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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **638**

01/30/2017 Authored by Howe, Theis, Kresha, Loonan and Fenton
The bill was read for the first time and referred to the Committee on Transportation Finance
02/23/2017 Adoption of Report: Amended and re-referred to the Committee on Taxes

1.1 A bill for an act
1.2 relating to taxation; sales and use tax; allocating the estimated revenue from the
1.3 sale of motor vehicle parts to the highway user tax distribution fund; amending
1.4 Minnesota Statutes 2016, section 297A.94.

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

1.6 Section 1. Minnesota Statutes 2016, section 297A.94, is amended to read:

1.7 **297A.94 DEPOSIT OF REVENUES.**

1.8 (a) Except as provided in this section, the commissioner shall deposit the revenues,
1.9 including interest and penalties, derived from the taxes imposed by this chapter in the state
1.10 treasury and credit them to the general fund.

1.11 (b) The commissioner shall deposit taxes in the Minnesota agricultural and economic
1.12 account in the special revenue fund if:

1.13 (1) the taxes are derived from sales and use of property and services purchased for the
1.14 construction and operation of an agricultural resource project; and

1.15 (2) the purchase was made on or after the date on which a conditional commitment was
1.16 made for a loan guaranty for the project under section 41A.04, subdivision 3.

1.17 The commissioner of management and budget shall certify to the commissioner the date on
1.18 which the project received the conditional commitment. The amount deposited in the loan
1.19 guaranty account must be reduced by any refunds and by the costs incurred by the Department
1.20 of Revenue to administer and enforce the assessment and collection of the taxes.

2.1 (c) The commissioner shall deposit the revenues, including interest and penalties, derived
2.2 from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3,
2.3 paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

2.4 (1) first to the general obligation special tax bond debt service account in each fiscal
2.5 year the amount required by section 16A.661, subdivision 3, paragraph (b); and

2.6 (2) after the requirements of clause (1) have been met, the balance to the general fund.

2.7 (d) The commissioner shall deposit the revenues, including interest and penalties,
2.8 collected under section 297A.64, subdivision 5, in the state treasury and credit them to the
2.9 general fund. By July 15 of each year the commissioner shall transfer to the highway user
2.10 tax distribution fund an amount equal to the excess fees collected under section 297A.64,
2.11 subdivision 5, for the previous calendar year.

2.12 (e) By July 15, 2018, the commissioner shall transfer from the general fund to the highway
2.13 user tax distribution fund \$300,000,000 as the estimated amount of taxes collected from the
2.14 sale and purchase of motor vehicle repair and replacement parts in calendar year 2017. By
2.15 July 15 of each subsequent year, the commissioner shall transfer from the general fund to
2.16 the highway user tax distribution fund an amount equal to the estimated revenues, including
2.17 interest and penalties, collected in tax from the sale or purchase of motor vehicle repair and
2.18 replacement parts. For purposes of this paragraph, "motor vehicle repair and replacement
2.19 parts" includes (1) all parts, tires, accessories, and equipment incorporated or affixed to the
2.20 motor vehicle as part of the motor vehicle maintenance or repair, and (2) paint, oil, and
2.21 other fluids that remain on or in the motor vehicle as part of the motor vehicle maintenance
2.22 or repair. Beginning June 30, 2018, and by June 30 of every fourth year thereafter, the
2.23 commissioner will estimate the percentage of total sales tax revenues collected in the previous
2.24 calendar year that is attributable to sales and purchases of motor vehicle repair and
2.25 replacement parts based on federal data and department consumption models. The amount
2.26 of sales tax revenue to be transferred to the highway user tax distribution fund on each July
2.27 15 is equal to the most recently calculated percentage estimate under this paragraph multiplied
2.28 by the total sales tax revenues collected in the previous calendar year. For purposes of this
2.29 paragraph, "motor vehicle" has the meaning given in section 297B.01, subdivision 11.

2.30 ~~(e)~~ (f) 72.43 percent of the revenues, including interest and penalties, transmitted to the
2.31 commissioner under section 297A.65, must be deposited by the commissioner in the state
2.32 treasury as follows:

2.33 (1) 50 percent of the receipts must be deposited in the heritage enhancement account in
2.34 the game and fish fund, and may be spent only on activities that improve, enhance, or protect

3.1 fish and wildlife resources, including conservation, restoration, and enhancement of land,
3.2 water, and other natural resources of the state;

3.3 (2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may
3.4 be spent only for state parks and trails;

3.5 (3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may
3.6 be spent only on metropolitan park and trail grants;

3.7 (4) three percent of the receipts must be deposited in the natural resources fund, and
3.8 may be spent only on local trail grants; and

3.9 (5) two percent of the receipts must be deposited in the natural resources fund, and may
3.10 be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory,
3.11 and the Duluth Zoo.

3.12 ~~(f)~~ (g) The revenue dedicated under paragraph ~~(e)~~ (f) may not be used as a substitute for
3.13 traditional sources of funding for the purposes specified, but the dedicated revenue shall
3.14 supplement traditional sources of funding for those purposes. Land acquired with money
3.15 deposited in the game and fish fund under paragraph ~~(e)~~ (f) must be open to public hunting
3.16 and fishing during the open season, except that in aquatic management areas or on lands
3.17 where angling easements have been acquired, fishing may be prohibited during certain times
3.18 of the year and hunting may be prohibited. At least 87 percent of the money deposited in
3.19 the game and fish fund for improvement, enhancement, or protection of fish and wildlife
3.20 resources under paragraph ~~(e)~~ (f) must be allocated for field operations.

3.21 ~~(g)~~ (h) The revenues deposited under paragraphs (a) to ~~(f)~~ (g) do not include the revenues,
3.22 including interest and penalties, generated by the sales tax imposed under section 297A.62,
3.23 subdivision 1a, which must be deposited as provided under the Minnesota Constitution,
3.24 article XI, section 15.

3.25 **EFFECTIVE DATE.** This section is effective July 1, 2018.