportation shall be deemed a sleeping car company.

Subd. 8. **Gross earnings derived from the ownership, operation, renting, or leasing of cars by such sleeping car company within this state.** The term "gross earnings derived from the ownership, operation, renting, or leasing of cars by such sleeping car company within this state," as used in section 295.29, is hereby declared and construed to mean all earnings on business beginning and ending within the state and a proportion, based upon the proportion of mileage within the state to the entire mileage over which such business is done, of earnings on all interstate business passing through, into, or out of the state.

Subd. 9. **Telegraph company.** Every person, company, joint stock association, or corporation, wherever organized or incorporated, owning or operating any telegraph line within this state shall be deemed a telegraph company.

Subd. 10. **Telephone company.** The term "telephone company" as used in this chapter means any person, firm, association or corporation, excluding municipal telephone companies, owning or operating any telephone line or telephone exchange for hire wholly or partly within this state, including radio and other advancements in the art of telephony.

History: *RL s 1012, 1031; 1909 c 454 s 1; Ex1912 c 9 s 2; 1913 c 480 s 1,3; 1919 c 506 s 1,4; 1973 c 278 s 1; 1973 c 617 s 1,2 (2247, 2251, 2261, 2270, 2273, 2277, 2279, 2282)*

RAILROADS

- 295.02 [Repealed, 1979 c 303 art 7 s 15]
- 295.021 [Repealed, 1969 c 399 s 51]
- 295.03 [Repealed, 1979 c 303 art 7 s 15]
- 295.04 [Repealed, 1979 c 303 art 7 s 15]
- 295.05 [Repealed, 1979 c 303 art 7 s 15]
- 295.06 [Repealed, 1969 c 9 s 101; 1969 c 1147 s 22]
- 295.07 [Repealed, 1969 c 9 s 101; 1969 c 1147 s 22]
- 295.08 [Repealed, 1969 c 9 s 101; 1969 c 1147 s 22]
- 295.09 [Repealed, 1969 c 9 s 101; 1969 c 1147 s 22]
- 295.10 [Repealed, 1969 c 9 s 101; 1969 c 1147 s 22]
- 295.11 [Repealed, 1969 c 1147 s 22]
- 295.12 [Repealed, 1979 c 303 art 7 s 15]
- 295.13 [Repealed, 1979 c 303 art 7 s 15]
- 295.14 [Repealed, 1979 c 303 art 7 s 15]

EXPRESS COMPANIES

295.15 ANNUAL RETURN.

Every express company shall file a return with the commissioner of revenue, 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 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:

MINNESOTA STATUTES 1982

5521

RAILROAD, EXPRESS, FREIGHT LINE, SLEEPING CAR 295.25

(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;

(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;

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

History: *RL s 1013; 1913 c 454 s 1; 1969 c 1147 s 12; 1973 c 582 s 3 (2262)*

295.16 [Repealed, 1969 c 1147 s 22]

295.17 [Repealed, 1969 c 1147 s 22]

295.18 [Repealed, 1969 c 1147 s 22]

295.19 [Repealed, 1969 c 1147 s 22]

295.20 [Repealed, 1969 c 1147 s 22]

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 (1), after deducting payments to railroads for the transportation of freight, as defined in section 295.15, clause (2), and the same shall become due and payable to the state of Minnesota as required under 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.

History: *RL s 1019; 1913 c 454 s 2; Ex1937 c 3 s 3; Ex1937 c 9 s 3; 1965 c 675 s 1; 1969 c 1147 s 13 (2268)*

295.22 [Repealed, 1969 c 1147 s 22]

FREIGHT LINE COMPANIES

295.23 PROPERTY; SITUS; VALUE.

For the purpose of taxation, all cars used exclusively within the state or used partially within and without the state, are hereby declared to have situs in the state, the value of such property for the purpose of taxation to be determined as provided by section 295.24.

History: *1919 c 506 s 2 (2271)*

295.24 FREIGHT LINE COMPANIES TO PAY SEVEN PERCENT ON GROSS EARNINGS.

Every freight line company shall pay, annually, a sum in the nature of a tax at seven percent upon the total gross earnings received from all sources by such freight line company within the state, which shall be in lieu of all ad valorem taxes upon all property of any freight line company so paying the same.

History: *1919 c 506 s 3; Ex1937 c 3 s 1; Ex1937 c 9 s 1 (2272)*

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

MINNESOTA STATUTES 1982

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 September first and March first, respectively, of each year, such railroad company shall make and file with the commissioner of revenue a statement, 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.

History: 1919 c 506 s 5; 1925 c 329 s 1; Ex1937 c 3 s 1; Ex1937 c 9 s 1; 1969 c 1147 s 14; 1973 c 582 s 3 (2274)

295.26 [Repealed, 1969 c 1147 s 22]

295.27 PENALTIES AND INTEREST.

If any such railroad company shall fail to pay such tax when due, the penalties and interest prescribed by 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 fund.

History: 1919 c 506 s 7; 1925 c 329 s 3; 1969 c 399 s 49; 1969 c 1147 s 15 (2276)

SLEEPING CAR COMPANIES

295.29 ANNUAL RETURN.

Every sleeping car company as defined in section 295.01, subdivision 7, shall file a return with the commissioner of revenue, in such form as he may prescribe, containing a true and just report of the gross earnings from owning, operating, renting, or leasing such cars 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. Upon such gross earnings such sleeping car company shall pay, in lieu of all ad valorem taxes upon all taxable property of the company within this state, a 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. The provisions of chapter 294 and acts amendatory thereto, shall be applicable to such sleeping car companies and to the returns and taxes submitted therewith by them.

History: 1913 c 480 s 2; Ex1937 c 3 s 2; Ex1937 c 9 s 2; 1969 c 1147 s 16; 1973 c 582 s 3 (2278)

295.30 CERTAIN LAWS MADE APPLICABLE.

All acts and parts of acts, not inconsistent herewith, regulating the payment, collection, time of payment, enforcement, or reports involving the amount of taxes upon the gross earnings of sleeping car companies within this state or providing penalties for the non-payment of such taxes are hereby made applicable to sections 295.29 and 295.31 so far as may be.

History: 1913 c 480 s 4 (2280)

295.31 COLLECTION BY CIVIL ACTION.

Upon failure to pay the amount of such taxes legally due, upon the respective dates hereinbefore set forth, collection thereof may be enforced in addition to existing remedies, in a civil action brought in the name of the state of Minnesota in the district court of any county.

History: 1913 c 480 s 5 (2281)

TELEGRAPH COMPANIES**295.32 GROSS EARNINGS TAX; ANNUAL RETURN.**

Every telegraph company as defined in section 295.01, subdivision 9, shall file a return with the commissioner of revenue, in such form as he shall prescribe, containing a true and just 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 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.

History: Ex1937 c 4 s 1; 1945 c 222 s 1; 1969 c 1147 s 17; 1973 c 582 s 3 (2282-1)

295.33 ENFORCEMENT; REGULATIONS.

The commissioner of revenue shall enforce section 295.32 and shall have the power to make all necessary regulations and to acquire all necessary information therefor.

History: Ex1937 c 4 s 3; 1973 c 582 s 3 (2282-3)

TELEPHONE COMPANIES**295.34 GROSS EARNINGS TAX.**

Subdivision 1. Except as provided in subdivision 2 every telephone company shall file a return with the commissioner of revenue on or before April 15 of each year, and submit payment therewith, of the following percentages of its gross earnings of the preceding calendar year derived from business within this state: (a) 4 percent of its gross earnings from service to rural subscribers; (b) 4 percent of its gross earnings from exchange business of all cities of the fourth class and statutory cities having a population of 10,000 or less; and (c) 7 percent of its gross earnings derived from all other business; which shall be in lieu of all other taxes, except the taxes imposed by chapter 290. All moneys paid by a company for connecting fees and switching charges to any other company shall be reported as earnings by the company to which they are paid, but shall not be deemed earnings of the collecting and paying company. For the purposes of this section, the population of any statutory city shall be considered as that stated in the latest federal census.

Subd. 2. All telephone companies whose gross earnings from operations during any calendar year whether derived from fixed assessments or any other source, and exclusive of connecting fees and switching charges paid to others, are \$1,000 or less, shall pay to the commissioner of revenue a tax of 30 cents per telephone for each telephone connected to the system during such calendar year whether the same is in actual use or not. Every taxpayer subject to this subdivision shall on or before April 15 of each year file a verified report in

duplicate copy with the commissioner of revenue in such form as may be prescribed, showing the number of telephones connected to the system whether in use or not, and such other information as the commissioner may deem necessary to a proper determination of the tax herein imposed. In all other respects the taxpayers subject to these provisions shall be governed by all other provisions of law in force and applicable to the gross earnings tax of telephone companies.

Subd. 3. The provisions of 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.

History: *RL s 1035; 1921 c 348 s 1; 1921 c 421 s 1; Ex1937 c 7 s 1; Ex1937 c 10 s 1; 1945 c 239 s 1; 1949 c 542 s 1; 1951 c 316 s 1; 1967 c 821 s 6,7; 1969 c 1147 s 18; 1973 c 123 art 5 s 7; 1973 c 582 s 3; 1Sp1981 c 4 art 1 s 153 (2286)*

295.35 [Repealed, 1969 c 1147 s 22]

295.36 TAX A LIEN.

Such tax shall be a lien upon, all and singular, the property, estate, and effects of any such telephone company, and shall take precedence of all demands and judgments against it.

History: *RL s 1037 (2288)*

295.361 [Repealed, 1969 c 399 s 51]

295.365 DECLARATIONS OF ESTIMATED GROSS EARNINGS TAX BY TELEGRAPH AND TELEPHONE COMPANIES.

Every telegraph company subject to taxation pursuant to section 295.32 and every telephone company subject to taxation pursuant to section 295.34, shall make a declaration of estimated gross earnings tax for the calendar year. The declaration of estimated tax shall be filed on or before March 15. The amount of estimated tax with respect to which a declaration is required shall be paid in four equal installments on or before the 15th day of March, June, September, and December. An amendment of a declaration may be filed in any interval between installment dates prescribed above but only one amendment may be filed in each such interval.

If any amendment of a declaration is filed, the amount of each remaining installment shall be the amount which would have been payable if the new estimate had been made when the first estimate for the calendar year was made, increased or decreased, as the case may be, by the amount computed by dividing

(1) the difference between (A) the amount of estimated tax required to be paid before the date on which the amendment was made, and (B) the amount of estimated tax which would have been required to be paid before such date if the new estimate had been made when the first estimate was made, by

(2) the number of installments remaining to be paid on or after the date on which the amendment is made.

The commissioner of revenue may grant a reasonable extension of time for filing any declaration but such extension shall not be for more than six months.

History: *1Sp1981 c 3 s 9*

295.366 FAILURE BY TELEGRAPH OR TELEPHONE COMPANY TO PAY ESTIMATED GROSS EARNINGS TAX.

Subdivision 1. **Addition to the tax.** In case of any underpayment of estimated tax by a telegraph or telephone company, except as provided in subdivision 4, there shall be added to the tax for the taxable year an amount determined at the

MINNESOTA STATUTES 1982

5525

RAILROAD, EXPRESS, FREIGHT LINE, SLEEPING CAR 295.39

rate specified in section 270.75 upon the amount of the underpayment (determined under subdivision 2) for the period of the underpayment (determined under subdivision 3).

Subd. 2. Amount of underpayment. For purposes of subdivision 1, the amount of the underpayment shall be the excess of

(1) the amount of the installment, over

(2) the amount, if any, of the installment paid on or before the last date prescribed for payment.

Subd. 3. Period of underpayment. The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier

(1) The 15th day of the third month following the close of the taxable year.

(2) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subdivision 2, clause (1) for such installment date.

Subd. 4. Exception. Notwithstanding the provisions of the preceding subdivisions, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser

(1) The tax shown on the return of the corporation for the preceding taxable year.

(2) Eighty percent of the actual liability for the calendar year.

History: *1Sp1981 c 3 s 10*

TRUST COMPANIES

295.37 TRUST COMPANIES TO PAY GROSS EARNINGS TAX.

On or before March first, of each year, every trust company organized under the laws of this state shall pay into the treasury of the county where its principal place of business is located six percent of its gross earnings for the preceding calendar year, which amount shall be in lieu of all ad valorem taxes upon the capital stock and the personal property of such trust company; provided, however, that if any such company shall receive deposits subject to check other than trust deposits, then such company shall be assessed in the same manner as incorporated banks are assessed, and shall pay taxes in the same manner as such banks.

History: *1913 c 529 s 1; Ex1937 c 3 s 4; Ex1937 c 9 s 4 (2289)*

295.38 [Repealed, 1973 c 650 art 27 s 1]

295.39 REPORTS FILED BY TRUST COMPANIES WITH COMMISSIONER OF REVENUE.

It shall be the duty of every trust company which is required to pay a tax of six percent of its gross earnings in lieu of taxes and assessments upon its capital stock and personal property pursuant to the provisions of section 295.37, on or before the first day of February, in each year, to make and file with the commissioner of revenue a report covering the preceding calendar year, verified by the oath of an officer of such company, setting forth correctly the full amount of the gross earnings of such company during the preceding calendar year, and such other and further information as the commissioner of revenue may require.

History: *1925 c 251 s 1; Ex1937 c 3 s 4; Ex1937 c 9 s 4; 1973 c 582 s 3 (2290-1)*

295.40 TAX DETERMINED.

Upon receipt of such report the commissioner of revenue shall determine therefrom and from such other information as he may possess or obtain the amount of tax due from such company; and, on or before the fifteenth day of February, the commissioner of revenue shall certify the amount of the taxes found and determined to be due from such company to the treasurer of the county in which such trust company has its principal place of business.

History: 1925 c 251 s 2; 1973 c 582 s 3 (2290-2)

295.41 FAILURE TO REPORT; PENALTY.

If any company subject to sections 295.39 to 295.43 shall fail to make the report provided for in section 295.39, at the time and in the manner therein provided, there shall be added to the tax found and determined by the commissioner of revenue to be due from such company a penalty equal to ten percent of the tax imposed, which shall be treated as a part thereof.

History: 1925 c 251 s 3; 1973 c 582 s 3 (2290-3)

295.42 NON-PAYMENT OF TAX; PENALTY.

In case the tax is not paid on or before the first day of March of the year when due and payable a penalty of ten percent thereof shall immediately accrue and be charged upon all such taxes.

History: 1925 c 251 s 4 (2290-4)

295.43 LIEN OF TAX.

Gross earnings taxes imposed under and pursuant to the provisions of section 295.37, which become delinquent, shall be a lien upon all of the property of the company owning the same, and shall be collected at the same time and in the same manner that delinquent personal property taxes are collected.

History: 1925 c 251 s 5 (2290-5)

295.44 HYDROPOWER FACILITIES; EXEMPTION; TAXATION IN LIEU OF PROPERTY TAXATION.

Subdivision 1. Exemption. Notwithstanding the provisions of sections 272.01, subdivision 2, 272.02, subdivision 5, and 273.19, subdivision 1, real or personal property used or to be used primarily for the production of hydroelectric or hydromechanical power on a site owned by the state or a local governmental unit and developed and operated pursuant to section 105.482, subdivisions 1, 8 and 9 shall be exempt from property taxation for the five calendar years succeeding the year in which the development agreement is executed.

Subd. 2. Gross earnings tax. On or before March first of each year, every lessee or operator of a hydropower facility pursuant to section 105.482, subdivisions 1, 8 and 9 shall pay into the treasury of the county where the hydropower facility is principally located ten percent of the gross earnings of the facility for the preceding calendar year. This tax shall be in lieu of all ad valorem taxes upon the real or personal property of the hydropower facility for the calendar year, and the tax shall be imposed for as long as the property is exempt from property taxation under subdivision 1.

Subd. 3. Proceeds; distribution. The county auditor shall distribute the proceeds of the gross earnings tax to the taxing districts in which the hydropower facility is located. The proceeds shall be apportioned on the basis of the mill rates of the respective taxing districts. If the facility consists of two or more parcels of property which are located in different taxing districts, the proceeds of the tax

MINNESOTA STATUTES 1982

5527

RAILROAD, EXPRESS, FREIGHT LINE, SLEEPING CAR 295.44

shall first be apportioned on the basis of the market value of the respective parcels in each of the taxing districts and then apportioned on the basis of the respective taxing districts' mill rates.

Subd. 4. **Calculation of levy limits.** In calculating the levy limits pursuant to sections 275.50 to 275.515, the amount of any proceeds of the gross receipts tax distributed to a governmental subdivision shall be deducted from the levy limitation determined under section 275.51, subdivision 3e for the year following the year in which the distribution was received.

History: 1982 c 523 art 27 s 5