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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1039

02/18/2015 Authored by Selcer, Davids, Erhardt, Rosenthal, Barrett and others
The bill was read for the first time and referred to the Committee on Taxes

1.1 A bill for an act
1.2 relating to taxation; estate; extending the date after which certain taxable gifts
1.3 are included in the Minnesota taxable estate; appropriating money; amending
1.4 Minnesota Statutes 2014, section 291.016, subdivision 2; Laws 2014, chapter
1.5 150, article 3, section 3; repealing Laws 2014, chapter 308, article 4, section 21.

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

1.7 Section 1. Minnesota Statutes 2014, section 291.016, subdivision 2, is amended to read:

1.8 Subd. 2. **Additions.** The following amounts, to the extent deducted in computing
1.9 the federal taxable estate, must be added in computing the Minnesota taxable estate:

1.10 (1) the amount of the deduction for state death taxes allowed under section 2058 of
1.11 the Internal Revenue Code;

1.12 (2) the amount of the deduction for foreign death taxes allowed under section
1.13 2053(d) of the Internal Revenue Code; and

1.14 (3) for decedents dying after June 30, 2016, the aggregate amount of taxable gifts as
1.15 defined in section 2503 of the Internal Revenue Code, made by the decedent within three
1.16 years of the date of death. For purposes of this clause, the amount of the addition equals
1.17 the value of the gift under section 2512 of the Internal Revenue Code and excludes any
1.18 value of the gift included in the federal estate.

1.19 **EFFECTIVE DATE.** This section is effective retroactively for estates of decedents
1.20 dying after December 31, 2013.

1.21 Sec. 2. Laws 2014, chapter 150, article 3, section 3, the effective date, is amended to
1.22 read:

2.1 **EFFECTIVE DATE.** This section is effective retroactively for estates of decedents
2.2 dying after December 31, 2013, except that the repeal of clause (4), item (ii), is effective
2.3 retroactively for estates of decedents dying after June 30, 2013.

2.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.5 Sec. 3. **AMENDED RETURNS.**

2.6 Estates that have made an overpayment of tax resulting from the changes made
2.7 in this act may file an amended return and, if applicable, a claim for refund with the
2.8 commissioner of revenue pursuant to the requirements of Minnesota Statutes, sections
2.9 289A.40 and 289A.50.

2.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.11 Sec. 4. **APPROPRIATION.**

2.12 An amount sufficient to pay refunds resulting from the changes made under this act
2.13 is appropriated from the general fund to the commissioner of revenue.

2.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.15 Sec. 5. **REPEALER.**

2.16 Laws 2014, chapter 308, article 4, section 21, is repealed.

2.17 **EFFECTIVE DATE.** This section is effective retroactively for estates of decedents
2.18 dying after June 30, 2013.

Laws 2014, chapter 308, article 4, section 21

Sec. 21. DEFINITION OF TAXABLE GIFT FOR DECEDENTS DYING BEFORE JANUARY 1, 2014.

For estates of decedents dying before January 1, 2014, "taxable gift" as used by Minnesota Statutes, section 291.005, subdivision 1, paragraph (4), means a transfer by gift which is included in taxable gifts for federal gift tax purposes under the following sections of the Internal Revenue Code: section 529; section 530; section 2501(a)(4); section 2503; sections 2511 to 2514; and sections 2516 to 2519; less the deductions allowed in sections 2522 to 2524 of the Internal Revenue Code, and after excluding taxable gifts of any property that has its situs outside Minnesota and including taxable gifts of any property that has its situs in Minnesota and were not disclosed to federal taxing authorities.

EFFECTIVE DATE. This section is effective retroactively for taxable gifts made after June 30, 2013.