

This Document can be made available in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3912

04/14/2016 Authored by Anderson, S.; Loon; Davnie; Drazkowski; Davids 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; income and corporate franchise tax; modifying the research  
1.3 credit; amending Minnesota Statutes 2014, section 290.068, subdivisions 1, 2, by  
1.4 adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2014, section 290.068, subdivision 1, is amended to read:

1.7 Subdivision 1. **Credit allowed.** A corporation, partners in a partnership, or  
1.8 shareholders in a corporation treated as an "S" corporation under section 290.9725 are  
1.9 allowed a credit against the tax computed under this chapter for the taxable year equal to:

- 1.10 ~~(a)~~ (1) ten percent of the first \$2,000,000 of the excess (if any) of
- 1.11 ~~(+)~~ (i) the qualified research expenses for the taxable year, over
- 1.12 ~~(2)~~ (ii) the base amount; and
- 1.13 ~~(b)~~ (2) 2.5 percent on all of such excess expenses over \$2,000,000; or
- 1.14 (3) for a taxpayer with a valid alternative simplified credit election in effect, six
- 1.15 percent on all qualified research expenses for the taxable year over the base amount.

1.16 **EFFECTIVE DATE.** This section is effective for taxable years beginning after  
1.17 December 31, 2015.

1.18 Sec. 2. Minnesota Statutes 2014, section 290.068, subdivision 2, is amended to read:

1.19 Subd. 2. **Definitions.** For purposes of this section, the following terms have the  
1.20 meanings given.

- 1.21 (a) "Qualified research expenses" means (i) qualified research expenses and basic
- 1.22 research payments as defined in section 41(b) and (e) of the Internal Revenue Code, except
- 1.23 it does not include expenses incurred for qualified research or basic research conducted

2.1 outside the state of Minnesota pursuant to section 41(d) and (e) of the Internal Revenue  
 2.2 Code; and (ii) contributions to a nonprofit corporation established and operated pursuant  
 2.3 to the provisions of chapter 317A for the purpose of promoting the establishment and  
 2.4 expansion of business in this state, provided the contributions are invested by the nonprofit  
 2.5 corporation for the purpose of providing funds for small, technologically innovative  
 2.6 enterprises in Minnesota during the early stages of their development.

2.7 (b) "Qualified research" means qualified research as defined in section 41(d) of the  
 2.8 Internal Revenue Code, except that the term does not include qualified research conducted  
 2.9 outside the state of Minnesota.

2.10 (c) "Base amount" means:

2.11 (1) for taxpayers not subject to clause (2), the base amount as defined in section  
 2.12 41(c) of the Internal Revenue Code, except that the average annual gross receipts must  
 2.13 be calculated using Minnesota sales or receipts under section 290.191 and the definitions  
 2.14 contained in ~~clauses~~ paragraphs (a) and (b) shall apply; or

2.15 (2) for a taxpayer with an alternative simplified credit election in place under  
 2.16 subdivision 2a for the taxable year, 50 percent of the average qualified research expenses for  
 2.17 the three taxable years preceding the taxable year for which the credit is being determined.

2.18 **EFFECTIVE DATE.** This section is effective for taxable years beginning after  
 2.19 December 31, 2015.

2.20 Sec. 3. Minnesota Statutes 2014, section 290.068, is amended by adding a subdivision  
 2.21 to read:

2.22 Subd. 2a. **Alternative simplified credit election.** (a) A corporation, partnership, or  
 2.23 other taxpayer qualifying for a credit under this section may elect on an original return,  
 2.24 including all extensions, to calculate its base amount under subdivision 2, paragraph (c),  
 2.25 clause (2), for the taxable year. A taxpayer may revoke the election without approval of  
 2.26 the commissioner, but is precluded from making the election for the five taxable years  
 2.27 immediately following the taxable year to which the revocation applies.

2.28 (b) For a partnership, the election must be made by the partnership on the partnership  
 2.29 return or other form, as required by the commissioner, and applies to all of its partners.

2.30 **EFFECTIVE DATE.** This section is effective for taxable years beginning after  
 2.31 December 31, 2015.