

from the date such excess was paid or collected until the date it is refunded or credited. If such claim is allowed in whole or in part, the commissioner shall credit the amount of the allowance against any taxes under sections 297A.01 to 297A.44 due 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, and the state auditor shall cause such refund to be paid out of the proceeds of the taxes imposed by sections 297A.01 to 297A.44, as other state moneys are expended. So much of the proceeds of such taxes as may be necessary are hereby appropriated for that purpose.

Sec. 5. Minnesota Statutes 1969, Section 297A.35, is amended by adding a subdivision to read:

Subd. 4. If the commissioner and the person required to file the return 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 297A.34, subdivision 6, 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; 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. 6. The provisions herein shall be applicable to all returns in respect of which an assessment may be made or a refund allowed on the effective date of this act.

Approved May 25, 1971.

CHAPTER 510—S.F.No.2411

[Coded]

An act relating to income taxation; providing for voluntary withholding of income taxes; amending Minnesota Statutes 1969, Section 290.92, by adding a subdivision.

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

Section 1. Minnesota Statutes 1969, Section 290.92, is amended by adding a subdivision to read:

Subd. 20. TAXATION; INCOME TAX; VOLUNTARY WITHHOLDING AGREEMENTS. (a) (1) For purposes of this section, any

Changes or additions indicated by underline, deletions by ~~strikeout~~.

payment of an annuity to an individual to the extent includible in such individual's Minnesota gross income, if at the time the payment is made a request that such annuity be subject to withholding under this section is in effect, shall be treated as if it were a payment of wages by an employer to an employee for a payroll period.

(2) A request that an annuity be subject to withholding under this section shall be made by the payee in writing to the person making the annuity payments, as prescribed by the commissioner. Such a request may, notwithstanding any provision of law to the contrary, be terminated by furnishing to the person making the payments a written statement of termination. Such a request for withholding or statement of termination shall take effect in the same manner such a request or statement would take effect under the laws of the United States except to the extent the commissioner shall by regulation, provide otherwise.

(b) The commissioner is authorized by regulations to provide for withholding

(1) from remuneration for services performed by an employee for his employer which (without regard to this subdivision) does not constitute wages, and

(2) from any other type of payment with respect to which the commissioner finds that withholding would be appropriate under the provisions of this section,

if the employer and the employee, or in the case of any other type of payment the person making and the person receiving the payment, agree to such withholding. Such agreement shall be made in such form and manner as the commissioner may by regulations provide. For purposes of this section remuneration or other payments with respect to which such agreement is made shall be treated as if they were wages paid by an employer to an employee to the extent that such remuneration is paid or other payments are made during the period for which the agreement is in effect.

Approved May 25, 1971.

CHAPTER 511—S.F.No.2413

An act relating to taxes on and measured by net income; increasing interest payable on fraudulent, excessive, or negligent

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