

A bill for an act

relating to the financing and operation of state and local government; making policy, technical, administrative, enforcement, collection, refund, clarifying, and other changes to income, franchise, property, sales and use, estate, gift, cigarette, tobacco, liquor, motor vehicle, gross receipts, minerals, tax increment financing and other taxes and tax-related provisions; requiring certain additions; conforming to federal section 179 expensing allowances; adding Minnesota development subsidies to corporate taxable income; disallowing certain subtractions; allowing certain nonrefundable credits; allowing a refundable Minnesota child credit; repealing various credits; conforming to certain federal tax provisions; expanding definition of domestic corporation to include tax havens; modifying income tax rates; expanding and increasing credit for research activities; accelerating single sales apportionment; modifying minimum fees; allowing county local sales tax; eliminating certain existing local sales taxes; adjusting county program aid; modifying levy limits; making changes to residential homestead market value credit; providing flexibility and mandate reduction provisions; making changes to various property tax and local government aid-related provisions; providing temporary suspension of new or increased maintenance of effort and matching fund requirements; modifying county support of libraries; establishing the Council on Local Results and Innovation; providing property tax system benchmarks, critical indicators, and principles; establishing a property tax work group; creating the Legislative Commission on Mandate Reform; making changes to certain administrative procedures; modifying mortgage registry tax payments; modifying truth in taxation provisions; providing clarification for eligibility for property tax exemption for institutions of purely public charity; making changes to property tax refund and senior citizen property tax deferral programs; providing property tax exemptions; providing a property valuation reduction for certain land constituting a riparian buffer; providing a partial valuation exclusion for disaster damaged homes; extending deadline for special service district and housing improvement districts; requiring a fiscal disparity study; extending emergency medical service special taxing district; providing emergency debt certificates; providing and modifying local taxes; expanding county authorization to abate certain improvements; providing municipal street improvement districts; establishing a seasonal recreational property tax deferral program; expanding sales and use tax base; defining solicitor for purposes of nexus; providing a bovine tuberculosis testing grant; modifying tax preparation services law; modifying local lodging tax; eliminating authority of municipalities to issue bonds for certain other postemployment benefits; allowing use of increment to

2.1 offset state aid reductions; allowing additional authority to spend increments
2.2 for housing replacement district plans; modifying and authorizing certain tax
2.3 increment financing districts; providing equitable funding health and human
2.4 services reform; modifying JOBZ provisions; repealing international economic
2.5 development and biotechnology and health science industry zones; modifying
2.6 basic sliding fee program funding; providing appointments; requiring reports;
2.7 appropriating money; amending Minnesota Statutes 2008, sections 3.842,
2.8 subdivision 4a; 3.843; 16C.28, subdivision 1a; 40A.09; 84.82, subdivision
2.9 10; 84.922, subdivision 11; 86B.401, subdivision 12; 123B.10, subdivision
2.10 1; 134.34, subdivisions 1, 4; 270C.12, by adding a subdivision; 270C.445;
2.11 270C.56, subdivision 3; 272.02, subdivision 7, by adding subdivisions; 272.029,
2.12 subdivision 6; 273.111, by adding a subdivision; 273.1231, subdivision 1;
2.13 273.1232, subdivision 1; 273.124, subdivision 1; 273.13, subdivisions 25, 34;
2.14 273.1384, subdivisions 1, 4, by adding a subdivision; 273.1393; 275.025,
2.15 subdivisions 1, 2; 275.065, subdivisions 1, 1a, 1c, 3, 6; 275.07, subdivisions
2.16 1, 4, by adding a subdivision; 275.70, subdivisions 3, 5; 275.71, subdivisions
2.17 2, 4, 5; 276.04, subdivision 2; 279.10; 282.08; 287.08; 289A.02, subdivision
2.18 7, as amended; 289A.11, subdivision 1; 289A.20, subdivision 4; 289A.31,
2.19 subdivision 5; 290.01, subdivisions 5, 19, as amended, 19a, as amended, 19b,
2.20 19c, as amended, 19d, as amended, 29, 31, as amended, by adding subdivisions;
2.21 290.014, subdivision 2; 290.06, subdivisions 2c, 2d, by adding subdivisions;
2.22 290.0671, subdivision 1; 290.068, subdivisions 1, 3, 4; 290.091, subdivision 2;
2.23 290.0921, subdivision 3; 290.0922, subdivisions 1, 3, by adding a subdivision;
2.24 290.17, subdivisions 2, 4; 290.191, subdivisions 2, 3; 290A.03, subdivisions 3,
2.25 as amended, 15, as amended; 290A.04, subdivision 2; 290B.03, subdivision 1;
2.26 290B.04, subdivisions 3, 4; 290B.05, subdivision 1; 291.005, subdivision 1, as
2.27 amended; 291.03, subdivision 1; 295.75, subdivision 2; 297A.61, subdivisions
2.28 3, 4, 5, 6, 10, 14a, 17a, 21, 38, by adding subdivisions; 297A.62, by adding
2.29 a subdivision; 297A.63; 297A.64, subdivision 2; 297A.66, subdivision 1, by
2.30 adding a subdivision; 297A.67, subdivisions 15, 23; 297A.815, subdivision
2.31 3; 297A.83, subdivision 3; 297A.94; 297A.99, subdivisions 1, 6; 297B.02,
2.32 subdivision 1; 297F.01, by adding a subdivision; 297F.05, subdivisions 1, 3, 4,
2.33 by adding a subdivision; 297G.03, subdivision 1; 297G.04; 298.001, by adding
2.34 a subdivision; 298.018, subdivisions 1, 2, by adding a subdivision; 298.227;
2.35 298.24, subdivision 1; 298.28, subdivisions 2, 4, 11, by adding a subdivision;
2.36 306.243, by adding a subdivision; 344.18; 365.28; 375.194, subdivision 5;
2.37 383A.75, subdivision 3; 428A.101; 428A.21; 429.011, subdivision 2a; 429.021,
2.38 subdivision 1; 429.041, subdivisions 1, 2; 446A.086, subdivision 8; 465.719,
2.39 subdivision 9; 469.015; 469.174, subdivision 22; 469.175, subdivisions 1, 6;
2.40 469.176, subdivisions 3, 6, by adding a subdivision; 469.1763, subdivisions 2,
2.41 3; 469.178, subdivision 7; 469.315; 469.3192; 473.13, subdivision 1; 473H.04,
2.42 by adding a subdivision; 473H.05, subdivision 1; 475.51, subdivision 4; 475.52,
2.43 subdivision 6; 475.58, subdivision 1; 477A.011, subdivision 36; 477A.0124,
2.44 by adding a subdivision; 477A.013, subdivision 9, by adding a subdivision;
2.45 477A.03, subdivisions 2a, 2b; 641.12, subdivision 1; Laws 1986, chapter
2.46 396, section 4, subdivision 3; by adding a subdivision; Laws 1986, chapter
2.47 400, section 44, as amended; Laws 1991, chapter 291, article 8, section 27,
2.48 subdivision 3, as amended; Laws 1993, chapter 375, article 9, section 46,
2.49 subdivision 2, as amended, by adding a subdivision; Laws 1995, chapter 264,
2.50 article 5, sections 44, subdivision 4, as amended; 45, subdivision 1, as amended;
2.51 Laws 1996, chapter 471, article 2, section 30; Laws 1998, chapter 389, article
2.52 8, section 37, subdivision 1; Laws 2001, First Special Session chapter 5, article
2.53 3, section 8, as amended; Laws 2002, chapter 377, article 3, section 25; Laws
2.54 2006, chapter 259, article 3, section 12, subdivision 3; Laws 2008, chapter 366,
2.55 article 5, section 34; article 6, sections 9; 10; article 7, section 16, subdivision
2.56 3; proposing coding for new law in Minnesota Statutes, chapters 3; 6; 14; 17;
2.57 256E; 270C; 272; 273; 275; 290; 292; 297A; 435; 471; 475; 477A; proposing
2.58 coding for new law as Minnesota Statutes, chapter 290D; repealing Minnesota

Statutes 2008, sections 245.4835; 245.4932, subdivision 1; 246.54, subdivisions 1, 2; 252.275, subdivision 3; 253B.045, subdivision 2; 254B.04, subdivision 1; 256.82, subdivision 2; 256.976; 256B.05, subdivision 1; 256B.0625, subdivisions 20, 20a; 256B.0945, subdivisions 1, 2, 3, 4; 256B.19, subdivision 1; 256D.03; 256D.053, subdivision 3; 256E.12, subdivision 3; 256F.10, subdivision 7; 256F.13, subdivision 1; 256I.04; 256I.08; 256J.09, subdivisions 1, 2, 3; 256L.15, subdivision 4; 272.02, subdivision 83; 273.113; 275.065, subdivisions 5a, 6b, 6c, 8, 9, 10; 289A.50, subdivision 10; 290.01, subdivision 6b; 290.06, subdivisions 24, 28, 30, 31, 32, 33, 34; 290.067, subdivisions 1, 2, 2a, 2b, 3, 4; 290.0672; 290.0674; 290.0679; 290.0802; 290.0921, subdivision 7; 290.191, subdivision 4; 290.491; 297A.61, subdivision 45; 297A.68, subdivisions 38, 41; 469.316; 469.317; 469.321; 469.3215; 469.322; 469.323; 469.324; 469.325; 469.326; 469.327; 469.328; 469.329; 469.330; 469.331; 469.332; 469.333; 469.334; 469.335; 469.336; 469.337; 469.338; 469.339; 469.340; 469.341; 477A.0124, subdivisions 3, 4, 5; 477A.03, subdivision 5; Laws 2009, chapter 3, section 1; Laws 2009, chapter 12, article 1, section 8.

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

ARTICLE 1

INDIVIDUAL INCOME, CORPORATE FRANCHISE, AND ESTATE AND GIFT TAXES

Section 1. Minnesota Statutes 2008, section 289A.02, subdivision 7, as amended by Laws 2009, chapter 12, article 1, section 1, is amended to read:

Subd. 7. **Internal Revenue Code.** Unless specifically defined otherwise, "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through ~~December 31, 2008~~ March 31, 2009.

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

Sec. 2. Minnesota Statutes 2008, section 289A.31, subdivision 5, is amended to read:

Subd. 5. **Withholding tax, withholding from payments to out-of-state contractors, and withholding by partnerships and small business corporations.** (a) Except as provided in paragraph (b), an employer or person withholding tax under section 290.92 or 290.923, subdivision 2, who fails to pay to or deposit with the commissioner a sum or sums required by those sections to be deducted, withheld, and paid, is personally and individually liable to the state for the sum or sums, and added penalties and interest, and is not liable to another person for that payment or payments. The sum or sums deducted and withheld under section 290.92, subdivision 2a or 3, or 290.923, subdivision 2, must be held as a special fund in trust for the state of Minnesota.

(b) If the employer or person withholding tax under section 290.92 or 290.923, subdivision 2, fails to deduct and withhold the tax in violation of those sections, and later the taxes against which the tax may be credited are paid, the tax required to be deducted

and withheld will not be collected from the employer. This does not, however, relieve the employer from liability for any penalties and interest otherwise applicable for failure to deduct and withhold.

(c) Liability for payment of withholding taxes includes a responsible person or entity described in the personal liability provisions of section 270C.56.

(d) Liability for payment of withholding taxes includes a third party lender or surety described in section 270C.59.

(e) A partnership or S corporation required to withhold and remit tax under section 290.92, subdivisions 4b and 4c, is liable for payment of the tax to the commissioner, and a person having control of or responsibility for the withholding of the tax or the filing of returns due in connection with the tax is personally liable for the tax due.

(f) A payor of sums required to be withheld under section 290.9705, subdivision 1, is liable to the state for the amount required to be deducted, and is not liable to an out-of-state contractor for the amount of the payment.

(g) If an employer fails to withhold tax from the wages of an employee when required to do so under section 290.92, subdivision 2a, by reason of treating the employee as not being an employee, then the liability for tax is equal to three percent of the wages paid to the employee. The liability for tax of an employee is not affected by the assessment or collection of tax under this paragraph. The employer is not entitled to recover from the employee any tax determined under this paragraph.

EFFECTIVE DATE. This section is effective for taxes required to be withheld after June 30, 2009.

Sec. 3. Minnesota Statutes 2008, section 290.01, subdivision 5, is amended to read:

Subd. 5. **Domestic corporation.** The term "domestic" when applied to a corporation means a corporation:

(1) created or organized in the United States, or under the laws of the United States or of any state, the District of Columbia, or any political subdivision of any of the foregoing but not including the Commonwealth of Puerto Rico, or any possession of the United States;

(2) which qualifies as a DISC, as defined in section 992(a) of the Internal Revenue Code; ~~or~~

(3) which qualifies as a FSC, as defined in section 922 of the Internal Revenue Code;

(4) which is incorporated in a tax haven;

(5) which is engaged in activity in a tax haven sufficient for the tax haven to impose a net income tax under United States constitutional standards and section 290.015; or

(6) which has the average of its property, payroll, and sales factors, as defined under section 290.191, within the 50 states of the United States and the District of Columbia of 20 percent or more.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008.

Sec. 4. Minnesota Statutes 2008, section 290.01, is amended by adding a subdivision to read:

Subd. 5c. **Tax haven.** (a) "Tax haven" means a foreign jurisdiction designated under this subdivision.

(b) The commissioner may designate a foreign jurisdiction as a tax haven by administrative rule if the jurisdiction:

(1) has no or nominal effective tax on the relevant income; and

(2)(i) has laws or practices that prevent effective exchange of information for tax purposes with other governments on taxpayers benefiting from the tax regime;

(ii) has a tax regime that lacks transparency. A tax regime lacks transparency if the details of legislative, legal, or administrative provisions are not open and apparent or are not consistently applied among similarly situated taxpayers, or if the information needed by tax authorities to determine a taxpayer's correct tax liability, such as accounting records and underlying documentation, is not adequately available;

(iii) facilitates the establishment of foreign-owned entities without the need for a local substantive presence or prohibits these entities from having any commercial impact on the local economy;

(iv) explicitly or implicitly excludes the jurisdiction's resident taxpayers from taking advantage of the tax regime's benefits or prohibits enterprises that benefit from the regime from operating in the jurisdiction's domestic markets; or

(v) has created a tax regime that is favorable for tax avoidance, based upon an overall assessment of relevant factors, including whether the jurisdiction has a significant untaxed offshore financial or other services sector relative to its overall economy.

(c) The following foreign jurisdictions are deemed to be tax havens, unless the commissioner, by revenue notice, revokes the listing of a jurisdiction:

(1) Anguilla;

(2) Antigua and Barbuda;

(3) Aruba;

(4) Bahamas;

(5) Barbados;

- (6) Belize;
- (7) Bermuda;
- (8) British Virgin Islands;
- (9) Cayman Islands;
- (10) Cook Islands;
- (11) Dominica;
- (12) Gibraltar;
- (13) Grenada;
- (14) Guernsey-Sark-Alderney;
- (15) Isle of Man;
- (16) Jersey;
- (17) Latvia;
- (18) Liechtenstein;
- (19) Luxembourg;
- (20) Nauru;
- (21) Netherlands Antilles;
- (22) Panama;
- (23) Samoa;
- (24) St. Kitts and Nevis;
- (25) St. Lucia;
- (26) St. Vincent and Grenadines;
- (27) Turks and Caicos; and
- (28) Vanuatu.

(d) The commissioner shall revoke a foreign jurisdiction's listing under paragraph (b) or (c), as applicable, if the United States enters into a tax treaty or other agreement with the foreign jurisdiction that provides for prompt, obligatory, and automatic exchange of information with the United States government relevant to enforcing the provisions of federal tax laws and the treaty or other agreement was in effect for the taxable year.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008.

Sec. 5. Minnesota Statutes 2008, section 290.01, subdivision 19, as amended by Laws 2009, chapter 12, article 1, section 2, is amended to read:

Subd. 19. **Net income.** The term "net income" means the federal taxable income, as defined in section 63 of the Internal Revenue Code of 1986, as amended through the date named in this subdivision, incorporating the federal effective dates of changes to the

Internal Revenue Code and any elections made by the taxpayer in accordance with the Internal Revenue Code in determining federal taxable income for federal income tax purposes, and with the modifications provided in subdivisions 19a to 19f.

In the case of a regulated investment company or a fund thereof, as defined in section 851(a) or 851(g) of the Internal Revenue Code, federal taxable income means investment company taxable income as defined in section 852(b)(2) of the Internal Revenue Code, except that:

(1) the exclusion of net capital gain provided in section 852(b)(2)(A) of the Internal Revenue Code does not apply;

(2) the deduction for dividends paid under section 852(b)(2)(D) of the Internal Revenue Code must be applied by allowing a deduction for capital gain dividends and exempt-interest dividends as defined in sections 852(b)(3)(C) and 852(b)(5) of the Internal Revenue Code; and

(3) the deduction for dividends paid must also be applied in the amount of any undistributed capital gains which the regulated investment company elects to have treated as provided in section 852(b)(3)(D) of the Internal Revenue Code.

The net income of a real estate investment trust as defined and limited by section 856(a), (b), and (c) of the Internal Revenue Code means the real estate investment trust taxable income as defined in section 857(b)(2) of the Internal Revenue Code.

The net income of a designated settlement fund as defined in section 468B(d) of the Internal Revenue Code means the gross income as defined in section 468B(b) of the Internal Revenue Code.

The Internal Revenue Code of 1986, as amended through ~~December 31, 2008~~ March 31, 2009, shall be in effect for taxable years beginning after December 31, 1996.

Except as otherwise provided, references to the Internal Revenue Code in subdivisions 19 to 19f mean the code in effect for purposes of determining net income for the applicable year.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008. In enacting this section and other provisions of this article, the legislature intends net income to include and tax to apply to interest paid on any Build America Bond, as defined under section 54AA of the Internal Revenue Code of 1986, notwithstanding the provisions of section 1531 of Division B, Title I of the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

Sec. 6. Minnesota Statutes 2008, section 290.01, subdivision 19a, as amended by Laws 2009, chapter 12, article 1, section 3, is amended to read:

Subd. 19a. **Additions to federal taxable income.** For individuals, estates, and trusts, there shall be added to federal taxable income:

(1)(i) interest income on obligations of any state ~~other than Minnesota~~ or a political or governmental subdivision, municipality, or governmental agency or instrumentality of any state ~~other than Minnesota~~ exempt from federal income taxes under the Internal Revenue Code or any other federal statute, but excluding interest on qualified obligations; and

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, except the portion of the exempt-interest dividends derived from interest income on obligations of the state of Minnesota or its political or governmental subdivisions, municipalities, governmental agencies or instrumentalities, but only if the portion of the exempt-interest dividends from such Minnesota sources paid to all shareholders represents 95 percent or more of the exempt-interest dividends that are paid by the regulated investment company as defined in section 851(a) of the Internal Revenue Code, or the fund of the regulated investment company as defined in section 851(g) of the Internal Revenue Code, making the payment and only to the extent the interest is paid on qualified obligations; and

(iii) for the purposes of items (i) and (ii), interest on obligations of an Indian tribal government described in section 7871(c) of the Internal Revenue Code shall be treated as interest income on obligations of the state in which the tribe is located;

(2)(i) the amount of income ~~or~~ sales and use, motor vehicle sales, or excise taxes paid or accrued within the taxable year under this chapter and the amount of taxes based on net income paid ~~or~~ sales and use, motor vehicle sales, or excise taxes paid to any other state or to any province or territory of Canada;

(ii) the amount of real and personal property taxes paid or accrued within the taxable year;

(iii) qualified residence interest, as defined in section 163(h) of the Internal Revenue Code, to the extent allowed as a deduction under section 63(d) of the Internal Revenue Code; and

(iv) charitable contributions, as defined in section 170(c) of the Internal Revenue Code, to the extent allowed as a deduction under section 170(a) of the Internal Revenue Code,

to the extent allowed as ~~a deduction~~ deductions under section 63(d) of the Internal Revenue Code, ~~but the addition~~; but the sum of the additions made under items (i), (ii), (iii), and (iv) may not be more than the amount by which the itemized deductions as allowed under section 63(d) of the Internal Revenue Code exceeds the amount of the standard deduction as defined in section 63(c) of the Internal Revenue Code, disregarding the amount amounts

allowed under ~~section~~ sections 63(c)(1)(C) and 63(c)(1)(E) of the Internal Revenue Code. For the purpose of this paragraph, the disallowance of itemized deductions under section 68 of the Internal Revenue Code of 1986, income or sales and use tax ~~is~~, motor vehicle sales or excise tax, real and personal property taxes, qualified residence interest, and charitable contributions are the last itemized ~~deduction~~ deductions disallowed;

(3) the capital gain amount of a lump-sum distribution to which the special tax under section 1122(h)(3)(B)(ii) of the Tax Reform Act of 1986, Public Law 99-514, applies;

(4) the amount of income taxes paid or accrued within the taxable year under this chapter and taxes based on net income paid to any other state or any province or territory of Canada, to the extent allowed as a deduction in determining federal adjusted gross income. For the purpose of this paragraph, income taxes do not include the taxes imposed by sections 290.0922, subdivision 1, paragraph (b), 290.9727, 290.9728, and 290.9729;

(5) the amount of expense, interest, or taxes disallowed pursuant to section 290.10 other than expenses or interest used in computing net interest income for the subtraction allowed under subdivision 19b, clause (1);

(6) the amount of a partner's pro rata share of net income which does not flow through to the partner because the partnership elected to pay the tax on the income under section 6242(a)(2) of the Internal Revenue Code;

(7) 80 percent of the depreciation deduction allowed under section 168(k) of the Internal Revenue Code. For purposes of this clause, if the taxpayer has an activity that in the taxable year generates a deduction for depreciation under section 168(k) and the activity generates a loss for the taxable year that the taxpayer is not allowed to claim for the taxable year, "the depreciation allowed under section 168(k)" for the taxable year is limited to excess of the depreciation claimed by the activity under section 168(k) over the amount of the loss from the activity that is not allowed in the taxable year. In succeeding taxable years when the losses not allowed in the taxable year are allowed, the depreciation under section 168(k) is allowed;

(8) for taxable years beginning before January 1, 2009, 80 percent of the amount by which the deduction allowed by section 179 of the Internal Revenue Code exceeds the deduction allowable by section 179 of the Internal Revenue Code of 1986, as amended through December 31, 2003;

(9) to the extent deducted in computing federal taxable income, the amount of the deduction allowable under section 199 of the Internal Revenue Code;

(10) the exclusion allowed under section 139A of the Internal Revenue Code for federal subsidies for prescription drug plans;

(11) the amount of expenses disallowed under section 290.10, subdivision 2;

(12) the amount deducted for qualified tuition and related expenses under section 222 of the Internal Revenue Code, to the extent deducted from gross income;

(13) the amount deducted for certain expenses of elementary and secondary school teachers under section 62(a)(2)(D) of the Internal Revenue Code, to the extent deducted from gross income; ~~and~~

(14) the additional standard deduction for property taxes payable that is allowable under section 63(c)(1)(C) of the Internal Revenue Code; and

(15) the additional deduction for qualified motor vehicle sales tax allowable under section 63(c)(1)(E) of the Internal Revenue Code;

(16) discharge of indebtedness income resulting from reacquisition of business indebtedness and deferred under section 108(i) of the Internal Revenue Code; and

(17) the amount of unemployment compensation exempt from tax under section 85(c) of the Internal Revenue Code.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008, except that clause (16) is effective for taxable years ending after December 31, 2008.

Sec. 7. Minnesota Statutes 2008, section 290.01, subdivision 19b, is amended to read:

Subd. 19b. **Subtractions from federal taxable income.** For individuals, estates, and trusts, there shall be subtracted from federal taxable income:

(1) net interest income on obligations of any authority, commission, or instrumentality of the United States to the extent includable in taxable income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) if included in federal taxable income, the amount of any overpayment of income tax to Minnesota or to any other state, for any previous taxable year, whether the amount is received as a refund or as a credit to another taxable year's income tax liability;

~~(3) the amount paid to others, less the amount used to claim the credit allowed under section 290.0674, not to exceed \$1,625 for each qualifying child in grades kindergarten to 6 and \$2,500 for each qualifying child in grades 7 to 12, for tuition, textbooks, and transportation of each qualifying child in attending an elementary or secondary school situated in Minnesota, North Dakota, South Dakota, Iowa, or Wisconsin, wherein a resident of this state may legally fulfill the state's compulsory attendance laws, which is not operated for profit, and which adheres to the provisions of the Civil Rights Act of 1964 and chapter 363A. For the purposes of this clause, "tuition" includes fees or tuition as defined in section 290.0674, subdivision 1, clause (1). As used in this clause, "textbooks" includes books and other instructional materials and equipment purchased~~

~~or leased for use in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state. Equipment expenses qualifying for deduction includes expenses as defined and limited in section 290.0674, subdivision 1, clause (3). "Textbooks" does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to instill such tenets, doctrines, or worship, nor does it include books or materials for, or transportation to, extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or similar programs. For purposes of the subtraction provided by this clause, "qualifying child" has the meaning given in section 32(e)(3) of the Internal Revenue Code;~~

~~(4) income as provided under section 290.0802;~~

~~(5) to the extent included in federal adjusted gross income, income realized on disposition of property exempt from tax under section 290.491;~~

~~(6) to the extent not deducted or not deductible pursuant to section 408(d)(8)(E) of the Internal Revenue Code in determining federal taxable income by an individual who does not itemize deductions for federal income tax purposes for the taxable year, an amount equal to 50 percent of the excess of charitable contributions over \$500 allowable as a deduction for the taxable year under section 170(a) of the Internal Revenue Code and under the provisions of Public Law 109-1;~~

~~(7) for taxable years beginning before January 1, 2008, the amount of the federal small ethanol producer credit allowed under section 40(a)(3) of the Internal Revenue Code which is included in gross income under section 87 of the Internal Revenue Code;~~

~~(8) for individuals who are allowed a federal foreign tax credit for taxes that do not qualify for a credit under section 290.06, subdivision 22, an amount equal to the carryover of subnational foreign taxes for the taxable year, but not to exceed the total subnational foreign taxes reported in claiming the foreign tax credit. For purposes of this clause, "federal foreign tax credit" means the credit allowed under section 27 of the Internal Revenue Code, and "carryover of subnational foreign taxes" equals the carryover allowed under section 904(c) of the Internal Revenue Code minus national level foreign taxes to the extent they exceed the federal foreign tax credit;~~

~~(9) (3) in each of the five tax years immediately following the tax year in which an addition is required under subdivision 19a, clause (7), or 19c, clause (15), in the case of a shareholder of a corporation that is an S corporation, an amount equal to one-fifth of the delayed depreciation. For purposes of this clause, "delayed depreciation" means the amount of the addition made by the taxpayer under subdivision 19a, clause (7), or subdivision 19c, clause (15), in the case of a shareholder of an S corporation, minus the~~

12.1 positive value of any net operating loss under section 172 of the Internal Revenue Code
12.2 generated for the tax year of the addition. The resulting delayed depreciation cannot be
12.3 less than zero;

12.4 ~~(10) job opportunity building zone income as provided under section 469.316;~~

12.5 ~~(11)~~ (4) to the extent included in federal taxable income, the amount of compensation
12.6 paid to members of the Minnesota National Guard or other reserve components of the
12.7 United States military for active service performed in Minnesota, excluding compensation
12.8 for services performed under the Active Guard Reserve (AGR) program. For purposes of
12.9 this clause, "active service" means (i) state active service as defined in section 190.05,
12.10 subdivision 5a, clause (1); (ii) federally funded state active service as defined in section
12.11 190.05, subdivision 5b; or (iii) federal active service as defined in section 190.05,
12.12 subdivision 5c, but "active service" excludes service performed in accordance with section
12.13 190.08, subdivision 3;

12.14 ~~(12)~~ (5) to the extent included in federal taxable income, the amount of compensation
12.15 paid to Minnesota residents who are members of the armed forces of the United States or
12.16 United Nations for active duty performed outside Minnesota under United States Code,
12.17 title 10, section 101(d); United States Code, title 32, section 101(12); or the authority of
12.18 the United Nations;

12.19 ~~(13) an amount, not to exceed \$10,000, equal to qualified expenses related to a~~
12.20 ~~qualified donor's donation, while living, of one or more of the qualified donor's organs~~
12.21 ~~to another person for human organ transplantation. For purposes of this clause, "organ"~~
12.22 ~~means all or part of an individual's liver, pancreas, kidney, intestine, lung, or bone marrow;~~
12.23 ~~"human organ transplantation" means the medical procedure by which transfer of a human~~
12.24 ~~organ is made from the body of one person to the body of another person; "qualified~~
12.25 ~~expenses" means unreimbursed expenses for both the individual and the qualified donor~~
12.26 ~~for (i) travel, (ii) lodging, and (iii) lost wages net of sick pay, except that such expenses~~
12.27 ~~may be subtracted under this clause only once; and "qualified donor" means the individual~~
12.28 ~~or the individual's dependent, as defined in section 152 of the Internal Revenue Code. An~~
12.29 ~~individual may claim the subtraction in this clause for each instance of organ donation for~~
12.30 ~~transplantation during the taxable year in which the qualified expenses occur;~~

12.31 ~~(14)~~ (6) in each of the five tax years immediately following the tax year in which an
12.32 addition is required under subdivision 19a, clause (8), or 19c, clause (16), in the case of a
12.33 shareholder of a corporation that is an S corporation, an amount equal to one-fifth of the
12.34 addition made by the taxpayer under subdivision 19a, clause (8), or 19c, clause (16), in the
12.35 case of a shareholder of a corporation that is an S corporation, minus the positive value of
12.36 any net operating loss under section 172 of the Internal Revenue Code generated for the

tax year of the addition. If the net operating loss exceeds the addition for the tax year, a subtraction is not allowed under this clause;

~~(15) (7) to the extent included in federal taxable income, compensation paid to a service member as defined in United States Code, title 10, section 101(a)(5), for military service as defined in the Servicemembers Civil Relief Act, Public Law 108-189, section 101(2); and~~

~~(16) international economic development zone income as provided under section 469.325; and~~

~~(17) to the extent included in federal taxable income, the amount of national service educational awards received from the National Service Trust under United States Code, title 42, sections 12601 to 12604, for service in an approved Americorps National Service program.~~

(8) to the extent included in federal taxable income, discharge of indebtedness income from reacquisition of business indebtedness included in federal taxable income under section 108(i) of the Internal Revenue Code. This subtraction applies only to the extent that the income was included in net income in a prior year as a result of the addition under subdivision 19a, clause (16).

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008, except that clause (8) is effective for taxable years ending after December 31, 2008.

Sec. 8. Minnesota Statutes 2008, section 290.01, subdivision 19c, as amended by Laws 2009, chapter 12, article 1, section 4, is amended to read:

Subd. 19c. **Corporations; additions to federal taxable income.** For corporations, there shall be added to federal taxable income:

(1) the amount of any deduction taken for federal income tax purposes for income, excise, or franchise taxes based on net income or related minimum taxes, including but not limited to the tax imposed under section 290.0922, paid by the corporation to Minnesota, another state, a political subdivision of another state, the District of Columbia, or any foreign country or possession of the United States;

(2) interest not subject to federal tax upon obligations of: the United States, its possessions, its agencies, or its instrumentalities; the state of Minnesota or any other state, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities; the District of Columbia; or Indian tribal governments;

- 14.1 (3) exempt-interest dividends received as defined in section 852(b)(5) of the Internal
14.2 Revenue Code;
- 14.3 (4) the amount of any net operating loss deduction taken for federal income tax
14.4 purposes under section 172 or 832(c)(10) of the Internal Revenue Code or operations loss
14.5 deduction under section 810 of the Internal Revenue Code;
- 14.6 (5) the amount of any special deductions taken for federal income tax purposes
14.7 under sections 241 to 247 and 965 of the Internal Revenue Code;
- 14.8 (6) losses from the business of mining, as defined in section 290.05, subdivision 1,
14.9 clause (a), that are not subject to Minnesota income tax;
- 14.10 (7) the amount of any capital losses deducted for federal income tax purposes under
14.11 sections 1211 and 1212 of the Internal Revenue Code;
- 14.12 (8) the exempt foreign trade income of a foreign sales corporation under sections
14.13 921(a) and 291 of the Internal Revenue Code;
- 14.14 (9) the amount of percentage depletion deducted under sections 611 through 614 and
14.15 291 of the Internal Revenue Code;
- 14.16 (10) for certified pollution control facilities placed in service in a taxable year
14.17 beginning before December 31, 1986, and for which amortization deductions were elected
14.18 under section 169 of the Internal Revenue Code of 1954, as amended through December
14.19 31, 1985, the amount of the amortization deduction allowed in computing federal taxable
14.20 income for those facilities;
- 14.21 (11) for taxable years beginning before January 1, 2009, the amount of any deemed
14.22 dividend from a foreign operating corporation determined pursuant to section 290.17,
14.23 subdivision 4, paragraph (g). The deemed dividend shall be reduced by the amount of the
14.24 addition to income required by clauses (20), (21), (22), and (23);
- 14.25 (12) the amount of a partner's pro rata share of net income which does not flow
14.26 through to the partner because the partnership elected to pay the tax on the income under
14.27 section 6242(a)(2) of the Internal Revenue Code;
- 14.28 (13) the amount of net income excluded under section 114 of the Internal Revenue
14.29 Code;
- 14.30 (14) any increase in subpart F income, as defined in section 952(a) of the Internal
14.31 Revenue Code, for the taxable year when subpart F income is calculated without regard to
14.32 the provisions of Division C, title III, section ~~304(a)(1)-(2)~~ 303(b) of Public Law 110-343;
- 14.33 (15) 80 percent of the depreciation deduction allowed under section 168(k)(1)(A)
14.34 and (k)(4)(A) of the Internal Revenue Code. For purposes of this clause, if the taxpayer
14.35 has an activity that in the taxable year generates a deduction for depreciation under
14.36 section 168(k)(1)(A) and (k)(4)(A) and the activity generates a loss for the taxable year

that the taxpayer is not allowed to claim for the taxable year, "the depreciation allowed under section 168(k)(1)(A) and (k)(4)(A)" for the taxable year is limited to excess of the depreciation claimed by the activity under section 168(k)(1)(A) and (k)(4)(A) over the amount of the loss from the activity that is not allowed in the taxable year. In succeeding taxable years when the losses not allowed in the taxable year are allowed, the depreciation under section 168(k)(1)(A) and (k)(4)(A) is allowed;

(16) for taxable years beginning before January 1, 2009, 80 percent of the amount by which the deduction allowed by section 179 of the Internal Revenue Code exceeds the deduction allowable by section 179 of the Internal Revenue Code of 1986, as amended through December 31, 2003;

(17) to the extent deducted in computing federal taxable income, the amount of the deduction allowable under section 199 of the Internal Revenue Code;

(18) the exclusion allowed under section 139A of the Internal Revenue Code for federal subsidies for prescription drug plans;

(19) the amount of expenses disallowed under section 290.10, subdivision 2;

(20) an amount equal to the interest and intangible expenses, losses, and costs paid, accrued, or incurred by any member of the taxpayer's unitary group to or for the benefit of a corporation that is a member of the taxpayer's unitary business group that qualifies as a foreign operating corporation. For purposes of this clause, intangible expenses and costs include:

(i) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property;

(ii) losses incurred, directly or indirectly, from factoring transactions or discounting transactions;

(iii) royalty, patent, technical, and copyright fees;

(iv) licensing fees; and

(v) other similar expenses and costs.

For purposes of this clause, "intangible property" includes stocks, bonds, patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This clause does not apply to any item of interest or intangible expenses or costs paid, accrued, or incurred, directly or indirectly, to a foreign operating corporation with respect to such item of income to the extent that the income to the foreign operating corporation is income from sources without the United States as defined in subtitle A, chapter 1, subchapter N, part 1, of the Internal Revenue Code;

(21) except as already included in the taxpayer's taxable income pursuant to clause (20), any interest income and income generated from intangible property received or accrued by a foreign operating corporation that is a member of the taxpayer's unitary group. For purposes of this clause, income generated from intangible property includes:

- (i) income related to the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property;
- (ii) income from factoring transactions or discounting transactions;
- (iii) royalty, patent, technical, and copyright fees;
- (iv) licensing fees; and
- (v) other similar income.

For purposes of this clause, "intangible property" includes stocks, bonds, patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This clause does not apply to any item of interest or intangible income received or accrued by a foreign operating corporation with respect to such item of income to the extent that the income is income from sources without the United States as defined in subtitle A, chapter 1, subchapter N, part 1, of the Internal Revenue Code;

(22) the dividends attributable to the income of a foreign operating corporation that is a member of the taxpayer's unitary group in an amount that is equal to the dividends paid deduction of a real estate investment trust under section 561(a) of the Internal Revenue Code for amounts paid or accrued by the real estate investment trust to the foreign operating corporation;

(23) the income of a foreign operating corporation that is a member of the taxpayer's unitary group in an amount that is equal to gains derived from the sale of real or personal property located in the United States; ~~and~~

(24) the additional amount allowed as a deduction for donation of computer technology and equipment under section 170(e)(6) of the Internal Revenue Code, to the extent deducted from taxable income; and

(25) discharge of indebtedness income resulting from reacquisition of business indebtedness and deferred under section 108(i) of the Internal Revenue Code.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008, except that clause (25) is effective for taxable years ending after December 31, 2008.

Sec. 9. Minnesota Statutes 2008, section 290.01, subdivision 19d, as amended by Laws 2009, chapter 12, article 1, section 5, is amended to read:

Subd. 19d. **Corporations; modifications decreasing federal taxable income.** For corporations, there shall be subtracted from federal taxable income after the increases provided in subdivision 19c:

(1) the amount of foreign dividend gross-up added to gross income for federal income tax purposes under section 78 of the Internal Revenue Code;

(2) the amount of salary expense not allowed for federal income tax purposes due to claiming the work opportunity credit under section 51 of the Internal Revenue Code;

(3) any dividend (not including any distribution in liquidation) paid within the taxable year by a national or state bank to the United States, or to any instrumentality of the United States exempt from federal income taxes, on the preferred stock of the bank owned by the United States or the instrumentality;

(4) amounts disallowed for intangible drilling costs due to differences between this chapter and the Internal Revenue Code in taxable years beginning before January 1, 1987, as follows:

(i) to the extent the disallowed costs are represented by physical property, an amount equal to the allowance for depreciation under Minnesota Statutes 1986, section 290.09, subdivision 7, subject to the modifications contained in subdivision 19e; and

(ii) to the extent the disallowed costs are not represented by physical property, an amount equal to the allowance for cost depletion under Minnesota Statutes 1986, section 290.09, subdivision 8;

(5) the deduction for capital losses pursuant to sections 1211 and 1212 of the Internal Revenue Code, except that:

(i) for capital losses incurred in taxable years beginning after December 31, 1986, capital loss carrybacks shall not be allowed;

(ii) for capital losses incurred in taxable years beginning after December 31, 1986, a capital loss carryover to each of the 15 taxable years succeeding the loss year shall be allowed;

(iii) for capital losses incurred in taxable years beginning before January 1, 1987, a capital loss carryback to each of the three taxable years preceding the loss year, subject to the provisions of Minnesota Statutes 1986, section 290.16, shall be allowed; and

(iv) for capital losses incurred in taxable years beginning before January 1, 1987, a capital loss carryover to each of the five taxable years succeeding the loss year to the extent such loss was not used in a prior taxable year and subject to the provisions of Minnesota Statutes 1986, section 290.16, shall be allowed;

(6) an amount for interest and expenses relating to income not taxable for federal income tax purposes, if (i) the income is taxable under this chapter and (ii) the interest and expenses were disallowed as deductions under the provisions of section 171(a)(2), 265 or 291 of the Internal Revenue Code in computing federal taxable income;

(7) in the case of mines, oil and gas wells, other natural deposits, and timber for which percentage depletion was disallowed pursuant to subdivision 19c, clause (9), a reasonable allowance for depletion based on actual cost. In the case of leases the deduction must be apportioned between the lessor and lessee in accordance with rules prescribed by the commissioner. In the case of property held in trust, the allowable deduction must be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the trust, or if there is no provision in the instrument, on the basis of the trust's income allocable to each;

(8) for certified pollution control facilities placed in service in a taxable year beginning before December 31, 1986, and for which amortization deductions were elected under section 169 of the Internal Revenue Code of 1954, as amended through December 31, 1985, an amount equal to the allowance for depreciation under Minnesota Statutes 1986, section 290.09, subdivision 7;

(9) amounts included in federal taxable income that are due to refunds of income, excise, or franchise taxes based on net income or related minimum taxes paid by the corporation to Minnesota, another state, a political subdivision of another state, the District of Columbia, or a foreign country or possession of the United States to the extent that the taxes were added to federal taxable income under section 290.01, subdivision 19c, clause (1), in a prior taxable year;

~~(10) 80 percent of royalties, fees, or other like income accrued or received from a foreign operating corporation or a foreign corporation which is part of the same unitary business as the receiving corporation, unless the income resulting from such payments or accruals is income from sources within the United States as defined in subtitle A, chapter 1, subchapter N, part 1, of the Internal Revenue Code;~~

~~(11)~~ (10) income or gains from the business of mining as defined in section 290.05, subdivision 1, clause (a), that are not subject to Minnesota franchise tax;

~~(12)~~ (11) the amount of disability access expenditures in the taxable year which are not allowed to be deducted or capitalized under section 44(d)(7) of the Internal Revenue Code;

~~(13)~~ (12) the amount of qualified research expenses not allowed for federal income tax purposes under section 280C(c) of the Internal Revenue Code, but only to the extent that the amount exceeds the amount of the credit allowed under section 290.068;

19.1 ~~(14)~~ (13) the amount of salary expenses not allowed for federal income tax purposes
19.2 due to claiming the Indian employment credit under section 45A(a) of the Internal
19.3 Revenue Code;

19.4 ~~(15)~~ (14) for taxable years beginning before January 1, 2008, the amount of the
19.5 federal small ethanol producer credit allowed under section 40(a)(3) of the Internal
19.6 Revenue Code which is included in gross income under section 87 of the Internal Revenue
19.7 Code;

19.8 ~~(16)~~ (15) for a corporation whose foreign sales corporation, as defined in section
19.9 922 of the Internal Revenue Code, constituted a foreign operating corporation during any
19.10 taxable year ending before January 1, 1995, and a return was filed by August 15, 1996,
19.11 claiming the deduction under section 290.21, subdivision 4, for income received from
19.12 the foreign operating corporation, an amount equal to 1.23 multiplied by the amount of
19.13 income excluded under section 114 of the Internal Revenue Code, provided the income is
19.14 not income of a foreign operating company;

19.15 ~~(17)~~ (16) any decrease in subpart F income, as defined in section 952(a) of the
19.16 Internal Revenue Code, for the taxable year when subpart F income is calculated without
19.17 regard to the provisions of Division C, title III, section ~~304(a)(1)-(2)~~ 303(b) of Public
19.18 Law 110-343;

19.19 ~~(18)~~ (17) in each of the five tax years immediately following the tax year in which
19.20 an addition is required under subdivision 19c, clause (15), an amount equal to one-fifth
19.21 of the delayed depreciation. For purposes of this clause, "delayed depreciation" means
19.22 the amount of the addition made by the taxpayer under subdivision 19c, clause (15). The
19.23 resulting delayed depreciation cannot be less than zero; ~~and~~

19.24 ~~(19)~~ (18) in each of the five tax years immediately following the tax year in which an
19.25 addition is required under subdivision 19c, clause (16), an amount equal to one-fifth of
19.26 the amount of the addition; ~~and~~

19.27 (19) to the extent included in federal taxable income, discharge of indebtedness
19.28 income from reacquisition of business indebtedness included in federal taxable income
19.29 under section 108(i) of the Internal Revenue Code. This subtraction applies only to the
19.30 extent that the income was included in net income in a prior year as a result of the addition
19.31 under subdivision 19c, clause (25).

19.32 **EFFECTIVE DATE.** This section is effective for taxable years beginning after
19.33 December 31, 2008, except that clause (19) is effective for taxable years ending after
19.34 December 31, 2008.

19.35 Sec. 10. Minnesota Statutes 2008, section 290.01, subdivision 29, is amended to read:

Subd. 29. **Taxable income.** The term "taxable income" means:

(1) for individuals, estates, and trusts, the same as taxable net income;

(2) for corporations, the taxable net income less

(i) the net operating loss deduction under section 290.095; and

(ii) the dividends received deduction under section 290.21, subdivision 4; plus

(iii) ~~the exemption for operating in a job opportunity building zone under section 469.317;~~ Minnesota development subsidies.

~~(iv) the exemption for operating in a biotechnology and health sciences industry zone under section 469.337; and~~

~~(v) the exemption for operating in an international economic development zone under section 469.326.~~

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2009.

Sec. 11. Minnesota Statutes 2008, section 290.01, subdivision 31, as amended by Laws 2009, chapter 12, article 1, section 7, is amended to read:

Subd. 31. **Internal Revenue Code.** Unless specifically defined otherwise, "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through ~~December 31, 2008~~ March 31, 2009. Internal Revenue Code also includes any uncoded provision in federal law that relates to provisions of the Internal Revenue Code that are incorporated into Minnesota law.

EFFECTIVE DATE. This section is effective the day following final enactment, except the changes incorporated by federal changes are effective at the same time as the changes were effective for federal purposes.

Sec. 12. Minnesota Statutes 2008, section 290.01, is amended by adding a subdivision to read:

Subd. 33. **Minnesota development subsidies.** (a) "Minnesota development subsidies" means the greater of the following amounts:

(1) one-half of the amount deducted by the taxpayer in computing federal taxable income for the taxable year, as property taxes, business expenses, or otherwise, that is attributable to property taxes paid by the taxpayer, either directly or indirectly through a lease or otherwise, on property located in a tax increment financing district, as defined in section 469.174, or that receives an abatement under sections 469.1813 to 469.1815, if the owner of the property or a related party has entered a development or similar agreement

with respect to the increment district or derives a benefit from the abatement by its property having access to or use of public improvements financed with the abatement or otherwise; or

(2) the amount of payments received by the taxpayer under a development or similar agreement that provides for payments or reimbursements from the proceeds of increments from a tax increment financing district or from an abatement under sections 469.1813 to 469.1815, but excluding reimbursements under a development action response plan, as defined in section 469.174, subdivision 17, to pay for its costs incurred to fund removal or remedial actions.

(b) For purposes of this subdivision, "tax increment financing district" excludes:

(1) a housing district, as defined in section 469.174, subdivision 11;

(2) a soils condition district, as defined in section 469.174, subdivision 19; and

(3) a hazardous substance subdistrict, as defined in section 469.174, subdivision 23.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2009.

Sec. 13. Minnesota Statutes 2008, section 290.01, is amended by adding a subdivision to read:

Subd. 34. **Qualified obligations.** (a) "Qualified obligations" means:

(1) obligations of the state of Minnesota or a political or governmental subdivision, municipality, or governmental agency or instrumentality of the state of Minnesota if the obligations were sold before July 1, 2009; or

(2) general obligations of the state of Minnesota sold after June 30, 2009, if the commissioner of finance certifies prior to offering and selling the obligations, based on an estimate prepared by the state economist, that (i) the present value of the reduction in state borrowing costs due to issuing the obligations exempt from taxation under sections 290.06 and 290.091 exceeds (ii) the present value of the revenues the state would collect if the obligations were issued subject to taxation under sections 290.06 and 290.091.

(b) If the commissioner of finance elects to issue qualified obligations under paragraph (a), clause (2), the commissioner must provide a written report to the chairs of the committees of the senate and the house of representatives with jurisdiction over taxes and capital investment on the decision to issue qualified obligations, including the estimate of the net savings in borrowing costs from the use of qualified obligations and a detailed description of how the estimate was prepared. This report must be provided within 15 days after the bonds are sold.

22.1 **EFFECTIVE DATE.** This section is effective for taxable years beginning after
22.2 December 31, 2008.

22.3 Sec. 14. Minnesota Statutes 2008, section 290.014, subdivision 2, is amended to read:

22.4 Subd. 2. **Nonresident individuals.** Except as provided in section 290.015, a
22.5 nonresident individual is subject to the return filing requirements and to tax as provided in
22.6 this chapter to the extent that the income of the nonresident individual is:

22.7 (1) allocable to this state under section 290.17, 290.191, or 290.20;

22.8 (2) taxed to the individual under the Internal Revenue Code (or not taxed under the
22.9 Internal Revenue Code by reason of its character but of a character which is taxable under
22.10 this chapter) in the individual's capacity as a beneficiary of an estate with income allocable
22.11 to this state under section 290.17, 290.191, or 290.20 and the income, taking into account
22.12 the income character provisions of section 662(b) of the Internal Revenue Code, would be
22.13 allocable to this state under section 290.17, 290.191, or 290.20 if realized by the individual
22.14 directly from the source from which realized by the estate;

22.15 (3) taxed to the individual under the Internal Revenue Code (or not taxed under the
22.16 Internal Revenue Code by reason of its character but of a character that is taxable under
22.17 this chapter) in the individual's capacity as a beneficiary or grantor or other person treated
22.18 as a substantial owner of a trust with income allocable to this state under section 290.17,
22.19 290.191, or 290.20 and the income, taking into account the income character provisions of
22.20 section 652(b), 662(b), or 664(b) of the Internal Revenue Code, would be allocable to this
22.21 state under section 290.17, 290.191, or 290.20 if realized by the individual directly from
22.22 the source from which realized by the trust;

22.23 (4) taxed to the individual under the Internal Revenue Code (or not taxed under the
22.24 Internal Revenue Code by reason of its character but of a character which is taxable under
22.25 this chapter) in the individual's capacity as a limited or general partner in a partnership
22.26 with income allocable to this state under section 290.17, 290.191, or 290.20 and the
22.27 income, taking into account the income character provisions of section 702(b) of the
22.28 Internal Revenue Code, would be allocable to this state under section 290.17, 290.191,
22.29 or 290.20 if realized by the individual directly from the source from which realized by
22.30 the partnership; ~~or~~

22.31 (5) taxed to the individual under the Internal Revenue Code (or not taxed under the
22.32 Internal Revenue Code by reason of its character but of a character which is taxable under
22.33 this chapter) in the individual's capacity as a shareholder of a corporation treated as an
22.34 "S" corporation under section 290.9725, and income allocable to this state under section
22.35 290.17, 290.191, or 290.20 and the income, taking into account the income character

provisions of section 1366(b) of the Internal Revenue Code, would be allocable to this state under section 290.17, 290.191, or 290.20 if realized by the individual directly from the source from which realized by the corporation; or

(6) taxed to the individual under the Internal Revenue Code (or not taxed under the Internal Revenue Code by reason of its character but of a character which is taxable under this chapter) in the individual's capacity as the sole member of a limited liability company that is disregarded for federal income tax purposes, with income allocable to this state under section 290.17, 290.191, or 290.20, as though realized by the individual directly from the source from which it was realized by the limited liability company.

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

Sec. 15. Minnesota Statutes 2008, section 290.06, subdivision 2c, is amended to read:

Subd. 2c. **Schedules of rates for individuals, estates, and trusts.** (a) The income taxes imposed by this chapter upon married individuals filing joint returns and surviving spouses as defined in section 2(a) of the Internal Revenue Code must be computed by applying to their taxable net income the following schedule of rates:

(1) on the first ~~\$25,680~~ \$33,220, 5.35 percent;

(2) on all over ~~\$25,680~~ \$33,220, but not over ~~\$102,030~~ \$131,970, 7.05 percent;

(3) on all over ~~\$102,030~~ \$131,970, but not over \$300,000, 7.85 percent; and

(4) on all over \$300,000, nine percent.

Married individuals filing separate returns, estates, and trusts must compute their income tax by applying the above rates to their taxable income, except that the income brackets will be one-half of the above amounts.

(b) The income taxes imposed by this chapter upon unmarried individuals must be computed by applying to taxable net income the following schedule of rates:

(1) on the first ~~\$17,570~~ \$22,730, 5.35 percent;

(2) on all over ~~\$17,570~~ \$22,730, but not over ~~\$57,710~~ \$74,650, 7.05 percent;

(3) on all over ~~\$57,710~~ \$74,650, but not over \$169,700, 7.85 percent; and

(4) on all over \$169,700, nine percent.

(c) The income taxes imposed by this chapter upon unmarried individuals qualifying as a head of household as defined in section 2(b) of the Internal Revenue Code must be computed by applying to taxable net income the following schedule of rates:

(1) on the first ~~\$21,630~~ \$27,980, 5.35 percent;

(2) on all over ~~\$21,630~~ \$27,980, but not over ~~\$86,910~~ \$112,420, 7.05 percent;

(3) on all over ~~\$86,910~~ \$112,420, but not over \$255,560, 7.85 percent; and

(4) on all over \$255,560, nine percent.

(d) In lieu of a tax computed according to the rates set forth in this subdivision, the tax of any individual taxpayer whose taxable net income for the taxable year is less than an amount determined by the commissioner must be computed in accordance with tables prepared and issued by the commissioner of revenue based on income brackets of not more than \$100. The amount of tax for each bracket shall be computed at the rates set forth in this subdivision, provided that the commissioner may disregard a fractional part of a dollar unless it amounts to 50 cents or more, in which case it may be increased to \$1.

(e) An individual who is not a Minnesota resident for the entire year must compute the individual's Minnesota income tax as provided in this subdivision. After the application of the nonrefundable credits provided in this chapter, the tax liability must then be multiplied by a fraction in which:

(1) the numerator is the individual's Minnesota source federal adjusted gross income as defined in section 62 of the Internal Revenue Code and increased by the additions required under section 290.01, subdivision 19a, clauses (1), (5), (6), (7), (8), (9), (12), ~~and (13), (16), and (17)~~ and reduced by the Minnesota assignable portion of the subtraction for United States government interest under section 290.01, subdivision 19b, clause (1), and the subtractions under section 290.01, subdivision 19b, clauses ~~(9), (10), (14), (15), and (16)~~ (3), (6), (7), and (8), after applying the allocation and assignability provisions of section 290.081, clause (a), or 290.17; and

(2) the denominator is the individual's federal adjusted gross income as defined in section 62 of the Internal Revenue Code of 1986, increased by the amounts specified in section 290.01, subdivision 19a, clauses (1), (5), (6), (7), (8), (9), (12), ~~and (13), (16), and (17)~~ and reduced by the amounts specified in section 290.01, subdivision 19b, clauses (1), ~~(9), (10), (14), (15), and (16)~~ (3), (6), (7), and (8).

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008.

Sec. 16. Minnesota Statutes 2008, section 290.06, subdivision 2d, is amended to read:

Subd. 2d. **Inflation adjustment of brackets.** (a) For taxable years beginning after December 31, ~~2000~~ 2009, the minimum and maximum dollar amounts for each rate bracket for which a tax is imposed in subdivision 2c shall be adjusted for inflation by the percentage determined under paragraph (b). For the purpose of making the adjustment as provided in this subdivision all of the rate brackets provided in subdivision 2c shall be the rate brackets as they existed for taxable years beginning after December 31, ~~1999~~ 2008, and before January 1, ~~2001~~ 2010. The rate applicable to any rate bracket must not be changed. The dollar amounts setting forth the tax shall be adjusted to reflect the changes

in the rate brackets. The rate brackets as adjusted must be rounded to the nearest \$10 amount. If the rate bracket ends in \$5, it must be rounded up to the nearest \$10 amount.

(b) The commissioner shall adjust the rate brackets and by the percentage determined pursuant to the provisions of section 1(f) of the Internal Revenue Code, except that:

(1) in section 1(f)(2)(A) the words "increasing or decreasing" shall be substituted for the word "increasing";

(2) in section 1(f)(3)(A) the words "differs from" shall be substituted for the word "exceeds"; and

(3) in section 1(f)(3)(B) the word "~~1999~~" "2008" shall be substituted for the word "1992." For ~~2001~~ 2010, the commissioner shall then determine the percent change from the 12 months ending on August 31, ~~1999~~ 2008, to the 12 months ending on August 31, ~~2000~~ 2009, and in each subsequent year, from the 12 months ending on August 31, ~~1999~~ 2008, to the 12 months ending on August 31 of the year preceding the taxable year. The determination of the commissioner pursuant to this subdivision shall not be considered a "rule" and shall not be subject to the Administrative Procedure Act contained in chapter 14.

No later than December 15 of each year, the commissioner shall announce the specific percentage that will be used to adjust the tax rate brackets.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008.

Sec. 17. Minnesota Statutes 2008, section 290.06, is amended by adding a subdivision to read:

Subd. 36. Mortgage interest credit. (a) An individual is allowed a credit against the tax imposed by this chapter equal to seven percent of the lesser of:

(1) \$6,000; or

(2) qualified residence interest deduction for which the individual is eligible under section 63(d) of the Internal Revenue Code, minus \$4,000.

(b) The amount of the credit allowed must be reduced by the amount of the taxpayer's liability under section 290.091, determined before the credit allowed by this section is subtracted from regular tax liability.

(c) For a nonresident or part-year resident, the credit must be allocated based on the percentage calculated under subdivision 2c, paragraph (e).

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008.

Sec. 18. Minnesota Statutes 2008, section 290.06, is amended by adding a subdivision to read:

Subd. 37. **Charitable contributions credit.** (a) An individual is allowed a credit against the tax imposed by this chapter equal to eight percent of the amount by which eligible charitable contributions exceed the greater of:

(1) two percent of the individual's adjusted gross income for the taxable year; or

(2) \$500.

(b) For purposes of this subdivision, "eligible charitable contributions" means charitable contributions allowable as a deduction for the taxable year under section 170(a) of the Internal Revenue Code, subject to the limitations of section 170(b) of the Internal Revenue Code, and determined without regard to whether or not the taxpayers itemize deductions.

(c) For purposes of this subdivision, "adjusted gross income" has the meaning given in section 62 of the Internal Revenue Code.

(d) For a nonresident or part-year resident, the credit must be allocated based on the percentage calculated under subdivision 2c, paragraph (e).

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008.

Sec. 19. Minnesota Statutes 2008, section 290.0671, subdivision 1, is amended to read:

Subdivision 1. **Credit allowed.** (a) An individual is allowed a credit against the tax imposed by this chapter equal to a percentage of earned income. To receive a credit, a taxpayer must be eligible for a credit under section 32 of the Internal Revenue Code.

(b) For individuals with no qualifying children, the credit equals 1.9125 percent of the first \$4,620 of earned income. The credit is reduced by 1.9125 percent of earned income or adjusted gross income, whichever is greater, in excess of \$5,770, but in no case is the credit less than zero.

(c) For individuals with one qualifying child, the credit equals 8.5 percent of the first \$6,920 of earned income and 8.5 percent of earned income over \$12,080 but less than \$13,450. The credit is reduced by 5.73 percent of earned income or adjusted gross income, whichever is greater, in excess of \$15,080, but in no case is the credit less than zero.

(d) For individuals with two or more qualifying children, the credit equals ten percent of the first \$9,720 of earned income and 20 percent of earned income over \$14,860 but less than \$16,800. The credit is reduced by 10.3 percent of earned income or adjusted gross income, whichever is greater, in excess of \$17,890, but in no case is the credit less than zero.

(e) For a nonresident or part-year resident, the credit must be allocated based on the percentage calculated under section 290.06, subdivision 2c, paragraph (e).

(f) For a person who was a resident for the entire tax year and has earned income not subject to tax under this chapter, ~~including income excluded under section 290.01, subdivision 19b, clause (10) or (16)~~, the credit must be allocated based on the ratio of federal adjusted gross income reduced by the earned income not subject to tax under this chapter over federal adjusted gross income. For purposes of this paragraph, the subtractions for military pay under section 290.01, subdivision 19b, clauses ~~(11) and (12)~~ (4) and (5), are not considered "earned income not subject to tax under this chapter."

For the purposes of this paragraph, the exclusion of combat pay under section 112 of the Internal Revenue Code is not considered "earned income not subject to tax under this chapter."

(g) For tax years beginning after December 31, 2001, and before December 31, 2004, the \$5,770 in paragraph (b), the \$15,080 in paragraph (c), and the \$17,890 in paragraph (d), after being adjusted for inflation under subdivision 7, are each increased by \$1,000 for married taxpayers filing joint returns.

(h) For tax years beginning after December 31, 2004, and before December 31, 2007, the \$5,770 in paragraph (b), the \$15,080 in paragraph (c), and the \$17,890 in paragraph (d), after being adjusted for inflation under subdivision 7, are each increased by \$2,000 for married taxpayers filing joint returns.

(i) For tax years beginning after December 31, 2007, and before December 31, 2010, the \$5,770 in paragraph (b), the \$15,080 in paragraph (c), and the \$17,890 in paragraph (d), after being adjusted for inflation under subdivision 7, are each increased by \$3,000 for married taxpayers filing joint returns. For tax years beginning after December 31, 2008, the \$3,000 is adjusted annually for inflation under subdivision 7.

(j) The commissioner shall construct tables showing the amount of the credit at various income levels and make them available to taxpayers. The tables shall follow the schedule contained in this subdivision, except that the commissioner may graduate the transition between income brackets.

Sec. 20. Minnesota Statutes 2008, section 290.068, subdivision 1, is amended to read:

Subdivision 1. **Credit allowed.** ~~A corporation, other than a corporation treated as an "S" corporation under section 290.9725, taxpayer~~ is allowed a credit against the portion of the franchise tax computed under section 290.06, ~~subdivision 1~~, for the taxable year equal to:

~~(a) 5~~ (1) ten percent of the first \$2,000,000 of the excess (if any) of

28.1 ~~(1)~~ (i) the qualified research expenses for the taxable year, over
28.2 ~~(2)~~ (ii) the base amount; and
28.3 ~~(b)~~ (2) 2.5 percent on all of such excess expenses over \$2,000,000.

28.4 **EFFECTIVE DATE.** This section is effective for taxable years beginning after
28.5 December 31, 2008.

28.6 Sec. 21. Minnesota Statutes 2008, section 290.068, subdivision 3, is amended to read:

28.7 Subd. 3. **Limitation; carryover.** (a)(1) The credit for the taxable year shall not
28.8 exceed the liability for tax. "Liability for tax" for purposes of this section means the tax
28.9 imposed under section 290.06, subdivision 1, for the taxable year reduced by the sum of
28.10 the nonrefundable credits allowed under this chapter.

28.11 (2) ~~In the case of a corporation which is~~ For a partner in a partnership and for a
28.12 shareholder in an S corporation, the credit allowed for the taxable year shall not exceed
28.13 the lesser of the amount determined under clause (1) for the taxable year or an amount
28.14 (separately computed with respect to the ~~corporation's~~ taxpayer's interest in the trade or
28.15 business or entity) equal to the amount of tax attributable to that portion of taxable income
28.16 which is allocable or apportionable to the ~~corporation's~~ taxpayer's interest in the trade or
28.17 business or entity.

28.18 (b) If the amount of the credit determined under this section for any taxable year
28.19 exceeds the limitation under clause (a), the excess shall be a research credit carryover to
28.20 each of the 15 succeeding taxable years. The entire amount of the excess unused credit for
28.21 the taxable year shall be carried first to the earliest of the taxable years to which the credit
28.22 may be carried and then to each successive year to which the credit may be carried. The
28.23 amount of the unused credit which may be added under this clause shall not exceed the
28.24 taxpayer's liability for tax less the research credit for the taxable year.

28.25 **EFFECTIVE DATE.** This section is effective for taxable years beginning after
28.26 December 31, 2008.

28.27 Sec. 22. Minnesota Statutes 2008, section 290.068, subdivision 4, is amended to read:

28.28 Subd. 4. **Partnerships and S corporations.** In the case of partnerships and S
28.29 corporations the credit shall be allocated in the same manner provided by ~~section~~ sections
28.30 41(f)(2) and 41(g) of the Internal Revenue Code.

28.31 **EFFECTIVE DATE.** This section is effective for taxable years beginning after
28.32 December 31, 2008.

Sec. 23. [290.0682] MINNESOTA CHILD CREDIT.

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Adjusted gross income" has the meaning given in section 62 of the Internal Revenue Code.

(c) "Qualifying child" has the meaning given in section 24(c) of the Internal Revenue Code.

Subd. 2. Credit allowed. (a) An individual is allowed a credit against the tax imposed by this chapter equal to the lesser of:

(1) \$200 for each qualifying child; or

(2) ten percent of adjusted gross income in excess of \$14,000.

(b) The credit allowed in paragraph (a) is reduced by an amount equal to five percent of adjusted gross income in excess of \$28,000, but in no case is the credit less than zero.

(c) For a nonresident or part-year resident, the credit must be allocated based on the percentage calculated under section 290.06, subdivision 2c, paragraph (e).

Subd. 3. Credit refundable. If the amount of credit that an individual is eligible to receive under this section exceeds the claimant's tax liability under this chapter, the commissioner shall refund the excess to the claimant.

Subd. 4. Appropriation. An amount sufficient to pay the refunds required by this section is appropriated to the commissioner from the general fund.

Subd. 5. Inflation adjustment. The adjusted gross income floor in subdivision 2, paragraph (a), clause (2), and the phaseout threshold in subdivision 2, paragraph (b), must be adjusted for inflation. For tax years beginning after December 31, 2009, the commissioner shall annually adjust the adjusted gross income floor and the phaseout threshold by the percentage determined pursuant to section 1(f) of the Internal Revenue Code, except that in section 1(f)(3)(B), the word "2008" shall be substituted for the word "1992." For 2010, the commissioner shall then determine the percent change from the 12 months ending on August 31, 2008, to the 12 months ending on August 31, 2009, and in each subsequent year, from the 12 months ending on August 31, 2008, to the 12 months ending on August 31 of the year preceding the taxable year. The adjusted gross income floor and the phaseout threshold as adjusted for inflation must be rounded to the nearest \$10. If the amount ends in \$5, the amount is rounded up to the nearest \$10. The determination of the commissioner under this subdivision is not a rule under the Administrative Procedure Act.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008.

Sec. 24. Minnesota Statutes 2008, section 290.091, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For purposes of the tax imposed by this section, the following terms have the meanings given:

(a) "Alternative minimum taxable income" means the sum of the following for the taxable year:

(1) the taxpayer's federal alternative minimum taxable income as defined in section 55(b)(2) of the Internal Revenue Code;

(2) the taxpayer's itemized deductions allowed in computing federal alternative minimum taxable income, but excluding:

~~(i) the charitable contribution deduction under section 170 of the Internal Revenue Code;~~

~~(ii)~~ (i) the medical expense deduction;

~~(iii)~~ (ii) the casualty, theft, and disaster loss deduction; and

~~(iv)~~ (iii) the impairment-related work expenses of a disabled person;

(3) for depletion allowances computed under section 613A(c) of the Internal Revenue Code, with respect to each property (as defined in section 614 of the Internal Revenue Code), to the extent not included in federal alternative minimum taxable income, the excess of the deduction for depletion allowable under section 611 of the Internal Revenue Code for the taxable year over the adjusted basis of the property at the end of the taxable year (determined without regard to the depletion deduction for the taxable year);

(4) to the extent not included in federal alternative minimum taxable income, the amount of the tax preference for intangible drilling cost under section 57(a)(2) of the Internal Revenue Code determined without regard to subparagraph (E);

(5) to the extent not included in federal alternative minimum taxable income, the amount of interest income as provided by section 290.01, subdivision 19a, clause (1); and

(6) the amount of addition required by section 290.01, subdivision 19a, clauses (7) to (9), (12), ~~and (13), (16), and (17)~~;

less the sum of the amounts determined under the following:

(1) interest income as defined in section 290.01, subdivision 19b, clause (1);

(2) an overpayment of state income tax as provided by section 290.01, subdivision 19b, clause (2), to the extent included in federal alternative minimum taxable income;

(3) the amount of investment interest paid or accrued within the taxable year on indebtedness to the extent that the amount does not exceed net investment income, as defined in section 163(d)(4) of the Internal Revenue Code. Interest does not include amounts deducted in computing federal adjusted gross income; and

31.1 (4) amounts subtracted from federal taxable income as provided by section 290.01,
31.2 subdivision 19b, clauses ~~(6) and (9) to (16)~~ (3) to (8).

31.3 In the case of an estate or trust, alternative minimum taxable income must be
31.4 computed as provided in section 59(c) of the Internal Revenue Code.

31.5 (b) "Investment interest" means investment interest as defined in section 163(d)(3)
31.6 of the Internal Revenue Code.

31.7 (c) "Tentative minimum tax" equals 6.4 percent of alternative minimum taxable
31.8 income after subtracting the exemption amount determined under subdivision 3.

31.9 (d) "Regular tax" means the tax that would be imposed under this chapter (without
31.10 regard to this section and section 290.032), reduced by the sum of the nonrefundable
31.11 credits allowed under this chapter.

31.12 (e) "Net minimum tax" means the minimum tax imposed by this section.

31.13 **EFFECTIVE DATE.** This section is effective for taxable years beginning after
31.14 December 31, 2008.

31.15 Sec. 25. Minnesota Statutes 2008, section 290.0921, subdivision 3, is amended to read:

31.16 Subd. 3. **Alternative minimum taxable income.** "Alternative minimum taxable
31.17 income" is Minnesota net income as defined in section 290.01, subdivision 19, and
31.18 includes the adjustments and tax preference items in sections 56, 57, 58, and 59(d), (e),
31.19 (f), and (h) of the Internal Revenue Code. If a corporation files a separate company
31.20 Minnesota tax return, the minimum tax must be computed on a separate company basis.
31.21 If a corporation is part of a tax group filing a unitary return, the minimum tax must be
31.22 computed on a unitary basis. The following adjustments must be made.

31.23 (1) For purposes of the depreciation adjustments under section 56(a)(1) and
31.24 56(g)(4)(A) of the Internal Revenue Code, the basis for depreciable property placed in
31.25 service in a taxable year beginning before January 1, 1990, is the adjusted basis for federal
31.26 income tax purposes, including any modification made in a taxable year under section
31.27 290.01, subdivision 19e, or Minnesota Statutes 1986, section 290.09, subdivision 7,
31.28 paragraph (c).

31.29 For taxable years beginning after December 31, 2000, the amount of any remaining
31.30 modification made under section 290.01, subdivision 19e, or Minnesota Statutes 1986,
31.31 section 290.09, subdivision 7, paragraph (c), not previously deducted is a depreciation
31.32 allowance in the first taxable year after December 31, 2000.

31.33 (2) The portion of the depreciation deduction allowed for federal income tax
31.34 purposes under section 168(k) of the Internal Revenue Code that is required as an

32.1 addition under section 290.01, subdivision 19c, clause (15), is disallowed in determining
32.2 alternative minimum taxable income.

32.3 (3) The subtraction for depreciation allowed under section 290.01, subdivision
32.4 19d, clause ~~(18)~~ (17), is allowed as a depreciation deduction in determining alternative
32.5 minimum taxable income.

32.6 (4) The alternative tax net operating loss deduction under sections 56(a)(4) and 56(d)
32.7 of the Internal Revenue Code does not apply.

32.8 (5) The special rule for certain dividends under section 56(g)(4)(C)(ii) of the Internal
32.9 Revenue Code does not apply.

32.10 (6) The special rule for dividends from section 936 companies under section
32.11 56(g)(4)(C)(iii) does not apply.

32.12 (7) The tax preference for depletion under section 57(a)(1) of the Internal Revenue
32.13 Code does not apply.

32.14 (8) The tax preference for intangible drilling costs under section 57(a)(2) of the
32.15 Internal Revenue Code must be calculated without regard to subparagraph (E) and the
32.16 subtraction under section 290.01, subdivision 19d, clause (4).

32.17 (9) The tax preference for tax exempt interest under section 57(a)(5) of the Internal
32.18 Revenue Code does not apply.

32.19 (10) The tax preference for charitable contributions of appreciated property under
32.20 section 57(a)(6) of the Internal Revenue Code does not apply.

32.21 (11) For purposes of calculating the tax preference for accelerated depreciation or
32.22 amortization on certain property placed in service before January 1, 1987, under section
32.23 57(a)(7) of the Internal Revenue Code, the deduction allowable for the taxable year is the
32.24 deduction allowed under section 290.01, subdivision 19e.

32.25 For taxable years beginning after December 31, 2000, the amount of any remaining
32.26 modification made under section 290.01, subdivision 19e, not previously deducted is a
32.27 depreciation or amortization allowance in the first taxable year after December 31, 2004.

32.28 (12) For purposes of calculating the adjustment for adjusted current earnings in
32.29 section 56(g) of the Internal Revenue Code, the term "alternative minimum taxable
32.30 income" as it is used in section 56(g) of the Internal Revenue Code, means alternative
32.31 minimum taxable income as defined in this subdivision, determined without regard to the
32.32 adjustment for adjusted current earnings in section 56(g) of the Internal Revenue Code.

32.33 (13) For purposes of determining the amount of adjusted current earnings under
32.34 section 56(g)(3) of the Internal Revenue Code, no adjustment shall be made under section
32.35 56(g)(4) of the Internal Revenue Code with respect to (i) the amount of foreign dividend
32.36 gross-up subtracted as provided in section 290.01, subdivision 19d, clause (1), or (ii) the

amount of refunds of income, excise, or franchise taxes subtracted as provided in section 290.01, subdivision 19d, clause (9), ~~or (iii) the amount of royalties, fees or other like income subtracted as provided in section 290.01, subdivision 19d, clause (10).~~

~~(14) Alternative minimum taxable income excludes the income from operating in a job opportunity building zone as provided under section 469.317.~~

~~(15) Alternative minimum taxable income excludes the income from operating in a biotechnology and health sciences industry zone as provided under section 469.337.~~

~~(16) Alternative minimum taxable income excludes the income from operating in an international economic development zone as provided under section 469.326.~~

(14) Alternative minimum taxable income includes Minnesota development subsidies.

Items of tax preference must not be reduced below zero as a result of the modifications in this subdivision.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2009, except the changes to clauses (3) and (13) and the new clause (14) are effective for taxable years beginning after December 31, 2008.

Sec. 26. Minnesota Statutes 2008, section 290.0922, subdivision 1, is amended to read:

Subdivision 1. **Imposition.** (a) In addition to the tax imposed by this chapter without regard to this section, the franchise tax imposed on a corporation required to file under section 289A.08, subdivision 3, other than a corporation treated as an "S" corporation under section 290.9725 for the taxable year includes a tax equal to the following amounts:

If the sum of the corporation's Minnesota property, payrolls, and sales or receipts is:

the tax equals:

less than	\$ 500,000	\$ 0
\$ 500,000 to	\$ 999,999	\$ 100
\$ 1,000,000 to	\$ 4,999,999	\$ 300
\$ 5,000,000 to	\$ 9,999,999	\$ 1,000
\$ 10,000,000 to	\$ 19,999,999	\$ 2,000
\$ 20,000,000 or more		\$ 5,000
<u>less than</u>	<u>\$ 830,000</u>	<u>\$ 0</u>
<u>\$ 830,000 to</u>	<u>\$ 1,659,999</u>	<u>\$ 170</u>
<u>\$ 1,660,000 to</u>	<u>\$ 8,319,999</u>	<u>\$ 500</u>
<u>\$ 8,320,000 to</u>	<u>\$ 16,649,999</u>	<u>\$ 1,660</u>
<u>\$ 16,650,000 to</u>	<u>\$ 33,299,999</u>	<u>\$ 3,330</u>
<u>\$ 33,300,000 or more</u>		<u>\$ 8,320</u>

(b) A tax is imposed for each taxable year on a corporation required to file a return under section 289A.12, subdivision 3, that is treated as an "S" corporation under section 290.9725 and on a partnership required to file a return under section 289A.12, subdivision 3, other than a partnership that derives over 80 percent of its income from farming. The tax imposed under this paragraph is due on or before the due date of the return for the taxpayer due under section 289A.18, subdivision 1. The commissioner shall prescribe the return to be used for payment of this tax. The tax under this paragraph is equal to the following amounts:

If the sum of the S corporation's or partnership's Minnesota property, payrolls, and sales or receipts is:	the tax equals:
less than \$ 500,000	\$ 0
\$ 500,000 to \$ 999,999	\$ 100
\$ 1,000,000 to \$ 4,999,999	\$ 300
\$ 5,000,000 to \$ 9,999,999	\$ 1,000
\$ 10,000,000 to \$ 19,999,999	\$ 2,000
\$ 20,000,000 or more	\$ 5,000
<u>less than \$ 830,000</u>	<u>\$ 0</u>
<u>\$ 830,000 to \$ 1,659,999</u>	<u>\$ 170</u>
<u>\$ 1,660,000 to \$ 8,319,999</u>	<u>\$ 500</u>
<u>\$ 8,320,000 to \$ 16,649,999</u>	<u>\$ 1,660</u>
<u>\$ 16,650,000 to \$ 33,299,999</u>	<u>\$ 3,330</u>
<u>\$ 33,300,000 or more</u>	<u>\$ 8,320</u>

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008.

Sec. 27. Minnesota Statutes 2008, section 290.0922, subdivision 3, is amended to read:

Subd. 3. **Definitions.** (a) "Minnesota sales or receipts" means the total sales apportioned to Minnesota pursuant to section 290.191, subdivision 5, the total receipts attributed to Minnesota pursuant to section 290.191, subdivisions 6 to 8, and/or the total sales or receipts apportioned or attributed to Minnesota pursuant to any other apportionment formula applicable to the taxpayer.

(b) "Minnesota property" means total Minnesota tangible property as provided in section 290.191, subdivisions 9 to 11, any other tangible property located in Minnesota; ~~but does not include: (1) property located in a job opportunity building zone designated under section 469.314, (2) property of a qualified business located in a biotechnology and health sciences industry zone designated under section 469.334, or (3) for taxable years beginning during the duration of the zone, property of a qualified business located in the~~

~~international economic development zone designated under section 469.322. Intangible property shall not be included in Minnesota property for purposes of this section.~~

Taxpayers who do not utilize tangible property to apportion income shall nevertheless include Minnesota property for purposes of this section. On a return for a short taxable year, the amount of Minnesota property owned, as determined under section 290.191, shall be included in Minnesota property based on a fraction in which the numerator is the number of days in the short taxable year and the denominator is 365.

(c) "Minnesota payrolls" means total Minnesota payrolls as provided in section 290.191, subdivision 12, ~~but does not include: (1) job opportunity building zone payrolls under section 469.310, subdivision 8, (2) biotechnology and health sciences industry zone payrolls under section 469.330, subdivision 8, or (3) for taxable years beginning during the duration of the zone, international economic development zone payrolls under section 469.321, subdivision 9.~~ Taxpayers who do not utilize payrolls to apportion income shall nevertheless include Minnesota payrolls for purposes of this section.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2009.

Sec. 28. Minnesota Statutes 2008, section 290.0922, is amended by adding a subdivision to read:

Subd. 5. Inflation adjustment. The commissioner shall adjust the dollar amounts of both the fee and the property, payrolls, and sales or receipts thresholds in subdivision 1 by the percentage determined pursuant to the provisions of section 1(f) of the Internal Revenue Code, except that in section 1(f)(3)(B) the word "2008" must be substituted for the word "1992." For 2010, the commissioner shall then determine the percent change from the 12 months ending on August 31, 2008, to the 12 months ending on August 31, 2009, and in each subsequent year, from the 12 months ending on August 31, 2008, to the 12 months ending on August 31 of the year preceding the taxable year. The determination of the commissioner pursuant to this subdivision is not a "rule" subject to the Administrative Procedure Act contained in chapter 14. The fee amounts as adjusted must be rounded to the nearest \$10 and the threshold amounts must be adjusted to the nearest \$10,000. For fee amounts that end in \$5, the amount is rounded up to the nearest \$10 and for threshold amounts that end in \$5,000, the amount is rounded up to the nearest \$10,000.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2009.

Sec. 29. Minnesota Statutes 2008, section 290.17, subdivision 2, is amended to read:

Subd. 2. **Income not derived from conduct of a trade or business.** The income of a taxpayer subject to the allocation rules that is not derived from the conduct of a trade or business must be assigned in accordance with paragraphs (a) to (f):

(a)(1) Subject to paragraphs (a)(2) and (a)(3), income from wages as defined in section 3401(a) and (f) of the Internal Revenue Code is assigned to this state if, and to the extent that, the work of the employee is performed within it; all other income from such sources is treated as income from sources without this state.

Severance pay shall be considered income from labor or personal or professional services.

(2) In the case of an individual who is a nonresident of Minnesota and who is an athlete or entertainer, income from compensation for labor or personal services performed within this state shall be determined in the following manner:

(i) The amount of income to be assigned to Minnesota for an individual who is a nonresident salaried athletic team employee shall be determined by using a fraction in which the denominator contains the total number of days in which the individual is under a duty to perform for the employer, and the numerator is the total number of those days spent in Minnesota. For purposes of this paragraph, off-season training activities, unless conducted at the team's facilities as part of a team imposed program, are not included in the total number of duty days. Bonuses earned as a result of play during the regular season or for participation in championship, play-off, or all-star games must be allocated under the formula. Signing bonuses are not subject to allocation under the formula if they are not conditional on playing any games for the team, are payable separately from any other compensation, and are nonrefundable; and

(ii) The amount of income to be assigned to Minnesota for an individual who is a nonresident, and who is an athlete or entertainer not listed in clause (i), for that person's athletic or entertainment performance in Minnesota shall be determined by assigning to this state all income from performances or athletic contests in this state.

(3) For purposes of this section, amounts received by a nonresident as "retirement income" as defined in section (b)(1) of the State Income Taxation of Pension Income Act, Public Law 104-95, are not considered income derived from carrying on a trade or business or from wages or other compensation for work an employee performed in Minnesota, and are not taxable under this chapter.

(b) Income or gains from tangible property located in this state that is not employed in the business of the recipient of the income or gains must be assigned to this state.

(c) Income or gains from intangible personal property not employed in the business of the recipient of the income or gains must be assigned to this state if the recipient of the income or gains is a resident of this state or is a resident trust or estate.

Gain on the sale of a partnership interest is allocable to this state in the ratio of the original cost of partnership tangible property in this state to the original cost of partnership tangible property everywhere, determined at the time of the sale. If more than 50 percent of the value of the partnership's assets consists of intangibles, gain or loss from the sale of the partnership interest is allocated to this state in accordance with the sales factor of the partnership for its first full tax period immediately preceding the tax period of the partnership during which the partnership interest was sold.

Gain on the sale of an interest in a single member limited liability company that is disregarded for federal income tax purposes is allocable to this state as if the single member limited liability company did not exist and the assets of the limited liability company are personally owned by the sole member.

Gain on the sale of goodwill or income from a covenant not to compete that is connected with a business operating all or partially in Minnesota is allocated to this state to the extent that the income from the business in the year preceding the year of sale was assignable to Minnesota under subdivision 3.

When an employer pays an employee for a covenant not to compete, the income allocated to this state is in the ratio of the employee's service in Minnesota in the calendar year preceding leaving the employment of the employer over the total services performed by the employee for the employer in that year.

(d) Income from winnings on a bet made by an individual while in Minnesota is assigned to this state. In this paragraph, "bet" has the meaning given in section 609.75, subdivision 2, as limited by section 609.75, subdivision 3, clauses (1), (2), and (3).

(e) All items of gross income not covered in paragraphs (a) to (d) and not part of the taxpayer's income from a trade or business shall be assigned to the taxpayer's domicile.

(f) For the purposes of this section, working as an employee shall not be considered to be conducting a trade or business.

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

Sec. 30. Minnesota Statutes 2008, section 290.17, subdivision 4, is amended to read:

Subd. 4. Unitary business principle. (a) If a trade or business conducted wholly within this state or partly within and partly without this state is part of a unitary business, the entire income of the unitary business is subject to apportionment pursuant to section 290.191. Notwithstanding subdivision 2, paragraph (c), none of the income of a unitary

business is considered to be derived from any particular source and none may be allocated to a particular place except as provided by the applicable apportionment formula. The provisions of this subdivision do not apply to business income subject to subdivision 5, income of an insurance company, or income of an investment company determined under section 290.36.

(b) The term "unitary business" means business activities or operations which result in a flow of value between them. The term may be applied within a single legal entity or between multiple entities and without regard to whether each entity is a sole proprietorship, a corporation, a partnership or a trust.

(c) Unity is presumed whenever there is unity of ownership, operation, and use, evidenced by centralized management or executive force, centralized purchasing, advertising, accounting, or other controlled interaction, but the absence of these centralized activities will not necessarily evidence a nonunitary business. Unity is also presumed when business activities or operations are of mutual benefit, dependent upon or contributory to one another, either individually or as a group.

(d) Where a business operation conducted in Minnesota is owned by a business entity that carries on business activity outside the state different in kind from that conducted within this state, and the other business is conducted entirely outside the state, it is presumed that the two business operations are unitary in nature, interrelated, connected, and interdependent unless it can be shown to the contrary.

(e) Unity of ownership is not deemed to exist when a corporation is involved unless that corporation is a member of a group of two or more business entities and more than 50 percent of the voting stock of each member of the group is directly or indirectly owned by a common owner or by common owners, either corporate or noncorporate, or by one or more of the member corporations of the group. For this purpose, the term "voting stock" shall include membership interests of mutual insurance holding companies formed under section 66A.40.

(f) The net income and apportionment factors under section 290.191 or 290.20 of foreign corporations and other foreign entities which are part of a unitary business shall not be included in the net income or the apportionment factors of the unitary business. A foreign corporation or other foreign entity which is required to file a return under this chapter shall file on a separate return basis. ~~The net income and apportionment factors under section 290.191 or 290.20 of foreign operating corporations shall not be included in the net income or the apportionment factors of the unitary business except as provided in paragraph (g).~~

~~(g) The adjusted net income of a foreign operating corporation shall be deemed to be paid as a dividend on the last day of its taxable year to each shareholder thereof, in proportion to each shareholder's ownership, with which such corporation is engaged in a unitary business. Such deemed dividend shall be treated as a dividend under section 290.21, subdivision 4.~~

~~Dividends actually paid by a foreign operating corporation to a corporate shareholder which is a member of the same unitary business as the foreign operating corporation shall be eliminated from the net income of the unitary business in preparing a combined report for the unitary business. The adjusted net income of a foreign operating corporation shall be its net income adjusted as follows:~~

~~(1) any taxes paid or accrued to a foreign country, the commonwealth of Puerto Rico, or a United States possession or political subdivision of any of the foregoing shall be a deduction; and~~

~~(2) the subtraction from federal taxable income for payments received from foreign corporations or foreign operating corporations under section 290.01, subdivision 19d, clause (10), shall not be allowed.~~

~~If a foreign operating corporation incurs a net loss, neither income nor deduction from that corporation shall be included in determining the net income of the unitary business.~~

~~(h)~~ (g) For purposes of determining the net income of a unitary business and the factors to be used in the apportionment of net income pursuant to section 290.191 or 290.20, there must be included only the income and apportionment factors of domestic corporations or other domestic entities ~~other than foreign operating corporations~~ that are determined to be part of the unitary business pursuant to this subdivision, notwithstanding that foreign corporations or other foreign entities might be included in the unitary business.

~~(i)~~ (h) Deductions for expenses, interest, or taxes otherwise allowable under this chapter that are connected with or allocable against dividends, ~~deemed dividends described in paragraph (g), or royalties, fees, or other like income described in section 290.01, subdivision 19d, clause (10),~~ shall not be disallowed.

~~(j)~~ (i) Each corporation or other entity, except a sole proprietorship, that is part of a unitary business must file combined reports as the commissioner determines. On the reports, all intercompany transactions between entities included pursuant to paragraph ~~(h)~~ (g) must be eliminated and the entire net income of the unitary business determined in accordance with this subdivision is apportioned among the entities by using each entity's Minnesota factors for apportionment purposes in the numerators of the apportionment

formula and the total factors for apportionment purposes of all entities included pursuant to paragraph ~~(h)~~ (g) in the denominators of the apportionment formula.

~~(k)~~ (j) If a corporation has been divested from a unitary business and is included in a combined report for a fractional part of the common accounting period of the combined report:

(1) its income includable in the combined report is its income incurred for that part of the year determined by proration or separate accounting; and

(2) its sales, property, and payroll included in the apportionment formula must be prorated or accounted for separately.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008.

Sec. 31. Minnesota Statutes 2008, section 290.191, subdivision 2, is amended to read:

Subd. 2. **Apportionment formula of general application.** ~~(a)~~ Except for those trades or businesses required to use a different formula under subdivision 3 or section 290.36, and for those trades or businesses that receive permission to use some other method under section 290.20 or under subdivision 4, a trade or business required to apportion its net income must apportion its income to this state on the basis of the ~~percentage obtained by taking the sum of:~~

~~(1) the percent for the sales factor under paragraph (b) of the percentage which the sales made within this state in connection with the trade or business during the tax period are of the total sales wherever made in connection with the trade or business during the tax period;~~

~~(2) the percent for the property factor under paragraph (b) of the percentage which the total tangible property used by the taxpayer in this state in connection with the trade or business during the tax period is of the total tangible property, wherever located, used by the taxpayer in connection with the trade or business during the tax period; and~~

~~(3) the percent for the payroll factor under paragraph (b) of the percentage which the taxpayer's total payrolls paid or incurred in this state or paid in respect to labor performed in this state in connection with the trade or business during the tax period are of the taxpayer's total payrolls paid or incurred in connection with the trade or business during the tax period.~~

~~(b) For purposes of paragraph (a) and subdivision 3, the following percentages apply for the taxable years specified:~~

41.1	Taxable years beginning	Sales factor	Property factor	Payroll factor
41.2	during calendar year	percent	percent	percent
41.3	2007	78	11	11
41.4	2008	81	9.5	9.5
41.5	2009	84	8	8
41.6	2010	87	6.5	6.5
41.7	2011	90	5	5
41.8	2012	93	3.5	3.5
41.9	2013	96	2	2
41.10	2014 and later calendar years	100	0	0

41.11 **EFFECTIVE DATE.** This section is effective for taxable years beginning after
41.12 December 31, 2008.

41.13 Sec. 32. Minnesota Statutes 2008, section 290.191, subdivision 3, is amended to read:

41.14 Subd. 3. **Apportionment formula for financial institutions.** Except for an
41.15 investment company required to apportion its income under section 290.36, a financial
41.16 institution that is required to apportion its net income must apportion its net income to this
41.17 state on the basis of the percentage ~~obtained by taking the sum of:~~

41.18 ~~(1) the percent for the sales factor under subdivision 2, paragraph (b), of the~~
41.19 ~~percentage which the receipts from within this state in connection with the trade or~~
41.20 ~~business during the tax period are of the total receipts in connection with the trade or~~
41.21 ~~business during the tax period, from wherever derived;~~

41.22 ~~(2) the percent for the property factor under subdivision 2, paragraph (b), of the~~
41.23 ~~percentage which the sum of the total tangible property used by the taxpayer in this~~
41.24 ~~state and the intangible property owned by the taxpayer and attributed to this state in~~
41.25 ~~connection with the trade or business during the tax period is of the sum of the total~~
41.26 ~~tangible property, wherever located, used by the taxpayer and the intangible property~~
41.27 ~~owned by the taxpayer and attributed to all states in connection with the trade or business~~
41.28 ~~during the tax period; and~~

41.29 ~~(3) the percent for the payroll factor under subdivision 2, paragraph (b), of the~~
41.30 ~~percentage which the taxpayer's total payrolls paid or incurred in this state or paid in~~
41.31 ~~respect to labor performed in this state in connection with the trade or business during~~
41.32 ~~the tax period are of the taxpayer's total payrolls paid or incurred in connection with~~
41.33 ~~the trade or business during the tax period.~~

41.34 **EFFECTIVE DATE.** This section is effective for taxable years beginning after
41.35 December 31, 2008.

Sec. 33. Minnesota Statutes 2008, section 290A.03, subdivision 3, as amended by Laws 2009, chapter 12, article 1, section 9, is amended to read:

Subd. 3. **Income.** (1) "Income" means the sum of the following:

(a) federal adjusted gross income as defined in the Internal Revenue Code; and

(b) the sum of the following amounts to the extent not included in clause (a):

(i) all nontaxable income;

(ii) the amount of a passive activity loss that is not disallowed as a result of section 469, paragraph (i) or (m) of the Internal Revenue Code and the amount of passive activity loss carryover allowed under section 469(b) of the Internal Revenue Code;

(iii) an amount equal to the total of any discharge of qualified farm indebtedness of a solvent individual excluded from gross income under section 108(g) of the Internal Revenue Code;

(iv) cash public assistance and relief;

(v) any pension or annuity (including railroad retirement benefits, all payments received under the federal Social Security Act, Supplemental Security Income, and veterans benefits), which was not exclusively funded by the claimant or spouse, or which was funded exclusively by the claimant or spouse and which funding payments were excluded from federal adjusted gross income in the years when the payments were made;

(vi) interest received from the federal or a state government or any instrumentality or political subdivision thereof;

(vii) workers' compensation;

(viii) nontaxable strike benefits;

(ix) the gross amounts of payments received in the nature of disability income or sick pay as a result of accident, sickness, or other disability, whether funded through insurance or otherwise;

(x) a lump-sum distribution under section 402(e)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1995;

(xi) contributions made by the claimant to an individual retirement account, including a qualified voluntary employee contribution; simplified employee pension plan; self-employed retirement plan; cash or deferred arrangement plan under section 401(k) of the Internal Revenue Code; or deferred compensation plan under section 457 of the Internal Revenue Code;

(xii) nontaxable scholarship or fellowship grants;

(xiii) the amount of deduction allowed under section 199 of the Internal Revenue Code;

43.1 (xiv) the amount of deduction allowed under section 220 or 223 of the Internal
43.2 Revenue Code;

43.3 (xv) the amount of tuition expenses required to be added to income under section
43.4 290.01, subdivision 19a, clause (12); ~~and~~

43.5 (xvi) the amount deducted for certain expenses of elementary and secondary school
43.6 teachers under section 62(a)(2)(D) of the Internal Revenue Code; and

43.7 (xvii) unemployment compensation.

43.8 In the case of an individual who files an income tax return on a fiscal year basis, the
43.9 term "federal adjusted gross income" shall mean federal adjusted gross income reflected
43.10 in the fiscal year ending in the calendar year. Federal adjusted gross income shall not be
43.11 reduced by the amount of a net operating loss carryback or carryforward or a capital loss
43.12 carryback or carryforward allowed for the year.

43.13 (2) "Income" does not include:

43.14 (a) amounts excluded pursuant to the Internal Revenue Code, sections 101(a) and
43.15 102;

43.16 (b) amounts of any pension or annuity which was exclusively funded by the claimant
43.17 or spouse and which funding payments were not excluded from federal adjusted gross
43.18 income in the years when the payments were made;

43.19 (c) surplus food or other relief in kind supplied by a governmental agency;

43.20 (d) relief granted under this chapter;

43.21 (e) child support payments received under a temporary or final decree of dissolution
43.22 or legal separation; or

43.23 (f) restitution payments received by eligible individuals and excludable interest as
43.24 defined in section 803 of the Economic Growth and Tax Relief Reconciliation Act of
43.25 2001, Public Law 107-16.

43.26 (3) The sum of the following amounts may be subtracted from income:

43.27 (a) for the claimant's first dependent, the exemption amount multiplied by 1.4;

43.28 (b) for the claimant's second dependent, the exemption amount multiplied by 1.3;

43.29 (c) for the claimant's third dependent, the exemption amount multiplied by 1.2;

43.30 (d) for the claimant's fourth dependent, the exemption amount multiplied by 1.1;

43.31 (e) for the claimant's fifth dependent, the exemption amount; and

43.32 (f) if the claimant or claimant's spouse was disabled or attained the age of 65
43.33 on or before December 31 of the year for which the taxes were levied or rent paid, the
43.34 exemption amount.

44.1 For purposes of this subdivision, the "exemption amount" means the exemption
44.2 amount under section 151(d) of the Internal Revenue Code for the taxable year for which
44.3 the income is reported.

44.4 **EFFECTIVE DATE.** This section is effective for property tax refunds based on
44.5 property taxes payable after December 31, 2009, and rent paid after December 31, 2008,
44.6 and thereafter.

44.7 Sec. 34. Minnesota Statutes 2008, section 290A.03, subdivision 15, as amended by
44.8 Laws 2009, chapter 12, article 1, section 10, is amended to read:

44.9 Subd. 15. **Internal Revenue Code.** "Internal Revenue Code" means the Internal
44.10 Revenue Code of 1986, as amended through ~~December 31, 2008~~ March 31, 2009.

44.11 **EFFECTIVE DATE.** This section is effective for property tax refunds based on
44.12 property taxes payable after December 31, 2009, and rent paid after December 31, 2008,
44.13 and thereafter.

44.14 Sec. 35. Minnesota Statutes 2008, section 291.005, subdivision 1, as amended by Laws
44.15 2009, chapter 12, article 1, section 11, is amended to read:

44.16 Subdivision 1. **Scope.** Unless the context otherwise clearly requires, the following
44.17 terms used in this chapter shall have the following meanings:

44.18 (1) "Federal gross estate" means the gross estate of a decedent as valued and
44.19 otherwise determined for federal estate tax purposes by federal taxing authorities pursuant
44.20 to the provisions of the Internal Revenue Code.

44.21 (2) "Minnesota gross estate" means the federal gross estate of a decedent after (a)
44.22 excluding therefrom any property included therein which has its situs outside Minnesota,
44.23 and (b) including therein any property omitted from the federal gross estate which is
44.24 includable therein, has its situs in Minnesota, and was not disclosed to federal taxing
44.25 authorities.

44.26 (3) "Personal representative" means the executor, administrator or other person
44.27 appointed by the court to administer and dispose of the property of the decedent. If there
44.28 is no executor, administrator or other person appointed, qualified, and acting within this
44.29 state, then any person in actual or constructive possession of any property having a situs in
44.30 this state which is included in the federal gross estate of the decedent shall be deemed
44.31 to be a personal representative to the extent of the property and the Minnesota estate tax
44.32 due with respect to the property.

(4) "Resident decedent" means an individual whose domicile at the time of death was in Minnesota.

(5) "Nonresident decedent" means an individual whose domicile at the time of death was not in Minnesota.

(6) "Situs of property" means, with respect to real property, the state or country in which it is located; with respect to tangible personal property, the state or country in which it was normally kept or located at the time of the decedent's death; and with respect to intangible personal property, the state or country in which the decedent was domiciled at death. For a nonresident decedent with an ownership interest in a pass-through entity with assets that include real or tangible personal property, situs of the real or tangible personal property is determined as if the pass-through entity does not exist and the real or tangible personal property is personally owned by the decedent. If the pass-through entity is owned by a person or persons in addition to the decedent, ownership of the property is attributed to the decedent in proportion to the decedent's capital ownership share of the pass-through entity.

(7) "Commissioner" means the commissioner of revenue or any person to whom the commissioner has delegated functions under this chapter.

(8) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended through ~~December 31, 2008~~ March 31, 2009.

(9) "Minnesota adjusted taxable estate" means federal adjusted taxable estate as defined by section 2011(b)(3) of the Internal Revenue Code, increased by:

(i) the amount of deduction for state death taxes allowed under section 2058 of the Internal Revenue Code; and

(ii) the amount of taxable gifts as defined in section 292.16 and made by the decedent within three years of the decedent's date of death.

(10) "Pass-through entity" includes the following:

(i) an entity electing S corporation status under section 1362 of the Internal Revenue Code;

(ii) an entity taxed as a partnership under subchapter K of the Internal Revenue Code;

(iii) a single member limited liability company or similar entity, regardless of whether it is taxed as an association or is disregarded for federal income tax purposes under Code of Federal Regulations, title 26, section 301.7701-3; or

(iv) a trust.

EFFECTIVE DATE. This section is effective the day following final enactment, except the changes incorporated by federal changes are effective at the same time as the

changes were effective for federal purposes, and except that the changes to clauses (6) to (10) are effective for decedents dying after December 31, 2008.

Sec. 36. Minnesota Statutes 2008, section 291.03, subdivision 1, is amended to read:

Subdivision 1. **Tax amount.** (a) The tax imposed shall be an amount equal to the proportion of the maximum credit for state death taxes computed under section 2011 of the Internal Revenue Code, but using Minnesota adjusted taxable estate instead of federal adjusted taxable estate, as the Minnesota gross estate bears to the value of the federal gross estate. The tax is reduced by the gift tax paid by the decedent under section 292.17 on gifts included in the Minnesota adjusted gross estate.

(b) The tax determined under this subdivision must not be greater than the sum of the following amounts multiplied by a fraction, the numerator of which is the Minnesota gross estate and the denominator of which is the federal gross estate:

(1) the rates and brackets under section 2001(c) of the Internal Revenue Code multiplied by the sum of:

(i) the taxable estate, as defined under section 2051 of the Internal Revenue Code; plus

(ii) adjusted taxable gifts, as defined in section 2001(b) of the Internal Revenue Code; less

(2) the amount of tax allowed under section 2001(b)(2) of the Internal Revenue Code; and less

(3) the federal credit allowed under section 2010 of the Internal Revenue Code.

(c) For purposes of this subdivision, "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through December 31, 2000.

EFFECTIVE DATE. This section is effective for decedents dying after December 31, 2008.

Sec. 37. **[292.16] DEFINITIONS.**

(a) For purposes of this chapter, the following definitions apply.

(b) The definitions of terms defined in section 291.005 apply.

(c) "Taxable gifts" means:

(1) the transfers by gift which are included in taxable gifts for federal gift tax purposes under the following sections of the Internal Revenue Code:

(i) section 2503;

(ii) sections 2511 to 2514; and

(iii) sections 2516 to 2519; less

(2) the deductions allowed in sections 2522 to 2524 of the Internal Revenue Code.

EFFECTIVE DATE. This section is effective for taxable gifts made after June 30, 2009.

Sec. 38. **[292.17] GIFT TAX.**

Subdivision 1. Imposition. (a) A tax is imposed on the transfer of property by gift by any individual resident or nonresident in an amount equal to ten percent of the amount of the taxable gift.

(b) The donor is liable for payment of the tax. If the gift tax is not paid when due, the recipient of any gift is personally liable for the tax to the extent of the value of the gift.

Subd. 2. Lifetime credit. A credit of \$100,000 is allowed against the tax imposed under this section. This credit applies to the cumulative amount of taxable gifts made by the donor during the donor's lifetime.

Subd. 3. Out-of-state gifts. Taxable gifts exclude the transfer of tangible personal property and real property having a situs outside this state.

EFFECTIVE DATE. This section is effective for taxable gifts made after June 30, 2009.

Sec. 39. **[292.18] RETURNS.**

(a) Any individual who makes a taxable gift during the taxable year shall file a gift tax return in the form and manner prescribed by the commissioner.

(b) If the donor dies before filing the return, the executor of the donor's will or the administrator of the donor's estate shall file the return. If the donor becomes legally incompetent before filing the return, the guardian or conservator shall file the return.

(c) The return must include:

(1) each gift made during the calendar year which is to be included in computing the taxable gifts;

(2) the deductions claimed and allowable under section 292.16, paragraph (c), clause (2);

(3) a description of the gift, and the donee's name, address, and Social Security number;

(4) the fair market value of gifts not made in money; and

(5) any other information the commissioner requires to administer the gift tax.

EFFECTIVE DATE. This section is effective for taxable gifts made after June 30, 2009.

Sec. 40. [292.19] FILING REQUIREMENTS.

Gift tax returns must be filed by the April 15 following the close of the calendar year, except if a gift is made during the calendar year in which the donor dies, the return for the donor must be filed by the last date, including extensions, for filing the gift tax return for federal gift tax purposes for the donor.

EFFECTIVE DATE. This section is effective for taxable gifts made after June 30, 2009.

Sec. 41. [292.20] APPRAISAL OF PROPERTY; DECLARATION BY DONOR.

The commissioner may require the donor or the donee to show the property subject to the tax under section 292.17 to the commissioner upon demand and may employ a suitable person to appraise the property. The donor shall submit a declaration, in a form prescribed by the commissioner and including any certification required by the commissioner, that the property shown by the donor on the gift tax return includes all of the property transferred by gift for the calendar year and not excluded from taxable gifts under section 292.16, paragraph (c), clause (2).

EFFECTIVE DATE. This section is effective for taxable gifts made after June 30, 2009.

Sec. 42. [292.21] ADMINISTRATIVE PROVISIONS.

Subdivision 1. **Payment of tax; penalty for late payment.** The tax imposed under section 292.17 is due and payable to the commissioner by the April 15 following the close of the calendar year during which the gift was made. The return required under section 292.18 must be included with the payment. If a taxable gift is made during the calendar year in which the donor dies, the due date is the last date, including extensions, for filing the gift tax return for federal gift tax purposes for the donor. If any person fails to pay the tax due within the time specified under this section, a penalty applies equal to ten percent of the amount due and unpaid or \$100, whichever is greater. The unpaid tax and penalty bear interest at the rate under section 270C.40 from the due date of the return.

Subd. 2. **Extensions.** The commissioner may, for good cause, extend the time for filing a gift tax return, if a written request is filed with a tentative return accompanied by a payment of the tax, which is estimated in the tentative return, on or before the last day for filing the return. Any person to whom an extension is granted must pay, in addition to the tax, interest at the rate under section 270C.40 from the date on which the tax would have been due without the extension.

49.1 Subd. 3. **Changes in federal gift tax.** If the amount of a taxpayer's taxable gifts
49.2 for federal gift tax purposes, as reported on the taxpayer's federal gift tax return for any
49.3 calendar year, is changed or corrected by the Internal Revenue Service or other officer
49.4 of the United States or other competent authority, the taxpayer shall report the change or
49.5 correction in federal taxable gifts within 180 days after the final determination of the
49.6 change or correction, and concede the accuracy of the determination or provide a letter
49.7 detailing how the federal determination is incorrect or does not change the Minnesota
49.8 gift tax. Any taxpayer filing an amended federal gift tax return shall also file within
49.9 180 days an amended return under this chapter and shall include any information the
49.10 commissioner requires. The time for filing the report or amended return may be extended
49.11 by the commissioner upon due cause shown. Notwithstanding any limitation of time in
49.12 this chapter, if, upon examination, the commissioner finds that the taxpayer is liable for
49.13 the payment of an additional tax, the commissioner shall, within a reasonable time from
49.14 the receipt of the report or amended return, notify the taxpayer of the amount of additional
49.15 tax, together with interest computed at the rate under section 270C.40 from the date when
49.16 the original tax was due and payable. Within 30 days of the mailing of the notice, the
49.17 taxpayer shall pay the commissioner the amount of the additional tax and interest. If, upon
49.18 examination of the report or amended return and related information, the commissioner
49.19 finds that the taxpayer has overpaid the tax due the state, the commissioner shall refund
49.20 the overpayment to the taxpayer.

49.21 Subd. 4. **Application of federal rules.** In administering the tax under this chapter,
49.22 the commissioner shall apply the provisions of sections 2701 to 2704 of the Internal
49.23 Revenue Code. The words "secretary or his delegate," as used in those sections of the
49.24 Internal Revenue Code, means the commissioner.

49.25 **EFFECTIVE DATE.** This section is effective for taxable gifts made after June
49.26 30, 2009.

49.27 Sec. 43. **[292.22] CREDIT AGAINST ESTATE TAX.**

49.28 A credit is allowed against the estate tax imposed under chapter 291 in the amount
49.29 of any tax imposed and paid under this chapter for a gift includable in the Minnesota
49.30 adjusted taxable estate of the donor under section 291.005.

49.31 **EFFECTIVE DATE.** This section is effective for taxable gifts made after June
49.32 30, 2009.

Sec. 44. Minnesota Statutes 2008, section 469.315, is amended to read:

469.315 TAX INCENTIVES AVAILABLE IN ZONES.

Qualified businesses that operate in a job opportunity building zone, individuals who invest in a qualified business that operates in a job opportunity building zone, and property located in a job opportunity building zone qualify for:

~~(1) exemption from individual income taxes as provided under section 469.316;~~

~~(2) exemption from corporate franchise taxes as provided under section 469.317;~~

~~(3)~~ (1) exemption from the state sales and use tax and any local sales and use taxes on qualifying purchases as provided in section 297A.68, subdivision 37;

~~(4)~~ (2) exemption from the state sales tax on motor vehicles and any local sales tax on motor vehicles as provided under section 297B.03;

~~(5)~~ (3) exemption from the property tax as provided in section 272.02, subdivision 64;

~~(6)~~ (4) exemption from the wind energy production tax under section 272.029, subdivision 7; and

~~(7)~~ (5) the jobs credit allowed under section 469.318.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2009.

Sec. 45. Minnesota Statutes 2008, section 469.3192, is amended to read:

**469.3192 PROHIBITION AGAINST AMENDMENTS TO BUSINESS
SUBSIDY AGREEMENT.**

(a) Except as authorized under paragraphs (b) and (c) or section 469.3191, under no circumstance shall terms of any agreement required as a condition for eligibility for benefits listed under section 469.315 be amended to change job creation, job retention, or wage goals included in the agreement.

(b) A business may elect to void a business subsidy agreement permitting it to qualify for benefits listed under section 469.315 within 30 days after enactment of section 46, effective for obligations under the agreement that apply to periods after December 31, 2008. The authority to void an agreement expires 180 days after enactment of section 47.

(c) A business that does not elect to void an agreement under paragraph (b) may negotiate a modified or new business subsidy agreement to reflect the state's repeal of the benefits of the individual income and corporate franchise tax exemptions under sections 469.316 and 469.317.

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

Sec. 46. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall identify and correct internal cross-references to sections that are affected by section 47. The revisor may make changes necessary to correct the punctuation, grammar, or structure of the remaining text to preserve its meaning.

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

Sec. 47. **REPEALER.**

(a) Minnesota Statutes 2008, sections 289A.50, subdivision 10; 290.01, subdivision 6b; 290.06, subdivisions 33 and 34; 290.067, subdivisions 1, 2, 2a, 2b, 3, and 4; 290.0672; 290.0674; 290.0679; 290.0802; 290.0921, subdivision 7; 290.191, subdivision 4; and 290.491, and Laws 2009, chapter 3, section 1; and Laws 2009, chapter 12, article 1, section 8, are repealed.

(b) Minnesota Statutes 2008, sections 272.02, subdivision 83; 290.06, subdivisions 24, 28, 30, 31, and 32; 297A.68, subdivisions 38 and 41; 469.316; 469.317; 469.321; 469.3215; 469.322; 469.323; 469.324; 469.325; 469.326; 469.327; 469.328; 469.329; 469.330; 469.331; 469.332; 469.333; 469.334; 469.335; 469.336; 469.337; 469.338; 469.339; 469.340; and 469.341, are repealed.

EFFECTIVE DATE. Paragraph (a) is effective for taxable years beginning after December 31, 2008. Paragraph (b) is effective for taxable years beginning after December 31, 2009.

ARTICLE 2
COUNTY REVENUE REFORM

Section 1. Minnesota Statutes 2008, section 275.70, subdivision 3, is amended to read:

Subd. 3. **Local governmental unit.** "Local governmental unit" means a county, ~~or a statutory or home rule charter city with a population greater than 2,500.~~

EFFECTIVE DATE. This section is effective for taxes levied in calendar year 2009, payable in 2010 and thereafter.

Sec. 2. Minnesota Statutes 2008, section 275.71, subdivision 2, is amended to read:

Subd. 2. **Levy limit base.** ~~(a)~~ The levy limit base for a local governmental unit for taxes levied in 2008 is its levy aid base from the previous year, subject to any adjustments under section 275.72. For taxes levied in 2009 ~~and 2010~~, the levy limit base for a local

52.1 governmental unit is its adjusted levy limit base in the previous year, subject to any
52.2 adjustments under section 275.72.

52.3 **EFFECTIVE DATE.** This section is effective for taxes levied in calendar year
52.4 2009, payable in 2010 and thereafter.

52.5 Sec. 3. Minnesota Statutes 2008, section 275.71, subdivision 4, is amended to read:

52.6 Subd. 4. **Adjusted levy limit base.** For taxes levied in 2008 ~~through 2010~~ and 2009,
52.7 the adjusted levy limit base is equal to the levy limit base computed under subdivision 2
52.8 or section 275.72, multiplied by:

52.9 (1) one plus the lesser of 3.9 percent or the percentage growth in the implicit price
52.10 deflator;

52.11 (2) one plus a percentage equal to 50 percent of the percentage increase in the number
52.12 of households, if any, for the most recent 12-month period for which data is available; and

52.13 (3) one plus a percentage equal to 50 percent of the percentage increase in the
52.14 taxable market value of the jurisdiction due to new construction of class 3 property, as
52.15 defined in section 273.13, subdivision 4, except for state-assessed utility and railroad
52.16 property, for the most recent year for which data is available.

52.17 **EFFECTIVE DATE.** This section is effective for taxes levied in calendar year
52.18 2009, payable in 2010 and thereafter.

52.19 Sec. 4. Minnesota Statutes 2008, section 275.71, subdivision 5, is amended to read:

52.20 Subd. 5. **Property tax levy limit.** For taxes levied in ~~2008 through 2010~~ 2009, the
52.21 property tax levy limit for a local governmental unit is equal to its adjusted levy limit
52.22 base determined under subdivision 4 plus any additional levy authorized under section
52.23 275.73, which is levied against net tax capacity, reduced by the sum of (i) the total amount
52.24 of aids and reimbursements that the local governmental unit is certified to receive under
52.25 sections 477A.011 to 477A.014, (ii) the amount of aid reduction under section 477A.0124,
52.26 subdivision 6, paragraph (c), (iii) taconite aids under sections 298.28 and 298.282
52.27 including any aid which was required to be placed in a special fund for expenditure in the
52.28 next succeeding year, (iii) (iv) estimated payments to the local governmental unit under
52.29 section 272.029, adjusted for any error in estimation in the preceding year, and (iv) (v)
52.30 aids under section 477A.16.

52.31 **EFFECTIVE DATE.** This section is effective for taxes levied in calendar year
52.32 2009, payable in 2010 and thereafter.

Sec. 5. Minnesota Statutes 2008, section 297A.99, subdivision 1, is amended to read:

Subdivision 1. **Authorization; scope.** (a) A political subdivision of this state may impose a general sales tax (1) under section 297A.992, (2) under section 297A.993, (3) under section 297A.994, or (4) if permitted by special law enacted prior to May 20, 2008, or ~~(4)~~ (5) if the political subdivision enacted and imposed the tax before January 1, 1982, and its predecessor provision.

(b) This section governs the imposition of a general sales tax by the political subdivision. The provisions of this section preempt the provisions of any special law:

(1) enacted before June 2, 1997, or

(2) enacted on or after June 2, 1997, that does not explicitly exempt the special law provision from this section's rules by reference.

(c) This section does not apply to or preempt a sales tax on motor vehicles or a special excise tax on motor vehicles.

(d) Until after May 31, 2010, a political subdivision may not advertise, promote, expend funds, or hold a referendum to support imposing a local option sales tax unless it is for extension of an existing tax or the tax was authorized by a special law enacted prior to May 20, 2008.

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

Sec. 6. **[297A.994] COUNTY LOCAL OPTION SALES TAX.**

Subdivision 1. **Authorization; rates.** Notwithstanding section 297A.99, subdivisions 2, 3, and 5, or 477A.016, or any other law, a county board may, by resolution, impose a general sales tax of one-half of one percent on sales and uses taxable under this chapter. In addition, an excise tax of \$20 per motor vehicle is imposed on motor vehicles, purchased or acquired from any person engaged within the county in the business of selling motor vehicles at retail if a county imposes a local sales and use tax under this section.

Subd. 2. **Application of election requirement.** (a) Imposition of the tax under this section is not subject to the requirements of section 297A.99, subdivision 3.

(b) Before imposing the tax under this section, the county must publish a notice of its intention to impose the tax and the date and time of a hearing to obtain public comment on the matter. The notice must be published in the official newspaper of the county, or in a newspaper of general circulation in the county. The notice must be published at least 14 days before the date of the hearing, but not more than 28 days. Following the public hearing the county board may determine to take no further action, or may adopt a resolution imposing the tax.

(c) A county may impose the tax only upon obtaining the approval of the majority of voters voting on the question of imposing the tax, if a petition requesting a vote on imposition of the tax is signed by voters equal to the greater of (1) 500, or (2) ten percent of the votes cast in the county at the last general election is filed with the county auditor within 30 days after the public hearing. The vote on the tax may be held at a general or special election. The commissioner of revenue shall prepare a suggested form of the question to be presented at the election.

Subd. 3. **Use of revenues.** Revenues from the tax imposed under this section must first be used to fund obligations under section 297A.9945. Remaining revenues are deposited in the county general fund.

Subd. 4. **Administration, collection, and enforcement.** The administration, collection, and enforcement of the provisions in section 297A.99, subdivisions 4, and 6 to 12, apply to a tax imposed under this section.

Subd. 5. **Termination.** A county may terminate a tax imposed under this section upon resolution of the county board and notification to the commissioner of revenue, if all obligations under section 297A.9945 have been paid.

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

Sec. 7. [297A.9945] EFFECT ON EXISTING LOCAL SALES TAXES; SATISFACTION OF PREEXISTING OBLIGATIONS.

Subdivision 1. **Preemption of preexisting local sales taxes.** (a) Notwithstanding section 297A.99 or any other law or local ordinance to the contrary, all general local sales and use taxes in a county or a part of a county is preempted on the day that a county local sales tax under section 297A.994 takes effect, except the following taxes are not preempted:

(1) a local tax imposed under section 297A.992 or 297A.993;

(2) a local sales tax authorized by special law in a city of the first class;

(3) a local sales tax authorized by a special law in a city with a population in 2007 of at least 100,000, provided that it complies with paragraph (c); and

(4) a local sales tax in a county as authorized under Laws 2008, chapter 366, article 7, section 18.

(b) A local sales tax that is imposed by a city located in two or more counties is preempted if one or more counties in which the city is located impose the county tax. A replacement tax must be imposed under subdivision 6 in any portion of the city located in a county that has not imposed the tax under section 297A.994.

(c) If a city with a population in 2007 of at least 100,000 would like to maintain an existing local sales tax, the city council must pass a resolution to that effect within two months of the enactment of this section. The city council must provide a copy of the resolution to the commissioner of revenue and to the county in which the city is located within five business days of the passage of the resolution.

Subd. 2. County payment to cities; forgone sales tax revenue. (a) If a local sales tax imposed in a city located partially or totally within a county is preempted under subdivision 1, the county shall pay a portion of its local sales tax revenues, as provided under subdivision 4 or 5, to the city to fund obligations allowed under the law authorizing the city tax. The county must make these payments to the city within five business days after it receives the revenues from the commissioner.

(b) If the local sales tax was imposed under a joint powers agreement in cities located in more than one county, the share of the obligation to be funded by the county must be determined under subdivision 5.

(c) The requirement to make these payments ceases on the earliest of the following:

(1) the date on which the city tax was required to expire under the special law authorizing it;

(2) when the city has received sufficient revenues from its tax and from payments under this section to pay in full or to defease debt obligations issued by the city under the law authorizing the city sales tax and to pay any additional spending obligations allowed under the special law and not funded by the issuance of debt obligations; or

(3) the city becomes a city of the first class and imposes a city sales tax.

Subd. 3. Dedication of tax to fund county projects. If a county imposed local sales tax is preempted under subdivision 1, the revenues from the tax imposed under section 297A.994 are pledged first to pay and secure the bond obligations secured by and to be paid with the revenues from the preempted county sales tax.

Subd. 4. Calculation of forgone revenue in cities located entirely within a county. For purposes of subdivision 2, the forgone revenue to be paid to the city located entirely in a county imposing a tax under section 297A.994 is calculated as follows:

(1) in the first 12 months after the tax is preempted, the county shall make quarterly payments to a city entirely located within the county equal to the amount that the city received from the commissioner of revenue from the preempted tax in the corresponding quarter in the previous year, multiplied by a percentage equal to the percentage change in total state sales tax revenue in the previous quarter compared to the total state sales tax revenue for the fifth preceding quarter; and

(2) in subsequent years, the county shall make quarterly payments to the city equal to the payment made in the corresponding quarter in the previous year, multiplied by the ratio of the total quarterly remittance to the county in the current year compared to the total quarterly remittance to the county in the previous year.

Subd. 5. Calculation of forgone revenue in cities located partially within a county. (a) For purposes of subdivision 2, the forgone revenue to be paid to the city located partially in a county imposing a tax under section 297A.994 is calculated as provided in this subdivision.

(b) The commissioner of revenue shall determine the percentage of the city's local sales tax revenue attributable to transactions located in the county. The commissioner may consult with the county and the city to determine a reasonable percentage, or the commissioner may set the percentage equal to the percentage of the city's market value for the most recently available assessment year of class 3 property, except utility real and personal property located in the county. The sum of the percentage of a city's local sales tax revenue attributable to each county in which the city is located must equal 100 percent. The determination of the commissioner is final.

(c) In the first 12 months after the tax is preempted, the county shall make quarterly payments to a city partially located within the county equal to the amount that the city received from the commissioner from the preempted tax in the corresponding quarter in the previous year, multiplied by (1) a percentage equal to one plus the percentage change in total state sales tax revenue in the previous quarter compared to the total state sales tax revenue for the fifth preceding quarter, and (2) one plus the percentage calculated in paragraph (b).

(d) In subsequent years, the county shall make quarterly payments to the city equal to the payment made in the corresponding quarter in the previous year multiplied by the ratio of the total quarterly remittance to the county in the current year compared to the total quarterly remittance to the county in the previous year.

(e) A county's share of a city's obligations from the special law authorizing the city's sales tax is equal to the total obligation under the special law multiplied by one plus the percentage determined under paragraph (b).

Subd. 6. Establishment of special sales tax districts within certain cities. (a) For any city located in two or more counties, if at least one county imposes a county sales tax under subdivision 1, and at least one county does not impose a county sales tax, a special sales tax district is established in the portion of the city that is not subject to a county sales tax.

(b) The governing body of the city is the governing body of the special taxing district and the special taxing district shall impose a replacement local sales tax by resolution to take effect upon the preemption of the city's sales tax under subdivision 1. The replacement tax must be imposed at the same rate as the city tax it replaces. Revenues from the replacement tax are pledged to and may only be used for the purposes permitted by law for the city sales tax, which it replaces. The authority to impose this tax expires upon the city's receipt of sufficient revenues to pay the obligations to which the city sales tax was pledged and other spending permitted by the law authorizing imposition of the city sales tax from the sum of the following:

(1) the city sales tax;

(2) county payments of forgone sales tax revenues under this section; and

(3) the special taxing district sales tax.

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

Sec. 8. Minnesota Statutes 2008, section 477A.0124, is amended by adding a subdivision to read:

Subd. 6. County program aid. (a) For calendar year 2010 and thereafter, a county's program aid under this section is equal to (1) its county program aid amount certified for aids payable in 2009 under this section, minus (2) an amount determined under paragraph (b) or (c). A county's program aid shall not be less than zero.

(b) For a county that does not impose a tax under section 297A.994, the amount subtracted under paragraph (a) is equal to 3.58 percent of the county's 2009 levy plus aid revenue base. The "2009 levy plus aid revenue base" for a county is equal to the sum of the county's certified property tax levy for taxes payable in 2009 plus the amount the county was certified to receive in county program aid in 2009 under this section and the amount the county was certified to receive in taconite aids in 2009 under sections 298.28 and 292.282, including any aid that was required to be placed in a special fund for expenditure in the next succeeding year.

(c) For a county that imposes a tax under section 297A.994, the amount subtracted under paragraph (a) is equal to (1) 50 percent of its net sales tax revenue for the preceding 12-month period in excess of the greater of (i) \$70,000, or (ii) \$7 per capita, plus (2) 25 percent of its net sales tax revenue for the preceding 12-month period in excess of the greater of (i) \$170,000, or (ii) \$17 per capita.

(d) For purposes of this subdivision, "net sales tax revenue for the preceding 12-month period" means the sales tax revenue for the county for the 12-month period ending July 1 of the year in which the aid under this section is certified minus its estimated

existing obligations under section 297A.9945 for the year in which the aid is paid. For the first two years in which the aid is offset under this paragraph, the commissioner of revenue shall estimate the offset based on available data regarding sales tax collections in the county. Beginning with the third year in which the aid is offset under this paragraph, the offset will be based on actual sales tax collections in the county in the 12-month period ending July 1 of the year in which the aid is certified.

EFFECTIVE DATE. This section is effective for aids payable in calendar year 2010 and thereafter.

Sec. 9. Minnesota Statutes 2008, section 477A.03, subdivision 2b, is amended to read:

Subd. 2b. **Counties.** ~~(a) For aids payable in 2009~~ 2010 and thereafter, in addition to the total aid payable under section 477A.0124, subdivision 3, is \$111,500,000 minus one-half of the total aid amount determined under section 477A.0124, subdivision 5, paragraph (b), subject to adjustment in subdivision 5. Each calendar year, 477A.0124, \$500,000 shall be retained by is appropriated to the commissioner of revenue to make reimbursements to the commissioner of finance for payments made under section 611.27, \$357,000 is appropriated to the commissioner of revenue to make reimbursements to the commissioner of finance for the preparation of local impact notes under section 3.987, and \$7,000 is appropriated to the commissioner of revenue to reimburse the commissioner of education for the preparation of local impact notes for school districts under section 3.987. For calendar year 2004, the amount shall be in addition to the payments authorized under section 477A.0124, subdivision 1. For calendar year 2005 and subsequent years, the amount shall be deducted from the appropriation under this paragraph. The reimbursements shall be to defray the additional costs associated with court-ordered counsel under section 611.27. The commissioner of finance shall annually use at least \$150,000 of the \$357,000 appropriation to contract with the representative associations for counties, cities, towns, and school districts to establish a local impact network of political subdivisions for preparing local impact notes that provide information to the legislature as provided in section 270C.991, subdivision 7. Any retained appropriated amounts not used for reimbursement in a year shall be included in the next distribution of county need aid that is certified to the county auditors for the purpose of property tax reduction for the next taxes payable year. under this subdivision shall be returned to the general fund.

~~(b) For aids payable in 2009 and thereafter, the total aid under section 477A.0124, subdivision 4, is \$116,132,923 minus one-half of the total aid amount determined under section 477A.0124, subdivision 5, paragraph (b), subject to adjustment in subdivision 5. The commissioner of finance shall bill the commissioner of revenue for the cost of~~

~~preparation of local impact notes as required by section 3.987, not to exceed \$207,000 in fiscal year 2004 and thereafter. The commissioner of education shall bill the commissioner of revenue for the cost of preparation of local impact notes for school districts as required by section 3.987, not to exceed \$7,000 in fiscal year 2004 and thereafter. The commissioner of revenue shall deduct the amounts billed under this paragraph from the appropriation under this paragraph. The amounts deducted are appropriated to the commissioner of finance and the commissioner of education for the preparation of local impact notes.~~

EFFECTIVE DATE. This section is effective for aids payable in calendar year 2010 and thereafter.

Sec. 10. **REPEALER.**

Minnesota Statutes 2008, section 477A.0124, subdivisions 3, 4, and 5, are repealed.

EFFECTIVE DATE. This section is effective for aids payable in calendar year 2010 and thereafter.

ARTICLE 3

**PROPERTY TAX REFORM, ACCOUNTABILITY, VALUE, AND
EFFICIENCY PROVISIONS**

Section 1. **[6.90] COUNCIL ON LOCAL RESULTS AND INNOVATION.**

Subdivision 1. **Creation.** The Council on Local Results and Innovation consists of 11 members, as follows:

(1) the state auditor;

(2) two persons who are not members of the legislature, appointed by the chair of the Property and Local Sales Tax Division of the house of representatives Taxes Committee;

(3) two persons who are not members of the legislature, appointed by the designated lead minority member of the Property and Local Sales Tax Division of the house of representatives Taxes Committee;

(4) two persons who are not members of the legislature, appointed by the chair of the Taxes Division on Property Taxes of the senate Taxes Committee;

(5) two persons who are not members of the legislature, appointed by the designated lead minority member of the Taxes Division on Property Taxes of the senate Taxes Committee;

(6) one person who is not a member of the legislature, appointed by the Association of Minnesota Counties; and

60.1 (7) one person who is not a member of the legislature, appointed by the League
60.2 of Minnesota Cities.

60.3 Each appointment under clauses (2) to (5) must include one person with expertise
60.4 or interest in county government and one person with expertise or interest in city
60.5 government. The appointing authorities must use their best efforts to ensure that a majority
60.6 of council members have experience with local performance measurement systems. The
60.7 membership of the council must include geographically balanced representation as well as
60.8 representation balanced between large and small jurisdictions. The appointments under
60.9 clauses (2) to (7) must be made within two months of the date of enactment.

60.10 Appointees to the council under clauses (2) to (5) serve terms of four years, except
60.11 that one of each of the initial appointments under clauses (2) to (5) shall serve a term of
60.12 two years; each appointing agent must designate which appointee is serving the two-year
60.13 term. Subsequent appointments for members appointed under clauses (2) to (5) must
60.14 be made by the council, including appointments to replace any appointees who might
60.15 resign from the council prior to completion of their term. Appointees under clauses (2) to
60.16 (5) are not eligible to vote on appointing their successor, nor on the successors of other
60.17 appointees whose terms are expiring contemporaneously. In making appointments, the
60.18 council shall make all possible efforts to reflect the geographical distribution and meet the
60.19 qualifications of appointees required of the initial appointees. Subsequent appointments
60.20 for members appointed under clauses (6) and (7) must be made by the original appointing
60.21 authority. Appointees to the council under clauses (2) to (7) may serve no more than two
60.22 consecutive terms.

60.23 Subd. 2. **Duties.** (a) By February 15, 2010, the council shall develop a standard
60.24 set of approximately ten performance measures for counties and ten performance
60.25 measures for cities that will aid residents, taxpayers, and state and local elected officials
60.26 in determining the efficacy of counties and cities in providing services, and measure
60.27 residents' opinions of those services. In developing its measures, the council must solicit
60.28 input from private citizens. Counties and cities that elect to participate in the standard
60.29 measures system shall report their results to the state auditor under section 6.91, who
60.30 shall compile the results and make them available to all interested parties by publishing
60.31 them on the auditor's Web site and report them to the legislative tax committees. Each
60.32 year after the initial designation of performance measures, the council shall evaluate the
60.33 usefulness of the standard set of performance measures and may revise the set by adding
60.34 or removing measures as it deems appropriate.

61.1 (b) By February 15, 2011, the council shall develop minimum standards for
61.2 comprehensive performance measurement systems, which may vary by size and type
61.3 of governing jurisdiction.

61.4 (c) In addition to its specific duties under paragraphs (a) and (b), the council
61.5 shall generally promote the use of performance measurement for governmental entities
61.6 across the state and shall serve as a resource for all governmental entities seeking to
61.7 implement a system of local performance measurement. The council may highlight and
61.8 promote systems that are innovative, or are ones that it deems to be best practices of local
61.9 performance measurement systems across the state and nation. The council should give
61.10 preference in its recommendations to systems that are results-oriented. The council may,
61.11 with the cooperation of the state auditor, establish and foster a collaborative network
61.12 of practitioners of local performance measurement systems. The council may support
61.13 the Association of Minnesota Counties and the League of Minnesota Cities to seek and
61.14 receive private funding to provide expert technical assistance to local governments for
61.15 the purposes of replicating best practices.

61.16 Subd. 3. **Reports.** (a) The council shall report its initial set of standard performance
61.17 measures to the Property and Local Sales Tax Division of the house of representatives
61.18 Taxes Committee and the Taxes Division on Property Taxes of the senate Taxes Committee
61.19 by February 28, 2010.

61.20 (b) By February 1 of each subsequent year, the council shall report to the committees
61.21 with jurisdiction over taxes in the house of representatives and the senate on participation
61.22 in and results of the performance measurement system, along with any revisions in the
61.23 standard set of performance measures for the upcoming year. These reports may be made
61.24 by the state auditor in lieu of the council if agreed to by the auditor and the council.

61.25 Subd. 4. **Operation of council.** (a) The state auditor shall convene the initial
61.26 meeting of the council.

61.27 (b) The chair of the council shall be elected by the members. Once elected, a chair
61.28 shall serve a term of two years.

61.29 (c) Members of the council serve without compensation.

61.30 (d) Council members shall share and rotate responsibilities for administrative
61.31 support of the council.

61.32 (e) Chapter 13D does not apply to meetings of the council. Meetings of the council
61.33 must be open to the public and the council must provide notice of a meeting on the state
61.34 auditor's Web site at least seven days before the meeting. A meeting of the council occurs
61.35 when a quorum is present.

62.1 (f) The council must meet at least two times prior to the initial release of the standard
62.2 set of measurements. After the initial set has been developed, the council must meet a
62.3 minimum of once per year.

62.4 Subd. 5. **Termination.** The council expires on January 1, 2019.

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

62.6 Sec. 2. **[6.91] LOCAL PERFORMANCE MEASUREMENT AND REPORTING.**

62.7 Subdivision 1. **Reports of local performance measures.** (a) A county or city that
62.8 elects to participate in the standard measures program must report its results to its citizens
62.9 annually through publication, direct mailing, posting on the jurisdiction's Web site, or
62.10 through a presentation at the jurisdiction's truth-in-taxation hearing under section 275.065.

62.11 (b) Each year, jurisdictions participating in the local performance measurement
62.12 and improvement program must file a report with the state auditor by July 1, in a form
62.13 prescribed by the auditor. All reports must include a declaration that the jurisdiction has
62.14 complied with, or will have complied with by the end of the year, the requirement in
62.15 paragraph (a). For jurisdictions participating in the standard measures program, the report
62.16 shall consist of the jurisdiction's results for the standard set of performance measures
62.17 under section 6.90, subdivision 2, paragraph (a). In 2011, jurisdictions participating in the
62.18 comprehensive performance measurement program must submit a resolution approved by
62.19 its local governing body indicating that it either has implemented or is in the process of
62.20 implementing a local performance measurement system that meets the minimum standards
62.21 specified by the council under section 6.90, subdivision 2, paragraph (b). In 2012 and
62.22 thereafter, jurisdictions participating in the comprehensive performance measurement
62.23 program must submit a statement approved by its local governing body affirming that
62.24 it has implemented a local performance measurement system that meets the minimum
62.25 standards specified by the council under section 6.90, subdivision 2, paragraph (b).

62.26 Subd. 2. **Benefits of participation.** (a) A county or city that elects to participate in
62.27 the standard measures program for 2010 is: (1) eligible for per capita reimbursement of
62.28 \$0.25 per capita in 2011, but not to exceed \$25,000 for any government entity; (2) exempt
62.29 from levy limits under sections 275.70 to 275.74 for taxes payable in 2011, if levy limits
62.30 are in effect; and (3) exempt from the truth-in-taxation public hearing requirement under
62.31 section 275.065, subdivision 6, for taxes payable in 2011, if the hearing requirement is
62.32 in effect.

62.33 (b) Any county or city that elects to participate in the standard measures program for
62.34 2011 is eligible for per capita reimbursement of \$0.25 per capita in 2012, but not to exceed
62.35 \$25,000 for any government entity. Any jurisdiction participating in the comprehensive

performance measurement program is exempt from levy limits under sections 275.70 to 275.74 for taxes payable in 2012 if levy limits are in effect, and is exempt from the truth-in-taxation public hearing requirement under section 275.065, subdivision 6, for taxes payable in 2012, if the hearing requirement is in effect.

(c) Any county or city that elects to participate in the standard measures program for 2012 or any year thereafter is eligible for per capita reimbursement of \$0.25 per capita in the following year, but not to exceed \$25,000 for any government entity. Any jurisdiction participating in the comprehensive performance measurement program for 2012 or any year thereafter is exempt from levy limits under sections 275.70 to 275.74 for taxes payable in the following year, if levy limits are in effect, and is exempt from the truth-in-taxation public hearing requirement under section 275.065, subdivision 6, for taxes payable in the following year, if the hearing requirement is in effect.

Subd. 3. **Certification of participation.** (a) The state auditor shall certify to the commissioner of revenue by August 1 of each year the counties and cities that are participating in the standard measures program and the comprehensive performance measurement program.

(b) The commissioner of revenue shall make per capita aid payments under this section on the second payment date specified in section 477A.015, in the same year that the measurements were reported.

(c) The commissioner of revenue shall notify each county and city that is entitled to exemption from levy limits by August 10 of each levy year.

Subd. 4. **Appropriation.** (a) The amount necessary to fund obligations to counties under subdivision 2 is annually appropriated from the general fund to the commissioner of revenue.

(b) The amount necessary to fund obligations to cities under subdivision 2 is annually appropriated from the general fund to the commissioner of revenue.

(c) The sum of \$6,000 in fiscal year 2010 and \$2,000 in each fiscal year thereafter is annually appropriated from the general fund to the state auditor to carry out the auditor's responsibilities under sections 6.90 to 6.91.

EFFECTIVE DATE. This section is effective December 31, 2009.

Sec. 3. Minnesota Statutes 2008, section 134.34, subdivision 1, is amended to read:

Subdivision 1. **Local support levels.** (a) A regional library basic system support grant shall be made to any regional public library system where there are at least three participating counties and where each participating city and county is providing for public library service support the lesser of ~~(a)~~ (1) an amount equivalent to .82 percent

of the average of the adjusted net tax capacity of the taxable property of that city or county, as determined by the commissioner of revenue for the second, third, and fourth year preceding that calendar year ~~in 1991 and later years~~ or ~~(b)~~ (2) a per capita amount calculated under the provisions of this subdivision. The per capita amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the per capita amount shall be increased by a percentage equal to one-half of the percentage by which the total state adjusted net tax capacity of property as determined by the commissioner of revenue for the second year preceding that calendar year increases over that total adjusted net tax capacity for the third year preceding that calendar year.

(b) The minimum level of support specified under this subdivision or subdivision 4 shall be certified annually to the participating cities and counties by the Department of Education. If a city or county chooses to reduce its local support in accordance with subdivision 4, paragraph (b) or (c), it shall notify its regional public library system. The regional public library system shall notify the Department of Education that a revised certification is required. The revised minimum level of support shall be certified to the city or county by the Department of Education.

(c) A city which is a part of a regional public library system shall not be required to provide this level of support if the property of that city is already taxable by the county for the support of that regional public library system. In no event shall the Department of Education require any city or county to provide a higher level of support than the level of support specified in this section in order for a system to qualify for a regional library basic system support grant. This section shall not be construed to prohibit a city or county from providing a higher level of support for public libraries than the level of support specified in this section.

EFFECTIVE DATE. This section is effective for calendar years 2009 and thereafter, except that the change in paragraph (a) is effective for calendar years 2011 and thereafter.

Sec. 4. Minnesota Statutes 2008, section 134.34, subdivision 4, is amended to read:

Subd. 4. **Limitation.** (a) A regional library basic system support grant shall not be made to a regional public library system for a participating city or county which decreases the dollar amount provided for support for operating purposes of public library service below the amount provided by it for the second or third preceding year, whichever is less. For purposes of this subdivision and subdivision 1, any funds provided under section 473.757, subdivision 2, for extending library hours of operation shall not be considered amounts provided by a city or county for support for operating purposes of public library

service. This subdivision shall not apply to participating cities or counties where the adjusted net tax capacity of that city or county has decreased, if the dollar amount of the reduction in support is not greater than the dollar amount by which support would be decreased if the reduction in support were made in direct proportion to the decrease in adjusted net tax capacity.

(b) In addition, in any calendar year in which a city's or county's aid under sections 477A.011 to 477A.014, or credits under section 273.1384 are reduced after the city or county has certified its levy payable in that year, it may reduce its local support by the lesser of (1) ten percent, or (2) a percent equal to the percent the aid or credit reduction is of the city or county's revenue base as defined in paragraph (e), based on aids certified for the current calendar year. For calendar year 2009 only, the reduction under this paragraph shall be based on 2008 aid and credit reductions under the December 2008 unallotment, as well as any aid and credit reductions in calendar year 2009. For calendar year 2009 only, the commissioner of revenue shall calculate the reductions under this paragraph and certify them to the commissioner of education within 15 days of this provision becoming law.

(c) In addition, in any payable year in which the total amounts certified for city or county aids under sections 477A.011 to 477A.014 are less than the total amounts paid under those sections in the previous calendar year, a city or county may reduce its local support by the lesser of (1) ten percent, or (2) a percentage equal to the ratio of (i) the difference between the sum of the aid it was paid under sections 477A.011 to 477A.014 and the credit reimbursements it received under section 273.1384 in the previous calendar year and the aid it is certified to be paid in the current calendar year under sections 477A.011 to 477A.014 and the credits estimated to be paid under section 273.1384, to (ii) its revenue base for the previous year, based on aids actually paid in the previous calendar year. The commissioner of revenue shall calculate the percent aid cut for each county and city under this paragraph and certify the percentage cuts to the commissioner of education by August 1 of the year prior to the year in which the reduced aids and credits are to be paid. The percentage of reduction related to reductions to credit reimbursements under section 273.1384 shall be based on the best estimation available as of July 30.

(d) Notwithstanding paragraph (a), (b), or (c), no city or county shall reduce its support for public libraries below the minimum level specified in subdivision 1. No county may make a reduction under paragraph (b) or (c) in a year in which it is receiving local sales tax revenue under section 297A.994.

(e) For purposes of this subdivision, "revenue base" means the sum of:

(1) its levy for taxes payable in the current calendar year, including the levy on the fiscal disparities distribution under section 276A.06, subdivision 3, paragraph (a), or 473F.08, subdivision 3, paragraph (a);

(2) its aid under sections 477A.011 to 477A.014 in the current calendar year; and

(3) its taconite aid in the current calendar year under sections 298.28 and 298.282.

(f) The sum of \$21,000 in fiscal year 2010 and each fiscal year thereafter is appropriated from the general fund to the commissioner of education to carry out the additional responsibilities under this section.

EFFECTIVE DATE. This section is effective for support in calendar year 2009 and thereafter for library grants paid in fiscal year 2010 and thereafter, except that the changes in paragraph (a) are effective for support in calendar year 2010 and thereafter.

Sec. 5. **[256E.40] EQUITABLE FUNDING HEALTH AND HUMAN SERVICES REFORM.**

Subdivision 1. **Reform.** The goals in reforming local funding of the health and human services delivery system is to:

(1) sustain the funding of county provided services;

(2) maintain Minnesota's ability to obtain federal funds to provide these services;

(3) equalize and make transparent the demands that providing these services makes on the property tax system; and

(4) encouraging local innovation and pilot programs using local revenues without the risk of long-term obligations.

Subd. 2. **Consolidated program funding.** (a) Each county is required to dedicate a portion of local property tax, determined under this section, to fund the local share of all health and human services programs and services required by state law. The commissioner of revenue shall provide estimates to the commissioner of human services of the expected revenue from this dedication in each county. The commissioner of human services shall devise a mechanism for collecting or allocating the sum of these dedications between programs as necessary to meet federal match requirements. Any contribution in excess of the amount needed to meet federal match requirements shall be spent on the various programs at the discretion of the county.

(b) In 2012, the required dedication of a county's portion of its local property tax is equal to a uniform percentage of its adjusted net tax capacity for the most recently available year, limited as provided in paragraph (d). The commissioner of revenue shall determine the percentage so that the total amount dedicated in all counties in 2012, after the limits in paragraph (d), is equal to the total estimated amount of local source revenues

that all counties were required to pay for these programs and services in calendar year 2011. The commissioner of human services shall provide the commissioner of revenue with the information necessary to make this calculation by July 30, 2011.

(c) In 2013 and future years, the required dedication of a county's portion of its local property tax is equal to a percentage of its adjusted net tax capacity adjusted as required in paragraph (d). The percentage is the same as the percentage used in the previous year.

(d) In calendar year 2012, a county's revenue dedication under paragraph (b) cannot be greater than the sum of (1) its estimated amount of required local source revenues for these programs and services in calendar year 2011, plus (2) one percent of its calendar year 2011 property tax levy. In calendar year 2013 and future years, a county's revenue dedication under paragraph (c) cannot be greater than the sum of (1) its revenue dedicated under this subdivision in the previous year, multiplied by one plus its percentage increase in its adjusted net tax capacity for the most recently available year, plus (2) one percent of its property tax levy from the previous year.

Subd. 3. **County discretionary spending.** Nothing in this section shall be construed as prohibiting counties from spending local source revenues on health and human services in excess of the amount calculated under subdivision 2 but a county may not be required to continue spending local source revenue at a higher level than the amount determined in subdivision 2.

EFFECTIVE DATE. This section is effective for property tax levies payable in 2012 and thereafter and program spending beginning January 1, 2012.

Sec. 6. [270C.991] PROPERTY TAX SYSTEM BENCHMARKS AND CRITICAL INDICATORS.

Subdivision 1. **Purpose.** State policy makers should be provided with the tools to create a more accountable and efficient property tax system. This section provides the principles and available tools necessary to work toward achieving that goal.

Subd. 2. **Property tax principles.** To better evaluate the various property tax proposals that come before the legislature, the following basic property tax principles should be taken into consideration. The property taxes proposed should be:

(1) transparent and understandable;

(2) simple and efficient;

(3) equitable;

(4) stable and predictable;

(5) compliance and accountability;

(6) competitive, both nationally and globally; and

68.1 (7) responsive to economic conditions.

68.2 Subd. 3. **Major indicators.** There are many different types of indicators available to
68.3 legislators to evaluate tax legislation. Indicators are useful to have available as benchmarks
68.4 when legislators are contemplating changes. Each tool has its own limitation, and no one
68.5 tool is perfect or should be used independently. Some of the tools measure the global
68.6 characteristics of the entire tax system, while others are only a measure of the property tax
68.7 impacts and its administration. The following is a list of the available major indicators:

68.8 (1) property tax principles scale, the components of which are listed in subdivision
68.9 2, as they relate to the various features of the property tax system;

68.10 (2) price of government report, as required under section 16A.102;

68.11 (3) tax incidence report, as required under section 270C.13;

68.12 (4) tax expenditure budget and report, as required under section 270C.11;

68.13 (5) state tax rankings;

68.14 (6) property tax levy plus aid data, and market value and net tax capacity data, by
68.15 taxing district for current and past years;

68.16 (7) effective tax rate (tax as a percent of market value) and the equalized effective
68.17 tax rate (effective tax rate adjusted for assessment differences);

68.18 (8) assessment sales ratio study, as required under section 127A.48;

68.19 (9) "Voss" database, which matches homeowner property taxes and household
68.20 income;

68.21 (10) revenue estimates under section 270C.11, subdivision 5, and state fiscal notes
68.22 under section 477A.03, subdivision 2b; and

68.23 (11) local impact notes, with improved local analysis as described in subdivision 7.

68.24 Subd. 4. **Property tax working group.** (a) A property tax working group is
68.25 established as provided in this subdivision. The goals of the working group are:

68.26 (1) to investigate ways to simplify the property tax system and make advisory
68.27 recommendations on ways to make the system more understandable;

68.28 (2) to reexamine the property tax calendar to determine what changes could be made
68.29 to shorten the two-year cycle from assessment through property tax collection; and

68.30 (3) to determine the cost versus the benefits of the various property tax components,
68.31 including property classifications, credits, aids, exclusions, exemptions, and abatements,
68.32 and to suggest ways to achieve some of the goals in simpler and more cost-efficient ways.

68.33 (b) The 12-member working group shall consist of the following members:

68.34 (1) two state representatives, both appointed by the chair of the house of
68.35 representatives Taxes Committee, one from the majority party and one from the minority
68.36 party;

(2) two senators, both appointed by the chair of the senate Taxes Committee, one from the majority party and one from the minority party;

(3) the commissioner of revenue, or designee;

(4) one person, appointed by the Association of Minnesota Counties;

(5) one person, appointed by the League of Minnesota Cities;

(6) one person, appointed by the Minnesota Association of Townships;

(7) one person, appointed by the Minnesota Chamber of Commerce;

(8) one person, appointed by the Minnesota Association of Assessing Officers; and

(9) two homeowners, one who is under 65 years of age, and one who is 65 years of age or older, both appointed by the commissioner of revenue.

The commissioner of revenue shall chair the initial meeting, and the working group shall elect a chair at that initial meeting. The working group will meet at the call of the chair. Members of the working group shall serve without compensation. The commissioner of revenue must provide administrative support to the working group. Chapter 13D does not apply to meetings of the working group. Meetings of the working group must be open to the public and the working group must provide notice of a meeting to potentially interested persons at least seven days before the meeting. A meeting of the council occurs when a quorum is present.

(c) The working group shall make its advisory recommendations to the chairs of the house of representatives and senate Taxes Committees on or before February 1, 2011, at which time the working group shall be finished and this subdivision expires. The advisory recommendations should be reviewed by the Taxes Committee under subdivision 5.

Subd. 5. **Taxes Committee review and resolution.** On or before March 1, 2011, and every two years thereafter, the house of representatives and senate Taxes Committees must review the major indicators as contained in subdivision 3, and ascertain the accountability and efficiency of the property tax system. The house of representatives and senate Taxes Committees shall prepare a resolution on targets and benchmarks for use during the current biennium.

Subd. 6. **Department of Revenue; revenue estimates.** As provided under section 270C.11, subdivision 5, the Department of Revenue is required to prepare an estimate of the effect on the state's tax revenues which result from the passage of a legislative bill establishing, extending, or restricting a tax expenditure. Beginning with the 2010 legislative session, those revenue estimates must also identify how the property tax principles contained in subdivision 2 apply to the proposed tax changes. The commissioner of revenue shall develop a scale for measuring the appropriate principles for each proposed change. The department shall quantify the effects, if possible, or at a

minimum, shall identify the relevant factors so that legislators are aware of possible outcomes, including administrative difficulties and cost. The interaction of property tax shifting should be identified and quantified to the degree possible.

Subd. 7. **Local impact notes.** Local impact notes are statements that provide information about changes in local government responsibility, administration, and cost due to changes in state law. The local impact note process seeks the participation of political subdivisions to gather information as needed by the legislature. The local impact network of political subdivisions shall consist of representation from associations from Minnesota counties, cities, towns, and school districts, and other members as needed. They shall, among other things, work with the legislature and the commissioner of finance to analyze:

(1) changes in tax revenues for local governments;

(2) changes in expenditures for local governments, including program and administration costs; and

(3) incidences of tax shifting, including identifying the target audience (taxpayers who will benefit from the tax shift) and the impact audience (taxpayers who will bear the burden of the tax shift).

For tax bills the local impact network of political subdivisions shall rate the impact on Minnesota's tax system using the tax principles contained in subdivision 2.

Some of the cost for preparing this information shall be distributed to the local impact network as provided under section 477A.03, subdivision 2b, paragraph (b).

Subd. 8. **Appropriation.** The sum of \$30,000 in fiscal year 2010 and \$25,000 in each fiscal year thereafter is appropriated from the general fund to the commissioner of revenue to carry out the commissioner's added responsibilities under subdivision 6.

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

Sec. 7. Minnesota Statutes 2008, section 273.1384, is amended by adding a subdivision to read:

Subd. 3a. **Reimbursement reductions.** (a) Each year, each county's reimbursement under this section shall be reduced by a uniform percentage so that the total reduction in reimbursements equals the sum of: (i) the amount appropriated under section 6.91, subdivision 4, paragraph (a); (ii) one-half of the total amount appropriated under section 6.91, subdivision 4, paragraph (c); and (iii) one-half of the total amount appropriated under section 270C.991, subdivision 8.

(b) Each year, each city's reimbursement under this section shall be reduced by a uniform percentage so that the total reduction in reimbursements equals the sum of: (i) the amount appropriated under section 6.91, subdivision 4, paragraph (b); (ii) one-half of

the total amount appropriated under section 6.91, subdivision 4, paragraph (c); and (iii) one-half of the total amount appropriated under section 270C.991, subdivision 8.

(c) Each year, each school district's reimbursement under this section shall be reduced by a uniform percentage so that the total reduction in reimbursements equals the amount appropriated under section 134.34, subdivision 4.

EFFECTIVE DATE. This section is effective for aids payable in 2009 and thereafter.

Sec. 8. [275.77] TEMPORARY SUSPENSION OF NEW OR INCREASED MAINTENANCE OF EFFORT AND MATCHING FUND REQUIREMENTS.

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given them:

(1) "maintenance of effort" means a requirement imposed on a political subdivision by state law to continue providing funding of a service or program at a given or increasing level based on its funding of the service and program in prior years;

(2) "matching fund requirement" means a requirement imposed on a political subdivision by state law to fund a portion of a program or service but does not mean required nonstate contributions to state capital funded projects or other nonstate contributions required in order to receive a grant or loan the political subdivision has requested or applied for; and

(3) "political subdivision" means a county, town, or statutory or home rule charter city.

Subd. 2. **Temporary suspension.** (a) Notwithstanding any other provision of law to the contrary, any new maintenance of effort or matching fund requirement enacted after January 1, 2009, that will require spending by a political subdivision shall not be effective until January 1, 2012.

(b) Notwithstanding any other provision of law to the contrary, any changes to existing maintenance of effort or matching fund requirement enacted after January 1, 2009, that will require new spending by a political subdivision shall not be effective until January 1, 2012.

(c) The suspension of changes to existing maintenance of effort and matching fund requirements under paragraph (b) does not apply if the spending is required by federal law and there would be a cost to the state budget without the change.

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

Sec. 9. **REPEALER.**

Minnesota Statutes 2008, sections 245.4835; 245.4932, subdivision 1; 246.54, subdivisions 1 and 2; 252.275, subdivision 3; 253B.045, subdivision 2; 254B.04, subdivision 1; 256.82, subdivision 2; 256.976; 256B.05, subdivision 1; 256B.0625, subdivisions 20 and 20a; 256B.0945, subdivisions 1, 2, 3, and 4; 256B.19, subdivision 1; 256D.03; 256D.053, subdivision 3; 256E.12, subdivision 3; 256F.10, subdivision 7; 256F.13, subdivision 1; 256I.04; 256I.08; 256J.09, subdivisions 1, 2, and 3; and 256L.15, subdivision 4, are repealed.

EFFECTIVE DATE. This section is effective January 1, 2012.

ARTICLE 4

**LOCAL GOVERNMENT FLEXIBILITY AND MANDATE
REDUCTION PROVISIONS**

Section 1. Minnesota Statutes 2008, section 3.842, subdivision 4a, is amended to read:

Subd. 4a. **Objections to rules.** (a) For purposes of this subdivision, "committee" means the house of representatives policy committee or senate policy committee with primary jurisdiction over state governmental operations. The commission, the Legislative Commission on Mandate Reform, or a committee may object to a rule as provided in this subdivision. If the commission, the Legislative Commission on Mandate Reform, or a committee objects to all or some portion of a rule because the commission, the Legislative Commission on Mandate Reform, or a committee considers it to be beyond the procedural or substantive authority delegated to the agency, including a proposed rule submitted under section 14.15, subdivision 4, or 14.26, subdivision 3, paragraph (c), the commission, the Legislative Commission on Mandate Reform, or a committee may file that objection in the Office of the Secretary of State. The filed objection must contain a concise statement of the commission's, the Legislative Commission on Mandate Reform, or a committee's reasons for its action. An objection to a proposed rule submitted by the commission, the Legislative Commission on Mandate Reform, or a committee under section 14.15, subdivision 4, or 14.26, subdivision 3, paragraph (c), may not be filed before the rule is adopted.

(b) The secretary of state shall affix to each objection a certification of the date and time of its filing and as soon after the objection is filed as practicable shall transmit a certified copy of it to the agency issuing the rule in question and to the revisor of statutes. The secretary of state shall also maintain a permanent register open to public inspection of all objections by the commission, the Legislative Commission on Mandate Reform, or a committee.

(c) The commission, the Legislative Commission on Mandate Reform, or a committee shall publish and index an objection filed under this section in the next issue of the State Register. The revisor of statutes shall indicate the existence of the objection adjacent to the rule in question when that rule is published in Minnesota Rules.

(d) Within 14 days after the filing of an objection by the commission, the Legislative Commission on Mandate Reform, or a committee to a rule, the issuing agency shall respond in writing to the objecting entity. After receipt of the response, the commission, the Legislative Commission on Mandate Reform, or a committee may withdraw or modify its objection.

(e) After the filing of an objection by the commission, the Legislative Commission on Mandate Reform, or a committee that is not subsequently withdrawn, the burden is upon the agency in any proceeding for judicial review or for enforcement of the rule to establish that the whole or portion of the rule objected to is valid.

(f) The failure of the commission, the Legislative Commission on Mandate Reform, or a committee to object to a rule is not an implied legislative authorization of its validity.

(g) In accordance with sections 14.44 and 14.45, the commission, the Legislative Commission on Mandate Reform, or a committee may petition for a declaratory judgment to determine the validity of a rule objected to by the commission, the Legislative Commission on Mandate Reform, or a committee. The action must be started within two years after an objection is filed in the Office of the Secretary of State.

(h) The commission, the Legislative Commission on Mandate Reform, or a committee may intervene in litigation arising from agency action. For purposes of this paragraph, agency action means the whole or part of a rule, or the failure to issue a rule.

Sec. 2. Minnesota Statutes 2008, section 3.843, is amended to read:

3.843 PUBLIC HEARINGS BY STATE AGENCIES.

By a vote of a majority of its members, the commission or the Legislative Commission on Mandate Reform may request any agency issuing rules to hold a public hearing in respect to recommendations made under section 3.842, including recommendations made by the commission or the Legislative Commission on Mandate Reform to promote adequate and proper rules by that agency and recommendations contained in the commission's biennial report. The agency shall give notice as provided in section 14.14, subdivision 1, of a hearing under this section, to be conducted in accordance with sections 14.05 to 14.28. The hearing must be held not more than 60 days after receipt of the request or within any other longer time period specified by the commission or the Legislative Commission on Mandate Reform in the request.

74.1 Sec. 3. [3.99] LEGISLATIVE COMMISSION ON MANDATE REFORM;
74.2 ESTABLISHED.

74.3 Subdivision 1. **Established.** The Legislative Commission on Mandate Reform is
74.4 established as provided in this section, with the powers and duties given it in sections
74.5 3.842, subdivision 4a; 3.843; and 3.99 to 3.992.

74.6 Subd. 2. **Membership.** The commission consists of four senators appointed by the
74.7 senate Subcommittee on Committees of the Committee on Rules and Administration,
74.8 three senators appointed by the senate minority leader, four state representatives appointed
74.9 by the speaker of the house, and three state representatives appointed by the house
74.10 of representatives minority leader. The appointing authorities must ensure balanced
74.11 geographic representation. Each appointing authority must make appointments as soon as
74.12 possible.

74.13 Subd. 3. **Terms; vacancies.** Members of the commission serve for a two-year term
74.14 beginning upon appointment and expiring upon appointment of a successor after the
74.15 opening of the next regular session of the legislature in the odd-numbered year. A vacancy
74.16 in the membership of the commission must be filled for the unexpired term in a manner
74.17 that will preserve the representation established by this section.

74.18 Subd. 4. **Chair.** The commission must meet as soon as practicable after members
74.19 are appointed in each odd-numbered year to elect its chair and other officers as it may
74.20 determine necessary. A chair serves a two-year term, expiring in the odd-numbered year
74.21 after a successor is elected. The chair must alternate biennially between the senate and the
74.22 house of representatives.

74.23 Subd. 5. **Compensation.** Members may be reimbursed for their reasonable
74.24 expenses as members of the legislature.

74.25 Subd. 6. **Staff.** The Legislative Coordinating Commission must provide
74.26 administrative support to the commission, including secretarial services, record keeping,
74.27 and grants administration.

74.28 Subd. 7. **Meetings; procedures; tie votes.** The first meeting of the biennium must
74.29 be convened by the member designated by the senate majority leader if a senator is to chair
74.30 the commission for the biennium, or by the speaker of the house if a state representative
74.31 is to chair the commission for the biennium. The commission meets at the call of the
74.32 chair. Commission action requires a positive vote of at least four house of representatives
74.33 members and at least four senate members.

74.34 Subd. 8. **Funding.** The Legislative Coordinating Commission shall annually bill the
74.35 commissioner of revenue for costs incurred by the Legislative Coordinating Commission
74.36 in providing administrative support and to make the grants authorized by the Legislative

75.1 Commission on Mandate Reform, in an amount not to exceed \$100,000 per year. The
75.2 commissioner of revenue shall deduct one-half of the certified costs from payments to
75.3 counties under section 477A.03, subdivision 2b, and one-half of the certified costs from
75.4 payments to cities under section 477A.03, subdivision 2a.

75.5 Sec. 4. **[3.991] LEGISLATIVE COMMISSION ON MANDATE REFORM;**
75.6 **REVIEW AND RECOMMENDATIONS TO LEGISLATURE.**

75.7 The Legislative Commission on Mandate Reform must solicit from local
75.8 governments information on state laws and rules that local governments consider to be
75.9 problematic mandates. The commission must review the mandates identified and consider
75.10 why each mandate was enacted or adopted, whether the reason for it still exists, the costs
75.11 to local governments to comply with the mandate, and whether repeal or modification
75.12 of the mandate is appropriate. Before the beginning of each legislative session, the
75.13 commission must prepare for introduction a bill to repeal or modify those laws or rules the
75.14 commission determines are unnecessary.

75.15 Sec. 5. **[3.992] LEGISLATIVE COMMISSION ON MANDATE REFORM;**
75.16 **GRANTS.**

75.17 Upon recommendation of the Legislative Commission on Mandate Reform,
75.18 the commissioner of revenue may make grants to the League of Minnesota Cities,
75.19 the Association of Minnesota Counties, Minnesota Association of Townships, other
75.20 organizations representing local governments, the Board of Regents of the University of
75.21 Minnesota, the Board of Trustees of Minnesota State Colleges and Universities, or other
75.22 accredited postsecondary institutions to research and make recommendations on mandate
75.23 reform. The commissioner must specify the work to be done, the completion date, and
75.24 the maximum grant amount, and may specify any other conditions the commissioner
75.25 deems necessary or useful.

75.26 Sec. 6. **[3.993] EXPIRATION.**

75.27 Sections 3.99 to 3.992 expire June 30, 2013.

75.28 Sec. 7. **[14.128] EFFECTIVE DATE FOR RULES REQUIRING LOCAL**
75.29 **IMPLEMENTATION.**

75.30 Subdivision 1. **Determination.** An agency must determine if a local government
75.31 will be required to adopt or amend an ordinance or other regulation to comply with a
75.32 proposed agency rule. An agency must make this determination before the close of the

hearing record or before the agency submits the record to the administrative law judge if there is no hearing. The administrative law judge must review and approve or disapprove the agency's determination. "Local government" means a town, county, or home rule charter or statutory city.

Subd. 2. **Effective dates.** If the agency determines that the proposed rule requires adoption or amendment of an ordinance or other regulation, or if the administrative law judge disapproves the agency's determination that the rule does not have this effect, the rule may not become effective until:

(1) the next July 1 or January 1 after notice of final adoption is published in the State Register; or

(2) a later date provided by law or specified in the proposed rule.

Subd. 3. **Exceptions.** Subdivision 2 does not apply:

(1) to a rule adopted under section 14.388, 14.389, or 14.3895, or under another law specifying that the rulemaking procedures of this chapter do not apply;

(2) if the administrative law judge approves an agency's determination that the rule has been proposed pursuant to a specific federal statutory or regulatory mandate that requires the rule to take effect before the date specified in subdivision 2; or

(3) if the governor waives application of subdivision 2.

Sec. 8. Minnesota Statutes 2008, section 16C.28, subdivision 1a, is amended to read:

Subd. 1a. **Establishment and purpose.** (a) The state recognizes the importance of the inclusion of a best value contracting system for construction as an alternative to the current low-bid system of procurement. In order to accomplish that goal, state and local governmental entities shall be able to choose the best value system in different phases.

(b) "Best value" means the procurement method defined in section 16C.02, subdivision 4a.

(c) The following entities are eligible to participate in phase I:

(1) state agencies;

(2) counties;

(3) cities; and

(4) school districts with the highest 25 percent enrollment of students in the state.

Phase I begins on July 1, 2007.

(d) The following entities are eligible to participate in phase II:

(1) those entities included in phase I; and

(2) school districts with the highest 50 percent enrollment of students in the state.

Phase II begins two years from July 1, 2007.

77.1 (e) The following entities are eligible to participate in phase III:

77.2 (1) all entities included in phases I and II; and

77.3 (2) all other townships, school districts, and political subdivisions in the state.

77.4 Phase III begins three years from July 1, 2007.

77.5 ~~(f) The commissioner or any agency for which competitive bids or proposals are~~
77.6 ~~required may not use best value contracting as defined in section 16C.02, subdivision 4a,~~
77.7 ~~for more than one project annually, or 20 percent of its projects, whichever is greater, in~~
77.8 ~~each of the first three fiscal years in which best value construction contracting is used.~~

77.9 Sec. 9. Minnesota Statutes 2008, section 306.243, is amended by adding a subdivision
77.10 to read:

77.11 Subd. 6. **Abandonment; end of operation as cemetery.** A county that has accepted
77.12 responsibility for an abandoned cemetery may prohibit further burials in the abandoned
77.13 cemetery, and may cease all acceptance of responsibility for new burials.

77.14 Sec. 10. Minnesota Statutes 2008, section 344.18, is amended to read:

77.15 **344.18 COMPENSATION OF VIEWERS.**

77.16 Fence viewers must be paid for their services by the person employing them ~~at the~~
77.17 ~~rate of \$15 each for each day's employment. \$60 must be deposited with the town or city~~
77.18 ~~treasurer before the service is performed. Upon completion of the service, any of the \$60~~
77.19 ~~not spent to compensate the fence viewers must be returned to the depositor. The town~~
77.20 board may by resolution require the person employing the fence viewers to post a bond or
77.21 other security acceptable to the board for the total estimated costs before the viewing takes
77.22 place. The total estimated costs may include the cost of professional and other services,
77.23 hearing costs, administrative costs, recording costs, and other costs and expenses which
77.24 the town may incur in connection with the viewing.

77.25 Sec. 11. Minnesota Statutes 2008, section 365.28, is amended to read:

77.26 **365.28 PUBLIC BURIAL GROUND IS TOWN'S AFTER TEN YEARS.**

77.27 A tract of land in a town becomes town property after it has been used as a public
77.28 burial ground for ten years if the tract is not owned by a cemetery association. The town
77.29 board shall control the burial ground as it controls other town cemeteries. A town that has
77.30 assumed ownership of a cemetery may prohibit further burials in it.

77.31 Sec. 12. Minnesota Statutes 2008, section 429.041, subdivision 1, is amended to read:

Subdivision 1. **Plans and specifications, advertisement for bids.** When the council determines to make any improvement, it shall let the contract for all or part of the work, or order all or part of the work done by day labor or otherwise as authorized by subdivision 2, no later than one year after the adoption of the resolution ordering such improvement, unless a different time limit is specifically stated in the resolution ordering the improvement. The council shall cause plans and specifications of the improvement to be made, or if previously made, to be modified, if necessary, and to be approved and filed with the clerk, and if the estimated cost exceeds ~~\$50,000~~ the amount in section 471.345, subdivision 3, shall advertise for bids for the improvement in the newspaper and such other papers and for such length of time as it may deem advisable. If the estimated cost exceeds ~~\$100,000~~ twice the amount in section 471.345, subdivision 3, publication shall be made no less than three weeks before the last day for submission of bids once in the newspaper and at least once in either a newspaper published in a city of the first class or a trade paper. To be eligible as such a trade paper, a publication shall have all the qualifications of a legal newspaper except that instead of the requirement that it shall contain general and local news, such trade paper shall contain building and construction news of interest to contractors in this state, among whom it shall have a general circulation. The advertisement shall specify the work to be done, shall state the time when the bids will be publicly opened for consideration by the council, which shall be not less than ten days after the first publication of the advertisement when the estimated cost is less than ~~\$100,000~~ twice the amount in section 471.345, subdivision 3, and not less than three weeks after such publication in other cases, and shall state that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk, for such percentage of the amount of the bid as the council may specify. In providing for the advertisement for bids the council may direct that the bids shall be opened publicly by two or more designated officers or agents of the municipality and tabulated in advance of the meeting at which they are to be considered by the council. Nothing herein shall prevent the council from advertising separately for various portions of the work involved in an improvement, or from itself, supplying by such means as may be otherwise authorized by law, all or any part of the materials, supplies, or equipment to be used in the improvement or from combining two or more improvements in a single set of plans and specifications or a single contract.

Sec. 13. Minnesota Statutes 2008, section 429.041, subdivision 2, is amended to read:

Subd. 2. **Contracts; day labor.** In contracting for an improvement, the council shall require the execution of one or more written contracts and bonds, conditioned as required

by law. The council shall award the contract to the lowest responsible bidder or it may reject all bids. If any bidder to whom a contract is awarded fails to enter promptly into a written contract and to furnish the required bond, the defaulting bidder shall forfeit to the municipality the amount of the defaulter's cash deposit, cashier's check, bid bond, or certified check, and the council may thereupon award the contract to the next lowest responsible bidder. When it appears to the council that the cost of the entire work projected will be less than ~~\$50,000~~ the amount in section 471.345, subdivision 3, or whenever no bid is submitted after proper advertisement or the only bids submitted are higher than the engineer's estimate, the council may advertise for new bids or, without advertising for bids, directly purchase the materials for the work and do it by the employment of day labor or in any other manner the council considers proper. The council may have the work supervised by the city engineer or other qualified person but shall have the work supervised by a registered engineer if done by day labor and it appears to the council that the entire cost of all work and materials for the improvement will be more than ~~\$25,000~~ the lowest amount in section 471.345, subdivision 4. In case of improper construction or unreasonable delay in the prosecution of the work by the contractor, the council may order and cause the suspension of the work at any time and relet the contract, or order a reconstruction of any portion of the work improperly done, and where the cost of completion or reconstruction necessary will be less than ~~\$50,000~~ the amount in section 471.345, subdivision 3, the council may do it by the employment of day labor.

Sec. 14. Minnesota Statutes 2008, section 469.015, is amended to read:

469.015 LETTING OF CONTRACTS; PERFORMANCE BONDS.

Subdivision 1. **Bids; notice.** All construction work, and work of demolition or clearing, and every purchase of equipment, supplies, or materials, necessary in carrying out the purposes of sections 469.001 to 469.047, that involve expenditure of ~~\$50,000~~ the amount in section 471.345, subdivision 3, or more shall be awarded by contract. Before receiving bids the authority shall publish, once a week for two consecutive weeks in an official newspaper of general circulation in the community a notice that bids will be received for that construction work, or that purchase of equipment, supplies, or materials. The notice shall state the nature of the work and the terms and conditions upon which the contract is to be let, naming a time and place where bids will be received, opened and read publicly, which time shall be not less than seven days after the date of the last publication. After the bids have been received, opened and read publicly and recorded, the authority shall award the contract to the lowest responsible bidder, provided that the authority reserves the right to reject any or all bids. Each contract shall be executed in writing, and

the person to whom the contract is awarded shall give sufficient bond to the authority for its faithful performance. If no satisfactory bid is received, the authority may readvertise. The authority may establish reasonable qualifications to determine the fitness and responsibility of bidders and to require bidders to meet the qualifications before bids are accepted.

Subd. 1a. **Best value alternative.** As an alternative to the procurement method described in subdivision 1, the authority may issue a request for proposals and award the contract to the vendor or contractor offering the best value under a request for proposals as described in section 16C.28, subdivision 1, paragraph (a), clause (2), and paragraph (c).

Subd. 2. **Exception; emergency.** If the authority by a vote of four-fifths of its members shall declare that an emergency exists requiring the immediate purchase of any equipment or material or supplies at a cost in excess of ~~\$50,000~~ the amount in section 471.345, subdivision 3, but not exceeding ~~\$75,000~~ half again as much as the amount in section 471.345, subdivision 3, or making of emergency repairs, it shall not be necessary to advertise for bids, but the material, equipment, or supplies may be purchased in the open market at the lowest price obtainable, or the emergency repairs may be contracted for or performed without securing formal competitive bids. An emergency, for purposes of this subdivision, shall be understood to be unforeseen circumstances or conditions which result in the placing in jeopardy of human life or property.

Subd. 3. **Performance and payment bonds.** Performance and payment bonds shall be required from contractors for any works of construction as provided in and subject to all the provisions of sections 574.26 to 574.31 except for contracts entered into by an authority for an expenditure of less than ~~\$50,000~~ the minimum threshold amount in section 471.345, subdivision 3.

Subd. 4. **Exceptions.** (a) An authority need not require competitive bidding in the following circumstances:

(1) in the case of a contract for the acquisition of a low-rent housing project:

(i) for which financial assistance is provided by the federal government;

(ii) which does not require any direct loan or grant of money from the municipality as a condition of the federal financial assistance; and

(iii) for which the contract provides for the construction of the project upon land that is either owned by the authority for redevelopment purposes or not owned by the authority at the time of the contract but the contract provides for the conveyance or lease to the authority of the project or improvements upon completion of construction;

(2) with respect to a structured parking facility:

(i) constructed in conjunction with, and directly above or below, a development; and

81.1 (ii) financed with the proceeds of tax increment or parking ramp general obligation
81.2 or revenue bonds;

81.3 (3) until August 1, 2009, with respect to a facility built for the purpose of facilitating
81.4 the operation of public transit or encouraging its use:

81.5 (i) constructed in conjunction with, and directly above or below, a development; and

81.6 (ii) financed with the proceeds of parking ramp general obligation or revenue bonds
81.7 or with at least 60 percent of the construction cost being financed with funding provided
81.8 by the federal government; and

81.9 (4) in the case of any building in which at least 75 percent of the usable square
81.10 footage constitutes a housing development project if:

81.11 (i) the project is financed with the proceeds of bonds issued under section 469.034 or
81.12 from nongovernmental sources;

81.13 (ii) the project is either located on land that is owned or is being acquired by the
81.14 authority only for development purposes, or is not owned by the authority at the time the
81.15 contract is entered into but the contract provides for conveyance or lease to the authority
81.16 of the project or improvements upon completion of construction; and

81.17 (iii) the authority finds and determines that elimination of the public bidding
81.18 requirements is necessary in order for the housing development project to be economical
81.19 and feasible.

81.20 (b) An authority need not require a performance bond for the following projects:

81.21 (1) a contract described in paragraph (a), clause (1);

81.22 (2) a construction change order for a housing project in which 30 percent of the
81.23 construction has been completed;

81.24 (3) a construction contract for a single-family housing project in which the authority
81.25 acts as the general construction contractor; or

81.26 (4) a services or materials contract for a housing project.

81.27 For purposes of this paragraph, "services or materials contract" does not include
81.28 construction contracts.

81.29 Subd. 5. **Security in lieu of bond.** The authority may accept a certified check or
81.30 cashier's check in the same amount as required for a bond in lieu of a performance bond
81.31 for contracts entered into by an authority for an expenditure of less than ~~\$50,000~~ the
81.32 minimum threshold amount in section 471.345, subdivision 3. The check must be held by
81.33 the authority for 90 days after the contract has been completed. If no suit is brought within
81.34 the 90 days, the authority must return the amount of the check to the person making it. If a
81.35 suit is brought within the 90-day period, the authority must disburse the amount of the
81.36 check pursuant to the order of the court.

82.1 Sec. 15. Minnesota Statutes 2008, section 641.12, subdivision 1, is amended to read:

82.2 Subdivision 1. **Fee.** A county board may require that each person who is booked for
82.3 confinement at a county or regional jail, and not released upon completion of the booking
82.4 process, pay a fee ~~of up to \$10~~ to the sheriff's department of the county in which the jail
82.5 is located to cover costs incurred by the county in the booking of that person. The fee
82.6 is payable immediately from any money then possessed by the person being booked, or
82.7 any money deposited with the sheriff's department on the person's behalf. If the person
82.8 has no funds at the time of booking or during the period of any incarceration, the sheriff
82.9 shall notify the district court in the county where the charges related to the booking are
82.10 pending, and shall request the assessment of the fee. Notwithstanding section 609.10 or
82.11 609.125, upon notification from the sheriff, the district court must order the fee paid to the
82.12 sheriff's department as part of any sentence or disposition imposed. If the person is not
82.13 charged, is acquitted, or if the charges are dismissed, the sheriff shall return the fee to the
82.14 person at the last known address listed in the booking records.

82.15 Sec. 16. **LEGISLATIVE COMMISSION ON MANDATE REFORM; FIRST**
82.16 **MEETING.**

82.17 The first meeting of the Legislative Commission on Mandate Reform must be held
82.18 as soon as practicable after all appointments are made. The speaker of the house must
82.19 designate a commission member to convene the first meeting. The first commission serves
82.20 until a new commission is appointed at the beginning of the next biennium.

82.21 **ARTICLE 5**
82.22 **TRUTH IN TAXATION**

82.23 Section 1. Minnesota Statutes 2008, section 123B.10, subdivision 1, is amended to read:

82.24 Subdivision 1. **Budgets; form of notification.** (a) Every board must publish revenue
82.25 and expenditure budgets for the current year and the actual revenues, expenditures, fund
82.26 balances for the prior year and projected fund balances for the current year in a form
82.27 prescribed by the commissioner within one week of the acceptance of the final audit by
82.28 the board, or November 30, whichever is earlier. The forms prescribed must be designed
82.29 so that year to year comparisons of revenue, expenditures and fund balances can be made.

82.30 (b) A school board annually must notify the public of its revenue, expenditures, fund
82.31 balances, and other relevant budget information. The board must ~~include the budget~~
82.32 ~~information required by this section in the materials provided as a part of its truth in~~
82.33 ~~taxation hearing,~~ post the materials in a conspicuous place on the district's official Web
82.34 site, including a link to the district's school report card on the Department of Education's

83.1 Web site, and publish the information in a qualified newspaper of general circulation
83.2 in the district.

83.3 **EFFECTIVE DATE.** This section is effective for taxes payable in 2010 and
83.4 thereafter.

83.5 Sec. 2. Minnesota Statutes 2008, section 275.065, subdivision 1, is amended to read:

83.6 Subdivision 1. **Proposed levy.** (a) Notwithstanding any law or charter to the
83.7 contrary, on or before September ~~15~~ 5, each taxing authority, other than a school district,
83.8 shall adopt a proposed budget and shall certify to the county auditor the proposed or, in
83.9 the case of a town, the final property tax levy for taxes payable in the following year.

83.10 (b) On or before September ~~30~~ 20, each school district that has not mutually agreed
83.11 with its home county to extend this date shall certify to the county auditor the proposed
83.12 property tax levy for taxes payable in the following year. Each school district that has
83.13 agreed with its home county to delay the certification of its proposed property tax levy
83.14 must certify its proposed property tax levy for the following year no later than ~~October 7~~
83.15 September 28. The school district shall certify the proposed levy as:

83.16 (1) a specific dollar amount by school district fund, broken down between
83.17 voter-approved and non-voter-approved levies and between referendum market value
83.18 and tax capacity levies; or

83.19 (2) the maximum levy limitation certified by the commissioner of education
83.20 according to section 126C.48, subdivision 1.

83.21 (c) If the board of estimate and taxation or any similar board that establishes
83.22 maximum tax levies for taxing jurisdictions within a first class city certifies the maximum
83.23 property tax levies for funds under its jurisdiction by charter to the county auditor by
83.24 September ~~15~~ 1, the city shall be deemed to have certified its levies for those taxing
83.25 jurisdictions.

83.26 (d) For purposes of this section, "taxing authority" includes all home rule and
83.27 statutory cities, towns, counties, school districts, and special taxing districts as defined
83.28 in section 275.066. Intermediate school districts that levy a tax under chapter 124 or
83.29 136D, joint powers boards established under sections 123A.44 to 123A.446, and Common
83.30 School Districts No. 323, Franconia, and No. 815, Prinsburg, are also special taxing
83.31 districts for purposes of this section.

83.32 (e) At the meeting where a taxing authority, other than a town, adopts its proposed
83.33 tax levy under paragraph (a) or (b), the taxing authority shall announce the time and place
83.34 of its subsequent regularly scheduled meetings at which the budget levy will be discussed
83.35 and at which the public will be allowed to speak. The time and place of those meetings

must be included in the proceedings or summary of the proceedings published in the official newspaper of the taxing authority under section 123B.09, 375.12, or 412.191.

EFFECTIVE DATE. This section is effective for proposed notices prepared in 2010 and thereafter, for property taxes payable in 2011 and thereafter, except that paragraph (e) is effective for taxes payable in 2010 and thereafter.

Sec. 3. Minnesota Statutes 2008, section 275.065, subdivision 1a, is amended to read:

Subd. 1a. **Overlapping jurisdictions.** In the case of a taxing authority lying in two or more counties, the home county auditor shall certify the proposed levy and the proposed local tax rate to the other county auditor by ~~October 5~~ September 25, unless the home county has agreed to delay the certification of its proposed property tax levy, in which case the home county auditor shall certify the proposed levy and the proposed local tax rate to the other county auditor by ~~October 10~~ September 30. The home county auditor must estimate the levy or rate in preparing the notices required in subdivision 3, if the other county has not certified the appropriate information. If requested by the home county auditor, the other county auditor must furnish an estimate to the home county auditor.

EFFECTIVE DATE. This section is effective for proposed notices prepared in 2010 and thereafter, for property taxes payable in 2011 and thereafter.

Sec. 4. Minnesota Statutes 2008, section 275.065, subdivision 1c, is amended to read:

Subd. 1c. **Levy; shared, merged, consolidated services.** If two or more taxing authorities are in the process of negotiating an agreement for sharing, merging, or consolidating services between those taxing authorities at the time the proposed levy is to be certified under subdivision 1, each taxing authority involved in the negotiation shall certify its total proposed levy as provided in that subdivision, including a notification to the county auditor of the specific service involved in the agreement which is not yet finalized. The affected taxing authorities may amend their proposed levies under subdivision 1 until ~~October 10~~ September 25 for levy amounts relating only to the specific service involved.

EFFECTIVE DATE. This section is effective for proposed notices prepared in 2010 and thereafter, for property taxes payable in 2011 and thereafter.

Sec. 5. Minnesota Statutes 2008, section 275.065, subdivision 3, is amended to read:

Subd. 3. **Notice of proposed property taxes.** (a) The county auditor shall prepare and the county treasurer shall deliver after ~~November 10~~ October 15 and on or before ~~November~~ October 24 each year, by first class mail to each taxpayer at the address listed

on the county's current year's assessment roll, a notice of proposed property taxes. Upon written request by the taxpayer, the treasurer may send the notice in electronic form or by electronic mail instead of on paper or by ordinary mail.

(b) The commissioner of revenue shall prescribe the form of the notice.

(c) The notice must inform taxpayers that it contains the amount of property taxes each taxing authority proposes to collect for taxes payable the following year. In the case of a town, or in the case of the state general tax, the final tax amount will be its proposed tax. ~~In the case of taxing authorities required to hold a public meeting under subdivision 6, the notice must clearly state that each taxing authority, including regional library districts established under section 134.201, and including the metropolitan taxing districts as defined in paragraph (i), but excluding all other special taxing districts and towns, will hold a public meeting to receive public testimony on the proposed budget and proposed or final property tax levy, or, in case of a school district, on the current budget and proposed property tax levy. The notice must clearly state for each city, county, school district, regional library authority established under section 134.201, and metropolitan taxing districts as defined in paragraph (i), the time and place of the taxing authorities' regularly scheduled meetings occurring after October 24, at which the budget and levy will be discussed. The taxing authorities must provide the county auditor with the information to be included in the notice on or before the time it certifies its proposed levy under subdivision 1. The public shall be allowed to speak at that meeting. It must clearly state the time and place of each taxing authority's meeting, provide a telephone number for the taxing authority that taxpayers may call if they have questions related to the notice, and an address where comments will be received by mail.~~ The notice must clearly state for each city, county, school district, regional library authority established under section 134.201, and metropolitan taxing districts as defined in paragraph (i), the time and place of the taxing authorities' regularly scheduled meetings occurring after October 24, at which the budget and levy will be discussed. The taxing authorities must provide the county auditor with the information to be included in the notice on or before the time it certifies its proposed levy under subdivision 1. The public shall be allowed to speak at that meeting. It must clearly

(d) The notice must state for each parcel:

(1) the market value of the property as determined under section 273.11, and used for computing property taxes payable in the following year and for taxes payable in the current year as each appears in the records of the county assessor on ~~November~~ September 1 of the current year; and, in the case of residential property, whether the property is classified as homestead or nonhomestead. The notice must clearly inform taxpayers of the years to which the market values apply and that the values are final values;

(2) the items listed below, shown separately by county, city or town, and state general tax, net of the residential and agricultural homestead credit under section 273.1384, voter approved school levy, other local school levy, and the sum of the special taxing districts, and as a total of all taxing authorities:

(i) the actual tax for taxes payable in the current year; and

(ii) the proposed tax amount.

If the county levy under clause (2) includes an amount for a lake improvement district as defined under sections 103B.501 to 103B.581, the amount attributable for that purpose must be separately stated from the remaining county levy amount.

In the case of a town or the state general tax, the final tax shall also be its proposed tax unless the town changes its levy at a special town meeting under section 365.52. If a school district has certified under section 126C.17, subdivision 9, that a referendum will be held in the school district at the November general election, the county auditor must note next to the school district's proposed amount that a referendum is pending and that, if approved by the voters, the tax amount may be higher than shown on the notice. In the case of the city of Minneapolis, the levy for Minneapolis Park and Recreation shall be listed separately from the remaining amount of the city's levy. In the case of the city of St. Paul, the levy for the St. Paul Library Agency must be listed separately from the remaining amount of the city's levy. In the case of Ramsey County, any amount levied under section 134.07 may be listed separately from the remaining amount of the county's levy. In the case of a parcel where tax increment or the fiscal disparities areawide tax under chapter 276A or 473F applies, the proposed tax levy on the captured value or the proposed tax levy on the tax capacity subject to the areawide tax must each be stated separately and not included in the sum of the special taxing districts; and

(3) the increase or decrease between the total taxes payable in the current year and the total proposed taxes, expressed as a percentage.

For purposes of this section, the amount of the tax on homesteads qualifying under the senior citizens' property tax deferral program under chapter 290B is the total amount of property tax before subtraction of the deferred property tax amount.

(e) The notice must clearly state that the proposed or final taxes do not include the following:

(1) special assessments;

(2) levies approved by the voters after the date the proposed taxes are certified, including bond referenda and school district levy referenda;

(3) a levy limit increase approved by the voters by the first Tuesday after the first Monday in November of the levy year as provided under section 275.73;

(4) amounts necessary to pay cleanup or other costs due to a natural disaster occurring after the date the proposed taxes are certified;

(5) amounts necessary to pay tort judgments against the taxing authority that become final after the date the proposed taxes are certified; and

(6) the contamination tax imposed on properties which received market value reductions for contamination.

(f) Except as provided in subdivision 7, failure of the county auditor to prepare or the county treasurer to deliver the notice as required in this section does not invalidate the proposed or final tax levy or the taxes payable pursuant to the tax levy.

(g) If the notice the taxpayer receives under this section lists the property as nonhomestead, and satisfactory documentation is provided to the county assessor by the applicable deadline, and the property qualifies for the homestead classification in that assessment year, the assessor shall reclassify the property to homestead for taxes payable in the following year.

(h) In the case of class 4 residential property used as a residence for lease or rental periods of 30 days or more, the taxpayer must either:

(1) mail or deliver a copy of the notice of proposed property taxes to each tenant, renter, or lessee; or

(2) post a copy of the notice in a conspicuous place on the premises of the property.

The notice must be mailed or posted by the taxpayer by ~~November~~ October 27 or within three days of receipt of the notice, whichever is later. A taxpayer may notify the county treasurer of the address of the taxpayer, agent, caretaker, or manager of the premises to which the notice must be mailed in order to fulfill the requirements of this paragraph.

(i) For purposes of this subdivision, ~~subdivisions~~ and subdivision 5a and 6, "metropolitan special taxing districts" means the following taxing districts in the seven-county metropolitan area that levy a property tax for any of the specified purposes listed below:

(1) Metropolitan Council under section 473.132, 473.167, 473.249, 473.325, 473.446, 473.521, 473.547, or 473.834;

(2) Metropolitan Airports Commission under section 473.667, 473.671, or 473.672; and

(3) Metropolitan Mosquito Control Commission under section 473.711.

For purposes of this section, any levies made by the regional rail authorities in the county of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington under chapter 398A shall be included with the appropriate county's levy ~~and shall be discussed at that county's public hearing.~~

(j) The governing body of a county, city, or school district may, with the consent of the county board, include supplemental information with the statement of proposed property taxes about the impact of state aid increases or decreases on property tax increases or decreases and on the level of services provided in the affected jurisdiction. This supplemental information may include information for the following year, the current

year, and for as many consecutive preceding years as deemed appropriate by the governing body of the county, city, or school district. It may include only information regarding:

- (1) the impact of inflation as measured by the implicit price deflator for state and local government purchases;
- (2) population growth and decline;
- (3) state or federal government action; and
- (4) other financial factors that affect the level of property taxation and local services that the governing body of the county, city, or school district may deem appropriate to include.

The information may be presented using tables, written narrative, and graphic representations and may contain instruction toward further sources of information or opportunity for comment.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter, except that the changes advancing the dates for preparing and mailing the notices are effective for proposed notices in 2010, for taxes payable in 2011 and thereafter.

Sec. 6. Minnesota Statutes 2008, section 275.065, subdivision 6, is amended to read:

Subd. 6. **Public hearing; Adoption of budget and levy.** ~~(a) For purposes of this section, the following terms shall have the meanings given:~~

~~(1) "Initial hearing" means the first and primary hearing held to discuss the taxing authority's proposed budget and proposed property tax levy for taxes payable in the following year, or, for school districts, the current budget and the proposed property tax levy for taxes payable in the following year.~~

~~(2) "Continuation hearing" means a hearing held to complete the initial hearing, if the initial hearing is not completed on its scheduled date.~~

~~(3) "Subsequent hearing" means the hearing held to adopt the taxing authority's final property tax levy, and, in the case of taxing authorities other than school districts, the final budget, for taxes payable in the following year.~~

~~(b) Between November 29 and December 20, the governing bodies of a city that has a population over 500, county, metropolitan special taxing districts as defined in subdivision 3, paragraph (i), and regional library districts shall each hold an initial public hearing to discuss and seek public comment on its final budget and property tax levy for taxes payable in the following year, and the governing body of the school district shall hold an initial public hearing to review its current budget and proposed property tax levy for taxes payable in the following year. The metropolitan special taxing districts shall be required to hold only a single joint initial public hearing, the location of which will be determined by~~

~~the affected metropolitan agencies. A city, county, metropolitan special taxing district as defined in subdivision 3, paragraph (i), regional library district established under section 134.201, or school district is not required to hold a public hearing under this subdivision unless its proposed property tax levy for taxes payable in the following year, as certified under subdivision 1, has increased over its final property tax levy for taxes payable in the current year by a percentage that is greater than the percentage increase in the implicit price deflator for government consumption expenditures and gross investment for state and local governments prepared by the Bureau of Economic Analysts of the United States Department of Commerce for the 12-month period ending March 31 of the current year.~~

~~(c) The initial hearing must be held after 5:00 p.m. if scheduled on a day other than Saturday. No initial hearing may be held on a Sunday.~~

~~(d) At the initial hearing under this subdivision, the percentage increase in property taxes proposed by the taxing authority, if any, and the specific purposes for which property tax revenues are being increased must be discussed. During the discussion, the governing body shall hear comments regarding a proposed increase and explain the reasons for the proposed increase. The public shall be allowed to speak and to ask questions. At the public hearing, the school district must also provide and discuss information on the distribution of its revenues by revenue source, and the distribution of its spending by program area.~~

~~(e) If the initial hearing is not completed on its scheduled date, the taxing authority must announce, prior to adjournment of the hearing, the date, time, and place for the continuation of the hearing. The continuation hearing must be held at least five business days but no more than 14 business days after the initial hearing. A continuation hearing may not be held later than December 20 except as provided in paragraphs (f) and (g). A continuation hearing must be held after 5:00 p.m. if scheduled on a day other than Saturday. No continuation hearing may be held on a Sunday.~~

~~(f) The governing body of a county shall hold its initial hearing on the first Thursday in December each year, and may hold additional initial hearings on other dates before December 20 if necessary for the convenience of county residents. If the county needs a continuation of its hearing, the continuation hearing shall be held on the third Tuesday in December. If the third Tuesday in December falls on December 21, the county's continuation hearing shall be held on Monday, December 20.~~

~~(g) The metropolitan special taxing districts shall hold a joint initial public hearing on the first Wednesday of December. A continuation hearing, if necessary, shall be held on the second Wednesday of December even if that second Wednesday is after December 10.~~

90.1 ~~(h) The county auditor shall provide for the coordination of initial and continuation~~
90.2 ~~hearing dates for all school districts and cities within the county to prevent conflicts under~~
90.3 ~~clauses (i) and (j).~~

90.4 ~~(i) By August 10, each school board and the board of the regional library district~~
90.5 ~~shall certify to the county auditors of the counties in which the school district or regional~~
90.6 ~~library district is located the dates on which it elects to hold its initial hearing and any~~
90.7 ~~continuation hearing. If a school board or regional library district does not certify these~~
90.8 ~~dates by August 10, the auditor will assign the initial and continuation hearing dates. The~~
90.9 ~~dates elected or assigned must not conflict with the initial and continuation hearing dates~~
90.10 ~~of the county or the metropolitan special taxing districts.~~

90.11 ~~(j) By August 20, the county auditor shall notify the clerks of the cities within the~~
90.12 ~~county of the dates on which school districts and regional library districts have elected to~~
90.13 ~~hold their initial and continuation hearings. At the time a city certifies its proposed levy~~
90.14 ~~under subdivision 1 it shall certify the dates on which it elects to hold its initial hearing and~~
90.15 ~~any continuation hearing. Until September 15, the first and second Mondays of December~~
90.16 ~~are reserved for the use of the cities. If a city does not certify its hearing dates by~~
90.17 ~~September 15, the auditor shall assign the initial and continuation hearing dates. The dates~~
90.18 ~~elected or assigned for the initial hearing must not conflict with the initial hearing dates~~
90.19 ~~of the county, metropolitan special taxing districts, regional library districts, or school~~
90.20 ~~districts within which the city is located. To the extent possible, the dates of the city's~~
90.21 ~~continuation hearing should not conflict with the continuation hearing dates of the county,~~
90.22 ~~metropolitan special taxing districts, regional library districts, or school districts within~~
90.23 ~~which the city is located. This paragraph does not apply to cities of 500 population or less.~~

90.24 ~~(k) The county initial hearing date and the city, metropolitan special taxing district,~~
90.25 ~~regional library district, and school district initial hearing dates must be designated on~~
90.26 ~~the notices required under subdivision 3. The continuation hearing dates need not be~~
90.27 ~~stated on the notices.~~

90.28 ~~(l) At a subsequent hearing, each county, school district, city over 500 population,~~
90.29 ~~and metropolitan special taxing district may amend its proposed property tax levy~~
90.30 ~~and must adopt a final property tax levy. Each county, city over 500 population, and~~
90.31 ~~metropolitan special taxing district may also amend its proposed budget and must adopt a~~
90.32 ~~final budget at the subsequent hearing. The final property tax levy must be adopted prior~~
90.33 ~~to adopting the final budget. A school district is not required to adopt its final budget at the~~
90.34 ~~subsequent hearing. The subsequent hearing of a taxing authority must be held on a date~~
90.35 ~~subsequent to the date of the taxing authority's initial public hearing. If a continuation~~
90.36 ~~hearing is held, the subsequent hearing must be held either immediately following the~~

~~continuation hearing or on a date subsequent to the continuation hearing. The subsequent hearing may be held at a regularly scheduled board or council meeting or at a special meeting scheduled for the purposes of the subsequent hearing. The subsequent hearing of a taxing authority does not have to be coordinated by the county auditor to prevent a conflict with an initial hearing, a continuation hearing, or a subsequent hearing of any other taxing authority. All subsequent hearings must be held prior to five working days after December 20 of the levy year. The date, time, and place of the subsequent hearing must be announced at the initial public hearing or at the continuation hearing.~~

~~(m)~~ (a) The property tax levy certified under section 275.07 by a city of any population, county, metropolitan special taxing district, regional library district, or school district must not exceed the proposed levy determined under subdivision 1, except by an amount up to the sum of the following amounts:

(1) the amount of a school district levy whose voters approved a referendum to increase taxes under section 123B.63, subdivision 3, or 126C.17, subdivision 9, after the proposed levy was certified;

(2) the amount of a city or county levy approved by the voters after the proposed levy was certified;

(3) the amount of a levy to pay principal and interest on bonds approved by the voters under section 475.58 after the proposed levy was certified;

(4) the amount of a levy to pay costs due to a natural disaster occurring after the proposed levy was certified, if that amount is approved by the commissioner of revenue under subdivision 6a;

(5) the amount of a levy to pay tort judgments against a taxing authority that become final after the proposed levy was certified, if the amount is approved by the commissioner of revenue under subdivision 6a;

(6) the amount of an increase in levy limits certified to the taxing authority by the commissioner of education or the commissioner of revenue after the proposed levy was certified; ~~and~~

(7) the amount required under section 126C.55; and

(8) the amount of unallotment under section 16A.152 that was recertified under section 275.07, subdivision 6.

~~(n)~~ (b) This subdivision does not apply to towns and special taxing districts other than regional library districts and metropolitan special taxing districts.

~~(o)~~ (c) Notwithstanding the requirements of this section, the employer is required to meet and negotiate over employee compensation as provided for in chapter 179A.

92.1 **EFFECTIVE DATE.** This section is effective for taxes payable in 2010 and
92.2 thereafter.

92.3 Sec. 7. Minnesota Statutes 2008, section 275.07, subdivision 1, is amended to read:

92.4 Subdivision 1. **Certification of levy.** (a) Except as provided under paragraph (b),
92.5 the taxes voted by cities, counties, school districts, and special districts shall be certified
92.6 by the proper authorities to the county auditor on or before five working days after
92.7 December ~~20~~ 10 in each year. A town must certify the levy adopted by the town board to
92.8 the county auditor by September ~~15~~ 5 each year. If the town board modifies the levy at
92.9 a special town meeting after September ~~15~~ 5, the town board must recertify its levy to
92.10 the county auditor on or before five working days after December ~~20~~ 10. If a city, town,
92.11 county, school district, or special district fails to certify its levy by that date, its levy shall
92.12 be the amount levied by it for the preceding year.

92.13 (b)(i) The taxes voted by counties under sections 103B.241, 103B.245, and
92.14 103B.251 shall be separately certified by the county to the county auditor on or before
92.15 five working days after December ~~20~~ 10 in each year. The taxes certified shall not be
92.16 reduced by the county auditor by the aid received under section 273.1398, subdivision
92.17 3. If a county fails to certify its levy by that date, its levy shall be the amount levied by
92.18 it for the preceding year.

92.19 (ii) For purposes of the proposed property tax notice under section 275.065 and
92.20 the property tax statement under section 276.04, for the first year in which the county
92.21 implements the provisions of this paragraph, the county auditor shall reduce the county's
92.22 levy for the preceding year to reflect any amount levied for water management purposes
92.23 under clause (i) included in the county's levy.

92.24 **EFFECTIVE DATE.** This section is effective for property taxes payable in 2011
92.25 and thereafter.

92.26 Sec. 8. Minnesota Statutes 2008, section 275.07, subdivision 4, is amended to read:

92.27 Subd. 4. **Report to commissioner.** (a) On or before ~~October 8~~ September 20 of
92.28 each year, the county auditor shall report to the commissioner of revenue the proposed
92.29 levy certified by local units of government under section 275.065, subdivision 1. If
92.30 any taxing authorities have notified the county auditor that they are in the process of
92.31 negotiating an agreement for sharing, merging, or consolidating services but that when
92.32 the proposed levy was certified under section 275.065, subdivision 1c, the agreement was
92.33 not yet finalized, the county auditor shall supply that information to the commissioner

93.1 when filing the report under this section and shall recertify the affected levies as soon as
93.2 practical after ~~October 10~~ September 25.

93.3 (b) On or before January ~~15~~ 5 of each year, the county auditor shall report to the
93.4 commissioner of revenue the final levy certified by local units of government under
93.5 subdivision 1.

93.6 (c) The levies must be reported in the manner prescribed by the commissioner.

93.7 **EFFECTIVE DATE.** This section is effective for property taxes payable in 2011
93.8 and thereafter.

93.9 Sec. 9. Minnesota Statutes 2008, section 375.194, subdivision 5, is amended to read:

93.10 Subd. 5. **Determination of county tax rate.** The eligible county's proposed and
93.11 final tax rates shall be determined by dividing the certified levy by the total taxable net tax
93.12 capacity, without regard to any abatements granted under this section. ~~The county board~~
93.13 ~~shall make available the estimated amount of the abatement at the public hearing under~~
93.14 ~~section 275.065, subdivision 6.~~

93.15 **EFFECTIVE DATE.** This section is effective for taxes payable in 2010 and
93.16 thereafter.

93.17 Sec. 10. Minnesota Statutes 2008, section 383A.75, subdivision 3, is amended to read:

93.18 Subd. 3. **Duties.** The committee is authorized to and shall meet from time to time
93.19 to make appropriate recommendations for the efficient and effective use of property tax
93.20 dollars raised by the jurisdictions for programs, buildings, and operations. In addition,
93.21 the committee shall:

93.22 (1) identify trends and factors likely to be driving budget outcomes over the next
93.23 five years with recommendations for how the jurisdictions should manage those trends
93.24 and factors to increase efficiency and effectiveness;

93.25 (2) agree, by October 1 of each year, on the appropriate level of overall property tax
93.26 levy for the three jurisdictions and publicly report such to the governing bodies of each
93.27 jurisdiction for ratification or modification by resolution; and

93.28 ~~(3) plan for the joint truth-in-taxation hearings under section 275.065, subdivision~~
93.29 ~~8; and~~

93.30 ~~(4)~~ (3) identify, by December 31 of each year, areas of the budget to be targeted in
93.31 the coming year for joint review to improve services or achieve efficiencies.

94.1 In carrying out its duties, the committee shall consult with public employees of
94.2 each jurisdiction and with other stakeholders of the city, county, and school district, as
94.3 appropriate.

94.4 **EFFECTIVE DATE.** This section is effective for taxes payable in 2010 and
94.5 thereafter.

94.6 Sec. 11. Minnesota Statutes 2008, section 446A.086, subdivision 8, is amended to read:

94.7 Subd. 8. **Tax levy for repayment.** (a) With the approval of the authority, a
94.8 governmental unit may levy in the year the state makes a payment under this section an
94.9 amount up to the amount necessary to provide funds for the repayment of the amount paid
94.10 by the state plus interest through the date of estimated repayment by the governmental
94.11 unit. The proceeds of this levy may be used only for this purpose unless they exceed the
94.12 amount actually due. Any excess must be used to repay other state payments made under
94.13 this section or must be deposited in the debt redemption fund of the governmental unit.
94.14 The amount of aids to be reduced to repay the state are decreased by the amount levied.

94.15 (b) If the state is not repaid in full for a payment made under this section by
94.16 November 30 of the calendar year following the year in which the state makes the
94.17 payment, the authority shall require the governmental unit to certify a property tax levy in
94.18 an amount up to the amount necessary to provide funds for repayment of the amount paid
94.19 by the state plus interest through the date of estimated repayment by the governmental unit.
94.20 To prevent undue hardship, the authority may allow the governmental unit to certify the
94.21 levy over a five-year period. The proceeds of the levy may be used only for this purpose
94.22 unless they are in excess of the amount actually due, in which case the excess must be used
94.23 to repay other state payments made under this section or must be deposited in the debt
94.24 redemption fund of the governmental unit. If the authority orders the governmental unit to
94.25 levy, the amount of aids reduced to repay the state are decreased by the amount levied.

94.26 ~~(c) A levy under this subdivision is an increase in the levy limits of the governmental~~
94.27 ~~unit for purposes of section 275.065, subdivision 6, and must be explained as a specific~~
94.28 ~~increase at the meeting required under that provision.~~

94.29 **EFFECTIVE DATE.** This section is effective for taxes payable in 2010 and
94.30 thereafter.

94.31 Sec. 12. Minnesota Statutes 2008, section 465.719, subdivision 9, is amended to read:

94.32 Subd. 9. **Application of other laws.** A corporation created by a political subdivision
94.33 under this section must comply with every law that applies to the political subdivision,

as if the corporation is a part of the political subdivision, unless the resolution ratifying creation of the corporation specifically exempts the corporation from part or all of a law. If the resolution exempts the corporation from part or all of a law, the resolution must make a detailed and specific finding as to why the corporation cannot fulfill its purpose if the corporation is subject to that law. A corporation may not be exempted from chapter 13D, the Minnesota Open Meeting Law, sections 138.163 to 138.25, governing records management, or chapter 13, the Minnesota Government Data Practices Act. Any affected or interested person may bring an action in district court to void the resolution on the grounds that the findings are not sufficiently detailed and specific, or that the corporation can fulfill its purpose if it is subject to the law from which the resolution exempts the corporation. Laws that apply to a political subdivision that also apply to a corporation created by a political subdivision under this subdivision include, but are not limited to:

- (1) chapter 13D, the Minnesota Open Meeting Law;
- (2) chapter 13, the Minnesota Government Data Practices Act;
- (3) section 471.345, the Uniform Municipal Contracting Law;
- (4) sections 43A.17, limiting the compensation of employees based on the governor's salary; 471.991 to 471.999, providing for equitable pay; and 465.72 and 465.722, governing severance pay;
- ~~(5) section 275.065, providing for truth-in-taxation hearings. If any tax revenues of the political subdivision will be appropriated to the corporation, the corporation's annual operating and capital budgets must be included in the truth-in-taxation hearing of the political subdivision that created the corporation;~~
- ~~(6)~~ (5) if the corporation issues debt, its debt is included in the political subdivision's debt limit if it would be included if issued by the political subdivision, and issuance of the debt is subject to the election and other requirements of chapter 475 and section 471.69;
- ~~(7)~~ (6) section 471.895, prohibiting acceptance of gifts from interested parties, and sections 471.87 to 471.89, relating to interests in contracts;
- ~~(8)~~ (7) chapter 466, relating to municipal tort liability;
- ~~(9)~~ (8) chapter 118A, requiring deposit insurance or bond or pledged collateral for deposits;
- ~~(10)~~ (9) chapter 118A, restricting investments;
- ~~(11)~~ (10) section 471.346, requiring ownership of vehicles to be identified;
- ~~(12)~~ (11) sections 471.38 to 471.41, requiring claims to be in writing, itemized, and approved by the governing board before payment can be made; and
- ~~(13)~~ (12) the corporation cannot make advances of pay, make or guarantee loans to employees, or provide in-kind benefits unless authorized by law.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter.

Sec. 13. Minnesota Statutes 2008, section 473.13, subdivision 1, is amended to read:

Subdivision 1. **Budget.** (a) On or before December ~~20~~ 10 of each year, the council, ~~after the public hearing required in section 275.065,~~ shall adopt a final budget covering its anticipated receipts and disbursements for the ensuing year and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget. The budget shall state in detail the expenditures for each program to be undertaken, including the expenses for salaries, consultant services, overhead, travel, printing, and other items. The budget shall state in detail the capital expenditures of the council for the budget year, based on a five-year capital program adopted by the council and transmitted to the legislature. After adoption of the budget and no later than five working days after December 20, the council shall certify to the auditor of each metropolitan county the share of the tax to be levied within that county, which must be an amount bearing the same proportion to the total levy agreed on by the council as the net tax capacity of the county bears to the net tax capacity of the metropolitan area. The maximum amount of any levy made for the purpose of this chapter may not exceed the limits set by the statute authorizing the levy.

(b) Each even-numbered year the council shall prepare for its transit programs a financial plan for the succeeding three calendar years, in half-year segments. The financial plan must contain schedules of user charges and any changes in user charges planned or anticipated by the council during the period of the plan. The financial plan must contain a proposed request for state financial assistance for the succeeding biennium.

(c) In addition, the budget must show for each year:

(1) the estimated operating revenues from all sources including funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service;

(2) capital improvement funds estimated to be on hand at the beginning of the year and estimated to be received during the year from all sources and estimated cost of capital improvements to be paid out or expended during the year, all in such detail and form as the council may prescribe; and

(3) the estimated source and use of pass-through funds.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter, except that the date change in certifying the budget is effective for taxes payable in 2011 and thereafter.

Sec. 14. **REPEALER.**

Minnesota Statutes 2008, section 275.065, subdivisions 5a, 6b, 6c, 8, 9, and 10, are repealed.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter.

ARTICLE 6
PROPERTY TAX

Section 1. Minnesota Statutes 2008, section 40A.09, is amended to read:

40A.09 AGRICULTURAL PRESERVE; ELIGIBILITY.

Subdivision 1. Basic requirements. An owner or owners of land that has been designated for exclusive long-term agricultural use under a plan submitted to or approved by the commissioner is eligible to apply for the creation of an agricultural preserve. Eligibility continues unless the commissioner determines that the plan and official controls do not address the elements contained in this chapter or unless the county fails to implement the plan and official controls as required by this chapter.

Subd. 2. Termination of eligibility. (a) A parcel of property enrolled under this section whose owner is subject to a final enforcement action for a violation of chapter 18B, 18C, 103E, 103F, 103G, or 103H, or any rule adopted under these chapters including but not limited to the agricultural shoreland use standards in Minnesota Rules, chapter 6120, occurring on the parcel, shall be removed from the program.

(b) For the purposes of this subdivision, "final enforcement action" means any administrative, civil, or criminal penalty other than an initial verbal or written warning. An enforcement action is not final until any time period for corrective action has expired, and until the completion or expiration of any applicable review or appeal procedure or period provided by law.

(c) When a final enforcement action is taken based on a violation occurring on a parcel enrolled under sections 40A.09 to 40A.12, the law enforcement officer or other person enforcing the law or rule must notify the county assessor. The county assessor must then notify the property owner that the parcel is being removed from the program. Any parcel for which the assessor has been notified prior to March 1 of any year shall be removed from the program for taxes payable in the following year. The assessor shall calculate (i) the amount of any credit received under section 273.119 for the current year, and (ii) the difference between the actual tax on the parcel for the current year and the tax that would apply if the value was not restricted under this section, and multiply the

result by the number of years that the parcel has been under its current ownership or five, whichever is less. The resulting amount plus any special assessments that have been deferred under this section shall be extended against the property on the tax list for the current year, provided that no interest or penalties shall be levied on the additional taxes if timely paid.

(d) Termination of eligibility under this subdivision shall not affect the covenant required under section 40A.10. A parcel of property terminated under this subdivision may not be reenrolled for a period of three years, unless it has been sold or transferred so that it is no longer under the same ownership, in full or in part, as when the parcel was terminated.

EFFECTIVE DATE. This section is effective for taxes payable in 2011 and thereafter.

Sec. 2. Minnesota Statutes 2008, section 272.02, subdivision 7, is amended to read:

Subd. 7. **Institutions of public charity.** (a) Institutions of purely public charity that are exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code are exempt; if they meet the requirements of this subdivision. In determining whether real property is exempt under this subdivision, the following factors must be considered:

(1) whether the stated purpose of the undertaking is to be helpful to others without immediate expectation of material reward;

(2) whether the institution of public charity is supported by material donations, gifts, or government grants for services to the public in whole or in part;

(3) whether a material number of the recipients of the charity receive benefits or services at reduced or no cost, or whether the organization provides services to the public that alleviate burdens or responsibilities that would otherwise be borne by the government;

(4) whether the income received, including material gifts and donations, produces a profit to the charitable institution that is distributed to private interests;

(5) whether the beneficiaries of the charity are restricted or unrestricted, and, if restricted, whether the class of persons to whom the charity is made available is one having a reasonable relationship to the charitable objectives; and

(6) whether dividends, in form or substance, or assets upon dissolution, are available to private interests.

A charitable organization must satisfy the factors in clauses (1) to (6) for its property to be exempt under this subdivision, unless there is a reasonable justification for failing to meet the factors in clause (2), (3), or (5). If there is reasonable justification for failing to meet the factors in clause (2), (3), or (5), an organization is a purely public charity under

this subdivision without meeting those factors. After an exemption is properly granted under this subdivision, it will remain in effect unless there is a material change in facts.

(b) For purposes of this subdivision, a grant is a written instrument or electronic document defining a legal relationship between a granting agency and a grantee when the principal purpose of the relationship is to transfer cash or something of value to the grantee to support a public purpose authorized by law in a general manner instead of acquiring by professional or technical contract, purchase, lease, or barter property or services for the direct benefit or use of the granting agency.

(c) In determining whether rental housing property qualifies for exemption under this subdivision, the following are not gifts or donations to the owner of the rental housing:

- (1) rent assistance provided by the government to or on behalf of tenants; and
- (2) financing assistance or tax credits provided by the government to the owner on condition that specific units or a specific quantity of units be set aside for persons or families with certain income characteristics.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter.

Sec. 3. Minnesota Statutes 2008, section 272.02, is amended by adding a subdivision to read:

Subd. 90. Nursing homes. A nursing home licensed under section 144A.02 or a boarding care home certified as a nursing facility under title 19 of the Social Security Act that is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code is exempt from property taxation if the nursing home or boarding care home either:

- (1) is certified to participate in the medical assistance program under title 19 of the Social Security Act; or
- (2) certifies to the commissioner of revenue that it does not discharge residents due to the inability to pay.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter.

Sec. 4. Minnesota Statutes 2008, section 272.02, is amended by adding a subdivision to read:

Subd. 91. Railroad wye connections. Any real or personal property of a railroad wye connection, including the track, ties, ballast, switch gear, and related improvements,

is exempt if it meets all of the following: (1) is publicly owned; (2) is funded, in whole or in part, by state grants; (3) is located within the metropolitan area as defined in section 473.121, subdivision 2; (4) includes a single track segment that is no longer than 2,500 feet in length; (5) connects intersecting rail lines; and (6) is constructed after January 1, 2009.

EFFECTIVE DATE. This section is effective for assessment year 2009 and thereafter, for taxes payable in 2010 and thereafter.

Sec. 5. Minnesota Statutes 2008, section 272.02, is amended by adding a subdivision to read:

Subd. 92. Electric generation facility; personal property. (a) Notwithstanding subdivision 9, clause (a), attached machinery and other personal property that is part of an electric generation facility that exceeds 150 megawatts of installed capacity, does not exceed 780 megawatts of summer capacity, and that meets the requirements of this subdivision, is exempt. At the start of construction, the facility must:

(1) be designed to utilize natural gas as a primary fuel;
(2) be owned by an entity other than a public utility as defined in section 216B.02, subdivision 4;

(3) be located within five miles of two or more interstate natural gas pipelines;
(4) be located within one mile of an existing electrical transmission substation with operating alternating current voltages of 115 kV, 345 kV, and 500 kV;

(5) be designed to provide electrical capacity, energy, and ancillary services;

(6) have satisfied all of the requirements under section 216B.243;

(7) have executed an interconnection agreement with the Midwest Independent System Operator that does not require the acquisition of more than one mile of new electric transmission right-of-way within the county where the facility is located, and does not provide for any other new routes or corridors for future electric transmission lines in the county where the facility is located;

(8) be located in a county with an essential services and transmission services ordinance;

(9) have signed a development agreement with the county board in the county in which the facility is located. The development agreement must be adopted by a two-thirds vote of the county board, and must contain provisions ensuring that:

(i) the facility is designed to use effluent from a wastewater treatment facility as its preferred water source and will not seek an exemption from legislative approval under section 103G.265, subdivision 3, paragraph (b);

(ii) all processed wastewater discharge will be colocated with the outfall of a wastewater treatment facility; and

(iii) penalties will be paid to the county for harm to any aquifer or surface water as a result of construction or operation and maintenance of the facility; and

(10) have signed a development agreement with the township board in the township in which the facility is located containing provisions ensuring that noise and visual impacts of the facility are fully mitigated. The development agreement must be adopted by a two-thirds vote of the township board.

(b) Construction of the facility must begin after March 1, 2010, and before March 1, 2014. Property eligible for this exemption does not include electric transmission lines and interconnections or gas pipelines and interconnections appurtenant to the facility.

(c) The exemption granted under this subdivision is void if the Public Utilities Commission issues a route permit for an electric transmission line connected to the electric substation nearest the exempt facility on a route where no electric transmission line currently exists.

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

Sec. 6. **[272.0275] PERSONAL PROPERTY USED TO GENERATE ELECTRICITY; EXEMPTION.**

Subdivision 1. **New plant construction after January 1, 2010.** For a new generating plant built and placed in service after January 1, 2010, its personal property used to generate electric power is exempt if an exemption of generation personal property form, with an attached siting agreement, is filed with the Department of Revenue. The form must be signed by the utility, and the county and the city or town where the facility is proposed to be located.

Subd. 2. **Definition; applicability.** For purposes of this section, "personal property" means tools, implements, and machinery of the generating plant. The exemption under this section does not apply to transformers, transmission lines, distribution lines, or any other tools, implements, and machinery that are part of an electric substation, wherever located.

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

Sec. 7. Minnesota Statutes 2008, section 272.029, subdivision 6, is amended to read:

Subd. 6. **Distribution of revenues.** Revenues from the taxes imposed under subdivision 5 must be part of the settlement between the county treasurer and the county auditor under section 276.09. The revenue must be distributed by the county auditor or the

county treasurer to local taxing jurisdictions in which the wind energy conversion system is located as follows: beginning with distributions in ~~2006~~ 2010, 80 percent to counties; and 20 percent to cities and townships; and for distributions occurring in 2006 to 2009, 80 percent to counties; 14 percent to cities and townships; and six percent to school districts; ~~and for distributions occurring in 2004 and 2005 in the same proportion that each of the local taxing jurisdiction's current year's net tax capacity based tax rate is to the current year's total local net tax capacity based rate.~~

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

Sec. 8. Minnesota Statutes 2008, section 273.111, is amended by adding a subdivision to read:

Subd. 9a. Cross-compliance with agricultural chemical and water laws.

(a) A parcel of property enrolled under this section whose owner is subject to a final enforcement action for a violation of chapter 18B, 18C, 103E, 103F, 103G, or 103H, or any rule adopted under these chapters including but not limited to the agricultural shoreland use standards in Minnesota Rules, chapter 6120, occurring on the parcel, shall be removed from the program.

(b) For the purposes of this subdivision, "final enforcement action" means any administrative, civil, or criminal penalty other than an initial verbal or written warning. An enforcement action is not final until any time period for corrective action has expired, and until the completion or expiration of any applicable review or appeal procedure or period provided by law.

(c) When a final enforcement action is taken based on a violation occurring on a parcel enrolled under this section, the law enforcement officer or other person enforcing the law or rule must notify the county assessor. The county assessor must then notify the property owner that the parcel is being removed from the program. Any parcel for which the assessor has been notified prior to March 1 of any year shall be removed from the program for taxes payable in the following year. All deferred taxes on the parcel during the current owner's time of ownership, but not to exceed five years, plus any special assessments that have been deferred, shall be extended against the property on the tax list for the current year, provided that no interest or penalties shall be levied on the additional taxes if timely paid.

(d) A parcel of property terminated under this subdivision may not be reenrolled for a period of three years, unless it has been sold or transferred so that it is no longer under the same ownership, in full or in part, as when the parcel was terminated.

103.1 **EFFECTIVE DATE.** This section is effective for taxes payable in 2011 and
103.2 thereafter.

103.3 Sec. 9. **[273.115] PRESERVATION OF RIPARIAN BUFFERS.**

103.4 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following
103.5 definitions apply.

103.6 (b) "Riparian buffer" means a strip or area of deep-rooted, original native perennial
103.7 vegetation or vegetation restored with plants or seeds that originate from sources as close
103.8 to the site as possible, including trees, adjacent to public waters that extends a minimum
103.9 of 50 and a maximum of 100 feet landward from the ordinary high water level.

103.10 (c) "Public waters" has the same meaning as defined under section 103G.005,
103.11 subdivision 15, excluding "wetlands," as defined under section 103G.005, subdivision 19,
103.12 and "public waters wetlands," as defined under section 103G.005, subdivision 15a.

103.13 (d) "Ordinary high water level" means the boundary of public waters, and shall be an
103.14 elevation delineating the highest water level which has been maintained for a sufficient
103.15 period of time to leave evidence upon the landscape, commonly that point where the
103.16 natural vegetation changes from predominantly aquatic to predominantly terrestrial. For
103.17 watercourses, the ordinary high water level is the elevation of the top of the bank of
103.18 the channel. For reservoirs and flowages, the ordinary high water level is the operating
103.19 elevation of the normal summer pool.

103.20 (e) "Buffer maintenance" means:

103.21 (1) inspecting the buffer periodically and identifying, repairing, and reseeding any
103.22 eroded or damaged areas;

103.23 (2) preventing or addressing any soil compaction from vehicles, livestock, and
103.24 impervious surfaces that could inhibit infiltration or disrupt water flow patterns;

103.25 (3) controlling weeds and managing any grazing livestock so as to minimize the
103.26 removal or alteration of the perennial plant community; and

103.27 (4) refraining from applying fertilizers, pesticides, or animal wastes to the buffer
103.28 area, except to establish native vegetation.

103.29 Subd. 2. **Requirements.** (a) Land constituting a riparian buffer that is classified as
103.30 class 2a under section 273.13, subdivision 23, or that is adjacent to land classified as class
103.31 2a, is entitled to valuation and tax deferment under this section if a covenant has been filed
103.32 with the county assessor and recorded in the county where the property is located.

103.33 (b) The covenant must state that the buffer will be maintained in a natural state and
103.34 that annual buffer maintenance will be performed. The landowner must file an affidavit
103.35 with the county assessor at least once every three years stating that the buffer has been

104.1 maintained according to the definition in subdivision 1. If a landowner fails to meet
104.2 this requirement, the assessor must issue a written warning. If an affidavit is not filed
104.3 within 90 days of the written warning, the land shall be removed from the program. All
104.4 deferred taxes on the property during the current owner's time of ownership shall be
104.5 extended against the property on the tax list for the current year, provided that no interest
104.6 or penalties shall be levied on the additional taxes if timely paid.

104.7 (c) Land qualifying under this subdivision shall be liable only for the taxes
104.8 determined based on the valuation prescribed in subdivision 3. All special assessments
104.9 levied against the land after the property has been enrolled in the program shall be deferred
104.10 until the property is withdrawn or becomes ineligible to continue in the program.

104.11 (d) Real estate may not be enrolled for valuation and deferment under this section
104.12 and section 273.111, 273.112, 273.114, or 273.117 concurrently. Land enrolled under
104.13 section 273.111 that is withdrawn for enrollment under this subdivision shall not be
104.14 required to pay additional taxes under section 273.111, subdivision 3a or 9.

104.15 Subd. 3. **Determination of value.** (a) Land for which an irrevocable covenant has
104.16 been recorded must be valued at 25 percent of the average value per acre of class 2b
104.17 rural vacant land in the surrounding area.

104.18 (b) Land for which a revocable covenant has been recorded must be valued at 75
104.19 percent of the average value per acre of class 2b rural vacant land in the surrounding
104.20 area, provided that the covenant does not allow for its termination until at least 20 years
104.21 from the date that it was originally recorded.

104.22 (c) For the purposes of this subdivision, surrounding area means the city or township
104.23 where the property is located, provided that there are at least ten other parcels containing
104.24 class 2b land in the city or township; otherwise, "surrounding area" means the city or
104.25 township where the property is located and all adjoining cities and townships within the
104.26 same county.

104.27 Subd. 4. **Separate determination of market value and tax.** The assessor shall
104.28 make a separate determination of the market value of the real estate based on its highest
104.29 and best use. The tax based upon that value and the appropriate local tax rate applicable to
104.30 the property in the taxing district shall be recorded on the property assessment records.

104.31 Subd. 5. **Application and covenant agreement.** (a) Application for deferment of
104.32 taxes and assessments under this subdivision shall be filed by May 1 of the year prior to
104.33 the year in which the taxes are payable. Any application filed under this subdivision and
104.34 granted shall continue in effect for subsequent years until the termination of the covenant
104.35 agreement under paragraph (b). The application must be filed with the county assessor on

a form prescribed by the commissioner of revenue. The assessor may require proof by affidavit or otherwise that the property qualifies under subdivision 1.

(b) The owner of the property must sign a covenant agreement that is filed with the county assessor and recorded in the county where the property is located. The covenant agreement must include all of the following:

(1) legal description of the area to which the covenant applies;

(2) name and address of the owner;

(3) a statement that the land described in the covenant must be kept in a natural state, and that annual buffer maintenance will be performed, for the duration of the covenant;

(4) in the case of a revocable covenant under subdivision 3, paragraph (b), a statement that the landowner may terminate the covenant agreement by notifying the county assessor in writing four years in advance of the date of proposed termination, provided that the notice of intent to terminate may not be given at any time before the land has been subject to the covenant for a period of 16 years;

(5) a statement that the covenant is binding on the owner or the owner's successor or assigns and runs with the land; and

(6) a witnessed signature of the owner, agreeing by covenant, to maintain the land as described in subdivision 2.

(c) Once a revocable covenant has been terminated, the property covered by the covenant can never be re-enrolled under this subdivision unless it has been sold or otherwise transferred to a different owner.

Subd. 6. **Additional taxes.** Upon termination of a covenant agreement in subdivision 5, paragraph (b), clause (4), the land to which the covenant applied shall be subject to additional taxes in the amount equal to the difference between the taxes determined in accordance with subdivision 3 and the amount determined under subdivision 4, provided that the amount determined under subdivision 4 shall not be greater than it would have been had the actual bona fide sale price of the real property at an arm's-length transaction been used in lieu of the market value determined under subdivision 4. The additional taxes shall be extended against the property on the tax list for the current year, provided that no interest or penalties shall be levied on the additional taxes if timely paid and that the additional taxes shall only be levied with respect to the last seven years that the property has been valued and assessed under this section.

Subd. 7. **Cross-compliance with agricultural chemical and water laws.** (a) A parcel of property enrolled under this section whose owner or tenant is subject to a final enforcement action for a violation of chapter 18B, 18C, 103E, 103F, 103G, or 103H, or any rule adopted under these chapters including but not limited to the agricultural

shoreland use standards in Minnesota Rules, chapter 6120, occurring on the parcel, shall be removed from the program.

(b) For the purposes of this subdivision, "final enforcement action" means any administrative, civil, or criminal penalty or action other than an initial verbal or written warning. An enforcement action is not final until any time period for corrective action has expired, and until the completion or expiration of any applicable review or appeal procedure or period provided by law.

(c) When a final enforcement action is taken based on a violation occurring on a parcel enrolled under this section, the law enforcement officer or other person enforcing the law or rule must notify the county assessor. The county assessor must then notify the property owner that the parcel is being removed from the program. Any parcel for which the assessor has been notified prior to March 1 of any year shall be removed from the program for taxes payable in the following year, and subject to additional taxes as provided in subdivision 6.

(d) Termination of eligibility under this subdivision shall not affect the covenant required under subdivision 5. A parcel of property terminated under this subdivision may not be reenrolled for a period of three years, unless it has been sold or transferred so that it is no longer under the same ownership, in full or in part, as when the parcel was terminated.

Subd. 8. **Lien.** Any additional taxes imposed under subdivision 6 or 7 shall be a lien upon the property assessed to the same extent and for the same duration as other taxes imposed on the property in this state. The tax shall be annually extended by the county auditor and, if and when payable, shall be collected and distributed in the manner provided by law for the collection and distribution of other property taxes.

EFFECTIVE DATE. This section is effective for assessment year 2011 and thereafter, for taxes payable in 2012 and thereafter.

Sec. 10. Minnesota Statutes 2008, section 273.1231, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** For purposes of sections 273.1231 to ~~273.1235~~ 273.1236, the following words, terms, and phrases have the meanings given them in this section unless the language or context clearly indicates that a different meaning is intended.

EFFECTIVE DATE. This section is effective for assessment year 2009 and thereafter.

Sec. 11. Minnesota Statutes 2008, section 273.1232, subdivision 1, is amended to read:

Subdivision 1. **Reassessments required.** For the purposes of sections 273.1231 to ~~273.1235~~ 273.1236, the county assessor must reassess all damaged property in a disaster or emergency area, except that the commissioner of revenue shall reassess all property for which an application is submitted to the commissioner under section 273.1233 or 273.1235. As soon as practical, the assessor or commissioner of revenue must report the reassessed value to the county auditor.

EFFECTIVE DATE. This section is effective for assessment year 2009 and thereafter.

Sec. 12. **[273.1236] DISASTER-DAMAGED HOMES; PARTIAL VALUATION EXCLUSION.**

(a) A homestead property that (1) sustained physical damage from a disaster or emergency resulting in a reassessed market value that is at least \$15,000 less than the market value of the property established for the January 2 assessment in the year in which the damage occurred, (2) has been substantially restored or rebuilt by the end of the year following the year in which the damage occurred, (3) has a gross living area after reconstruction that does not exceed 130 percent of the gross living area prior to the disaster or emergency, and (4) has an estimated market value for the assessment year following the year in which the restoration or reconstruction was substantially completed that exceeds its estimated market value established for the January 2 assessment in the year in which the damage occurred by at least \$25,000 due to the restoration or reconstruction, is eligible for a valuation exclusion under this section for the two assessment years immediately following the year in which the restoration or reconstruction was completed.

(b) The assessor shall determine the difference between the estimated market value established for the January 2 assessment in the year in which the damage occurred and the estimated market value established for the January 2 assessment in the year following the completion of the restoration or reconstruction.

(c) In the first assessment year following the restoration or reconstruction, all of the difference identified under paragraph (b) shall be excluded in determining taxable market value. In the second assessment year following the restoration or reconstruction, half of the difference identified under paragraph (b) shall be excluded in determining taxable market value.

(d) For the purposes of this section, "gross living area" includes only above-grade living area, and does not include any finished basement living area.

(e) Application for the valuation exclusion under this section must be filed by January 2 of the year following the year in which the restoration or reconstruction was

108.1 substantially completed. The application must be filed with the assessor of the county in
108.2 which the property is located on the form prescribed by the commissioner of revenue.

108.3 **EFFECTIVE DATE.** This section is effective for assessment year 2009 and
108.4 thereafter. The application deadline in paragraph (e) is extended to June 30, 2009, for
108.5 restoration or reconstruction substantially completed in 2008.

108.6 Sec. 13. Minnesota Statutes 2008, section 273.124, subdivision 1, is amended to read:

108.7 Subdivision 1. **General rule.** (a) Residential real estate that is occupied and used
108.8 for the purposes of a homestead by its owner, who must be a Minnesota resident, is
108.9 a residential homestead.

108.10 Agricultural land, as defined in section 273.13, subdivision 23, that is occupied and
108.11 used as a homestead by its owner, who must be a Minnesota resident, is an agricultural
108.12 homestead.

108.13 Dates for establishment of a homestead and homestead treatment provided to
108.14 particular types of property are as provided in this section.

108.15 Property held by a trustee under a trust is eligible for homestead classification if the
108.16 requirements under this chapter are satisfied.

108.17 The assessor shall require proof, as provided in subdivision 13, of the facts upon
108.18 which classification as a homestead may be determined. Notwithstanding any other law,
108.19 the assessor may at any time require a homestead application to be filed in order to verify
108.20 that any property classified as a homestead continues to be eligible for homestead status.
108.21 Notwithstanding any other law to the contrary, the Department of Revenue may, upon
108.22 request from an assessor, verify whether an individual who is requesting or receiving
108.23 homestead classification has filed a Minnesota income tax return as a resident for the most
108.24 recent taxable year for which the information is available.

108.25 When there is a name change or a transfer of homestead property, the assessor may
108.26 reclassify the property in the next assessment unless a homestead application is filed to
108.27 verify that the property continues to qualify for homestead classification.

108.28 (b) For purposes of this section, homestead property shall include property which
108.29 is used for purposes of the homestead but is separated from the homestead by a road,
108.30 street, lot, waterway, or other similar intervening property. The term "used for purposes
108.31 of the homestead" shall include but not be limited to uses for gardens, garages, or other
108.32 outbuildings commonly associated with a homestead, but shall not include vacant land
108.33 held primarily for future development. In order to receive homestead treatment for
108.34 the noncontiguous property, the owner must use the property for the purposes of the
108.35 homestead, and must apply to the assessor, both by the deadlines given in subdivision

9. After initial qualification for the homestead treatment, additional applications for subsequent years are not required.

(c) Residential real estate that is occupied and used for purposes of a homestead by a relative of the owner is a homestead but only to the extent of the homestead treatment that would be provided if the related owner occupied the property. For purposes of this paragraph and paragraph (g), "relative" means a parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, or niece. This relationship may be by blood or marriage. Property that has been classified as seasonal residential recreational property at any time during which it has been owned by the current owner or spouse of the current owner will not be reclassified as a homestead unless it is occupied as a homestead by the owner; this prohibition also applies to property that, in the absence of this paragraph, would have been classified as seasonal residential recreational property at the time when the residence was constructed. Neither the related occupant nor the owner of the property may claim a property tax refund under chapter 290A for a homestead occupied by a relative. In the case of a residence located on agricultural land, only the house, garage, and immediately surrounding one acre of land shall be classified as a homestead under this paragraph, except as provided in paragraph (d). In the case of nonagricultural property, this paragraph only applies to applications approved before December 16, 2009.

(d) Agricultural property that is occupied and used for purposes of a homestead by a relative of the owner, is a homestead, only to the extent of the homestead treatment that would be provided if the related owner occupied the property, and only if all of the following criteria are met:

(1) the relative who is occupying the agricultural property is a son, daughter, brother, sister, grandson, granddaughter, father, or mother of the owner of the agricultural property or a son, daughter, brother, sister, grandson, or granddaughter of the spouse of the owner of the agricultural property;

(2) the owner of the agricultural property must be a Minnesota resident;

(3) the owner of the agricultural property must not receive homestead treatment on any other agricultural property in Minnesota; and

(4) the owner of the agricultural property is limited to only one agricultural homestead per family under this paragraph.

Neither the related occupant nor the owner of the property may claim a property tax refund under chapter 290A for a homestead occupied by a relative qualifying under this paragraph. For purposes of this paragraph, "agricultural property" means the house, garage, other farm buildings and structures, and agricultural land.

110.1 Application must be made to the assessor by the owner of the agricultural property to
110.2 receive homestead benefits under this paragraph. The assessor may require the necessary
110.3 proof that the requirements under this paragraph have been met.

110.4 (e) In the case of property owned by a property owner who is married, the assessor
110.5 must not deny homestead treatment in whole or in part if only one of the spouses occupies
110.6 the property and the other spouse is absent due to: (1) marriage dissolution proceedings,
110.7 (2) legal separation, (3) employment or self-employment in another location, or (4) other
110.8 personal circumstances causing the spouses to live separately, not including an intent to
110.9 obtain two homestead classifications for property tax purposes. To qualify under clause
110.10 (3), the spouse's place of employment or self-employment must be at least 50 miles distant
110.11 from the other spouse's place of employment, and the homesteads must be at least 50 miles
110.12 distant from each other. Homestead treatment, in whole or in part, shall not be denied to
110.13 the owner's spouse who previously occupied the residence with the owner if the absence
110.14 of the owner is due to one of the exceptions provided in this paragraph.

110.15 (f) The assessor must not deny homestead treatment in whole or in part if:

110.16 (1) in the case of a property owner who is not married, the owner is absent due to
110.17 residence in a nursing home, boarding care facility, or an elderly assisted living facility
110.18 property as defined in section 273.13, subdivision 25a, and the property is not otherwise
110.19 occupied; or

110.20 (2) in the case of a property owner who is married, the owner or the owner's spouse
110.21 or both are absent due to residence in a nursing home, boarding care facility, or an elderly
110.22 assisted living facility property as defined in section 273.13, subdivision 25a, and the
110.23 property is not occupied or is occupied only by the owner's spouse.

110.24 (g) If an individual is purchasing property with the intent of claiming it as a
110.25 homestead and is required by the terms of the financing agreement to have a relative
110.26 shown on the deed as a co-owner, the assessor shall allow a full homestead classification.
110.27 This provision only applies to first-time purchasers, whether married or single, or to a
110.28 person who had previously been married and is purchasing as a single individual for the
110.29 first time. The application for homestead benefits must be on a form prescribed by the
110.30 commissioner and must contain the data necessary for the assessor to determine if full
110.31 homestead benefits are warranted.

110.32 (h) If residential or agricultural real estate is occupied and used for purposes of a
110.33 homestead by a child of a deceased owner and the property is subject to jurisdiction of
110.34 probate court, the child shall receive relative homestead classification under paragraph (c)
110.35 or (d) to the same extent they would be entitled to it if the owner was still living, until

111.1 the probate is completed. For purposes of this paragraph, "child" includes a relationship
111.2 by blood or by marriage.

111.3 (i) If a single-family home, duplex, or triplex classified as either residential
111.4 homestead or agricultural homestead is also used to provide licensed child care, the
111.5 portion of the property used for licensed child care must be classified as a part of the
111.6 homestead property.

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

111.8 Sec. 14. Minnesota Statutes 2008, section 273.13, subdivision 25, is amended to read:

111.9 Subd. 25. **Class 4.** (a) Class 4a is residential real estate containing four or more
111.10 units and used or held for use by the owner or by the tenants or lessees of the owner
111.11 as a residence for rental periods of 30 days or more, excluding property qualifying for
111.12 class 4d. Class 4a also includes hospitals licensed under sections 144.50 to 144.56, other
111.13 than hospitals exempt under section 272.02, and contiguous property used for hospital
111.14 purposes, without regard to whether the property has been platted or subdivided. The
111.15 market value of class 4a property has a class rate of 1.25 percent.

111.16 (b) Class 4b includes:

111.17 (1) residential real estate containing less than four units that does not qualify as class
111.18 4bb, other than seasonal residential recreational property;

111.19 (2) manufactured homes not classified under any other provision;

111.20 (3) a dwelling, garage, and surrounding one acre of property on a nonhomestead
111.21 farm classified under subdivision 23, paragraph (b) containing two or three units; and

111.22 (4) unimproved property that is classified residential as determined under subdivision
111.23 33.

111.24 The market value of class 4b property has a class rate of 1.25 percent.

111.25 (c) Class 4bb includes:

111.26 (1) nonhomestead residential real estate containing one unit, other than seasonal
111.27 residential recreational property; and

111.28 (2) a single family dwelling, garage, and surrounding one acre of property on a
111.29 nonhomestead farm classified under subdivision 23, paragraph (b).

111.30 Class 4bb property has the same class rates as class 1a property under subdivision 22.

111.31 Property that has been classified as seasonal residential recreational property at
111.32 any time during which it has been owned by the current owner or spouse of the current
111.33 owner does not qualify for class 4bb.

111.34 (d) Class 4c property includes:

112.1 (1) except as provided in subdivision 22, paragraph (c), or subdivision 23, paragraph
112.2 (b), clause (1), real and personal property devoted to temporary and seasonal residential
112.3 occupancy for recreation purposes, including real and personal property devoted to
112.4 temporary and seasonal residential occupancy for recreation purposes and not devoted to
112.5 commercial purposes for more than 250 days in the year preceding the year of assessment.
112.6 For purposes of this clause, property is devoted to a commercial purpose on a specific
112.7 day if any portion of the property is used for residential occupancy, and a fee is charged
112.8 for residential occupancy. Class 4c property must contain three or more rental units. A
112.9 "rental unit" is defined as a cabin, condominium, townhouse, sleeping room, or individual
112.10 camping site equipped with water and electrical hookups for recreational vehicles.
112.11 Except for property described in item (iii), class 4c property must provide recreational
112.12 activities such as renting ice fishing houses, boats and motors, snowmobiles, downhill or
112.13 cross-country ski equipment; provide marina services, launch services, or guide services;
112.14 or sell bait and fishing tackle. A camping pad offered for rent by a property that otherwise
112.15 qualifies for class 4c is also class 4c regardless of the term of the rental agreement, as
112.16 long as the use of the camping pad does not exceed 250 days. In order for a property to
112.17 be classified as class 4c, seasonal residential recreational for commercial purposes under
112.18 this clause, at least 40 percent of the annual gross lodging receipts related to the property
112.19 must be from business conducted during 90 consecutive days and either (i) at least 60
112.20 percent of all paid bookings by lodging guests during the year must be for periods of at
112.21 least two consecutive nights; ~~or~~ (ii) at least 20 percent of the annual gross receipts must
112.22 be from charges for rental of fish houses, boats and motors, snowmobiles, downhill or
112.23 cross-country ski equipment, or charges for marina services, launch services, and guide
112.24 services, or the sale of bait and fishing tackle; or (iii) the property contains 20 rental units
112.25 or less, is devoted to temporary residential occupancy, is located in a township or a city
112.26 that has a population of 2,500 or less, and is located outside the metropolitan area as
112.27 defined under section 473.121, subdivision 2. For purposes of this determination, a paid
112.28 booking of five or more nights shall be counted as two bookings. Class 4c also includes
112.29 commercial use real property used exclusively for recreational purposes in conjunction
112.30 with class 4c property devoted to temporary and seasonal residential occupancy for
112.31 recreational purposes, up to a total of two acres, provided the property is not devoted
112.32 to commercial recreational use for more than 250 days in the year preceding the year
112.33 of assessment and is located within two miles of the class 4c property with which it is
112.34 used. Owners of real and personal property devoted to temporary and seasonal residential
112.35 occupancy for recreation purposes and all or a portion of which was devoted to commercial
112.36 purposes for not more than 250 days in the year preceding the year of assessment desiring

113.1 classification as class 4c, must submit a declaration to the assessor designating the cabins
113.2 or units occupied for 250 days or less in the year preceding the year of assessment by
113.3 January 15 of the assessment year. Those cabins or units and a proportionate share of the
113.4 land on which they are located must be designated class 4c as otherwise provided. The
113.5 remainder of the cabins or units and a proportionate share of the land on which they are
113.6 located will be designated as class 3a. The owner of property desiring designation as class
113.7 4c property must provide guest registers or other records demonstrating that the units for
113.8 which class 4c designation is sought were not occupied for more than 250 days in the
113.9 year preceding the assessment if so requested. The portion of a property operated as a
113.10 (1) restaurant, (2) bar, (3) gift shop, (4) conference center or meeting room, and (5) other
113.11 nonresidential facility operated on a commercial basis not directly related to temporary
113.12 and seasonal residential occupancy for recreation purposes does not qualify for class 4c;

113.13 (2) qualified property used as a golf course if:

113.14 (i) it is open to the public on a daily fee basis. It may charge membership fees or
113.15 dues, but a membership fee may not be required in order to use the property for golfing,
113.16 and its green fees for golfing must be comparable to green fees typically charged by
113.17 municipal courses; and

113.18 (ii) it meets the requirements of section 273.112, subdivision 3, paragraph (d).

113.19 A structure used as a clubhouse, restaurant, or place of refreshment in conjunction
113.20 with the golf course is classified as class 3a property;

113.21 (3) real property up to a maximum of three acres of land owned and used by a
113.22 nonprofit community service oriented organization and that is not used for residential
113.23 purposes on either a temporary or permanent basis, qualifies for class 4c provided that
113.24 it meets either of the following:

113.25 (i) the property is not used for a revenue-producing activity for more than six days
113.26 in the calendar year preceding the year of assessment; or

113.27 (ii) the organization makes annual charitable contributions and donations at least
113.28 equal to the property's previous year's property taxes and the property is allowed to be
113.29 used for public and community meetings or events for no charge, as appropriate to the
113.30 size of the facility.

113.31 For purposes of this clause,

113.32 (A) "charitable contributions and donations" has the same meaning as lawful
113.33 gambling purposes under section 349.12, subdivision 25, excluding those purposes
113.34 relating to the payment of taxes, assessments, fees, auditing costs, and utility payments;

113.35 (B) "property taxes" excludes the state general tax;

114.1 (C) a "nonprofit community service oriented organization" means any corporation,
114.2 society, association, foundation, or institution organized and operated exclusively for
114.3 charitable, religious, fraternal, civic, or educational purposes, and which is exempt
114.4 from federal income taxation pursuant to section 501(c)(3), (10), or (19) of the Internal
114.5 Revenue Code; and

114.6 (D) "revenue-producing activities" shall include but not be limited to property or that
114.7 portion of the property that is used as an on-sale intoxicating liquor or 3.2 percent malt
114.8 liquor establishment licensed under chapter 340A, a restaurant open to the public, bowling
114.9 alley, a retail store, gambling conducted by organizations licensed under chapter 349, an
114.10 insurance business, or office or other space leased or rented to a lessee who conducts a
114.11 for-profit enterprise on the premises.

114.12 Any portion of the property qualifying under item (i) which is used for revenue-producing
114.13 activities for more than six days in the calendar year preceding the year of assessment
114.14 shall be assessed as class 3a. The use of the property for social events open exclusively
114.15 to members and their guests for periods of less than 24 hours, when an admission is
114.16 not charged nor any revenues are received by the organization shall not be considered a
114.17 revenue-producing activity.

114.18 The organization shall maintain records of its charitable contributions and donations
114.19 and of public meetings and events held on the property and make them available upon
114.20 request any time to the assessor to ensure eligibility. An organization meeting the
114.21 requirement under item (ii) must file an application by May 1 with the assessor for
114.22 eligibility for the current year's assessment. The commissioner shall prescribe a uniform
114.23 application form and instructions;

114.24 (4) postsecondary student housing of not more than one acre of land that is owned by
114.25 a nonprofit corporation organized under chapter 317A and is used exclusively by a student
114.26 cooperative, sorority, or fraternity for on-campus housing or housing located within two
114.27 miles of the border of a college campus;

114.28 (5) manufactured home parks as defined in section 327.14, subdivision 3;

114.29 (6) real property that is actively and exclusively devoted to indoor fitness, health,
114.30 social, recreational, and related uses, is owned and operated by a not-for-profit corporation,
114.31 and is located within the metropolitan area as defined in section 473.121, subdivision 2;

114.32 (7) a leased or privately owned noncommercial aircraft storage hangar not exempt
114.33 under section 272.01, subdivision 2, and the land on which it is located, provided that:

114.34 (i) the land is on an airport owned or operated by a city, town, county, Metropolitan
114.35 Airports Commission, or group thereof; and

(ii) the land lease, or any ordinance or signed agreement restricting the use of the leased premise, prohibits commercial activity performed at the hangar.

If a hangar classified under this clause is sold after June 30, 2000, a bill of sale must be filed by the new owner with the assessor of the county where the property is located within 60 days of the sale;

(8) a privately owned noncommercial aircraft storage hangar not exempt under section 272.01, subdivision 2, and the land on which it is located, provided that:

(i) the land abuts a public airport; and

(ii) the owner of the aircraft storage hangar provides the assessor with a signed agreement restricting the use of the premises, prohibiting commercial use or activity performed at the hangar; and

(9) residential real estate, a portion of which is used by the owner for homestead purposes, and that is also a place of lodging, if all of the following criteria are met:

(i) rooms are provided for rent to transient guests that generally stay for periods of 14 or fewer days;

(ii) meals are provided to persons who rent rooms, the cost of which is incorporated in the basic room rate;

(iii) meals are not provided to the general public except for special events on fewer than seven days in the calendar year preceding the year of the assessment; and

(iv) the owner is the operator of the property.

The market value subject to the 4c classification under this clause is limited to five rental units. Any rental units on the property in excess of five, must be valued and assessed as class 3a. The portion of the property used for purposes of a homestead by the owner must be classified as class 1a property under subdivision 22; and

(10) real property up to a maximum of three acres and operated as a restaurant as defined under section 157.15, subdivision 12, provided it: (A) is located on a lake as defined under section 103G.005, subdivision 15, paragraph (a), clause (3); and (B) is either devoted to commercial purposes for not more than 250 consecutive days, or receives at least 60 percent of its annual gross receipts from business conducted during four consecutive months. Gross receipts from the sale of alcoholic beverages must be included in determining the property's qualification under subitem (B). The property's primary business must be as a restaurant and not as a bar. Gross receipts from gift shop sales located on the premises must be excluded. Owners of real property desiring 4c classification under this clause must submit an annual declaration to the assessor by February 1 of the current assessment year, based on the property's relevant information for the preceding assessment year.

Class 4c property has a class rate of 1.5 percent of market value, except that (i) each parcel of seasonal residential recreational property not used for commercial purposes has the same class rates as class 4bb property, (ii) manufactured home parks assessed under clause (5) have the same class rate as class 4b property, (iii) commercial-use seasonal residential recreational property has a class rate of one percent for the first \$500,000 of market value, and 1.25 percent for the remaining market value, (iv) the market value of property described in clause (4) has a class rate of one percent, (v) the market value of property described in clauses (2), (6), and (10) has a class rate of 1.25 percent, and (vi) that portion of the market value of property in clause (9) qualifying for class 4c property has a class rate of 1.25 percent.

(e) Class 4d property is qualifying low-income rental housing certified to the assessor by the Housing Finance Agency under section 273.128, subdivision 3. If only a portion of the units in the building qualify as low-income rental housing units as certified under section 273.128, subdivision 3, only the proportion of qualifying units to the total number of units in the building qualify for class 4d. The remaining portion of the building shall be classified by the assessor based upon its use. Class 4d also includes the same proportion of land as the qualifying low-income rental housing units are to the total units in the building. For all properties qualifying as class 4d, the market value determined by the assessor must be based on the normal approach to value using normal unrestricted rents.

Class 4d property has a class rate of 0.75 percent.

EFFECTIVE DATE. This section is effective for assessment year 2009, taxes payable in 2010, and thereafter. For assessment year 2009 only, the January 15 application date under paragraph (d), clause (1), shall be extended to July 1, 2009, for property qualifying for the 2009 assessment under paragraph (d), clause (1), item (iii).

Sec. 15. Minnesota Statutes 2008, section 273.13, subdivision 34, is amended to read:

Subd. 34. **Homestead of disabled veteran.** (a) All or a portion of the market value of property owned by a veteran or by the veteran and the veteran's spouse qualifying for homestead classification under subdivision 22 or 23 is excluded in determining the property's taxable market value if it serves as the homestead of a military veteran, as defined in section 197.447, who has a service-connected disability of 70 percent or more. To qualify for exclusion under this subdivision, the veteran must have been honorably discharged from the United States armed forces, as indicated by United States Government Form DD214 or other official military discharge papers, and must be certified by the United States Veterans Administration as having a service-connected disability.

(b)(1) For a disability rating of 70 percent or more, \$150,000 of market value is excluded, except as provided in clause (2); and

(2) for a total (100 percent) and permanent disability, \$300,000 of market value is excluded.

(c) If a disabled veteran qualifying for a valuation exclusion under paragraph (b), clause (2), predeceases the veteran's spouse, and if upon the death of the veteran the spouse holds the legal or beneficial title to the homestead and permanently resides there, the exclusion shall carry over to the benefit of the veteran's spouse for ~~one~~ five additional ~~assessment year or years or~~ until such time as the spouse sells, transfers, or otherwise disposes of the property or remarries, whichever comes first.

(d) In the case of an agricultural homestead, only the portion of the property consisting of the house and garage and immediately surrounding one acre of land qualifies for the valuation exclusion under this subdivision.

(e) A property qualifying for a valuation exclusion under this subdivision is not eligible for the credit under section 273.1384, subdivision 1, or classification under subdivision 22, paragraph (b).

(f) To qualify for a valuation exclusion under this subdivision a property owner must apply to the assessor by July 1 of each assessment year, except that an annual reapplication is not required once a property has been accepted for a valuation exclusion under paragraph (b), clause (2), and the property continues to qualify until there is a change in ownership.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter.

Sec. 16. Minnesota Statutes 2008, section 273.1393, is amended to read:

273.1393 COMPUTATION OF NET PROPERTY TAXES.

Notwithstanding any other provisions to the contrary, "net" property taxes are determined by subtracting the credits in the order listed from the gross tax:

(1) disaster credit as provided in sections 273.1231 to 273.1235;

(2) powerline credit as provided in section 273.42;

(3) agricultural preserves credit as provided in section 473H.10;

(4) enterprise zone credit as provided in section 469.171;

(5) disparity reduction credit;

(6) conservation tax credit as provided in section 273.119;

(7) homestead and agricultural credits as provided in section 273.1384;

(8) taconite homestead credit as provided in section 273.135; and

118.1 (9) supplemental homestead credit as provided in section 273.1391, ~~and~~
118.2 ~~(10) the bovine tuberculosis zone credit, as provided in section 273.113.~~
118.3 The combination of all property tax credits must not exceed the gross tax amount.

118.4 **EFFECTIVE DATE.** This section is effective for property taxes payable in 2010
118.5 and thereafter.

118.6 Sec. 17. Minnesota Statutes 2008, section 275.025, subdivision 1, is amended to read:

118.7 Subdivision 1. **Levy amount.** (a) The state general levy is levied against
118.8 commercial-industrial property and seasonal residential recreational property, as defined
118.9 in this section. The state general levy base amount is \$592,000,000 for taxes payable in
118.10 2002. For taxes payable in subsequent years, the levy base amount is increased each year
118.11 by multiplying the levy base amount for the prior year by the sum of one plus the rate of
118.12 increase, if any, in the implicit price deflator for government consumption expenditures
118.13 and gross investment for state and local governments prepared by the Bureau of Economic
118.14 Analysts of the United States Department of Commerce for the 12-month period ending
118.15 March 31 of the year prior to the year the taxes are payable. The tax under this section is
118.16 not treated as a local tax rate under section 469.177 and is not the levy of a governmental
118.17 unit under chapters 276A and 473F.

118.18 (b) The commissioner shall increase or decrease the preliminary or final rate for a
118.19 year as necessary to account for errors and tax base changes that affected a preliminary or
118.20 final rate for either of the two preceding years. Adjustments are allowed to the extent that
118.21 the necessary information is available to the commissioner at the time the rates for a year
118.22 must be certified, and for the following reasons:

118.23 (1) an erroneous report of taxable value by a local official;
118.24 (2) an erroneous calculation by the commissioner; and
118.25 (3) an increase or decrease in taxable value for commercial-industrial or seasonal
118.26 residential recreational property reported on the abstracts of tax lists submitted under
118.27 section 275.29 that was not reported on the abstracts of assessment submitted under
118.28 section 270C.89 for the same year.

118.29 The commissioner may, but need not, make adjustments if the total difference in the tax
118.30 levied for the year would be less than \$100,000.

118.31 (c) In setting the rate, for taxes payable in 2010 only, the commissioner shall exclude
118.32 the tax capacity of property described in section 473.625 from the tax base. The amount
118.33 levied against property described in section 473.625 for taxes payable in 2010 shall be

119.1 permanently added to the 2010 base amount before inflating to the 2011 levy amount
119.2 under paragraph (a).

119.3 **EFFECTIVE DATE.** This section is effective beginning for taxes payable in 2010.

119.4 Sec. 18. Minnesota Statutes 2008, section 275.025, subdivision 2, is amended to read:

119.5 Subd. 2. **Commercial-industrial tax capacity.** For the purposes of this section,
119.6 "commercial-industrial tax capacity" means the tax capacity of all taxable property
119.7 classified as class 3 or class 5(1) under section 273.13, except for electric generation
119.8 attached machinery under class 3 ~~and property described in section 473.625.~~ County
119.9 commercial-industrial tax capacity amounts are not adjusted for the captured net tax
119.10 capacity of a tax increment financing district under section 469.177, subdivision 2, the
119.11 net tax capacity of transmission lines deducted from a local government's total net tax
119.12 capacity under section 273.425, or fiscal disparities contribution and distribution net
119.13 tax capacities under chapter 276A or 473F.

119.14 **EFFECTIVE DATE.** This section is effective beginning for taxes payable in 2010.

119.15 Sec. 19. Minnesota Statutes 2008, section 276.04, subdivision 2, is amended to read:

119.16 Subd. 2. **Contents of tax statements.** (a) The treasurer shall provide for the
119.17 printing of the tax statements. The commissioner of revenue shall prescribe the form of
119.18 the property tax statement and its contents. The tax statement must not state or imply
119.19 that property tax credits are paid by the state of Minnesota. The statement must contain
119.20 a tabulated statement of the dollar amount due to each taxing authority and the amount
119.21 of the state tax from the parcel of real property for which a particular tax statement is
119.22 prepared. The dollar amounts attributable to the county, the state tax, the voter approved
119.23 school tax, the other local school tax, the township or municipality, and the total of
119.24 the metropolitan special taxing districts as defined in section 275.065, subdivision 3,
119.25 paragraph (i), must be separately stated. The amounts due all other special taxing districts,
119.26 if any, may be aggregated except that any levies made by the regional rail authorities in the
119.27 county of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington under chapter
119.28 398A shall be listed on a separate line directly under the appropriate county's levy. If the
119.29 county levy under this paragraph includes an amount for a lake improvement district as
119.30 defined under sections 103B.501 to 103B.581, the amount attributable for that purpose
119.31 must be separately stated from the remaining county levy amount. In the case of Ramsey
119.32 County, if the county levy under this paragraph includes an amount for public library
119.33 service under section 134.07, the amount attributable for that purpose may be separated

120.1 from the remaining county levy amount. The amount of the tax on homesteads qualifying
120.2 under the senior citizens' property tax deferral program under chapter 290B is the total
120.3 amount of property tax before subtraction of the deferred property tax amount. The
120.4 amount of the tax on contamination value imposed under sections 270.91 to 270.98, if any,
120.5 must also be separately stated. The dollar amounts, including the dollar amount of any
120.6 special assessments, may be rounded to the nearest even whole dollar. For purposes of this
120.7 section whole odd-numbered dollars may be adjusted to the next higher even-numbered
120.8 dollar. The amount of market value excluded under section 273.11, subdivision 16, if any,
120.9 must also be listed on the tax statement.

120.10 (b) The property tax statements for manufactured homes and sectional structures
120.11 taxed as personal property shall contain the same information that is required on the
120.12 tax statements for real property.

120.13 (c) Real and personal property tax statements must contain the following information
120.14 in the order given in this paragraph. The information must contain the current year tax
120.15 information in the right column with the corresponding information for the previous year
120.16 in a column on the left:

120.17 (1) the property's estimated market value under section 273.11, subdivision 1;

120.18 (2) the property's taxable market value after reductions under section 273.11,
120.19 subdivisions 1a and 16;

120.20 (3) the property's gross tax, before credits;

120.21 (4) for homestead residential and agricultural properties, the credits under section
120.22 273.1384;

120.23 (5) any credits received under sections 273.119; 273.1234 or 273.1235; 273.135;
120.24 273.1391; 273.1398, subdivision 4; 469.171; and 473H.10, except that the amount of
120.25 credit received under section 273.135 must be separately stated and identified as "taconite
120.26 tax relief"; and

120.27 (6) the net tax payable in the manner required in paragraph (a).

120.28 (d) If the county uses envelopes for mailing property tax statements and if the county
120.29 agrees, a taxing district may include a notice with the property tax statement notifying
120.30 taxpayers when the taxing district will begin its budget deliberations for the current
120.31 year, and encouraging taxpayers to attend the hearings. If the county allows notices to
120.32 be included in the envelope containing the property tax statement, and if more than
120.33 one taxing district relative to a given property decides to include a notice with the tax
120.34 statement, the county treasurer or auditor must coordinate the process and may combine
120.35 the information on a single announcement.

121.1 **EFFECTIVE DATE.** This section is effective for taxes payable in 2011 and
121.2 thereafter.

121.3 Sec. 20. Minnesota Statutes 2008, section 279.10, is amended to read:

121.4 **279.10 PUBLICATION CORRECTED.**

121.5 Immediately after preparing forms for printing such notice and list, and at least five
121.6 days before the first day for the publication thereof, every ~~such~~ publisher shall furnish
121.7 proof of the proposed publication to the county auditor for correction. When ~~such~~ the copy
121.8 has been corrected, the auditor shall return ~~the same~~ it to the printer, who shall publish it
121.9 as corrected. On the first day on which ~~such~~ the notice and list are published, the publisher
121.10 shall mail a copy of the newspaper containing ~~the same~~ the notice and list to the auditor. If
121.11 during the publication of the notice and list, or within ten days after the last publication
121.12 thereof, the auditor ~~shall discover~~ discovers that ~~such~~ the publication is ~~invalid~~ contains an
121.13 error, the auditor shall ~~forthwith~~ direct the publisher to ~~republish the same as corrected~~
121.14 publish the correct information for an additional period of two weeks. The auditor does
121.15 not have to direct the publisher to republish the entire list. The publisher, if not neglectful,
121.16 ~~shall be~~ is entitled to ~~the same~~ compensation as allowed by law for ~~the original~~ publication
121.17 of the corrected information, but shall receive no further compensation ~~therefor~~ if ~~such~~ the
121.18 republication is necessary by reason of the neglect of the publisher.

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

121.20 Sec. 21. Minnesota Statutes 2008, section 282.08, is amended to read:

121.21 **282.08 APPORTIONMENT OF PROCEEDS TO TAXING DISTRICTS.**

121.22 The net proceeds from the sale or rental of any parcel of forfeited land, or from the
121.23 sale of products from the forfeited land, must be apportioned by the county auditor to the
121.24 taxing districts interested in the land, as follows:

121.25 (1) the portion required to pay any amounts included in the appraised value
121.26 under section 282.01, subdivision 3, as representing increased value due to any public
121.27 improvement made after forfeiture of the parcel to the state, but not exceeding the
121.28 amount certified by the appropriate governmental authority must be apportioned to the
121.29 governmental subdivision entitled to it;

121.30 (2) the portion required to pay any amount included in the appraised value under
121.31 section 282.019, subdivision 5, representing increased value due to response actions
121.32 taken after forfeiture of the parcel to the state, but not exceeding the amount of expenses
121.33 certified by the Pollution Control Agency or the commissioner of agriculture, must be

122.1 apportioned to the agency or the commissioner of agriculture and deposited in the fund
122.2 from which the expenses were paid;

122.3 (3) the portion of the remainder required to discharge any special assessment
122.4 chargeable against the parcel for drainage or other purpose whether due or deferred at the
122.5 time of forfeiture, must be apportioned to the governmental subdivision entitled to it; and

122.6 (4) any balance must be apportioned as follows:

122.7 (i)(A) Except as provided in subitem (B), the county board may annually by
122.8 resolution set aside no more than 30 percent of the receipts remaining to be used for forest
122.9 development on tax-forfeited land and dedicated memorial forests, to be expended under
122.10 the supervision of the county board. It must be expended only on projects improving the
122.11 health and management of the forest resource.

122.12 (B) The county board is authorized to use some of the money set aside under subitem
122.13 (A) to replace all or a portion of the amount of aid or credit reimbursement that the county
122.14 was to receive under sections 273.1384 and 477A.0124, but did not receive due to aid cuts
122.15 or unallotment from the state. Within six months of the actual aid or credit reimbursement
122.16 loss, the county board may adopt a resolution transferring money from this fund to the
122.17 county's general fund, not to exceed the amount of aid or credit reimbursement loss to the
122.18 county. This subitem expires January 1, 2012.

122.19 (ii) The county board may annually by resolution set aside no more than 20 percent
122.20 of the receipts remaining to be used for the acquisition and maintenance of county parks
122.21 or recreational areas as defined in sections 398.31 to 398.36, to be expended under the
122.22 supervision of the county board.

122.23 (iii) Any balance remaining must be apportioned as follows: county, 40 percent;
122.24 town or city, 20 percent; and school district, 40 percent, provided, however, that in
122.25 unorganized territory that portion which would have accrued to the township must be
122.26 administered by the county board of commissioners.

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

122.28 Sec. 22. Minnesota Statutes 2008, section 290B.03, subdivision 1, is amended to read:

122.29 Subdivision 1. **Program qualifications.** The qualifications for the senior citizens'
122.30 property tax deferral program are as follows:

122.31 (1) the property must be owned and occupied as a homestead by a person 65 years
122.32 of age or older. In the case of a married couple, ~~both~~ at least one of the spouses must
122.33 be at least 65 years old at the time the first property tax deferral is granted, regardless
122.34 of whether the property is titled in the name of one spouse or both spouses, or titled in

123.1 another way that permits the property to have homestead status, and the other spouse
123.2 must be at least 62 years of age;

123.3 (2) the total household income of the qualifying homeowners, as defined in section
123.4 290A.03, subdivision 5, for the calendar year preceding the year of the initial application
123.5 may not exceed ~~\$60,000~~ \$75,000;

123.6 (3) the homestead must have been owned and occupied as the homestead of at
123.7 least one of the qualifying homeowners for at least ~~15~~ ten years prior to the year the
123.8 initial application is filed;

123.9 (4) there are no state or federal tax liens or judgment liens on the homesteaded
123.10 property;

123.11 (5) there are no mortgages or other liens on the property that secure future advances,
123.12 except for those subject to credit limits that result in compliance with clause (6); and

123.13 (6) the total unpaid balances of debts secured by mortgages and other liens on the
123.14 property, including unpaid and delinquent special assessments and interest and any
123.15 delinquent property taxes, penalties, and interest, but not including property taxes payable
123.16 during the year, does not exceed 75 percent of the assessor's estimated market value for
123.17 the year.

123.18 **EFFECTIVE DATE.** This section is effective July 1, 2009, and thereafter.

123.19 Sec. 23. Minnesota Statutes 2008, section 290B.04, subdivision 3, is amended to read:

123.20 Subd. 3. **Excess-income certification by taxpayer.** A taxpayer whose initial
123.21 application has been approved under subdivision 2 shall notify the commissioner of
123.22 revenue in writing by July 1 if the taxpayer's household income for the preceding calendar
123.23 year exceeded ~~\$60,000~~ \$75,000. The certification must state the homeowner's total
123.24 household income for the previous calendar year. No property taxes may be deferred
123.25 under this chapter in any year following the year in which a program participant filed
123.26 or should have filed an excess-income certification under this subdivision, unless the
123.27 participant has filed a resumption of eligibility certification as described in subdivision 4.

123.28 **EFFECTIVE DATE.** This section is effective July 1, 2009, and thereafter.

123.29 Sec. 24. Minnesota Statutes 2008, section 290B.04, subdivision 4, is amended to read:

123.30 Subd. 4. **Resumption of eligibility certification by taxpayer.** A taxpayer who has
123.31 previously filed an excess-income certification under subdivision 3 may resume program
123.32 participation if the taxpayer's household income for a subsequent year is ~~\$60,000~~ \$75,000
123.33 or less. If the taxpayer chooses to resume program participation, the taxpayer must notify

124.1 the commissioner of revenue in writing by July 1 of the year following a calendar year in
124.2 which the taxpayer's household income is ~~\$60,000~~ \$75,000 or less. The certification must
124.3 state the taxpayer's total household income for the previous calendar year. Once a taxpayer
124.4 resumes participation in the program under this subdivision, participation will continue
124.5 until the taxpayer files a subsequent excess-income certification under subdivision 3 or
124.6 until participation is terminated under section 290B.08, subdivision 1.

124.7 **EFFECTIVE DATE.** This section is effective July 1, 2009, and thereafter.

124.8 Sec. 25. Minnesota Statutes 2008, section 290B.05, subdivision 1, is amended to read:

124.9 Subdivision 1. **Determination by commissioner.** The commissioner shall
124.10 determine each qualifying homeowner's "annual maximum property tax amount"
124.11 following approval of the homeowner's initial application and following the receipt of a
124.12 resumption of eligibility certification. The "annual maximum property tax amount" equals
124.13 three percent of the homeowner's total household income for the year preceding either the
124.14 initial application or the resumption of eligibility certification, whichever is applicable.
124.15 Following approval of the initial application, the commissioner shall determine the
124.16 qualifying homeowner's "maximum allowable deferral." No tax may be deferred relative
124.17 to the appropriate assessment year for any homeowner whose total household income
124.18 for the previous year exceeds ~~\$60,000~~ \$75,000. No tax shall be deferred in any year in
124.19 which the homeowner does not meet the program qualifications in section 290B.03. The
124.20 maximum allowable total deferral is equal to 75 percent of the assessor's estimated market
124.21 value for the year, less the balance of any mortgage loans and other amounts secured by
124.22 liens against the property at the time of application, including any unpaid and delinquent
124.23 special assessments and interest and any delinquent property taxes, penalties, and interest,
124.24 but not including property taxes payable during the year.

124.25 **EFFECTIVE DATE.** This section is effective July 1, 2009, and thereafter.

124.26 Sec. 26. Minnesota Statutes 2008, section 428A.101, is amended to read:

124.27 **428A.101 DEADLINE FOR SPECIAL SERVICE DISTRICT UNDER**
124.28 **GENERAL LAW.**

124.29 The establishment of a new special service district after June 30, ~~2009~~ 2013, requires
124.30 enactment of a special law authorizing the establishment.

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

125.1 Sec. 27. Minnesota Statutes 2008, section 428A.21, is amended to read:

125.2 **428A.21 DEADLINE FOR HOUSING IMPROVEMENT DISTRICTS UNDER**
125.3 **GENERAL LAW.**

125.4 The establishment of a new housing improvement area after June 30, ~~2009~~ 2012,
125.5 requires enactment of a special law authorizing the establishment of the area.

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

125.7 Sec. 28. Minnesota Statutes 2008, section 429.011, subdivision 2a, is amended to read:

125.8 Subd. 2a. **Municipality; certain counties.** "Municipality" also includes the
125.9 following:

125.10 (1) a county in the case of construction, reconstruction, or improvement of a county
125.11 state-aid highway ~~or~~;

125.12 (2) a county highway as defined in section 160.02 including curbs and gutters and
125.13 storm sewers;

125.14 (3) a county exercising its powers and duties under section 444.075, subdivision
125.15 1; and

125.16 (4) a county for expenses not paid for under section 403.113, subdivision 3,
125.17 paragraph (b), clause (3);

125.18 (5) a county in the case of the abatement of nuisances; and

125.19 (6) a county in the case of the correction of environmental, wetland, or land use
125.20 violations.

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

125.22 Sec. 29. Minnesota Statutes 2008, section 429.021, subdivision 1, is amended to read:

125.23 Subdivision 1. **Improvements authorized.** The council of a municipality shall have
125.24 power to make the following improvements:

125.25 (1) To acquire, open, and widen any street, and to improve the same by constructing,
125.26 reconstructing, and maintaining sidewalks, pavement, gutters, curbs, and vehicle parking
125.27 strips of any material, or by grading, graveling, oiling, or otherwise improving the same,
125.28 including the beautification thereof and including storm sewers or other street drainage
125.29 and connections from sewer, water, or similar mains to curb lines.

125.30 (2) To acquire, develop, construct, reconstruct, extend, and maintain storm and
125.31 sanitary sewers and systems, including outlets, holding areas and ponds, treatment plants,
125.32 pumps, lift stations, service connections, and other appurtenances of a sewer system,
125.33 within and without the corporate limits.

- 126.1 (3) To construct, reconstruct, extend, and maintain steam heating mains.
- 126.2 (4) To install, replace, extend, and maintain street lights and street lighting systems
126.3 and special lighting systems.
- 126.4 (5) To acquire, improve, construct, reconstruct, extend, and maintain water works
126.5 systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs,
126.6 tanks, treatment plants, and other appurtenances of a water works system, within and
126.7 without the corporate limits.
- 126.8 (6) To acquire, improve and equip parks, open space areas, playgrounds, and
126.9 recreational facilities within or without the corporate limits.
- 126.10 (7) To plant trees on streets and provide for their trimming, care, and removal.
- 126.11 (8) To abate nuisances and to drain swamps, marshes, and ponds on public or private
126.12 property and to fill the same.
- 126.13 (9) To construct, reconstruct, extend, and maintain dikes and other flood control
126.14 works.
- 126.15 (10) To construct, reconstruct, extend, and maintain retaining walls and area walls.
- 126.16 (11) To acquire, construct, reconstruct, improve, alter, extend, operate, maintain, and
126.17 promote a pedestrian skyway system. Such improvement may be made upon a petition
126.18 pursuant to section 429.031, subdivision 3.
- 126.19 (12) To acquire, construct, reconstruct, extend, operate, maintain, and promote
126.20 underground pedestrian concourses.
- 126.21 (13) To acquire, construct, improve, alter, extend, operate, maintain, and promote
126.22 public malls, plazas or courtyards.
- 126.23 (14) To construct, reconstruct, extend, and maintain district heating systems.
- 126.24 (15) To construct, reconstruct, alter, extend, operate, maintain, and promote fire
126.25 protection systems in existing buildings, but only upon a petition pursuant to section
126.26 429.031, subdivision 3.
- 126.27 (16) To acquire, construct, reconstruct, improve, alter, extend, and maintain highway
126.28 sound barriers.
- 126.29 (17) To improve, construct, reconstruct, extend, and maintain gas and electric
126.30 distribution facilities owned by a municipal gas or electric utility.
- 126.31 (18) To purchase, install, and maintain signs, posts, and other markers for addressing
126.32 related to the operation of enhanced 911 telephone service.
- 126.33 (19) To improve, construct, extend, and maintain facilities for Internet access and
126.34 other communications purposes, if the council finds that:

127.1 (i) the facilities are necessary to make available Internet access or other
127.2 communications services that are not and will not be available through other providers or
127.3 the private market in the reasonably foreseeable future; and

127.4 (ii) the service to be provided by the facilities will not compete with service provided
127.5 by private entities.

127.6 (20) To assess affected property owners for all or a portion of the costs agreed to
127.7 with an electric utility, telecommunications carrier, or cable system operator to bury or
127.8 alter a new or existing distribution system within the public right-of-way that exceeds the
127.9 utility's design and construction standards, or those set by law, tariff, or franchise, but only
127.10 upon petition under section 429.031, subdivision 3.

127.11 (21) To correct environmental, wetland, or land use violations.

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

127.13 Sec. 30. **[435.39] MUNICIPAL STREET IMPROVEMENT DISTRICTS.**

127.14 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms
127.15 have the meanings given them.

127.16 (b) "Class of property" mean classes 1 through 5 under section 273.13, but without
127.17 regard to subclasses, and tax exempt property may be treated as an additional class, if the
127.18 city elects to subject tax exempt property to the fee.

127.19 (c) "Governing body" means the city council of a municipality.

127.20 (d) "Improvements" means construction, reconstruction, and facility upgrades
127.21 involving: right-of-way acquisition; paving; curbs and gutters; bridges and culverts and
127.22 their repair; milling; overlaying; drainage and storm sewers; excavation; base work;
127.23 subgrade corrections; street lighting; traffic signals; signage; sidewalks; pavement
127.24 markings; boulevard and easement restoration; impact mitigation; connection and
127.25 reconnection of utilities; turn lanes; medians; street and alley returns; retaining walls;
127.26 fences; lane additions; and fixed transit infrastructure, trails, or pathways. "Fixed transit
127.27 infrastructure" does not include commuter rail rolling stock, light rail vehicles, or
127.28 transit way buses; capital costs for park-and-ride facilities; feasibility studies, planning,
127.29 alternative analyses, environmental studies, engineering, or construction of transit ways;
127.30 or operating assistance for transit ways.

127.31 (e) "Maintenance" means striping, seal coating, crack sealing, pavement repair,
127.32 sidewalk maintenance, signal maintenance, street light maintenance, and signage.

127.33 (f) "Municipal street" means a street, alley, or public way in which the municipality
127.34 is the road authority with powers conferred by section 429.021.

127.35 (g) "Municipality" means a home rule charter or statutory city.

128.1 (g) "Street improvement district" means a geographic area designated by a
128.2 municipality within which street improvements and maintenance may be undertaken and
128.3 financed according to this section.

128.4 Subd. 2. **Authorization.** A municipality may establish by ordinance municipal
128.5 street improvement districts and may defray all or part of the total costs of municipal street
128.6 improvements and maintenance by apportioning street improvement fees to all of the
128.7 parcels located in the district. In establishing the boundaries of the district, the city may
128.8 not exclude from the district or imposition of the fee any class or parcel of property that is
128.9 served by the municipal street on an equal basis with other classes or parcels of property
128.10 included in the district, except this limitation does not apply to tax exempt property.

128.11 Subd. 3. **Uniformity.** (a) The total costs of municipal street improvements and
128.12 maintenance must be apportioned to all parcels or tracts of land located in the established
128.13 street improvement district on a uniform basis within each class of property.

128.14 (b) The method of apportioning costs must not apportion costs to any class of
128.15 property at a ratio of more than 2 to 1, relative to the rate for the property in any other
128.16 class. The limit under this paragraph does not apply to any fees that the municipality
128.17 elects to impose on tax exempt property.

128.18 Subd. 4. **Adoption of plan.** (a) Before establishing a municipal street improvement
128.19 district or authorizing a street improvement fee, a municipality must propose and adopt
128.20 a street improvement plan that:

128.21 (1) identifies and estimates the costs of proposed improvements and maintenance
128.22 for the life of the district;

128.23 (2) identifies the location of the municipal street improvement district, which must
128.24 be limited to parcels that are served by the improvements to be constructed or maintained
128.25 by the street improvement district; and

128.26 (3) specifies the manner in which costs will be apportioned among the parcels in
128.27 the district under subdivision 3.

128.28 (b) Notice of a public hearing on the proposed plan must be given by mail to all
128.29 affected landowners at least ten days before the hearing and posted for at least ten days
128.30 before the hearing. The notice must include a description of the manner in which the fees
128.31 would be imposed and illustrative examples of the amount of fees for average parcels for
128.32 each class of property in the district. At the public hearing, the governing body must
128.33 present the plan and all affected landowners in attendance must have the opportunity to
128.34 comment before the governing body considers adoption of the plan.

128.35 Subd. 5. **Use of fees.** Revenues collected from property in a district from the
128.36 fee authorized in this section must be placed in a separate account and be used only

129.1 for projects located within that same district and identified in the municipal street
129.2 improvement district plan.

129.3 Subd. 6. **Collection; up to ten years.** (a) The ordinance adopted under this section
129.4 must provide for the billing and payment of the fee on a monthly, quarterly, or other basis
129.5 as directed by the governing body. The governing body may collect municipal street
129.6 improvement fees within a street improvement district for up to a maximum of ten years,
129.7 which is the maximum duration of the district.

129.8 (b) Fees that, as of October 15 of each calendar year, have remained unpaid for at
129.9 least 30 days may be certified to the county auditor for collection as property taxes payable
129.10 in the following calendar year on the affected property.

129.11 Subd. 7. **Notice; hearings.** (a) A municipality may impose a municipal street
129.12 improvement fee provided in this section by ordinance. The ordinance must not be voted
129.13 on or adopted until after a public hearing has been held on the question. The effective date
129.14 of an ordinance must be at least 45 days after it is adopted.

129.15 (b) Within five days after adoption of the ordinance, a summary of the ordinance
129.16 must be mailed to the owner of each parcel included in the street improvement district.
129.17 The mailing must include:

129.18 (1) a notice that owners subject to a fee under the ordinance have a right to petition
129.19 for a referendum vote on the ordinance by filing the required number of objections with
129.20 the city clerk before the effective date of the ordinance and that a copy of the ordinance is
129.21 on file with the city clerk for public inspection; and

129.22 (2) the estimated amount of the fee that would be imposed on the owner's parcel in
129.23 the first year the fee is imposed, and an estimate of the maximum annual amount of the fee
129.24 that may be imposed on the owner's parcel during the duration of the project.

129.25 Subd. 8. **Reverse referendum.** (a) If owners of 35 percent or more of the net tax
129.26 capacity in the district subject to the fees under the ordinance file an objection to the
129.27 ordinance with the city clerk before the effective date of the ordinance, the ordinance does
129.28 not become effective unless it is approved as provided in paragraph (b).

129.29 (b) If an ordinance does not become effective as a result of the filing of objections
129.30 under paragraph (a), the city may submit the ordinance to the property owners in the
129.31 street improvement district that would be subject to the fee imposed by the ordinance for
129.32 approval. The election must be conducted by mail. Notice of the election and the mail
129.33 procedure must be given at least six weeks prior to the election. No earlier than 20 days or
129.34 later than 14 days before the date set for the election, the city clerk shall mail ballots by
129.35 nonforwardable mail to the owners, as recorded on the property tax records, of each parcel
129.36 of property subject to the fee under the ordinance. Each parcel of property is entitled to

one vote. Ballots may be returned to the city clerk by mail or in person by the date set for the election. If a majority of the owners voting in the election approve the ordinance, it becomes effective 30 days after the date of the election.

Subd. 9. **Not exclusive means of financing improvements.** The use of the municipal street improvement fee by a municipality does not restrict the municipality from imposing other measures to pay the costs of local street improvements or maintenance, except that a municipality must not impose special assessments for projects funded with street improvement fees.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 31. Minnesota Statutes 2008, section 473H.04, is amended by adding a subdivision to read:

Subd. 2a. **Termination of eligibility.** (a) A parcel of property enrolled under this section whose owner is subject to a final enforcement action for a violation of chapter 18B, 18C, 103E, 103F, 103G, or 103H, or any rule adopted under these chapters including but not limited to the agricultural shoreland use standards in Minnesota Rules, chapter 6120, occurring on the parcel, shall be removed from the program.

(b) For the purposes of this subdivision, "final enforcement action" means any administrative, civil, or criminal penalty other than an initial verbal or written warning. An enforcement action is not final until any time period for corrective action has expired, and until the completion or expiration of any applicable review or appeal procedure or period provided by law.

(c) When a final enforcement action is taken based on a violation occurring on a parcel enrolled under this chapter, the law enforcement officer or other person enforcing the law or rule must notify the county assessor. The county assessor must then notify the property owner that the parcel is being removed from the program. Any parcel for which the assessor has been notified prior to March 1 of any year shall be removed from the program for taxes payable in the following year. The assessor shall calculate (i) the amount of any credit received under section 473H.05 for the current year, and (ii) the difference between the actual tax on the parcel for the current year and the tax that would apply if the value was not restricted under this section, and multiply the result by the number of years that the parcel has been under its current ownership or five, whichever is less. The resulting amount plus any special assessments that have been deferred under this section shall be extended against the parcel on the tax list for the current year, provided that no interest or penalties shall be levied on the additional taxes if timely paid.

131.1 (d) Termination of eligibility under this subdivision shall not affect the covenant
131.2 required under section 473H.05. A parcel of property terminated under this subdivision
131.3 may not be reenrolled for a period of three years, unless it has been sold or transferred
131.4 so that it is no longer under the same ownership, in full or in part, as when the parcel
131.5 was terminated.

131.6 **EFFECTIVE DATE.** This section is effective for taxes payable in 2011 and
131.7 thereafter.

131.8 Sec. 32. Minnesota Statutes 2008, section 473H.05, subdivision 1, is amended to read:

131.9 Subdivision 1. **Before ~~March~~ June 1 for next year's taxes.** An owner or owners
131.10 of certified long-term agricultural land may apply to the authority with jurisdiction over
131.11 the land on forms provided by the commissioner of agriculture for the creation of an
131.12 agricultural preserve at any time. Land for which application is received prior to ~~March~~
131.13 June 1 of any year shall be assessed pursuant to section 473H.10 for taxes payable in the
131.14 following year. Land for which application is received on or after ~~March~~ June 1 of any
131.15 year shall be assessed pursuant to section 473H.10 in the following year. The application
131.16 shall be executed and acknowledged in the manner required by law to execute and
131.17 acknowledge a deed and shall contain at least the following information and such other
131.18 information as the commissioner deems necessary:

131.19 (a) Legal description of the area proposed to be designated and parcel identification
131.20 numbers if so designated by the county auditor and the certificate of title number if the
131.21 land is registered;

131.22 (b) Name and address of owner;

131.23 (c) An affidavit by the authority evidencing that the land is certified long-term
131.24 agricultural land at the date of application;

131.25 (d) A statement by the owner covenanting that the land shall be kept in agricultural
131.26 use, and shall be used in accordance with the provisions of sections 473H.02 to 473H.17
131.27 which exist on the date of application and providing that the restrictive covenant shall be
131.28 binding on the owner or the owner's successor or assignee, and shall run with the land.

131.29 **EFFECTIVE DATE.** This section is effective the day following final enactment,
131.30 except that in 2009 the application date in this section shall be extended to August 1.

131.31 Sec. 33. Laws 2001, First Special Session chapter 5, article 3, section 8, the effective
131.32 date, as amended by Laws 2005, chapter 151, article 3, section 19, and Laws 2006, chapter
131.33 259, article 4, section 20, is amended to read:

132.1 **EFFECTIVE DATE.** This section is effective for taxes levied in 2002, payable in
132.2 2003, through taxes levied in ~~2011~~ 2014, payable in ~~2012~~ 2015. This limitation applies
132.3 only to the establishment of a new emergency special service district.

132.4 Sec. 34. Laws 2008, chapter 366, article 6, section 9, the effective date, is amended to
132.5 read:

132.6 **EFFECTIVE DATE.** This section is effective for taxes payable in 2010 and
132.7 thereafter, on land platted after May 18, 2008.

132.8 Sec. 35. Laws 2008, chapter 366, article 6, section 10, the effective date, is amended to
132.9 read:

132.10 **EFFECTIVE DATE.** This section is effective for taxes payable in 2010 and
132.11 thereafter, on land platted after May 18, 2008.

132.12 Sec. 36. **PURPOSE; COMMISSIONER OF REVENUE GUIDANCE.**

132.13 The purpose of section 2 is not to contract or expand the definition of "institutions
132.14 of purely public charity" but to provide clear standards that can be applied uniformly to
132.15 determine eligibility for exemption from property taxation. To carry out this purpose and
132.16 to promote uniformity in application of the provisions of section 2, the commissioner of
132.17 revenue shall prepare a bulletin providing guidance to assessors as to the commissioner's
132.18 interpretation of section 2. The bulletin may include a discussion of court decisions that
132.19 provide background to and context for the provisions in section 2, as the commissioner
132.20 deems appropriate. This guidance must include examples of facts or circumstances that
132.21 satisfy the requirement of "a reasonable justification for failing to meet the factors in clause
132.22 (2), (3), or (5)" under section 2, paragraph (a). Assessors shall give due consideration to
132.23 the bulletin in assessing property requesting an exemption as an institution of purely public
132.24 charity. The commissioner shall distribute the bulletin to all assessors by July 1, 2010.

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

132.26 Sec. 37. **REPORT BY ADMINISTRATIVE AUDITOR.**

132.27 The administrative auditor selected pursuant to Minnesota Statutes, section 473F.03,
132.28 with the cooperation of the county auditors in the area defined by Minnesota Statutes,
132.29 section 473F.02, subdivision 2, shall study the feasibility of basing fiscal disparities
132.30 calculations on current year tax rates rather than previous year tax rates, and report
132.31 the results of the study to the chairs and ranking minority members of the house of

133.1 representatives and senate tax committees by February 1, 2011. The report should include
133.2 any recommendations for amendments to Minnesota Statutes, chapter 473F, that would be
133.3 necessary to implement the change.

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

133.5 Sec. 38. **MINNEAPOLIS CONVENTION CENTER; LEASE; PROPERTY TAX**
133.6 **EXEMPTION.**

133.7 Notwithstanding Minnesota Statutes, section 272.01, subdivision 2, or 273.19, real
133.8 or personal property subject to a lease or use agreement between the city of Minneapolis
133.9 and a private entity for purposes of providing food and beverage services within the
133.10 Minneapolis Convention Center is exempt from property taxation.

133.11 **EFFECTIVE DATE.** This section is effective for assessment year 2009 and
133.12 thereafter, for taxes payable in 2010 and thereafter.

133.13 Sec. 39. **REPEALER.**

133.14 Minnesota Statutes 2008, section 273.113, is repealed.

133.15 **EFFECTIVE DATE.** This section is effective for property taxes payable in 2010
133.16 and thereafter.

133.17 **ARTICLE 7**

133.18 **AIDS AND CREDITS**

133.19 Section 1. Minnesota Statutes 2008, section 273.1384, subdivision 1, is amended to
133.20 read:

133.21 Subdivision 1. **Residential homestead market value credit.** Each county auditor
133.22 shall determine a homestead credit for each class 1a, 1b, and 2a homestead property
133.23 within the county equal to 0.4 percent of the first ~~\$76,000~~ \$75,000 of market value of
133.24 the property minus ~~09~~ 0.1 percent of the market value in excess of ~~\$76,000~~ \$75,000.
133.25 The credit amount may not be less than zero. In the case of an agricultural or resort
133.26 homestead, only the market value of the house, garage, and immediately surrounding one
133.27 acre of land is eligible in determining the property's homestead credit. In the case of a
133.28 property that is classified as part homestead and part nonhomestead, (i) the credit shall
133.29 apply only to the homestead portion of the property, but (ii) if a portion of a property is
133.30 classified as nonhomestead solely because not all the owners occupy the property, not all
133.31 the owners have qualifying relatives occupying the property, or solely because not all the

spouses of owners occupy the property, the credit amount shall be initially computed as if that nonhomestead portion were also in the homestead class and then prorated to the owner-occupant's percentage of ownership. For the purpose of this section, when an owner-occupant's spouse does not occupy the property, the percentage of ownership for the owner-occupant spouse is one-half of the couple's ownership percentage.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter.

Sec. 2. Minnesota Statutes 2008, section 273.1384, subdivision 4, is amended to read:

Subd. 4. **Payment.** (a) The commissioner of revenue shall reimburse each local taxing jurisdiction, other than school districts, for the tax reductions granted under this section in two equal installments on October 31 and December 26 of the taxes payable year for which the reductions are granted, including in each payment the prior year adjustments certified on the abstracts for that taxes payable year. The reimbursements related to tax increments shall be issued in one installment each year on December 26.

(b) The commissioner of revenue shall certify the total of the tax reductions granted under this section for each taxes payable year within each school district to the commissioner of the Department of Education and the commissioner of education shall pay the reimbursement amounts to each school district as provided in section 273.1392.

(c) The market value credit reimbursements payable in 2011 and 2012 for each city under this section are reduced by the dollar amount of the 2010 reduction in market value credit reimbursements under section 477A.013, subdivision 11. The payable market value credit reimbursement for a city is not reduced less than zero under this paragraph.

EFFECTIVE DATE. This section is effective for credits payable in calendar year 2011 and thereafter.

Sec. 3. Minnesota Statutes 2008, section 290A.04, subdivision 2, is amended to read:

Subd. 2. **Homeowners.** A claimant whose property taxes payable are in excess of the percentage of the household income stated below shall pay an amount equal to the percent of income shown for the appropriate household income level along with the percent to be paid by the claimant of the remaining amount of property taxes payable. The state refund equals the amount of property taxes payable that remain, up to the state refund amount shown below.

		Percent Paid by	Maximum State
Household Income	Percent of Income	Claimant	Refund

H.F. No. 2323, 1st Engrossment - 86th Legislative Session (2009-2010) [H2323-1]

135.1					1,850
135.2	\$0 to 1,189	1.0 percent	15 percent	\$	<u>2,040</u>
135.3					1,850
135.4	1,190 to 2,379	1.1 percent	15 percent	\$	<u>2,040</u>
135.5					1,800
135.6	2,380 to 3,589	1.2 percent	15 percent	\$	<u>1,980</u>
135.7					1,800
135.8	3,590 to 4,789	1.3 percent	20 percent	\$	<u>1,980</u>
135.9					1,730
135.10	4,790 to 5,979	1.4 percent	20 percent	\$	<u>1,900</u>
135.11					1,730
135.12	5,980 to 8,369	1.5 percent	20 percent	\$	<u>1,900</u>
135.13					1,670
135.14	8,370 to 9,559	1.6 percent	25 percent	\$	<u>1,840</u>
135.15					1,670
135.16	9,560 to 10,759	1.7 percent	25 percent	\$	<u>1,840</u>
135.17					1,610
135.18	10,760 to 11,949	1.8 percent	25 percent	\$	<u>1,770</u>
135.19					1,610
135.20	11,950 to 13,139	1.9 percent	30 percent	\$	<u>1,770</u>
135.21					1,540
135.22	13,140 to 14,349	2.0 percent	30 percent	\$	<u>1,690</u>
135.23					1,540
135.24	14,350 to 16,739	2.1 <u>2.0</u> percent	30 percent	\$	<u>1,690</u>
135.25	16,740 to 17,929	2.2 percent	35 percent	\$	1,480
135.26	17,930 to 19,119				1,480
135.27	<u>16,740 to 19,119</u>	2.3 <u>2.0</u> percent	35 percent	\$	<u>1,630</u>
135.28					1,420
135.29	19,120 to 20,319	2.4 <u>2.1</u> percent	35 percent	\$	<u>1,560</u>
135.30					1,420
135.31	20,320 to 25,099	2.5 <u>2.2</u> percent	40 percent	\$	<u>1,560</u>
135.32					1,360
135.33	25,100 to 28,679	2.6 <u>2.3</u> percent	40 percent	\$	<u>1,500</u>
135.34					1,360
135.35	28,680 to 35,849	2.7 <u>2.5</u> percent	40 percent	\$	<u>1,500</u>
135.36					1,240
135.37	35,850 to 41,819	2.8 <u>2.6</u> percent	45 percent	\$	<u>1,360</u>
135.38					1,240
135.39	41,820 to 47,799	3.0 <u>2.8</u> percent	45 percent	\$	<u>1,360</u>
135.40					1,110
135.41	47,800 to 53,779	3.2 <u>3.0</u> percent	45 percent	\$	<u>1,220</u>
135.42	53,780 to 59,749	3.5 percent	50 percent	\$	990 <u>1,090</u>
135.43	59,750 to 65,729	3.5 percent	50 percent	\$	870 <u>960</u>
135.44	65,730 to 69,319	3.5 percent	50 percent	\$	740 <u>810</u>
135.45	69,320 to 71,719	3.5 percent	50 percent	\$	610 <u>670</u>
135.46	71,720 to 74,619	3.5 percent	50 percent	\$	500 <u>550</u>
135.47	74,620 to 77,519	3.5 percent	50 percent	\$	370 <u>410</u>

136.1 The payment made to a claimant shall be the amount of the state refund calculated
136.2 under this subdivision. No payment is allowed if the claimant's household income is
136.3 \$77,520 or more.

136.4 **EFFECTIVE DATE.** This section is effective beginning with refunds based on
136.5 property taxes payable in 2010.

136.6 Sec. 4. Minnesota Statutes 2008, section 477A.011, subdivision 36, is amended to read:

136.7 Subd. 36. **City aid base.** (a) Except as otherwise provided in this subdivision,
136.8 "city aid base" is zero.

136.9 (b) The city aid base for any city with a population less than 500 is increased by
136.10 \$40,000 for aids payable in calendar year 1995 and thereafter, and the maximum amount
136.11 of total aid it may receive under section 477A.013, subdivision 9, paragraph (c), is also
136.12 increased by \$40,000 for aids payable in calendar year 1995 only, provided that:

136.13 (i) the average total tax capacity rate for taxes payable in 1995 exceeds 200 percent;

136.14 (ii) the city portion of the tax capacity rate exceeds 100 percent; and

136.15 (iii) its city aid base is less than \$60 per capita.

136.16 (c) The city aid base for a city is increased by \$20,000 in 1998 and thereafter and
136.17 the maximum amount of total aid it may receive under section 477A.013, subdivision 9,
136.18 paragraph (c), is also increased by \$20,000 in calendar year 1998 only, provided that:

136.19 (i) the city has a population in 1994 of 2,500 or more;

136.20 (ii) the city is located in a county, outside of the metropolitan area, which contains a
136.21 city of the first class;

136.22 (iii) the city's net tax capacity used in calculating its 1996 aid under section
136.23 477A.013 is less than \$400 per capita; and

136.24 (iv) at least four percent of the total net tax capacity, for taxes payable in 1996, of
136.25 property located in the city is classified as railroad property.

136.26 (d) The city aid base for a city is increased by \$200,000 in 1999 and thereafter and
136.27 the maximum amount of total aid it may receive under section 477A.013, subdivision 9,
136.28 paragraph (c), is also increased by \$200,000 in calendar year 1999 only, provided that:

136.29 (i) the city was incorporated as a statutory city after December 1, 1993;

136.30 (ii) its city aid base does not exceed \$5,600; and

136.31 (iii) the city had a population in 1996 of 5,000 or more.

136.32 (e) The city aid base for a city is increased by \$150,000 for aids payable in 2000 and
136.33 thereafter, and the maximum amount of total aid it may receive under section 477A.013,
136.34 subdivision 9, paragraph (c), is also increased by \$150,000 in calendar year 2000 only,
136.35 provided that:

137.1 (1) the city has a population that is greater than 1,000 and less than 2,500;
137.2 (2) its commercial and industrial percentage for aids payable in 1999 is greater
137.3 than 45 percent; and

137.4 (3) the total market value of all commercial and industrial property in the city
137.5 for assessment year 1999 is at least 15 percent less than the total market value of all
137.6 commercial and industrial property in the city for assessment year 1998.

137.7 (f) The city aid base for a city is increased by \$200,000 in 2000 and thereafter, and
137.8 the maximum amount of total aid it may receive under section 477A.013, subdivision 9,
137.9 paragraph (c), is also increased by \$200,000 in calendar year 2000 only, provided that:

137.10 (1) the city had a population in 1997 of 2,500 or more;

137.11 (2) the net tax capacity of the city used in calculating its 1999 aid under section
137.12 477A.013 is less than \$650 per capita;

137.13 (3) the pre-1940 housing percentage of the city used in calculating 1999 aid under
137.14 section 477A.013 is greater than 12 percent;

137.15 (4) the 1999 local government aid of the city under section 477A.013 is less than
137.16 20 percent of the amount that the formula aid of the city would have been if the need
137.17 increase percentage was 100 percent; and

137.18 (5) the city aid base of the city used in calculating aid under section 477A.013
137.19 is less than \$7 per capita.

137.20 (g) The city aid base for a city is increased by \$102,000 in 2000 and thereafter, and
137.21 the maximum amount of total aid it may receive under section 477A.013, subdivision 9,
137.22 paragraph (c), is also increased by \$102,000 in calendar year 2000 only, provided that:

137.23 (1) the city has a population in 1997 of 2,000 or more;

137.24 (2) the net tax capacity of the city used in calculating its 1999 aid under section
137.25 477A.013 is less than \$455 per capita;

137.26 (3) the net levy of the city used in calculating 1999 aid under section 477A.013 is
137.27 greater than \$195 per capita; and

137.28 (4) the 1999 local government aid of the city under section 477A.013 is less than
137.29 38 percent of the amount that the formula aid of the city would have been if the need
137.30 increase percentage was 100 percent.

137.31 (h) The city aid base for a city is increased by \$32,000 in 2001 and thereafter, and
137.32 the maximum amount of total aid it may receive under section 477A.013, subdivision 9,
137.33 paragraph (c), is also increased by \$32,000 in calendar year 2001 only, provided that:

137.34 (1) the city has a population in 1998 that is greater than 200 but less than 500;

137.35 (2) the city's revenue need used in calculating aids payable in 2000 was greater
137.36 than \$200 per capita;

138.1 (3) the city net tax capacity for the city used in calculating aids available in 2000
138.2 was equal to or less than \$200 per capita;

138.3 (4) the city aid base of the city used in calculating aid under section 477A.013
138.4 is less than \$65 per capita; and

138.5 (5) the city's formula aid for aids payable in 2000 was greater than zero.

138.6 (i) The city aid base for a city is increased by \$7,200 in 2001 and thereafter, and
138.7 the maximum amount of total aid it may receive under section 477A.013, subdivision 9,
138.8 paragraph (c), is also increased by \$7,200 in calendar year 2001 only, provided that:

138.9 (1) the city had a population in 1998 that is greater than 200 but less than 500;

138.10 (2) the city's commercial industrial percentage used in calculating aids payable in
138.11 2000 was less than ten percent;

138.12 (3) more than 25 percent of the city's population was 60 years old or older according
138.13 to the 1990 census;

138.14 (4) the city aid base of the city used in calculating aid under section 477A.013
138.15 is less than \$15 per capita; and

138.16 (5) the city's formula aid for aids payable in 2000 was greater than zero.

138.17 (j) The city aid base for a city is increased by \$45,000 in 2001 and thereafter and
138.18 by an additional \$50,000 in calendar years 2002 to 2011, and the maximum amount of
138.19 total aid it may receive under section 477A.013, subdivision 9, paragraph (c), is also
138.20 increased by \$45,000 in calendar year 2001 only, and by \$50,000 in calendar year 2002
138.21 only, provided that:

138.22 (1) the net tax capacity of the city used in calculating its 2000 aid under section
138.23 477A.013 is less than \$810 per capita;

138.24 (2) the population of the city declined more than two percent between 1988 and 1998;

138.25 (3) the net levy of the city used in calculating 2000 aid under section 477A.013 is
138.26 greater than \$240 per capita; and

138.27 (4) the city received less than \$36 per capita in aid under section 477A.013,
138.28 subdivision 9, for aids payable in 2000.

138.29 (k) The city aid base for a city with a population of 10,000 or more which is located
138.30 outside of the seven-county metropolitan area is increased in 2002 and thereafter, and the
138.31 maximum amount of total aid it may receive under section 477A.013, subdivision 9,
138.32 paragraph (b) or (c), is also increased in calendar year 2002 only, by an amount equal to
138.33 the lesser of:

138.34 (1)(i) the total population of the city, as determined by the United States Bureau of
138.35 the Census, in the 2000 census, (ii) minus 5,000, (iii) times 60; or

138.36 (2) \$2,500,000.

(l) The city aid base is increased by \$50,000 in 2002 and thereafter, and the maximum amount of total aid it may receive under section 477A.013, subdivision 9, paragraph (c), is also increased by \$50,000 in calendar year 2002 only, provided that:

- (1) the city is located in the seven-county metropolitan area;
- (2) its population in 2000 is between 10,000 and 20,000; and
- (3) its commercial industrial percentage, as calculated for city aid payable in 2001, was greater than 25 percent.

(m) The city aid base for a city is increased by \$150,000 in calendar years 2002 to 2011 and by an additional \$75,000 in calendar years 2009 to 2014 and the maximum amount of total aid it may receive under section 477A.013, subdivision 9, paragraph (c), is also increased by \$150,000 in calendar year 2002 only and by \$75,000 in calendar year 2009 only, provided that:

- (1) the city had a population of at least 3,000 but no more than 4,000 in 1999;
- (2) its home county is located within the seven-county metropolitan area;
- (3) its pre-1940 housing percentage is less than 15 percent; and
- (4) its city net tax capacity per capita for taxes payable in 2000 is less than \$900 per capita.

(n) The city aid base for a city is increased by \$200,000 beginning in calendar year 2003 and the maximum amount of total aid it may receive under section 477A.013, subdivision 9, paragraph (c), is also increased by \$200,000 in calendar year 2003 only, provided that the city qualified for an increase in homestead and agricultural credit aid under Laws 1995, chapter 264, article 8, section 18.

(o) The city aid base for a city is increased by \$200,000 in 2004 only and the maximum amount of total aid it may receive under section 477A.013, subdivision 9, is also increased by \$200,000 in calendar year 2004 only, if the city is the site of a nuclear dry cask storage facility.

(p) The city aid base for a city is increased by \$10,000 in 2004 and thereafter and the maximum total aid it may receive under section 477A.013, subdivision 9, is also increased by \$10,000 in calendar year 2004 only, if the city was included in a federal major disaster designation issued on April 1, 1998, and its pre-1940 housing stock was decreased by more than 40 percent between 1990 and 2000.

(q) The city aid base for a city is increased by \$30,000 in 2009 and thereafter and the maximum total aid it may receive under section 477A.013, subdivision 9, is also increased by \$25,000 in calendar year 2006 only if the city had a population in 2003 of at least 1,000 and has a state park for which the city provides rescue services and which comprised at least 14 percent of the total geographic area included within the city boundaries in 2000.

140.1 (r) The city aid base for a city is increased by \$80,000 in 2009 and thereafter and
140.2 the minimum and maximum amount of total aid it may receive under section 477A.013,
140.3 subdivision 9, is also increased by \$80,000 in calendar year 2009 only, if:

140.4 (1) as of May 1, 2006, at least 25 percent of the tax capacity of the city is proposed
140.5 to be placed in trust status as tax-exempt Indian land;

140.6 (2) the placement of the land is being challenged administratively or in court; and

140.7 (3) due to the challenge, the land proposed to be placed in trust is still on the tax
140.8 rolls as of May 1, 2006.

140.9 (s) The city aid base for a city is increased by \$100,000 in 2007 and thereafter and
140.10 the minimum and maximum total amount of aid it may receive under this section is also
140.11 increased in calendar year 2007 only, provided that:

140.12 (1) the city has a 2004 estimated population greater than 200 but less than 2,000;

140.13 (2) its city net tax capacity for aids payable in 2006 was less than \$300 per capita;

140.14 (3) the ratio of its pay 2005 tax levy compared to its city net tax capacity for aids
140.15 payable in 2006 was greater than 110 percent; and

140.16 (4) it is located in a county where at least 15,000 acres of land are classified as
140.17 tax-exempt Indian reservations according to the 2004 abstract of tax-exempt property.

140.18 (t) The city aid base for a city is increased by \$30,000 in 2009 only, and the
140.19 maximum total aid it may receive under section 477A.013, subdivision 9, is also increased
140.20 by \$30,000 in calendar year 2009, only if the city had a population in 2005 of less than
140.21 3,000 and the city's boundaries as of 2007 were formed by the consolidation of two cities
140.22 and one township in 2002.

140.23 (u) The city aid base for a city is increased by \$100,000 in 2009 and thereafter, and
140.24 the maximum total aid it may receive under section 477A.013, subdivision 9, is also
140.25 increased by \$100,000 in calendar year 2009 only, if the city had a city net tax capacity for
140.26 aids payable in 2007 of less than \$150 per capita and the city experienced flooding on
140.27 March 14, 2007, that resulted in evacuation of at least 40 homes.

140.28 (v) The city aid base for a city is increased by \$100,000 in 2009 to 2013, and the
140.29 maximum total aid it may receive under section 477A.013, subdivision 9, is also increased
140.30 by \$100,000 in calendar year 2009 only, if the city:

140.31 (1) is located outside of the Minneapolis-St. Paul standard metropolitan statistical
140.32 area;

140.33 (2) has a 2005 population greater than 7,000 but less than 8,000; and

140.34 (3) has a 2005 net tax capacity per capita of less than \$500.

141.1 (w) The city aid base is increased by \$25,000 in calendar years 2009 to 2013 and the
141.2 maximum amount of total aid it may receive under section 477A.013, subdivision 9, is
141.3 increased by \$25,000 in calendar year 2009 only, provided that:

141.4 (1) the city is located in the seven-county metropolitan area;

141.5 (2) its population in 2006 is less than 200; and

141.6 (3) the percentage of its housing stock built before 1940, according to the 2000
141.7 United States Census, is greater than 40 percent.

141.8 (x) The city aid base is increased by \$90,000 in calendar year 2009 only and the
141.9 minimum and maximum total amount of aid it may receive under section 477A.013,
141.10 subdivision 9, is also increased by \$90,000 in calendar year 2009 only, provided that the
141.11 city is located in the seven-county metropolitan area, has a 2006 population between 5,000
141.12 and 7,000 and has a 1997 population of over 7,000.

141.13 (y) The city aid base is increased by \$100,000 in calendar years 2011 to 2015 and
141.14 the maximum amount of total aid a city may receive under section 477A.013, subdivision
141.15 9, is increased by \$100,000 in 2011 only, provided that:

141.16 (1) the city is located in the metropolitan area;

141.17 (2) its 2006 population is less than 2,000; and

141.18 (3) its population has grown by at least 200 percent between 1996 and 2006.

141.19 (z) In calendar year 2010 only, the city aid base for a city is increased by \$225,000 if
141.20 it was eligible for a \$450,000 payment in calendar year 2008 under Minnesota Statutes
141.21 2006, section 477A.011, subdivision 36, paragraph (e), and the second half of the payment
141.22 under that paragraph in December 2008 was canceled due to the governor's unallotment.
141.23 The payment under this paragraph is not subject to any aid reductions under section
141.24 477A.0133 or any future unallotment of the city aid under section 16A.152.

141.25 **EFFECTIVE DATE.** This section is effective for aids payable in calendar year
141.26 2011 and thereafter.

141.27 Sec. 5. Minnesota Statutes 2008, section 477A.013, subdivision 9, is amended to read:

141.28 Subd. 9. **City aid distribution.** (a) In calendar year 2009 ~~and thereafter~~, each
141.29 city shall receive an aid distribution equal to the sum of (1) the city formula aid under
141.30 subdivision 8, and (2) its city aid base. In calendar year 2010, each city receives an aid
141.31 distribution under this section, before the reductions under subdivision 11, equal to the
141.32 amount of aid under this section that it was certified to receive in 2009. In calendar year
141.33 2011 and thereafter, each city receives an aid distribution under this section equal to the
141.34 sum of (1) the city formula aid under subdivision 8, and (2) its city aid base.

(b) For aids payable in 2009 only, the total aid for any city shall not exceed the sum of (1) 35 percent of the city's net levy for the year prior to the aid distribution, plus (2) its total aid in the previous year.

(c) For aids payable in 2010 and thereafter, the total aid for any city shall not exceed the sum of (1) ten percent of the city's net levy for the year prior to the aid distribution plus (2) its total aid in the previous year. For aids payable in 2009 and thereafter, the total aid for any city with a population of 2,500 or more may not be less than its total aid under this section in the previous year minus the lesser of \$10 multiplied by its population, or ten percent of its net levy in the year prior to the aid distribution.

(d) For aids payable in 2010 and thereafter, the total aid for a city with a population less than 2,500 must not be less than the amount it was certified to receive in the previous year minus the lesser of \$10 multiplied by its population, or five percent of its 2003 certified aid amount. For aids payable in 2009 only, the total aid for a city with a population less than 2,500 must not be less than what it received under this section in the previous year unless its total aid in calendar year 2008 was aid under section 477A.011, subdivision 36, paragraph (s), in which case its minimum aid is zero.

(e) A city's aid loss under this section may not exceed \$300,000 in any year in which the total city aid appropriation under section 477A.03, subdivision 2a, is equal or greater than the appropriation under that subdivision in the previous year, unless the city has an adjustment in its city net tax capacity under the process described in section 469.174, subdivision 28.

(f) If a city's net tax capacity used in calculating aid under this section has decreased in any year by more than 25 percent from its net tax capacity in the previous year due to property becoming tax-exempt Indian land, the city's maximum allowed aid increase under paragraph (c) shall be increased by an amount equal to (1) the city's tax rate in the year of the aid calculation, multiplied by (2) the amount of its net tax capacity decrease resulting from the property becoming tax exempt.

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

Sec. 6. Minnesota Statutes 2008, section 477A.013, is amended by adding a subdivision to read:

Subd. 11. **2010 city aid.** For aid payable in 2010 only, each city's distribution amount under subdivision 9 is reduced by an amount equal to 1.8889 percent of the city's net tax capacity, as defined in section 477A.011, subdivision 20, that would otherwise be used in calculating aids payable in 2010.

143.1 The reduction is limited to the sum of the city's payable 2010 distribution under this
143.2 section, except for city aid base under section 477A.011, subdivision 36, paragraph (z),
143.3 and the city's payable 2010 reimbursement under section 273.1384 before the reductions
143.4 in this subdivision.

143.5 The reduction is applied first to the city's distribution under this section, and then, if
143.6 necessary, to the city's reimbursements under section 273.1384.

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

143.8 **Sec. 7. [477A.0133] 2009 CITY AND COUNTY AID REDUCTIONS.**

143.9 Subdivision 1. **City aid.** The commissioner of revenue shall compute an aid
143.10 reduction amount for each city for aid payable in 2009 equal to 1.2111 percent of the city's
143.11 net tax capacity, as defined in section 477A.011, subdivision 20, that would be used in
143.12 calculating for aids payable in 2010.

143.13 The reduction is limited to the sum of the city's payable 2009 distributions, prior to
143.14 the reductions under this subdivision, under sections 273.1384 and 477A.013.

143.15 The reduction is applied first to the city's distribution under section 477A.013, and
143.16 then, if necessary, to the city's reimbursements under section 273.1384.

143.17 To the extent that sufficient information is available on each successive payment date
143.18 within the year, the commissioner of revenue shall pay any remaining 2009 distribution or
143.19 reimbursement amount that is reduced under this subdivision in equal installments on the
143.20 payment dates provided by law.

143.21 Subd. 2. **County aid.** The commissioner of revenue shall compute an aid reduction
143.22 amount for each county's aid under section 477A.0124 for aid payable in 2009 equal
143.23 to 0.2308 percent of the county's net tax capacity, as defined in section 477A.0124,
143.24 subdivision 2, used in calculating the 2009 certified amount.

143.25 To the extent that sufficient information is available on each payment date in 2009,
143.26 the commissioner of revenue shall pay any remaining 2009 distribution or reimbursement
143.27 amount that is reduced under this section in equal installments on the payment dates
143.28 provided by law.

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

143.30 **Sec. 8.** Minnesota Statutes 2008, section 477A.03, subdivision 2a, is amended to read:

143.31 **Subd. 2a. ~~Cities.~~** ~~For aids payable in 2009 and thereafter, the total aid paid under~~
143.32 ~~section 477A.013, subdivision 9, is \$526,148,487, subject to adjustment in subdivision 5.~~
143.33 For aids payable in 2010, the total aid paid under section 477A.013, subdivision 9, prior

144.1 to the reductions under section 477A.013, subdivision 11, is \$526,373,487. For aids
144.2 payable in 2011 and thereafter, the total aid paid under section 477A.013, subdivision
144.3 9, is \$526,148,487.

144.4 **EFFECTIVE DATE.** This section is effective for aid paid in 2010 and thereafter.

144.5 Sec. 9. **APPROPRIATION; FISCAL STABILIZATION ACCOUNT.**

144.6 \$6,140,000 is appropriated from the fiscal stabilization account in the federal fund to
144.7 the commissioner of revenue in fiscal year 2010 for city aid under Minnesota Statutes,
144.8 section 477A.013, subdivision 9. The general fund appropriation for city aid in Minnesota
144.9 Statutes, section 477A.03, subdivision 2a, for fiscal year 2010, for aids payable in 2009, is
144.10 reduced by \$6,140,000.

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

144.12 Sec. 10. **REPEALER.**

144.13 Minnesota Statutes 2008, section 477A.03, subdivision 5, is repealed.

144.14 **EFFECTIVE DATE.** This section is effective for aid paid in 2010 and thereafter.

144.15 **ARTICLE 8**

144.16 **SEASONAL RECREATIONAL PROPERTY TAX DEFERRAL PROGRAM**

144.17 Section 1. **[290D.01] CITATION.**

144.18 This program shall be named the "seasonal recreational property tax deferral
144.19 program."

144.20 Sec. 2. **[290D.02] TERMS.**

144.21 Subdivision 1. **Terms.** For purposes of sections 290D.01 to 290D.08, the terms
144.22 defined in this section have the meanings given them.

144.23 Subd. 2. **Primary property owner.** "Primary property owner" means a person who
144.24 (1) has been the owner, or one of the owners, of the eligible property for at least 15 years
144.25 prior to the year the application is filed under section 290D.04; and (2) applies for the
144.26 deferral of property taxes under section 290D.04.

144.27 Subd. 3. **Secondary property owner.** "Secondary property owner" means any
144.28 person, other than the primary property owner, who has been an owner of the eligible
144.29 property for at least 15 years prior to the year the initial application is filed for deferral
144.30 of property taxes under section 290D.04.

Subd. 4. **Eligible property.** "Eligible property" means a parcel of property or contiguous parcels of property under the same ownership classified as noncommercial seasonal residential recreational 4c property under section 273.13, subdivision 25, paragraph (d), clause (1).

Subd. 5. **Base property tax amount.** "Base property tax amount" means the total property taxes levied by all taxing jurisdictions, including special assessments, on the eligible property in the year prior to the year that the initial application is approved under section 290D.04 and payable in the year of the application.

Subd. 6. **Special assessments.** "Special assessments" mean any assessment, fee, or other charge that may be made by law, and that appears on the property tax statement for the property for collection under the laws applicable to the enforcement of real estate taxes.

Subd. 7. **Commissioner.** "Commissioner" means the commissioner of revenue.

Sec. 3. **[290D.03] QUALIFICATIONS FOR DEFERRAL.**

In order for an eligible property to qualify for treatment under this program:

(1) the eligible property must have been owned solely by the primary property owner, or jointly with others, for at least 15 years prior to the year the initial application is filed;

(2) there must be no state or federal tax liens or judgment liens on the eligible property;

(3) there must be no mortgages or other liens on the eligible property that secure future advances, except for those subject to credit limits that result in compliance with clause (4); and

(4) the total unpaid balances of debts secured by mortgages and other liens on the eligible property, including unpaid and delinquent special assessments and interest and any delinquent property taxes, penalties, and interest, but not including property taxes payable during the year, must not exceed 60 percent of the assessor's estimated market value for the current assessment year.

Sec. 4. **[290D.04] APPLICATION FOR DEFERRAL.**

Subdivision 1. **Initial application.** (a) A primary owner of a property meeting the qualifications under section 290D.03 may apply to the commissioner for deferral of taxes on the eligible property. Applications are due on or before July 1 for deferral of any taxes payable in the following year. The application, which must be prescribed by the commissioner, shall include the following items and any other information the commissioner deems necessary:

(1) the name, address, and Social Security number of the primary property owner and secondary property owners, if any;

(2) a copy of the property tax statement for the current taxes payable year for the eligible property;

(3) the initial year of ownership of the primary property owner and any second property owners of the eligible property;

(4) information on any mortgage loans or other amounts secured by mortgages or other liens against the eligible property, for which purpose the commissioner may require the applicant to provide a copy of the mortgage note, the mortgage, or a statement of the balance owed on the mortgage loan provided by the mortgage holder. The commissioner may require the appropriate documents in connection with obtaining and confirming information on unpaid amounts secured by other liens; and

(5) the signatures of the primary property owner and all other owners, if any, stating that each owner agrees to enroll the eligible property in the program to defer property taxes under this chapter.

The application must state that program participation is voluntary. The application must also state that program participation includes authorization for the annual deferred amount. The deferred property tax calculated by the county and the cumulative deferred property tax amount is public data.

(b) As part of the initial application process, if the property is abstract property, the commissioner may require the applicant to obtain at the applicant's cost a report prepared by a licensed abstracter showing the last deed and any unsatisfied mortgages, liens, judgments, and state and federal tax lien notices which were recorded on or after the date of that last deed with respect to the eligible property or to the applicant.

The certificate or report need not include references to any documents filed or recorded more than 40 years prior to the date of the certification or report. The certification or report must be as of a date not more than 30 days prior to submission of the application under this section.

The commissioner may also require the county recorder or county registrar of the county where the eligible property is located to provide copies of recorded documents related to the applicant of the eligible property, for which the recorder or registrar shall not charge a fee. The commissioner may use any information available to determine or verify eligibility under this section.

Subd. 2. **Approval; recording.** The commissioner shall approve all initial applications that qualify under this chapter and shall notify the primary property owner on or before December 1. The commissioner may investigate the facts or require confirmation

in regard to an application. The commissioner shall record or file a notice of qualification for deferral, including the names of the primary and any secondary property owners and a legal description of the eligible property, in the Office of the County Recorder, or registrar of titles, whichever is applicable, in the county where the eligible property is located. The notice must state that it serves as a notice of lien and that it includes deferrals under this section for future years. The primary property owner shall pay the recording or filing fees for the notice, which, notwithstanding section 357.18, shall be paid by that owner at the time of satisfaction of the lien.

Subd. 3. Penalty for failure; investigations. (a) The commissioner shall assess a penalty equal to 20 percent of the property taxes improperly deferred in the case of a false application. The commissioner shall assess a penalty equal to 50 percent of the property taxes improperly deferred if the taxpayer knowingly filed a false application. The commissioner shall assess penalties under this section through the issuance of an order under the provisions of chapter 270C. Persons affected by a commissioner's order issued under this section may appeal as provided in chapter 270C.

(b) The commissioner may conduct investigations related to initial applications required under this chapter within the period ending 3-1/2 years from the due date of the application.

Subd. 4. Annual certification to commissioner. Annually, on or before July 1, the primary property owner must certify to the commissioner that the person continues to qualify as a primary property owner. If the primary owner has died or has transferred the property in the preceding year, a certification may be filed by the primary owner's spouse, or by one of the secondary owners, provided that the person is currently an owner of the property. In this case, the primary owner's spouse or the secondary owner shall be considered the primary owner from that point forward. If neither the primary owner, the primary owner's spouse, or a secondary owner is eligible to file the required annual certification for the property, the property's participation in the program shall be terminated, and the procedures in section 290D.08 apply.

Subd. 5. Annual notice to primary property owner. Annually, on or before September 1, the commissioner shall notify each primary property owner, in writing, of the total cumulative deferred taxes and accrued interest on the qualifying property as of that date.

Sec. 5. [290D.05] DEFERRED PROPERTY TAX AMOUNT.

Subdivision 1. Calculation of deferred property tax amount. Each year after the county auditor has determined the final property tax rates under section 275.08, the

"deferred property tax amount" must be calculated on each eligible property. The deferred property tax amount is equal to 50 percent of the amount of the difference between (1) the total amount of property taxes and special assessments levied upon the eligible property for the current year by all taxing jurisdictions and (2) the eligible property's base property tax amount. Any tax attributable to new improvements made to the eligible property after the initial application has been approved under section 290D.04, subdivision 2, must be excluded in determining the deferred property tax amount. The eligible property's total current year's tax less the deferred property tax amount for the current year must be listed on the property tax statement and is the amount due to the county under chapter 276. Reference that the property is enrolled in the seasonal recreational property tax deferral program under this chapter and a state lien has been recorded must be clearly printed on the statement.

Subd. 2. **Certification to commissioner.** The county auditor shall annually, on or before April 15, certify to the commissioner the property tax deferral amounts determined under this section for each eligible property in the county. The commissioner shall prescribe the information that is necessary to identify the eligible properties.

Subd. 3. **Limitation on total amount of deferred taxes.** The total amount of deferred taxes and interest on a property, when added to (1) the balance owed on any mortgages on the property at the time of initial application; (2) other amounts secured by liens on the property at the time of the initial application; and (3) any unpaid and delinquent special assessments and interest and any delinquent property taxes, penalties, and interest, but not including property taxes payable during the year, must not exceed 60 percent of the assessor's estimated market value of the property for the current assessment year.

Sec. 6. [290D.06] LIEN; DEFERRED PORTION.

(a) Payment by the state to the county treasurer of property taxes, penalties, interest, or special assessments and interest, deferred under this chapter is deemed a loan from the state to the program participant. The commissioner shall compute the interest as provided in section 270C.40, subdivision 5, but not to exceed two percent over the maximum interest rate provided in section 290B.07, paragraph (a), and maintain records of the total deferred amount and interest for each participant. Interest accrues beginning September 1 of the payable year for which the taxes are deferred. Any deferral made under this chapter must not be construed as delinquent property taxes.

The lien created under section 272.31 continues to secure payment by the taxpayer, or by the taxpayer's successors or assigns, of the amount deferred, including interest, with respect to all years for which amounts are deferred. The lien for deferred taxes and interest

149.1 has the same priority as any other lien under section 272.31, except that liens, including
149.2 mortgages, recorded or filed prior to the recording or filing of the notice under section
149.3 290D.04, subdivision 2, have priority over the lien for deferred taxes and interest. A
149.4 seller's interest in a contract for deed, in which a qualifying owner is the purchaser or an
149.5 assignee of the purchaser, has priority over deferred taxes and interest on deferred taxes,
149.6 regardless of whether the contract for deed is recorded or filed. The lien for deferred taxes
149.7 and interest for future years has the same priority as the lien for deferred taxes and interest
149.8 for the first year, which is always higher in priority than any mortgages or other liens filed,
149.9 recorded, or created after the notice recorded or filed under section 290D.04, subdivision
149.10 2. The county treasurer or auditor shall maintain records of the deferred portion and shall
149.11 list the amount of deferred taxes for the year and the cumulative deferral and interest for
149.12 all previous years as a lien against the eligible property. In any certification of unpaid
149.13 taxes for a tax parcel, the county auditor shall clearly distinguish between taxes payable in
149.14 the current year, deferred taxes and interest, and delinquent taxes. Payment of the deferred
149.15 portion becomes due and owed at the time specified in section 290D.07. Upon receipt of
149.16 the payment, the commissioner shall issue a receipt to the person making the payment
149.17 upon request and shall notify the auditor of the county in which the parcel is located,
149.18 within ten days, identifying the parcel to which the payment applies. Upon receipt by the
149.19 commissioner of collected funds in the amount of the deferral, the state's loan to the
149.20 program participant is deemed paid in full.

149.21 (b) If eligible property for which taxes have been deferred under this chapter forfeits
149.22 under chapter 281 for nonpayment of a nondeferred property tax amount, or because
149.23 of nonpayment of amounts previously deferred following a termination under section
149.24 290D.07, the lien for the taxes deferred under this chapter, plus interest and costs, shall be
149.25 canceled by the county auditor as provided in section 282.07. However, notwithstanding
149.26 any other law to the contrary, any proceeds from a subsequent sale of the eligible property
149.27 under chapter 282 or another law, must be used to first reimburse the county's forfeited
149.28 tax sale fund for any direct costs of selling the eligible property or any costs directly
149.29 related to preparing the eligible property for sale, and then to reimburse the state for
149.30 the amount of the canceled lien. Within 90 days of the receipt of any sale proceeds to
149.31 which the state is entitled under these provisions, the county auditor must pay those funds
149.32 to the commissioner by warrant for deposit in the general fund. No other deposit, use,
149.33 distribution, or release of gross sale proceeds or receipts may be made by the county until
149.34 payments sufficient to fully reimburse the state for the canceled lien amount have been
149.35 transmitted to the commissioner.

Sec. 7. [290D.07] TERMINATION OF DEFERRAL; PAYMENT OF DEFERRED TAXES.

Subdivision 1. Termination. (a) The deferral of taxes granted under this chapter terminates when one of the following occurs:

(1) the eligible property is sold or transferred to someone other than the primary owner's spouse or a secondary owner;

(2) the death of the primary owner, or in the case of a married couple, after the death of both spouses, provided that there is not a secondary owner eligible to become the primary owner;

(3) the primary property owner notifies the commissioner, in writing, that all owners, including any secondary property owners, desire to discontinue the deferral; or

(4) the eligible property no longer qualifies under section 290D.03.

(b) An eligible property is not terminated from the program because no deferred property tax amount is determined for any given year after the eligible property's initial enrollment into the program.

(c) An eligible property is not terminated from the program if the eligible property subsequently becomes the homestead of one or more of the property owners and the property and the owners qualify for, and are immediately enrolled in, the senior deferral program under chapter 290B.

Subd. 2. Payment upon termination. Upon the termination of the deferral under subdivision 1, the amount of deferred taxes, penalties, interest, and special assessments and interest, plus the recording or filing fees under this subdivision and section 290D.04, subdivision 2, becomes due and payable to the commissioner within 90 days of termination of the deferral for terminations under subdivision 1, paragraph (a), clauses (1) and (2), and within one year of termination of the deferral for terminations under subdivision 1, paragraph (a), clauses (3) and (4). No additional interest is due on the deferral if timely paid. On receipt of payment, the commissioner shall, within ten days, notify the auditor of the county in which the parcel is located, identifying the parcel to which the payment applies and shall remit the recording or filing fees under this subdivision and section 290D.04, subdivision 2, to the auditor. A notice of termination of deferral, containing the legal description and the recording or filing data for the notice of qualification for deferral under section 290D.04, subdivision 2, shall be prepared and recorded or filed by the county auditor in the same office in which the notice of qualification for deferral under section 290D.04, subdivision 2, was recorded or filed, and the county auditor shall mail a copy of the notice of termination to the property owner. The property owner shall pay the recording or filing fees. Upon recording or filing of the notice of termination of deferral,

151.1 the notice of qualification for deferral under section 290D.04, subdivision 2, and the lien
151.2 created by it are discharged. If the deferral is not timely paid, the penalty, interest, lien,
151.3 forfeiture, and other rules for the collection of ad valorem property taxes apply.

151.4 Sec. 8. **[290D.08] STATE REIMBURSEMENT.**

151.5 Subdivision 1. **Determination; payment.** The county auditor shall determine the
151.6 total current year's deferred amount of property tax under this chapter in the county, and
151.7 submit those amounts as part of the abstracts of tax lists submitted by the county auditors
151.8 under section 275.29. The commissioner may make changes in the abstracts of tax lists as
151.9 deemed necessary. The commissioner, after such review, shall pay the deferred amount of
151.10 property tax to each county treasurer on or before August 31.

151.11 The county treasurer shall distribute as part of the October settlement the funds
151.12 received as if they had been collected as part of the property tax.

151.13 Subd. 2. **Appropriation.** An amount sufficient to pay the total amount of property
151.14 tax determined under subdivision 1, plus any other amounts paid under this chapter, is
151.15 annually appropriated from the general fund to the commissioner.

151.16 Sec. 9. **EFFECTIVE DATE.**

151.17 Sections 1 to 8 are effective for applications filed July 1, 2009, and thereafter.

151.18 **ARTICLE 9**
151.19 **SPECIAL TAXES**

151.20 Section 1. Minnesota Statutes 2008, section 295.75, subdivision 2, is amended to read:

151.21 Subd. 2. **Gross receipts tax imposed.** A tax is imposed on each liquor retailer equal
151.22 to ~~2.5~~ five percent of gross receipts from retail sales in Minnesota of liquor.

151.23 **EFFECTIVE DATE.** This section is effective for gross receipts received after
151.24 June 30, 2009.

151.25 Sec. 2. Minnesota Statutes 2008, section 297F.01, is amended by adding a subdivision
151.26 to read:

151.27 Subd. 10b. **Moist snuff.** "Moist snuff" means any finely cut, ground, or powdered
151.28 smokeless tobacco that is intended to be placed or dipped in the oral cavity, but does
151.29 not include any finely cut, ground, or powdered tobacco that is intended to be placed
151.30 in the nasal cavity.

151.31 **EFFECTIVE DATE.** This section is effective July 1, 2009.

Sec. 3. Minnesota Statutes 2008, section 297F.05, subdivision 1, is amended to read:

Subdivision 1. **Rates; cigarettes.** A tax is imposed upon the sale of cigarettes in this state, upon having cigarettes in possession in this state with intent to sell, upon any person engaged in business as a distributor, and upon the use or storage by consumers, at the following rates:

(1) on cigarettes weighing not more than three pounds per thousand, ~~24~~ 51 mills on each such cigarette; and

(2) on cigarettes weighing more than three pounds per thousand, ~~48~~ 102 mills on each such cigarette.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 4. Minnesota Statutes 2008, section 297F.05, subdivision 3, is amended to read:

Subd. 3. **Rates; tobacco products.** (a) A tax is imposed upon all tobacco products in this state and upon any person engaged in business as a distributor, at the ~~rate~~ rates of:

(1) 35 percent of the wholesale sales price of the tobacco products other than moist snuff; or

(2) for moist snuff, the greater of:

(i) 91 cents per ounce on the net weight of the moist snuff in ounces, including a proportionate tax at the like rate on any fractional parts of an ounce, as listed by the manufacturer and rounded up to the nearest one-tenth of an ounce; or

(ii) \$1.09 per container.

(b) The tax is imposed at the time the distributor:

(1) brings, or causes to be brought, into this state from outside the state tobacco products for sale;

(2) makes, manufactures, or fabricates tobacco products in this state for sale in this state; or

(3) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

EFFECTIVE DATE. This section is effective July 1, 2009, but does not apply to any moist snuff (1) that was in the inventory of a distributor, wholesaler, or retail dealer within this state on that date, or in the possession of a consumer within this state on that date, and (2) as to which the tax levied by Minnesota Statutes, section 297F.05, subdivisions 3 and 4, and the tobacco health impact fee levied by Minnesota Statutes, section 256.9658, subdivision 3, paragraph (b), had been paid as of August 1, 2009.

Sec. 5. Minnesota Statutes 2008, section 297F.05, subdivision 4, is amended to read:

Subd. 4. **Use tax; tobacco products.** A tax is imposed upon the use or storage by consumers of tobacco products in this state, and upon such consumers, at the ~~rate~~ rates of:

(1) 35 percent of the cost to the consumer of the tobacco products other than moist snuff; and

(2) for moist snuff, the greater of:

(i) 91 cents per ounce on the net weight of the moist snuff in ounces, including a proportionate tax at the like rate on any fractional parts of an ounce, as listed by the manufacturer and rounded up to the nearest one-tenth of an ounce; or

(ii) \$1.09 per container.

EFFECTIVE DATE. This section is effective July 1, 2009, but does not apply to any moist snuff (1) that was in the inventory of a distributor, wholesaler, or retail dealer within this state on that date, or in the possession of a consumer within this state on that date, and (2) as to which the tax levied by Minnesota Statutes, section 297F.05, subdivisions 3 and 4, and the tobacco health impact fee levied by Minnesota Statutes, section 256.9658, subdivision 3, paragraph (b), had been paid as of August 1, 2009.

Sec. 6. Minnesota Statutes 2008, section 297F.05, is amended by adding a subdivision to read:

Subd. 8. **Inflation adjustment.** (a) Each year the rates of tax applicable to moist snuff under subdivisions 3 and 4 are adjusted for inflation as provided in this subdivision. The inflation adjusted rate of tax applies to sales, use, and possession of moist snuff during the calendar year.

(b) In making the inflation adjustment under this subdivision for a calendar year, the commissioner shall adjust the tax rate by the percentage determined under section 1(f) of the Internal Revenue Code of 1986, except that in section 1(f)(3)(B) the word "2010" is substituted for the word "1992." For 2012, the commissioner shall then determine the percentage change from the 12 months ending on August 31, 2010, to the 12 months ending on August 31, 2011, and in each subsequent year, from the 12 months ending on August 31, 2010, to the 12 months ending on August 31 of the year preceding the calendar year. The amount as adjusted must be rounded to the nearest cent. If the amount ends in 0.5 cent, the amount is rounded up to the nearest cent.

(c) The determination of the commissioner under this subdivision is not a "rule" and is not subject to the Administrative Procedure Act in chapter 14.

EFFECTIVE DATE. This section is effective beginning for calendar year 2012.

Sec. 7. Minnesota Statutes 2008, section 297G.03, subdivision 1, is amended to read:

Subdivision 1. **General rate; distilled spirits and wine.** The following excise tax is imposed on all distilled spirits and wine manufactured, imported, sold, or possessed in this state:

	Standard	Metric
(a) Distilled spirits, liqueurs, cordials, and specialties regardless of alcohol content (excluding ethyl alcohol)	\$ 5.03 <u>7.59</u> per gallon	\$ 1.33 <u>2.01</u> per liter
(b) Wine containing 14 percent or less alcohol by volume (except cider as defined in section 297G.01, subdivision 3a)	\$.30 <u>.56</u> per gallon	\$.08 <u>.15</u> per liter
(c) Wine containing more than 14 percent but not more than 21 percent alcohol by volume	\$.95 <u>1.20</u> per gallon	\$.25 <u>.32</u> per liter
(d) Wine containing more than 21 percent but not more than 24 percent alcohol by volume	\$ 1.82 <u>2.07</u> per gallon	\$.48 <u>.55</u> per liter
(e) Wine containing more than 24 percent alcohol by volume	\$ 3.52 <u>3.77</u> per gallon	\$.93 <u>1.00</u> per liter
(f) Natural and artificial sparkling wines containing alcohol	\$ 1.82 <u>2.07</u> per gallon	\$.48 <u>.55</u> per liter
(g) Cider as defined in section 297G.01, subdivision 3a	\$.15 <u>.41</u> per gallon	\$.04 <u>.11</u> per liter
(h) Low alcohol dairy cocktails	\$.08 per gallon	\$.02 per liter

In computing the tax on a package of distilled spirits or wine, a proportional tax at a like rate on all fractional parts of a gallon or liter must be paid, except that the tax on a fractional part of a gallon less than 1/16 of a gallon is the same as for 1/16 of a gallon.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 8. Minnesota Statutes 2008, section 297G.04, is amended to read:

297G.04 FERMENTED MALT BEVERAGES; RATE OF TAX.

Subdivision 1. **Tax imposed.** The following excise tax is imposed on all fermented malt beverages that are imported, directly or indirectly sold, or possessed in this state:

(1) on fermented malt beverages containing not more than 3.2 percent alcohol by weight, ~~\$2.40~~ \$5.71 per 31-gallon barrel; and

(2) on fermented malt beverages containing more than 3.2 percent alcohol by weight, ~~\$4.60~~ \$7.91 per 31-gallon barrel.

For fractions of a 31-gallon barrel, the tax rate is calculated proportionally.

Subd. 2. **Tax credit.** A qualified brewer producing fermented malt beverages is entitled to a tax credit of ~~\$4.60~~ \$7.91 per barrel on 25,000 barrels sold in any fiscal year beginning July 1, regardless of the alcohol content of the product. Qualified brewers may take the credit on the 18th day of each month, but the total credit allowed may not exceed in any fiscal year the lesser of:

(1) the liability for tax; or

(2) ~~\$115,000~~ \$198,000.

For purposes of this subdivision, a "qualified brewer" means a brewer, whether or not located in this state, manufacturing less than 100,000 barrels of fermented malt beverages in the calendar year immediately preceding the calendar year for which the credit under this subdivision is claimed. In determining the number of barrels, all brands or labels of a brewer must be combined. All facilities for the manufacture of fermented malt beverages owned or controlled by the same person, corporation, or other entity must be treated as a single brewer.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 9. **FLOOR STOCKS TAX.**

Subdivision 1. Cigarettes. (a) A floor stocks cigarette tax is imposed on every person engaged in the business in this state as a distributor, retailer, subjobber, vendor, manufacturer, or manufacturer's representative of cigarettes, on the stamped cigarettes and unaffixed stamps in the person's possession or under the person's control at 12:01 a.m. on July 1, 2009. The tax is imposed at the following rates:

(1) on cigarettes weighing not more than three pounds per thousand, 27 mills on each cigarette; and

(2) on cigarettes weighing more than three pounds per thousand, 54 mills on each cigarette.

(b) Each distributor, on or before July 15, 2009, shall file a return with the commissioner of revenue, in the form the commissioner prescribes, showing the stamped cigarettes and unaffixed stamps on hand at 12:01 a.m. on July 1, 2009, and the amount of tax due on the cigarettes and unaffixed stamps. Each retailer, subjobber, vendor, manufacturer, or manufacturer's representative, on or before July 15, 2009, shall file a return with the commissioner of revenue, in the form the commissioner prescribes, showing the cigarettes on hand at 12:01 a.m. on July 1, 2009, and the amount of tax due on the cigarettes. The tax imposed by this section is due and payable on or before August 14, 2009, and after that date bears interest at the rate of one percent per month.

Subd. 2. **Audit and enforcement.** The tax imposed by this section is subject to the audit, assessment, interest, appeal, refund, penalty, enforcement, administrative, and collection provisions of Minnesota Statutes, chapters 270C and 297F. The commissioner of revenue may require a distributor to receive and maintain copies of floor stocks fee returns filed by all persons requesting a credit for returned cigarettes.

Subd. 3. **Deposit of proceeds.** The commissioner of revenue shall deposit the revenues from the tax under this section in the state treasury and credit them to the general fund.

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

Sec. 10. **ADJUSTMENT OF CIGARETTE SALES TAX.**

Effective July 1, 2009, through July 31, 2010, the cigarette sales tax under Minnesota Statutes, section 297F.25, is 36.8 cents per pack of 20 cigarettes. Effective August 1, 2010, the rate as determined by the commissioner under Minnesota Statutes, section 297F.25, applies.

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

ARTICLE 10
SALES AND USE TAX

Section 1. Minnesota Statutes 2008, section 84.82, subdivision 10, is amended to read:

Subd. 10. **Proof of sales tax payment.** (a) A person applying for initial registration of a snowmobile, or applying for reregistration for the first time after a change of ownership under subdivision 1, must provide a snowmobile purchaser's certificate, showing a complete description of the snowmobile, the seller's name and address, the full purchase price of the snowmobile, and the trade-in allowance, if any. The certificate must include information showing either (1) that the sales and use tax under chapter 297A was paid or (2) the purchase was exempt from tax under chapter 297A. The commissioner of public safety, in consultation with the commissioner and the commissioner of revenue, shall prescribe the form of the certificate.

(b) The certificate is not required if the applicant provides a receipt, invoice, or other document that shows the snowmobile was purchased from a retailer maintaining a place of business in this state as defined in section 297A.66, subdivision 1.

(c) If the applicant cannot meet the provisions in either paragraph (a) or (b), the applicant must provide a receipt, invoice, or other document from the previous owner

157.1 certifying the amount paid for the snowmobile, whether in money or other consideration,
157.2 and remit the applicable use tax along with the registration fee.

157.3 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
157.4 June 30, 2009.

157.5 Sec. 2. Minnesota Statutes 2008, section 84.922, subdivision 11, is amended to read:

157.6 Subd. 11. **Proof of sales tax payment.** (a) A person applying for initial registration
157.7 in Minnesota of an all-terrain vehicle, or transfer of a registration under subdivision 4,
157.8 shall provide a purchaser's certificate showing a complete description of the all-terrain
157.9 vehicle, the seller's name and address, the full purchase price of the all-terrain vehicle,
157.10 and the trade-in allowance, if any. The certificate also must include information showing
157.11 either that (1) the sales and use tax under chapter 297A was paid, or (2) the purchase
157.12 was exempt from tax under chapter 297A. The certificate is not required if the applicant
157.13 provides a receipt, invoice, or other document that shows the all-terrain vehicle was
157.14 purchased from a retailer maintaining a place of business in this state as defined in section
157.15 297A.66, subdivision 1.

157.16 (b) If the applicant cannot meet the provisions in paragraph (a), the applicant must
157.17 provide a receipt, invoice, or other document from the previous owner certifying the
157.18 amount paid for the all-terrain vehicle, whether in money or other consideration, and remit
157.19 the applicable use tax along with the registration or transfer fee.

157.20 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
157.21 June 30, 2009.

157.22 Sec. 3. Minnesota Statutes 2008, section 86B.401, subdivision 12, is amended to read:

157.23 Subd. 12. **Proof of sales tax payment.** (a) A person applying for initial licensing of
157.24 a watercraft, or applying for a duplicate license due to change of ownership as required
157.25 in subdivision 8, must provide a watercraft purchaser's certificate, showing a complete
157.26 description of the watercraft, the seller's name and address, the full purchase price of the
157.27 watercraft, and the trade-in allowance, if any. The certificate must include information
157.28 showing either (1) that the sales and use tax under chapter 297A was paid or (2) the
157.29 purchase was exempt from tax under chapter 297A. The commissioner of public safety,
157.30 in consultation with the commissioner and the commissioner of revenue, shall prescribe
157.31 the form of the certificate.

(b) The certificate is not required if the applicant provides a receipt, invoice, or other document that shows the watercraft was purchased from a retailer maintaining a place of business in this state as defined in section 297A.66, subdivision 1.

(c) If the applicant cannot meet the provisions in either paragraph (a) or (b), the applicant must provide a receipt, invoice, or other document from the previous owner certifying the amount paid for the watercraft, whether in money or other consideration, and remit the applicable use tax along with the license fee.

EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2009.

Sec. 4. **[270C.085] NOTIFICATION REQUIREMENTS; SALES AND USE TAXES.**

The commissioner of revenue shall establish a means of electronically notifying persons holding a sales tax permit under section 297A.84 of any statutory change in chapter 297A and any issuance or change in any administrative rule, revenue notice, or sales tax fact sheet or other written information provided by the department explaining the interpretation or administration of the tax imposed under that chapter. The notification must indicate the basic subject of the statute, rule, fact sheet, or other material and provide an electronic link to the material. Any person holding a sales tax permit that provides an electronic address to the department must receive these notifications unless they specifically request electronically, or in writing, to be removed from the notification list. This requirement does not replace traditional means of notifying the general public or persons without access to electronic communications of changes in the sales tax law. The electronic notification must begin no later than December 31, 2009.

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

Sec. 5. Minnesota Statutes 2008, section 289A.11, subdivision 1, is amended to read:

Subdivision 1. **Return required.** (a) Except as provided in section 289A.18, subdivision 4, for the month in which taxes imposed by chapter 297A are payable, or for which a return is due, a return for the preceding reporting period must be filed with the commissioner in the form and manner the commissioner prescribes. A person making sales at retail at two or more places of business may file a consolidated return subject to rules prescribed by the commissioner. In computing the dollar amount of items on the return, the amounts are rounded off to the nearest whole dollar, disregarding amounts less than 50 cents and increasing amounts of 50 cents to 99 cents to the next highest dollar.

159.1 (b) Notwithstanding this subdivision, a person who is not required to hold a sales tax
159.2 permit under chapter 297A and who makes annual purchases, for use in a trade or business,
159.3 of less than \$18,500, or a person who is not required to hold a sales tax permit and who
159.4 makes purchases for personal use, that are subject to the use tax imposed by section
159.5 297A.63, may file an annual use tax return on a form prescribed by the commissioner. If a
159.6 person who qualifies for an annual use tax reporting period is required to obtain a sales tax
159.7 permit or makes use tax purchases, for use in a trade or business, in excess of \$18,500
159.8 during the calendar year, the reporting period must be considered ended at the end of the
159.9 month in which the permit is applied for or the purchase in excess of \$18,500 is made and
159.10 a return must be filed for the preceding reporting period.

159.11 (c) Notwithstanding paragraph (a), a person prohibited by the person's religious
159.12 beliefs from using electronics shall be allowed to file by mail, without any additional fees.
159.13 The filer must notify the commissioner of revenue of the intent to file by mail on a form
159.14 prescribed by the commissioner. A return filed under this paragraph must be postmarked
159.15 no later than the day the return is due in order to be considered filed on a timely basis.

159.16 **EFFECTIVE DATE.** This section is effective for returns filed after June 30, 2009.

159.17 Sec. 6. Minnesota Statutes 2008, section 289A.20, subdivision 4, is amended to read:

159.18 Subd. 4. **Sales and use tax.** (a) The taxes imposed by chapter 297A are due and
159.19 payable to the commissioner monthly on or before the 20th day of the month following the
159.20 month in which the taxable event occurred, or following another reporting period as the
159.21 commissioner prescribes or as allowed under section 289A.18, subdivision 4, paragraph
159.22 (f) or (g), except that use taxes due on an annual use tax return as provided under section
159.23 289A.11, subdivision 1, are payable by April 15 following the close of the calendar year.

159.24 (b) A vendor having a liability of \$120,000 or more during a fiscal year ending June
159.25 30 must remit the June liability for the next year in the following manner:

159.26 (1) Two business days before June 30 of the year, the vendor must remit 90 percent
159.27 of the estimated June liability to the commissioner.

159.28 (2) On or before August 20 of the year, the vendor must pay any additional amount
159.29 of tax not remitted in June.

159.30 (c) A vendor having a liability of:

159.31 (1) \$20,000 or more in the fiscal year ending June 30, 2005; or

159.32 (2) \$10,000 or more in the fiscal year ending June 30, 2006, and fiscal years

159.33 thereafter,

must remit all liabilities on returns due for periods beginning in the subsequent calendar year by electronic means on or before the 20th day of the month following the month in which the taxable event occurred, or on or before the 20th day of the month following the month in which the sale is reported under section 289A.18, subdivision 4, except for 90 percent of the estimated June liability, which is due two business days before June 30. The remaining amount of the June liability is due on August 20.

(d) Notwithstanding paragraph (b) or (c), a person prohibited by the person's religious beliefs from paying electronically shall be allowed to remit the payment by mail. The filer must notify the commissioner of revenue of the intent to pay by mail before doing so on a form prescribed by the commissioner. No extra fee may be charged to a person making payment by mail under this paragraph. The payment must be postmarked at least two business days before the due date for making the payment in order to be considered paid on a timely basis.

EFFECTIVE DATE. This section is effective for payments remitted after June 30, 2009.

Sec. 7. Minnesota Statutes 2008, section 297A.61, subdivision 3, is amended to read:

Subd. 3. **Sale and purchase.** (a) "Sale" and "purchase" include, but are not limited to, each of the transactions listed in this subdivision.

(b) Sale and purchase include:

(1) any transfer of title or possession, or both, of tangible personal property, specified digital products, or other digital products whether absolutely or conditionally, for a consideration in money or by exchange or barter; and

(2) the leasing of or the granting of a license to use or consume, for a consideration in money or by exchange or barter, tangible personal property, specified digital products or other digital products, other than a manufactured home used for residential purposes for a continuous period of 30 days or more.

(c) Sale and purchase include the production, fabrication, printing, or processing of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication, printing, or processing. It also includes the production or processing of specified digital products or other digital products for a consideration for consumers who furnish either directly or indirectly materials or other inputs used in the production or processing.

(d) Sale and purchase include the preparing for a consideration of food. Notwithstanding section 297A.67, subdivision 2, taxable food includes, but is not limited to, the following:

- 161.1 (1) prepared food sold by the retailer;
- 161.2 (2) soft drinks;
- 161.3 (3) candy;
- 161.4 (4) dietary supplements; and
- 161.5 (5) all food sold through vending machines.
- 161.6 (e) A sale and a purchase includes the furnishing for a consideration of electricity,
- 161.7 gas, water, or steam for use or consumption within this state.
- 161.8 (f) A sale and a purchase includes the transfer for a consideration of prewritten
- 161.9 computer software whether delivered electronically, by load and leave, or otherwise.
- 161.10 (g) A sale and a purchase includes the furnishing for a consideration of the following
- 161.11 services:
- 161.12 (1) the privilege of admission to places of amusement, recreational areas, or athletic
- 161.13 events, and the making available of amusement devices, tanning facilities, reducing
- 161.14 salons, steam baths, Turkish baths, health clubs, and spas or athletic facilities;
- 161.15 (2) lodging and related services by a hotel, rooming house, resort, campground,
- 161.16 motel, or trailer camp, including furnishing the guest of the facility with access to
- 161.17 telecommunication services, and the granting of any similar license to use real property
- 161.18 in a specific facility, other than the renting or leasing of it for a continuous period of
- 161.19 30 days or more under an enforceable written agreement that may not be terminated
- 161.20 without prior notice;
- 161.21 (3) nonresidential parking services, whether on a contractual, hourly, or other
- 161.22 periodic basis, except for parking at a meter;
- 161.23 (4) the granting of membership in a club, association, or other organization if:
- 161.24 (i) the club, association, or other organization makes available for the use of its
- 161.25 members sports and athletic facilities, without regard to whether a separate charge is
- 161.26 assessed for use of the facilities; and
- 161.27 (ii) use of the sports and athletic facility is not made available to the general public
- 161.28 on the same basis as it is made available to members.
- 161.29 Granting of membership means both onetime initiation fees and periodic membership
- 161.30 dues. Sports and athletic facilities include golf courses; tennis, racquetball, handball, and
- 161.31 squash courts; basketball and volleyball facilities; running tracks; exercise equipment;
- 161.32 swimming pools; and other similar athletic or sports facilities;
- 161.33 (5) delivery of aggregate materials by a third party, excluding delivery of aggregate
- 161.34 material used in road construction, and delivery of concrete block by a third party if
- 161.35 the delivery would be subject to the sales tax if provided by the seller of the concrete
- 161.36 block; and

162.1 (6) services as provided in this clause:

162.2 (i) laundry and dry cleaning services including cleaning, pressing, repairing, altering,
162.3 and storing clothes, linen services and supply, cleaning and blocking hats, and carpet,
162.4 drapery, upholstery, and industrial cleaning. Laundry and dry cleaning services do not
162.5 include services provided by coin operated facilities operated by the customer;

162.6 (ii) motor vehicle washing, waxing, and cleaning services, including services
162.7 provided by coin operated facilities operated by the customer, and rustproofing,
162.8 undercoating, and towing of motor vehicles;

162.9 (iii) building and residential cleaning, maintenance, and disinfecting services and
162.10 pest control and exterminating services;

162.11 (iv) detective, security, burglar, fire alarm, and armored car services; but not
162.12 including services performed within the jurisdiction they serve by off-duty licensed peace
162.13 officers as defined in section 626.84, subdivision 1, or services provided by a nonprofit
162.14 organization for monitoring and electronic surveillance of persons placed on in-home
162.15 detention pursuant to court order or under the direction of the Minnesota Department
162.16 of Corrections;

162.17 (v) pet grooming services;

162.18 (vi) lawn care, fertilizing, mowing, spraying and sprigging services; garden planting
162.19 and maintenance; tree, bush, and shrub pruning, bracing, spraying, and surgery; indoor
162.20 plant care; tree, bush, shrub, and stump removal, except when performed as part of a land
162.21 clearing contract as defined in section 297A.68, subdivision 40; and tree trimming for
162.22 public utility lines. Services performed under a construction contract for the installation of
162.23 shrubbery, plants, sod, trees, bushes, and similar items are not taxable;

162.24 (vii) massages, except when provided by a licensed health care facility or
162.25 professional or upon written referral from a licensed health care facility or professional for
162.26 treatment of illness, injury, or disease; and

162.27 (viii) the furnishing of lodging, board, and care services for animals in kennels and
162.28 other similar arrangements, but excluding veterinary and horse boarding services.

162.29 In applying the provisions of this chapter, the terms "tangible personal property"
162.30 and "retail sale" include taxable services listed in clause (6), items (i) to (vi) and (viii),
162.31 and the provision of these taxable services, unless specifically provided otherwise.

162.32 Services performed by an employee for an employer are not taxable. Services performed
162.33 by a partnership or association for another partnership or association are not taxable if
162.34 one of the entities owns or controls more than 80 percent of the voting power of the
162.35 equity interest in the other entity. Services performed between members of an affiliated
162.36 group of corporations are not taxable. For purposes of the preceding sentence, "affiliated

group of corporations" means those entities that would be classified as members of an affiliated group as defined under United States Code, title 26, section 1504, disregarding the exclusions in section 1504(b).

For purposes of clause (5), "road construction" means construction of (1) public roads, (2) cartways, and (3) private roads in townships located outside of the seven-county metropolitan area up to the point of the emergency response location sign.

(h) A sale and a purchase includes the furnishing for a consideration of tangible personal property or taxable services by the United States or any of its agencies or instrumentalities, or the state of Minnesota, its agencies, instrumentalities, or political subdivisions.

(i) A sale and a purchase includes the furnishing for a consideration of telecommunications services, ancillary services associated with telecommunication services, cable television services, direct satellite services, and ring tones.

Telecommunication services include, but are not limited to, the following services, as defined in section 297A.669: air-to-ground radiotelephone service, mobile telecommunication service, postpaid calling service, prepaid calling service, prepaid wireless calling service, and private communication services. The services in this paragraph are taxed to the extent allowed under federal law.

(j) A sale and a purchase includes the furnishing for a consideration of installation if the installation charges would be subject to the sales tax if the installation were provided by the seller of the item being installed.

(k) A sale and a purchase includes the rental of a vehicle by a motor vehicle dealer to a customer when (1) the vehicle is rented by the customer for a consideration, or (2) the motor vehicle dealer is reimbursed pursuant to a service contract as defined in section 65B.29, subdivision 1, clause (1).

(l) A sale and a purchase includes the furnishing for a consideration of specified digital products and other digital products and granting the right for a consideration to use specified digital products and other digital products on a temporary or permanent basis and regardless of whether the purchaser is required to make continued payments for such right.

EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2009.

Sec. 8. Minnesota Statutes 2008, section 297A.61, subdivision 4, is amended to read:

Subd. 4. **Retail sale.** (a) A "retail sale" means any sale, lease, or rental for any purpose, other than resale, sublease, or subrent of items by the purchaser in the normal course of business as defined in subdivision 21.

164.1 (b) A sale of property used by the owner only by leasing it to others or by holding it
164.2 in an effort to lease it, and put to no use by the owner other than resale after the lease or
164.3 effort to lease, is a sale of property for resale.

164.4 (c) A sale of master computer software that is purchased and used to make copies for
164.5 sale or lease is a sale of property for resale.

164.6 (d) A sale of building materials, supplies, and equipment to owners, contractors,
164.7 subcontractors, or builders for the erection of buildings or the alteration, repair, or
164.8 improvement of real property is a retail sale in whatever quantity sold, whether the sale is
164.9 for purposes of resale in the form of real property or otherwise.

164.10 (e) A sale of carpeting, linoleum, or similar floor covering to a person who provides
164.11 for installation of the floor covering is a retail sale and not a sale for resale since a sale
164.12 of floor covering which includes installation is a contract for the improvement of real
164.13 property.

164.14 (f) A sale of shrubbery, plants, sod, trees, and similar items to a person who provides
164.15 for installation of the items is a retail sale and not a sale for resale since a sale of
164.16 shrubbery, plants, sod, trees, and similar items that includes installation is a contract for
164.17 the improvement of real property.

164.18 (g) A sale of tangible personal property, specified digital products, or other digital
164.19 products that is awarded as prizes is a retail sale and is not considered a sale of property
164.20 for resale.

164.21 (h) A sale of tangible personal property, specified digital products, or other digital
164.22 products utilized or employed in the furnishing or providing of services under subdivision
164.23 3, paragraph (g), clause (1), including, but not limited to, property given as promotional
164.24 items, is a retail sale and is not considered a sale of property for resale.

164.25 (i) A sale of tangible personal property, specified digital products, or other digital
164.26 products used in conducting lawful gambling under chapter 349 or the State Lottery under
164.27 chapter 349A, including, but not limited to, property given as promotional items, is a retail
164.28 sale and is not considered a sale of property for resale.

164.29 (j) A sale of machines, equipment, or devices that are used to furnish, provide, or
164.30 dispense goods or services, including, but not limited to, coin-operated devices, is a retail
164.31 sale and is not considered a sale of property for resale.

164.32 (k) In the case of a lease, a retail sale occurs (1) when an obligation to make a lease
164.33 payment becomes due under the terms of the agreement or the trade practices of the
164.34 lessor or (2) in the case of a lease of a motor vehicle, as defined in section 297B.01,
164.35 subdivision 11, but excluding vehicles with a manufacturer's gross vehicle weight rating

greater than 10,000 pounds and rentals of vehicles for not more than 28 days, at the time the lease is executed.

(l) In the case of a conditional sales contract, a retail sale occurs upon the transfer of title or possession of the tangible personal property.

(m) A sale of a bundled transaction in which one or more of the products included in the bundle is a taxable product is a retail sale, except that if one of the products is a telecommunication service, ancillary service, Internet access, or audio or video programming service, and the seller has maintained books and records identifying through reasonable and verifiable standards the portions of the price that are attributable to the distinct and separately identifiable products, then the products are not considered part of a bundled transaction. For purposes of this paragraph:

(1) the books and records maintained by the seller must be maintained in the regular course of business, and do not include books and records created and maintained by the seller primarily for tax purposes;

(2) books and records maintained in the regular course of business include, but are not limited to, financial statements, general ledgers, invoicing and billing systems and reports, and reports for regulatory tariffs and other regulatory matters; and

(3) books and records are maintained primarily for tax purposes when the books and records identify taxable and nontaxable portions of the price, but the seller maintains other books and records that identify different prices attributable to the distinct products included in the same bundled transaction.

(n) A sale of specified digital products or other digital products to an end user with or without rights of permanent use and regardless of whether rights of use are conditioned upon continued payment by the purchaser. When a digital code has been purchased that relates to specified digital products or other digital products, the subsequent receipt of or access to the related specified digital products or other digital products is not a retail sale.

EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2009.

Sec. 9. Minnesota Statutes 2008, section 297A.61, subdivision 5, is amended to read:

Subd. 5. **Storage.** "Storage" includes keeping or retaining tangible personal property, specified digital products, or other digital products in Minnesota for any purpose except sale in the regular course of business.

EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2009.

166.1 Sec. 10. Minnesota Statutes 2008, section 297A.61, subdivision 6, is amended to read:

166.2 Subd. 6. **Use.** (a) "Use" includes the exercise of a right or power incident to the
166.3 ownership of any interest in tangible personal property, specified digital products, other
166.4 digital products, or services, purchased from a retailer, other than the sale of that property
166.5 in the regular course of business.

166.6 (b) Use includes the consumption of printed materials in the creation of nontaxable
166.7 advertising that is distributed, either directly or indirectly, within Minnesota.

166.8 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
166.9 June 30, 2009.

166.10 Sec. 11. Minnesota Statutes 2008, section 297A.61, subdivision 10, is amended to read:

166.11 Subd. 10. **Tangible personal property.** (a) "Tangible personal property" means
166.12 personal property that can be seen, weighed, measured, felt, or touched, or that is in any
166.13 other manner perceptible to the senses. "Tangible personal property" includes, but is not
166.14 limited to, electricity, water, gas, steam, and prewritten computer software.

166.15 (b) Tangible personal property does not include:

166.16 (1) large ponderous machinery and equipment used in a business or production
166.17 activity which at common law would be considered to be real property;

166.18 (2) property which is subject to an ad valorem property tax;

166.19 (3) property described in section 272.02, subdivision 9, clauses (a) to (d); and

166.20 (4) property described in section 272.03, subdivision 2, clauses (3) and (5); and

166.21 (5) specified digital products, or other digital products transferred electronically,

166.22 except prewritten computer software delivered electronically is tangible personal property.

166.23 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
166.24 June 30, 2009.

166.25 Sec. 12. Minnesota Statutes 2008, section 297A.61, subdivision 14a, is amended to
166.26 read:

166.27 Subd. 14a. **Lease or rental.** (a) "Lease or rental" means any transfer of possession
166.28 or control of tangible personal property, specified digital products, or other digital
166.29 products for a fixed or indeterminate term for consideration. A lease or rental may include
166.30 future options to purchase or extend.

166.31 (b) Lease or rental does not include:

(1) a transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(2) a transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of \$100 or one percent of the total required payments; or

(3) providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subdivision, an operator must do more than maintain, inspect, or set up the tangible personal property.

(c) Lease or rental does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in United States Code, title 26, section 7701(h)(l).

(d) This definition must be used for sales and use tax purposes regardless if a transaction is characterized as a lease or rental under generally accepted accounting principles, the Internal Revenue Code, chapter 336, or other provisions of federal, state, or local law.

EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2009.

Sec. 13. Minnesota Statutes 2008, section 297A.61, subdivision 17a, is amended to read:

Subd. 17a. **Delivered electronically.** "Delivered electronically" means delivered to the purchaser by means other than tangible storage media; and unless the context indicates otherwise, applies to the delivery of computer software. Computer software is not considered "delivered electronically" to a purchaser simply because the purchaser has access to the product.

EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2009.

Sec. 14. Minnesota Statutes 2008, section 297A.61, subdivision 21, is amended to read:

Subd. 21. **Normal course of business.** "Normal course of business" means activities that demonstrate a commercial continuity or consistency of making sales or

168.1 performing services for the purposes of attaining profit or producing income. Factors that
168.2 indicate that a person is acting in the normal course of business include:

- 168.3 (1) systematic solicitation of sales through advertising media;
168.4 (2) entering into contracts to perform services or provide tangible personal property,
168.5 specified digital products, or other digital products;
168.6 (3) maintaining a place of business; or
168.7 (4) use of exemption certificates to purchase items exempt from the sales tax.

168.8 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
168.9 June 30, 2009.

168.10 Sec. 15. Minnesota Statutes 2008, section 297A.61, subdivision 38, is amended to read:

168.11 Subd. 38. **Bundled transaction.** (a) "Bundled transaction" means the retail sale
168.12 of two or more products when the products are otherwise distinct and identifiable, and
168.13 the products are sold for one nonitemized price. As used in this subdivision, "product"
168.14 includes tangible personal property, services, intangibles, and digital goods, including
168.15 specified digital products, or other digital products, but does not include real property or
168.16 services to real property. A bundled transaction does not include the sale of any products
168.17 in which the sales price varies, or is negotiable, based on the selection by the purchaser of
168.18 the products included in the transaction.

168.19 (b) For purposes of this subdivision, "distinct and identifiable" products does not
168.20 include:

168.21 (1) packaging and other materials, such as containers, boxes, sacks, bags, and
168.22 bottles, wrapping, labels, tags, and instruction guides, that accompany the retail sale of the
168.23 products and are incidental or immaterial to the retail sale. Examples of packaging that are
168.24 incidental or immaterial include grocery sacks, shoe boxes, dry cleaning garment bags,
168.25 and express delivery envelopes and boxes;

168.26 (2) a promotional product provided free of charge with the required purchase of
168.27 another product. A promotional product is provided free of charge if the sales price of
168.28 another product, which is required to be purchased in order to receive the promotional
168.29 product, does not vary depending on the inclusion of the promotional product; and

168.30 (3) items included in the definition of sales price.

168.31 (c) For purposes of this subdivision, the term "one nonitemized price" does not
168.32 include a price that is separately identified by product on binding sales or other supporting
168.33 sales-related documentation made available to the customer in paper or electronic form
168.34 including but not limited to an invoice, bill of sale, receipt, contract, service agreement,
168.35 lease agreement, periodic notice of rates and services, rate card, or price list.

(d) A transaction that otherwise meets the definition of a bundled transaction is not a bundled transaction if it is:

(1) the retail sale of tangible personal property and a service and the tangible personal property is essential to the use of the service, and is provided exclusively in connection with the service, and the true object of the transaction is the service;

(2) the retail sale of services if one service is provided that is essential to the use or receipt of a second service and the first service is provided exclusively in connection with the second service and the true object of the transaction is the second service;

(3) a transaction that includes taxable products and nontaxable products and the purchase price or sales price of the taxable products is de minimis; or

(4) the retail sale of exempt tangible personal property and taxable tangible personal property if:

(i) the transaction includes food and food ingredients, drugs, durable medical equipment, mobility enhancing equipment, over-the-counter drugs, prosthetic devices, or medical supplies; and

(ii) the seller's purchase price or sales price of the taxable tangible personal property is 50 percent or less of the total purchase price or sales price of the bundled tangible personal property. Sellers must not use a combination of the purchase price and sales price of the tangible personal property when making the 50 percent determination for a transaction.

(e) For purposes of this subdivision, "purchase price" means the measure subject to use tax on purchases made by the seller, and "de minimis" means that the seller's purchase price or sales price of the taxable products is ten percent or less of the total purchase price or sales price of the bundled products. Sellers shall use either the purchase price or the sales price of the products to determine if the taxable products are de minimis. Sellers must not use a combination of the purchase price and sales price of the products to determine if the taxable products are de minimis. Sellers shall use the full term of a service contract to determine if the taxable products are de minimis.

EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2009.

Sec. 16. Minnesota Statutes 2008, section 297A.61, is amended by adding a subdivision to read:

Subd. 47. Digital audio visual work. "Digital audio visual work" means a series of related images, together with accompanying sounds, if any, which, when shown in succession, impart an impression of motion, that are transferred electronically. Digital

170.1 audio visual works include such items as motion pictures, movies, musical videos, news
170.2 and entertainment programs, and live events. Digital audio visual works do not include
170.3 video greeting cards sent by electronic mail. Unless the context provides otherwise, digital
170.4 audio visual works include the digital code or a subscription to or access to a digital code
170.5 for receiving, accessing, or otherwise obtaining digital audio visual works.

170.6 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
170.7 June 30, 2009.

170.8 Sec. 17. Minnesota Statutes 2008, section 297A.61, is amended by adding a
170.9 subdivision to read:

170.10 Subd. 48. **Digital audio work.** "Digital audio work" means a work that results
170.11 from the fixation of a series of musical, spoken, or other sounds, that are transferred
170.12 electronically. Digital audio works include such items as songs, music, readings of books
170.13 or other written materials, speeches, ring tones, or other sound recordings which may be
170.14 either prerecorded or live. Digital audio works do not include audio greeting cards sent
170.15 by electronic mail. Unless the context provides otherwise, digital audio works include
170.16 the digital code or a subscription to or access to a digital code for receiving, accessing,
170.17 or otherwise obtaining digital audio works. For purposes of this subdivision, "ring tone"
170.18 means a digitized sound file that is downloaded onto a device and that may be used to alert
170.19 the customer with respect to a communication. A ring tone does not include ring back tones
170.20 or other digital audio files that are not stored on the customer's communication device.

170.21 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
170.22 June 30, 2009.

170.23 Sec. 18. Minnesota Statutes 2008, section 297A.61, is amended by adding a
170.24 subdivision to read:

170.25 Subd. 49. **Digital book.** "Digital book" means a work that is a literary work, other
170.26 than digital audio visual works or digital audio works, expressed in words, numbers, or
170.27 numerical symbols or indicia so long as the product is generally recognized in the ordinary
170.28 and usual sense as a book and is transferred electronically. It includes works of fiction,
170.29 nonfiction, and short stories. It does not include periodicals, magazines, newspapers, or
170.30 other news and information products, chat rooms, or weblogs. Unless the context provides
170.31 otherwise, digital books include the digital code or a subscription to or access to a digital
170.32 code for receiving, accessing, or otherwise obtaining digital books.

171.1 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
171.2 June 30, 2009.

171.3 Sec. 19. Minnesota Statutes 2008, section 297A.61, is amended by adding a
171.4 subdivision to read:

171.5 Subd. 50. **Digital code.** "Digital code" means a code which provides a purchaser
171.6 with a right to obtain one or more of the specified digital products or other digital products.
171.7 A digital code may be transferred electronically such as through electronic e-mail, or
171.8 it may be transferred on a tangible medium, such as a plastic card, a piece of paper or
171.9 invoice, or imprinted on another product. A digital code is not a code that represents
171.10 stored monetary value that is deducted from a total as it is used by the purchaser and it is
171.11 not a code that represents a redeemable card, gift card, or gift certificate that entitles the
171.12 holder to select a specified digital product or other digital product of an indicated cash
171.13 value. The end user of the digital code is any purchaser except one who receives the
171.14 contractual right to redistribute the specified digital product or other digital product which
171.15 is the subject of the transaction.

171.16 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
171.17 June 30, 2009.

171.18 Sec. 20. Minnesota Statutes 2008, section 297A.61, is amended by adding a
171.19 subdivision to read:

171.20 Subd. 51. **Specified digital products.** "Specified digital products" means
171.21 digital audio visual works, digital audio works, and digital books that are transferred
171.22 electronically to a customer.

171.23 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
171.24 June 30, 2009.

171.25 Sec. 21. Minnesota Statutes 2008, section 297A.61, is amended by adding a
171.26 subdivision to read:

171.27 Subd. 52. **Transferred electronically.** "Transferred electronically" means obtained
171.28 by the purchaser by means other than tangible storage media and, unless the context
171.29 indicated otherwise, applies to the delivery of specified digital products and other digital
171.30 products. For purposes of this subdivision, it is not necessary that a copy of the product
171.31 be physically transferred to the purchaser. A product shall be considered to have been
171.32 transferred electronically to a purchaser if the purchaser has access to the product.

172.1 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
172.2 June 30, 2009.

172.3 Sec. 22. Minnesota Statutes 2008, section 297A.61, is amended by adding a
172.4 subdivision to read:

172.5 Subd. 53. **Other digital products.** "Other digital products" means the following
172.6 items when transferred electronically:

172.7 (1) greeting cards;

172.8 (2) artwork available for reproduction or display purposes; and

172.9 (3) video or electronic games.

172.10 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
172.11 June 30, 2009.

172.12 Sec. 23. Minnesota Statutes 2008, section 297A.62, is amended by adding a
172.13 subdivision to read:

172.14 Subd. 1a. **Constitutionally required sales tax increase.** An additional sales tax
172.15 of 0.375 percent, as required under the Minnesota Constitution, article XI, section 15, is
172.16 imposed on the gross receipts from retail sales as defined in section 297A.61, subdivision
172.17 4, made in this state or to a destination in this state by a person who is required to have
172.18 or voluntarily obtains a permit under section 297A.83, subdivision 1. This additional
172.19 tax expires July 1, 2034.

172.20 Sec. 24. Minnesota Statutes 2008, section 297A.63, is amended to read:

172.21 **297A.63 USE TAXES IMPOSED; RATES.**

172.22 Subdivision 1. **Use of tangible personal property, specified digital products,**
172.23 **other digital products, or taxable services.** (a) For the privilege of using, storing,
172.24 distributing, or consuming in Minnesota tangible personal property, specified digital
172.25 products, other digital products, or taxable services purchased for use, storage, distribution,
172.26 or consumption in this state, a use tax is imposed on a person in Minnesota. The tax is
172.27 imposed on the purchase price of retail sales of the tangible personal property, specified
172.28 digital products, other digital products, or taxable services at the rate of tax imposed under
172.29 section 297A.62. A person that purchases property from a Minnesota retailer and returns
172.30 the tangible personal property, specified digital products, or other digital products, to a
172.31 point within Minnesota, except in the course of interstate commerce, after it was delivered
172.32 outside of Minnesota, is subject to the use tax.

(b) No tax is imposed under paragraph (a) if the tax imposed by section 297A.62 was paid on the sales price of the tangible personal property or taxable services.

(c) No tax is imposed under paragraph (a) if the purchase meets the requirements for exemption under section 297A.67, subdivision 21.

(d) When a transaction otherwise meets the definition of a bundled transaction, but is not a bundled transaction under section 297A.61, subdivision 38, paragraph (d), and the seller's purchase price of the taxable product or taxable tangible personal property is equal to or greater than \$100, then use tax is imposed on the purchase price of the taxable product or taxable personal property. For purposes of this paragraph, "purchase price" means the measure subject to use tax on purchases made by the seller.

Subd. 2. Use of tangible personal property, specified digital products, other digital products, made from materials. (a) A use tax is imposed on a person who manufactures, fabricates, or assembles tangible personal property, specified digital products, or other digital products, from materials, either within or outside this state and who uses, stores, distributes, or consumes the tangible personal property, specified digital products, or other digital products, in Minnesota. The tax is imposed on the purchase price of retail sales of the materials contained in the tangible personal property, specified digital products, or other digital products, at the rate of tax imposed under section 297A.62.

(b) No tax is imposed under paragraph (a) if the tax imposed by section 297A.62 was paid on the sales price of materials contained in the tangible personal property, specified digital products, or other digital products.

EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2009.

Sec. 25. Minnesota Statutes 2008, section 297A.64, subdivision 2, is amended to read:

Subd. 2. Fee imposed. (a) A fee equal to five percent of the sales price is imposed on leases or rentals of vehicles subject to the tax under subdivision 1. The lessor on the invoice to the customer may designate the fee as "a fee imposed by the State of Minnesota for the registration of rental cars."

(b) The provisions of this subdivision do not apply to the vehicles of a nonprofit corporation or similar entity, consisting of individual or group members who pay the organization for the use of a motor vehicle, if the organization:

(1) owns or leases a fleet of vehicles of the type subject to the tax under subdivision 1 that are available to its members for use, priced on the basis of intervals of one hour or less;

(2) parks its vehicles at unstaffed, self-service locations that are accessible at any time of the day;

174.1 (3) maintains its vehicles, insures its vehicles on behalf of its members, and
174.2 purchases fuel for its fleet; and

174.3 (4) does not charge usage rates that decline on a per unit basis, whether specified
174.4 based on distance or time.

174.5 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to
174.6 registrations made or renewed on or after that date.

174.7 Sec. 26. Minnesota Statutes 2008, section 297A.66, subdivision 1, is amended to read:

174.8 Subdivision 1. **Definitions.** (a) To the extent allowed by the United States
174.9 Constitution and the laws of the United States, "retailer maintaining a place of business in
174.10 this state," or a similar term, means a retailer:

174.11 (1) having or maintaining within this state, directly or by a subsidiary or an affiliate,
174.12 an office, place of distribution, sales or sample room or place, warehouse, or other place
174.13 of business; or

174.14 (2) having a representative, including, but not limited to, an affiliate, agent,
174.15 salesperson, canvasser, or solicitor operating in this state under the authority of the retailer
174.16 or its subsidiary, for any purpose, including the repairing, selling, delivering, installing, or
174.17 soliciting of orders for the retailer's goods or services, or the leasing of tangible personal
174.18 property, specified digital products, or other digital products, located in this state, whether
174.19 the place of business or agent, representative, affiliate, salesperson, canvasser, or solicitor
174.20 is located in the state permanently or temporarily, or whether or not the retailer, subsidiary,
174.21 or affiliate is authorized to do business in this state.

174.22 (b) "Destination of a sale" means the location to which the retailer makes delivery of
174.23 the property sold, or causes the property to be delivered, to the purchaser of the property,
174.24 or to the agent or designee of the purchaser. The delivery may be made by any means,
174.25 including the United States Postal Service or a for-hire carrier.

174.26 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
174.27 June 30, 2009.

174.28 Sec. 27. Minnesota Statutes 2008, section 297A.66, is amended by adding a
174.29 subdivision to read:

174.30 Subd. 4a. **Solicitor.** (a) "Solicitor," for purposes of subdivision 1, paragraph (a),
174.31 means a person, whether an independent contractor or other representative, who directly
174.32 or indirectly solicits business for the retailer.

(b) A retailer is presumed to have a solicitor in this state if it enters into an agreement with a resident under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an Internet Web site, or otherwise, to the seller. This paragraph only applies if the total gross receipts from sales to customers located in the state who were referred to the retailer by all residents with this type of agreement with the retailer is at least \$10,000 in the 12-month period ending on the last day of the most recent calendar quarter before the calendar quarter in which the sale is made.

(c) The presumption under paragraph (b) may be rebutted by proof that the resident with whom the seller has an agreement did not engage in any solicitation in the state on behalf of the retailer that would satisfy the nexus requirement of the United States Constitution during the 12-month period in question. Nothing in this section shall be construed to narrow the scope of the terms affiliate, agent, salesperson, canvasser, or other representative for purposes of subdivision 1, paragraph (a).

(d) For purposes of this paragraph, "resident" includes an individual who is a resident of this state, as defined in section 290.01, or a business that owns tangible personal property located in this state or has one or more employees providing services for it in this state.

EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2009.

Sec. 28. Minnesota Statutes 2008, section 297A.67, subdivision 15, is amended to read:

Subd. 15. **Residential heating fuels.** Residential heating fuels are exempt as follows:

(1) all fuel oil, coal, wood, steam, hot water, propane gas, and L.P. gas sold to residential customers for residential use;

(2) for the period encompassing the billing months of November, December, January, February, March, and April, the first 850 hundred cubic feet per dwelling unit of natural gas sold for residential use to customers who are metered and billed as residential users and who use natural gas for their primary source of residential heat; and

(3) for the period encompassing the billing months of November, December, January, February, March, and April, the first 5,750 kilowatt-hours per dwelling unit of electricity sold for residential use to customers who are metered and billed as residential users and who use electricity for their primary source of residential heat.

176.1 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
176.2 June 30, 2009.

176.3 Sec. 29. Minnesota Statutes 2008, section 297A.67, subdivision 23, is amended to read:

176.4 Subd. 23. **Occasional sales.** Isolated and occasional sales in Minnesota not made
176.5 in the normal course of business of selling that kind of property or service are exempt.
176.6 The storage, use, or consumption of property or services acquired as a result of such a
176.7 sale is exempt. This exemption does not apply to sales of tangible personal property,
176.8 specified digital products, or other digital products, primarily used in a trade or business,
176.9 a snowmobile or all-terrain vehicle licensed under chapter 84, or to watercraft licensed
176.10 under chapter 86B.

176.11 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
176.12 June 30, 2009.

176.13 Sec. 30. Minnesota Statutes 2008, section 297A.815, subdivision 3, is amended to read:

176.14 Subd. 3. **Motor vehicle lease sales tax revenue.** (a) For purposes of this
176.15 subdivision, "~~net revenue~~ revenues" means an amount equal to:

176.16 ~~(1) the revenues, including interest and penalties, collected under this section, during~~
176.17 ~~the fiscal year; less,~~

176.18 ~~(2) the estimated reduction in individual income tax receipts and the estimated~~
176.19 ~~amount of refunds paid out under section 290.06, subdivision 34, for the fiscal year.~~

176.20 ~~(b) On or before June 30 of each fiscal year, the commissioner of revenue shall~~
176.21 ~~estimate the amount of the revenues and subtraction under paragraph (a) for the current~~
176.22 ~~fiscal year.~~

176.23 ~~(c) On or after July 1 of the subsequent fiscal year, the commissioner of finance shall~~
176.24 ~~transfer the net revenue as estimated in paragraph (b) from the general fund, as follows:~~

176.25 (b) The commissioner of revenue shall estimate the revenues for each fiscal year and
176.26 transfer one-quarter of the estimated amount from the general fund on January 1, April 1,
176.27 July 1, and October 1, allocated as follows:

176.28 (1) 50 percent to the greater Minnesota transit account; and

176.29 (2) 50 percent to the county state-aid highway fund. Notwithstanding any other law
176.30 to the contrary, the commissioner of transportation shall allocate the funds transferred
176.31 under this clause to the counties in the metropolitan area, as defined in section 473.121,
176.32 subdivision 4, excluding the counties of Hennepin and Ramsey, so that each county shall
176.33 receive of such amount the percentage that its population, as defined in section 477A.011,

177.1 subdivision 3, estimated or established by July 15 of the year prior to the current calendar
177.2 year, bears to the total population of the counties receiving funds under this clause.

177.3 (d) For fiscal years 2010 and 2011, the ~~amount under paragraph (a), clause (1),~~
177.4 revenues must be calculated using the following percentages ~~of the total revenues~~:

177.5 (1) for fiscal year 2010, 83.75 percent; and

177.6 (2) for fiscal year 2011, 93.75 percent.

177.7 Sec. 31. Minnesota Statutes 2008, section 297A.83, subdivision 3, is amended to read:

177.8 Subd. 3. **Commissioner's discretion.** (a) The commissioner may decline to issue a
177.9 permit to a retailer not maintaining a place of business in this state, or may cancel a permit
177.10 previously issued to the retailer, if the commissioner believes that the tax can be collected
177.11 more effectively from the persons using the property in this state. A refusal to issue or
177.12 cancellation of a permit on such grounds does not affect the retailer's right to make retail
177.13 sales from outside this state to destinations within this state.

177.14 (b) If the commissioner considers it necessary for the efficient administration of the
177.15 tax to regard a salesperson, representative, trucker, peddler, or canvasser as the agent of
177.16 the dealer, distributor, supervisor, employer, or other person under whom that person
177.17 operates or from whom the person obtains the tangible personal property, specified digital
177.18 products, or other digital products, sold, whether making sales personally or in behalf of
177.19 that dealer, distributor, supervisor, employer, or other person, the commissioner may
177.20 regard the salesperson, representative, trucker, peddler, or canvasser as such agent, and
177.21 may regard the dealer, distributor, supervisor, employer, or other person as a retailer for
177.22 the purposes of collecting the tax.

177.23 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
177.24 June 30, 2009.

177.25 Sec. 32. Minnesota Statutes 2008, section 297A.94, is amended to read:

177.26 **297A.94 DEPOSIT OF REVENUES.**

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

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

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

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

178.3 The commissioner of finance shall certify to the commissioner the date on which the
178.4 project received the conditional commitment. The amount deposited in the loan guaranty
178.5 account must be reduced by any refunds and by the costs incurred by the Department of
178.6 Revenue to administer and enforce the assessment and collection of the taxes.

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

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

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

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

178.20 (e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and
178.21 for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and
178.22 penalties, transmitted to the commissioner under section 297A.65, must be deposited by
178.23 the commissioner in the state treasury as follows:

178.24 (1) 50 percent of the receipts must be deposited in the heritage enhancement account
178.25 in the game and fish fund, and may be spent only on activities that improve, enhance, or
178.26 protect fish and wildlife resources, including conservation, restoration, and enhancement
178.27 of land, water, and other natural resources of the state;

178.28 (2) 22.5 percent of the receipts must be deposited in the natural resources fund, and
178.29 may be spent only for state parks and trails;

178.30 (3) 22.5 percent of the receipts must be deposited in the natural resources fund, and
178.31 may be spent only on metropolitan park and trail grants;

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

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

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

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

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

Sec. 33. Minnesota Statutes 2008, section 297A.99, subdivision 6, is amended to read:

Subd. 6. **Use tax.** A compensating use tax applies, at the same rate as the sales tax, on the use, storage, distribution, or consumption of tangible personal property, specified digital products, other digital products, or taxable services.

EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2009.

Sec. 34. Minnesota Statutes 2008, section 297B.02, subdivision 1, is amended to read:

Subdivision 1. **Rate.** There is imposed an excise tax ~~at the rate provided in chapter 297A~~ of 6.5 percent on the purchase price of any motor vehicle purchased or acquired, either in or outside of the state of Minnesota, which is required to be registered under the laws of this state.

The excise tax is also imposed on the purchase price of motor vehicles purchased or acquired on Indian reservations when the tribal council has entered into a sales tax on motor vehicles refund agreement with the state of Minnesota.

EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2009.

Sec. 35. **[471.691] TEMPORARY AUTHORITY TO USE LODGING TAX REVENUES.**

180.1 (a) A city may use or spend the proceeds of a tax or fee on lodging for any permitted
180.2 municipal purpose, but only if the lodging is provided at a facility located within
180.3 boundaries of the city. For purposes of this section, "lodging" means the furnishing for
180.4 consideration of lodging at a hotel, motel, rooming house, tourist court, or resort, other
180.5 than the renting or leasing of lodging for a continuous period of 30 days or more.

180.6 (b) This section preempts the provisions of section 469.190, subdivision 3, or any
180.7 other law, including special laws, ordinances, and charter provisions, that dedicate or limit
180.8 the purposes for which the proceeds or revenues derived from a tax or fee imposed on
180.9 lodging may be used or spent. It does not apply to:

180.10 (1) lodging tax proceeds that are pledged to pay bonds or other debt; or

180.11 (2) any of the proceeds of a general sales or use tax.

180.12 (c) This section expires on December 31, 2012.

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

180.14 Sec. 36. Laws 1986, chapter 396, section 4, subdivision 3, is amended to read:

180.15 Subd. 3. **Use of property.** Revenues received from the tax may only be used:

180.16 (1) to pay costs of collection;

180.17 (2) to pay or secure the payment of any principal of, premium or interest on bonds
180.18 issued in accordance with this act;

180.19 (3) to pay costs to acquire, design, equip, construct, improve, maintain, operate,
180.20 administer, or promote the convention center or related facilities, including financing
180.21 costs related to them;

180.22 (4) to pay reasonable and appropriate costs determined by the city to replace housing
180.23 removed from the site; ~~and~~

180.24 (5) to maintain reserves for the foregoing purposes deemed reasonable and
180.25 appropriate by the city; ~~and~~

180.26 (6) to fund projects under subdivision 4.

180.27 ~~In the event of any amendment to chapter 297A enacted subsequent to the effective date~~
180.28 ~~of this act which exempts sales or uses which were taxable under chapter 297A on the~~
180.29 ~~effective date of this act, the city may by ordinance extend the tax authorized hereby to~~
180.30 ~~any such sales or uses provided that the city council shall have determined that such~~
180.31 ~~extension is necessary to provide revenues for the uses to which taxes may be applied~~
180.32 ~~under this section and further provided that, in the estimation of the city council, the~~
180.33 ~~aggregate annual collections following such extension will not exceed the aggregate~~
180.34 ~~annual collections which would have been generated if chapter 297A, as in effect on the~~

~~effective date of this act, were then in effect. Any revenue bonds issued in accordance with this act may, with the consent of the city council, contain a covenant that the tax will be so extended to the extent necessary to pay principal and interest on the bonds when due.~~

Money for replacement housing shall be made available by the city only for new construction, conversion of nonresidential buildings, and for rehabilitation of vacant residential structures, only if all of the units in the newly constructed building, converted nonresidential building, or rehabilitated residential structure are to be used for replacement housing.

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

Sec. 37. Laws 1986, chapter 396, section 4, is amended by adding a subdivision to read:

Subd. 4. Minneapolis downtown and neighborhood projects. To the extent that revenues from the tax authorized in subdivision 1 exceeds the amount needed to fund the purposes in subdivision 3, the city may use the excess revenue in any year to fund capital projects to further residential, cultural, commercial, and economic development in both downtown Minneapolis and the Minneapolis neighborhoods.

EFFECTIVE DATE. This section is effective upon compliance of the governing body of the city of Minneapolis with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 38. Laws 1986, chapter 400, section 44, as amended by Laws 1995, chapter 264, article 2, section 39, is amended to read:

Sec. 44. DOWNTOWN TAXING AREA.

If a bill is enacted into law in the 1986 legislative session which authorizes the city of Minneapolis to issue bonds and expend certain funds including taxes to finance the acquisition and betterment of a convention center and related facilities, which authorizes certain taxes to be levied in a downtown taxing area, then, notwithstanding the provisions of that law "downtown taxing area" shall mean the geographic area bounded by the portion of the Mississippi River between I-35W and Washington Avenue, the portion of Washington Avenue between the river and I-35W, the portion of I-35W between Washington Avenue and 8th Street South, the portion of 8th Street South between I-35W and Portland Avenue South, the portion of Portland Avenue South between 8th Street South and I-94, the portion of I-94 from the intersection of Portland Avenue South to the intersection of I-94 and the Burlington Northern Railroad tracks, the portion of the Burlington Northern Railroad tracks from I-94 to Main Street and including Nicollet

182.1 Island, and the portion of Main Street to Hennepin Avenue and the portion of Hennepin
182.2 Avenue between Main Street and 2nd Street S.E., and the portion of 2nd Street S.E.
182.3 between Main Street and Bank Street, and the portion of Bank Street between 2nd Street
182.4 S.E. and University Avenue S.E., and the portion of University Avenue S.E. between Bank
182.5 Street and I-35W, and by I-35W from University Avenue S.E., to the river. The downtown
182.6 taxing area excludes the area bounded on the south and west by Oak Grove Street, on the
182.7 east by Spruce Place, and on the north by West 15th Street. The downtown taxing area
182.8 also excludes any property located in a zoned area that is contained in chapter 546 of the
182.9 Minneapolis zone code of ordinances on which a restaurant or liquor establishment is
182.10 operated.

182.11 **EFFECTIVE DATE.** This section is effective for sales made after July 31, 2012,
182.12 provided that the proceeds of the tax collected between July 1, 2009, and July 31, 2012,
182.13 by a restaurant or liquor establishment that is excluded from the downtown taxing area
182.14 by this section, when collected by the commissioner of revenue, shall be deposited in the
182.15 general fund of the state treasury.

182.16 Sec. 39. Laws 1991, chapter 291, article 8, section 27, subdivision 3, as amended
182.17 by Laws 1998, chapter 389, article 8, section 28, and Laws 2008, chapter 366, article
182.18 7, section 9, is amended to read:

182.19 Subd. 3. **Use of revenues.** Revenues received from taxes authorized by subdivisions
182.20 1 and 2 shall be used by the city to pay the cost of collecting the tax and to pay all or
182.21 a portion of the expenses of constructing and improving facilities as part of an urban
182.22 revitalization project in downtown Mankato known as Riverfront 2000. Authorized
182.23 expenses include, but are not limited to, acquiring property and paying relocation expenses
182.24 related to the development of Riverfront 2000 and related facilities, and securing or paying
182.25 debt service on bonds or other obligations issued to finance the construction of Riverfront
182.26 2000 and related facilities. For purposes of this section, "Riverfront 2000 and related
182.27 facilities" means a civic-convention center, an arena, a riverfront park, a technology center
182.28 and related educational facilities, and all publicly owned real or personal property that
182.29 the governing body of the city determines will be necessary to facilitate the use of these
182.30 facilities, including but not limited to parking, skyways, pedestrian bridges, lighting, and
182.31 landscaping. It also includes the performing arts theatre and the Southern Minnesota
182.32 Women's Hockey Exposition Center, ~~attached to the Mankato Civic Center~~ for use by
182.33 Minnesota State University, Mankato.

EFFECTIVE DATE. This section is effective the day after the governing body of the city of Mankato and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 40. Laws 1993, chapter 375, article 9, section 46, subdivision 2, as amended by Laws 1997, chapter 231, article 7, section 40, and Laws 1998, chapter 389, article 8, section 30, and Laws 2003, First Special Session chapter 21, article 8, section 13, and Laws 2005, First Special Session chapter 3, article 5, section 26, is amended to read:

Subd. 2. Use of revenues. Revenues received from the tax authorized by subdivision 1 may only be used by the city to pay the cost of collecting the tax, and to pay for the following projects or to secure or pay any principal, premium, or interest on bonds issued in accordance with subdivision 3 for the following projects.

(a) To pay all or a portion of the capital expenses of construction, equipment and acquisition costs for the expansion and remodeling of the St. Paul Civic Center complex, including the demolition of the existing arena and the construction and equipping of a new arena.

(b) Except as provided in paragraphs (e) and (f), the remainder of the funds must be spent for:

(1) capital projects to further residential, cultural, commercial, and economic development in both downtown St. Paul and St. Paul neighborhoods; and

(2) capital and operating expenses of cultural organizations in the city, provided that the amount spent under this clause must equal ten percent of the total amount spent under this paragraph in any year.

(c) The amount apportioned under paragraph (b) shall be no less than 60 percent of the revenues derived from the tax each year, except to the extent that a portion of that amount is required to pay debt service on (1) bonds issued for the purposes of paragraph (a) prior to March 1, 1998; or (2) bonds issued for the purposes of paragraph (a) after March 1, 1998, but only if the city council determines that 40 percent of the revenues derived from the tax together with other revenues pledged to the payment of the bonds, including the proceeds of definitive bonds, is expected to exceed the annual debt service on the bonds.

(d) If in any year more than 40 percent of the revenue derived from the tax authorized by subdivision 1 is used to pay debt service on the bonds issued for the purposes of paragraph (a) and to fund a reserve for the bonds, the amount of the debt service payment that exceeds 40 percent of the revenue must be determined for that year. In any year when 40 percent of the revenue produced by the sales tax exceeds the amount required to pay debt service on the bonds and to fund a reserve for the bonds under paragraph (a), the

184.1 amount of the excess must be made available for capital projects to further residential,
184.2 cultural, commercial, and economic development in the neighborhoods and downtown
184.3 until the cumulative amounts determined for all years under the preceding sentence have
184.4 been made available under this sentence. The amount made available as reimbursement in
184.5 the preceding sentence is not included in the 60 percent determined under paragraph (c).

184.6 (e) In each of calendar years 2006, ~~2007, 2008, and 2009~~ to 2014, revenue not to
184.7 exceed \$3,500,000 may be used to pay the principal of bonds issued for capital projects of
184.8 the city. After December 31, ~~2009~~ 2014, revenue from the tax imposed under subdivision
184.9 1 may not be used for this purpose.

184.10 (f) By January 15 of each year, the mayor and the city council must report to the
184.11 legislature on the use of sales tax revenues during the preceding one-year period.

184.12 **EFFECTIVE DATE.** This section is effective the day after the governing body of
184.13 the city of St. Paul and its chief clerical officer comply with Minnesota Statutes, section
184.14 645.021, subdivisions 2 and 3.

184.15 Sec. 41. Laws 1993, chapter 375, article 9, section 46, is amended by adding a
184.16 subdivision to read:

184.17 Subd. 2a. **Unexpended funds and interest.** Any interest from loan repayments
184.18 or returned funds from revenues apportioned under subdivision 2, paragraph (b), clause
184.19 (1), must be made available only for projects qualifying under subdivision 2, paragraph
184.20 (b), clause (1).

184.21 **EFFECTIVE DATE.** This section is effective the day after the governing body of
184.22 the city of St. Paul and its chief clerical officer comply with Minnesota Statutes, section
184.23 645.021, subdivisions 2 and 3.

184.24 Sec. 42. Laws 1996, chapter 471, article 2, section 30, is amended to read:

184.25 Sec. 30. **CITY OF LITTLE FALLS; TAX AUTHORIZED.**

184.26 Subdivision 1. **Sales of food; tax.** The city of Little Falls may by ordinance impose
184.27 a tax of one-half percent on the gross receipts from the retail sale of food and nonalcoholic
184.28 beverages sold by the operator of a restaurant or place of refreshment within the city. The
184.29 tax imposed may be effective at any time after July 1, 1996.

184.30 Subd. 1a. **Sale of alcoholic beverages.** The city of Little Falls may also by
184.31 ordinance impose the tax in subdivision 1 on the sales of alcoholic beverages sold by the
184.32 operator of a restaurant or place of refreshment in the city. Notwithstanding subdivision

5, and regardless of when the city imposes the tax under this subdivision, this tax will expire when the tax in subdivision 1 expires.

Subd. 2. **Definitions.** For purposes of this section:

(1) "restaurant" means every building or other structure or enclosure, or any part thereof and all buildings in connection, kept, used or maintained as, or held out to the public to be an enclosure where meals or lunches are served or prepared for service elsewhere, except schools;

(2) "place of refreshment" means every building, structure, vehicle, sidewalk cart or any part thereof, used as, maintained as, or advertised as, or held out to be a place where confectionery, ice cream, or drinks of various kinds are made, sold, or served at retail, excepting schools and school sponsored events; and

(3) "operator" means the person who is the proprietor of the restaurant, or place of refreshment, whether in the capacity of owner, lessee, subleases, licensee, or an other capacity.

Subd. 3. **Use of proceeds.** The ordinance adopted by the city shall provide for distribution of the proceeds of the tax. The proceeds of the tax must be used for tourism purposes, including operating and maintaining the activities and programs of the tourism and convention bureau.

Subd. 4. **Enforcement, collection, and administration of taxes.** The tax imposed under this section shall be enforced, administered, and collected by the city of Little Falls provided that the city may contract with the commissioner of revenue to perform audits of the tax on behalf of the city. The commissioner shall charge the city an amount that equals the direct and indirect costs incurred by the department that are necessary to audit the tax.

Subd. 5. **Expiration of taxing authority.** The tax imposed under ~~this section shall expire 15~~ subdivision 1 expires 30 years after it first becomes effective.

Subd. 6. **Effective date.** This section is effective the day following compliance by the governing body of the city of Little Falls with Minnesota Statutes, section 645.021, subdivision 3.

EFFECTIVE DATE. This section is effective the day following compliance by the governing body of the city of Little Falls with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 43. Laws 1998, chapter 389, article 8, section 37, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** Expenditures of revenues from the sales tax imposed by the city of St. Paul that are dedicated to neighborhood investments may be made only

186.1 after review of the proposals for expenditures by the citizen review panel described in this
186.2 section. The panel must ensure that the application process for all proposals is open, fair,
186.3 and competitive. All proposals must be reviewed by the panel prior to presentation of the
186.4 proposal to the city council. The panel must evaluate the proposals and provide a report
186.5 to the city council that makes recommendations regarding the proposed expenditures
186.6 in rank order.

186.7 **EFFECTIVE DATE.** This section is effective the day after the governing body of
186.8 the city of St. Paul and its chief clerical officer comply with Minnesota Statutes, section
186.9 645.021, subdivisions 2 and 3.

186.10 Sec. 44. Laws 2002, chapter 377, article 3, section 25, is amended to read:

186.11 Sec. 25. **ROCHESTER LODGING TAX.**

186.12 Subdivision 1. **Authorization.** Notwithstanding Minnesota Statutes, section
186.13 469.190 or 477A.016, or any other law, the city of Rochester may impose an additional
186.14 tax of one percent on the gross receipts from the furnishing for consideration of lodging at
186.15 a hotel, motel, rooming house, tourist court, or resort, other than the renting or leasing of it
186.16 for a continuous period of 30 days or more.

186.17 Subd. 1a. **Authorization.** Notwithstanding Minnesota Statutes, section 469.190 or
186.18 477A.016, or any other law, and in addition to the tax authorized by subdivision 1, the city
186.19 of Rochester may impose an additional tax of one percent on the gross receipts from the
186.20 furnishing for consideration of lodging at a hotel, motel, rooming house, tourist court, or
186.21 resort, other than the renting or leasing of it for a continuous period of 30 days or more
186.22 only upon (1) enactment of a law appropriating state money for construction costs of
186.23 renovating, improving, or expanding the Mayo Civic Center Complex; and (2) approval of
186.24 the city governing body of a total financial package for the project.

186.25 Subd. 2. **Disposition of proceeds.** (a) The gross proceeds from ~~any~~ the tax imposed
186.26 under subdivision 1 must be used by the city to fund a local convention or tourism bureau
186.27 for the purpose of marketing and promoting the city as a tourist or convention center.

186.28 (b) The gross proceeds from the one percent tax imposed under subdivision 1a shall
186.29 be used to pay for (1) construction, renovation, improvement, and expansion of the Mayo
186.30 Civic Center and related skyway access, lighting, parking, or landscaping; and (2) for
186.31 payment of any principal, interest, or premium on bonds issued to finance the construction,
186.32 renovation, improvement, and expansion of the Mayo Civic Center Complex.

186.33 Subd. 3. **Expiration of taxing authority.** The authority of the city to impose a tax
186.34 under subdivision 1a shall expire when the principal and interest on any bonds or other
186.35 obligations issued to finance the construction, renovation, improvement, and expansion

187.1 of the Mayo Civic Center Complex and related skyway access, lighting, parking, or
187.2 landscaping have been paid or at an earlier time as the city shall, by ordinance, determine.

187.3 **EFFECTIVE DATE.** This section is effective the day after the governing body of
187.4 the city of Rochester and its chief clerical officer comply with Minnesota Statutes, section
187.5 645.021, subdivisions 2 and 3.

187.6 Sec. 45. Laws 2006, chapter 259, article 3, section 12, subdivision 3, is amended to
187.7 read:

187.8 Subd. 3. **Use of revenues.** Revenues received from the taxes authorized by
187.9 subdivisions 1 and 2 must be used to pay all or part of the capital costs of transportation
187.10 projects included in the 2004 U.S. Highway 14-Owatonna Beltline Study by the Minnesota
187.11 Department of Transportation, Steele County, and the city of Owatonna; regional parks
187.12 and trail developments; and the West Hills complex, including the firehall, and library
187.13 improvement projects; as described in the city resolution No. 4-06, Exhibit A, as adopted
187.14 by the city on January 17, 2006. Notwithstanding the specific transportation projects
187.15 described in city resolution No. 4-06, Exhibit A, the city may transfer up to \$1,500,000
187.16 of the sales and use tax revenues from the Alexander Street to 39th Avenue Southwest
187.17 project to the reconstruction of 18th Street Southwest from 24th Avenue Southwest to 39th
187.18 Avenue West. The amount paid from these revenues for transportation projects may not
187.19 exceed \$4,450,000 plus associated bond costs. The amount paid from these revenues for
187.20 park and trail projects may not exceed \$5,400,000 plus associated bond costs. The amount
187.21 paid from these revenues for West Hills complex, fire hall, and library improvement
187.22 projects may not exceed \$2,823,000 plus associated bond costs.

187.23 **EFFECTIVE DATE.** This section is effective the day after compliance by the
187.24 governing body of the city of Owatonna with Minnesota Statutes, section 645.021,
187.25 subdivision 3.

187.26 Sec. 46. Laws 2008, chapter 366, article 7, section 16, subdivision 3, is amended to
187.27 read:

187.28 Subd. 3. **Use of proceeds from authorized taxes.** The proceeds of any tax imposed
187.29 under subdivisions 1 and 2 shall be used by the city to pay all or a portion of the expenses
187.30 of operation and maintenance of the Riverfront 2000 and related facilities, including a
187.31 performing arts theatre and the Southern Minnesota Women's Hockey Exposition Center,
187.32 ~~attached to the Mankato Civic Center~~ for use by Minnesota State University, Mankato.

188.1 Authorized expenses include securing or paying debt service on bonds or other obligations
188.2 issued to finance the construction of the facilities.

188.3 **EFFECTIVE DATE.** This section is effective the day after the governing body of
188.4 the city of Mankato and its chief clerical officer comply with Minnesota Statutes, section
188.5 645.021, subdivisions 2 and 3.

188.6 Sec. 47. **SALES AND LOCAL LODGING TAXES COLLECTION;**
188.7 **DEPARTMENT OF REVENUE.**

188.8 (a) The Department of Revenue shall collect from an online travel company, by all
188.9 available means authorized by law for the collection of taxes, the amount of sales and
188.10 local lodging taxes uncollected by an online travel company and owed to a city and the
188.11 state, plus interest and penalties, on the total rent paid for lodging in a hotel, rooming
188.12 house, tourist court, motel, or trailer camp, or for the granting of any similar license
188.13 to use real property.

188.14 (b) For purposes of this section, the following terms have the meanings given:

188.15 (1) "online travel company" means a person who offers information on the Internet
188.16 about the availability of accommodations to a customer, arranges for the customer's
188.17 occupancy of the accommodations, and collects the rental payments from the customer for
188.18 occupancy of the accommodations;

188.19 (2) "total rent paid" means the cost of lodging;

188.20 (3) "unpaid amount of sales and local lodging taxes" means the state sales tax rate as
188.21 defined in Minnesota Statutes, section 297A.62, subdivision 1, plus the applicable local
188.22 lodging tax rate as applied against the total rent paid by a customer to an online travel
188.23 company less the amount of sales and local lodging taxes collected by the online travel
188.24 company and remitted to a lodging entity at the time the online travel company purchased
188.25 the right to make reservations on behalf of a customer to rent a lodging accommodation.

188.26 (c) A city that imposes a local lodging tax must make a request to the Department of
188.27 Revenue for action to be taken under this section.

188.28 (d) The commissioner of revenue may request the attorney general to conduct legal
188.29 proceedings, if necessary, on behalf of the state to enforce the provisions of this section.

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

188.31 Sec. 48. **ROCHESTER FOOD AND BEVERAGE TAX.**

188.32 Subdivision 1. **Authorization.** Notwithstanding Minnesota Statutes, section
188.33 477A.016, or any other law or charter provision, the city of Rochester may impose a tax of

one percent on the gross receipts on all sales of food and beverages by restaurants and places of refreshment, as defined by resolution of the city, that occur in the city. For purposes of this section, "food and beverages" include retail on-sale of intoxicating liquor and fermented malt beverages.

Subd. 2. **Use of proceeds.** The proceeds of this tax shall be used for (1) paying the cost of collection; (2) to pay for construction, renovation, improvement, and expansion of the Mayo Civic Center Complex and related skyway access, lighting, parking, or landscaping; and (3) for payment of any principal, interest, or premium on bonds issued to finance the construction, renovation, improvement, and expansion of the Mayo Civic Center Complex.

Subd. 3. **Imposition of the tax.** The tax under this section may only be imposed upon (1) enactment of a law appropriating state money for construction costs of renovating, improving, or expanding the Mayo Civic Center Complex; and (2) approval of the city governing body of a total financing package for the project.

Subd. 4. **Expiration of taxing authority.** The authority granted under subdivision 1 to the city to impose a one percent tax on food and beverages shall expire when the principal and interest on any bonds or other obligations issued to finance the construction, renovation, improvement, and expansion of the Mayo Civic Center Complex and related skyway access, lighting, parking, or landscaping have been paid or at an earlier time as the city shall, by ordinance, determine.

EFFECTIVE DATE. This section is effective the day after the governing body of the city of Rochester and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3, and upon approval of the city governing body of a total financing package to renovate, improve, or expand the Mayo Civic Center Complex.

Sec. 49. REPEALER.

Minnesota Statutes 2008, section 297A.61, subdivision 45, is repealed.

EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2009.

ARTICLE 11
LOCAL DEVELOPMENT

Section 1. Minnesota Statutes 2008, section 469.174, subdivision 22, is amended to read:

Subd. 22. **Tourism facility.** "Tourism facility" means property that:

(1) is located in a county where the median income is no more than 85 percent of the state median income;

(2) is located in a county in development region 2, 3, 4, ~~or 5~~, or 7E, as defined in section 462.385;

(3) is not located in a city with a population in excess of 20,000; and

(4) is acquired, constructed, or rehabilitated for use as a convention and meeting facility that is privately owned, marina, hotel, motel, lodging facility, or nonhomestead dwelling unit that in each case is intended to serve primarily individuals from outside the county.

EFFECTIVE DATE. This section is effective for requests for certification made after June 30, 2009.

Sec. 2. Minnesota Statutes 2008, section 469.175, subdivision 1, is amended to read:

Subdivision 1. **Tax increment financing plan.** (a) A tax increment financing plan shall contain:

(1) a statement of objectives of an authority for the improvement of a project;

(2) a statement as to ~~the development program for the project, including~~ the property within the project, if any, that the authority intends to acquire, identified by parcel number, identifiable property name, block, or other appropriate means indicating the area in which the authority intends to acquire properties;

(3) a list of any development activities that the plan proposes to take place within the project, ~~for which contracts have been entered into at the time of the preparation of the plan,~~ including the names of the parties to the contract, the activity governed by the contract, the estimated cost stated in the contract, and the expected date of completion of that activity;

(4) identification or description of the type of any other specific development reasonably expected to take place within the ~~project~~ district, and the date when the development is likely to occur;

(5) estimates of the following:

(i) cost of the project, including administrative expenses, ~~except that if part of the cost of the project is paid or financed with increment from the tax increment financing district, the tax increment financing plan for the district must contain an estimate of the amount of the cost of the project, including administrative expenses, and interest costs that will be paid or financed with tax increments from the district, but not to exceed the estimated tax increment generated by the development activity;~~

(ii) amount of ~~bonded indebtedness to be incurred~~ bonds to be issued;

191.1 ~~(iii) sources of revenue to finance or otherwise pay public costs;~~
191.2 ~~(iv) the most recent original~~ net tax capacity of taxable real property within the tax
191.3 increment financing district and within any subdistrict;
191.4 ~~(v)~~ (iv) the estimated captured net tax capacity of the tax increment financing district
191.5 at completion; and
191.6 ~~(vi)~~ (v) the duration of the tax increment financing district's and any subdistrict's
191.7 existence;
191.8 (6) statements of the authority's alternate estimates of the impact of tax increment
191.9 financing on the net tax capacities of all taxing jurisdictions in which the tax increment
191.10 financing district is located in whole or in part. For purposes of one statement, the
191.11 authority shall assume that the estimated captured net tax capacity would be available to
191.12 the taxing jurisdictions without creation of the district, and for purposes of the second
191.13 statement, the authority shall assume that none of the estimated captured net tax capacity
191.14 would be available to the taxing jurisdictions without creation of the district or subdistrict;
191.15 (7) identification and description of studies and analyses used to make the
191.16 determination set forth in subdivision 3, clause (2); and
191.17 (8) identification of all parcels to be included in the district or any subdistrict.
191.18 (b) The authority may specify in the tax increment financing plan the first year in
191.19 which it elects to receive increment, up to four years following the year of approval of the
191.20 district. This paragraph does not apply to an economic development district.

191.21 **EFFECTIVE DATE.** This section is effective for tax increment financing plans
191.22 approved after June 30, 2009.

191.23 Sec. 3. Minnesota Statutes 2008, section 469.175, subdivision 6, is amended to read:

191.24 Subd. 6. **Annual financial reporting.** (a) The state auditor shall develop a uniform
191.25 system of accounting and financial reporting for tax increment financing districts. The
191.26 system of accounting and financial reporting shall, as nearly as possible:

191.27 (1) provide for full disclosure of the sources and uses of ~~public funds in tax~~
191.28 increments of the district;

191.29 (2) permit comparison and reconciliation with the affected local government's
191.30 accounts and financial reports;

191.31 (3) permit auditing of the funds expended on behalf of a district, including a single
191.32 district that is part of a multidistrict project or that is funded in part or whole through
191.33 the use of a development account funded with tax increments from other districts or
191.34 with other public money;

191.35 (4) be consistent with generally accepted accounting principles.

192.1 (b) The authority must annually submit to the state auditor a financial report
192.2 in compliance with paragraph (a). Copies of the report must also be provided to the
192.3 county auditor and to the governing body of the municipality, if the authority is not
192.4 the municipality. To the extent necessary to permit compliance with the requirement
192.5 of financial reporting, the county and any other appropriate local government unit or
192.6 private entity must provide the necessary records or information to the authority or the
192.7 state auditor as provided by the system of accounting and financial reporting developed
192.8 pursuant to paragraph (a). The authority must submit the annual report for a year on or
192.9 before August 1 of the next year.

192.10 (c) The annual financial report must also include the following items:

192.11 (1) the original net tax capacity of the district and any subdistrict under section
192.12 469.177, subdivision 1;

192.13 (2) the net tax capacity for the reporting period of the district and any subdistrict;

192.14 (3) the captured net tax capacity of the district;

192.15 (4) any fiscal disparity deduction from the captured net tax capacity under section
192.16 469.177, subdivision 3;

192.17 (5) the captured net tax capacity retained for tax increment financing under section
192.18 469.177, subdivision 2, paragraph (a), clause (1);

192.19 (6) any captured net tax capacity distributed among affected taxing districts under
192.20 section 469.177, subdivision 2, paragraph (a), clause (2);

192.21 (7) the type of district;

192.22 (8) the date the municipality approved the tax increment financing plan and the
192.23 date of approval of any modification of the tax increment financing plan, the approval of
192.24 which requires notice, discussion, a public hearing, and findings under subdivision 4,
192.25 paragraph (a);

192.26 (9) the date the authority first requested certification of the original net tax capacity
192.27 of the district and the date of the request for certification regarding any parcel added
192.28 to the district;

192.29 (10) the date the county auditor first certified the original net tax capacity of the
192.30 district and the date of certification of the original net tax capacity of any parcel added
192.31 to the district;

192.32 (11) the month and year in which the authority has received or anticipates it will
192.33 receive the first increment from the district;

192.34 (12) the date the district must be decertified;

192.35 (13) for the reporting period and prior years of the district, the actual amount
192.36 received from, at least, the following categories:

193.1 (i) tax increments paid by the captured net tax capacity retained for tax increment
193.2 financing under section 469.177, subdivision 2, paragraph (a), clause (1), but excluding
193.3 any excess taxes;

193.4 (ii) tax increments that are interest or other investment earnings on or from tax
193.5 increments;

193.6 (iii) tax increments that are proceeds from the sale or lease of property, tangible or
193.7 intangible, purchased by the authority with tax increments;

193.8 (iv) tax increments that are repayments of loans or other advances made by the
193.9 authority with tax increments;

193.10 (v) bond ~~or loan~~ proceeds; and

193.11 ~~(vi) special assessments;~~

193.12 ~~(vii) grants;~~

193.13 ~~(viii) transfers from funds not exclusively associated with the district; and~~

193.14 ~~(ix)~~ (vi) the market value homestead credit paid to the authority under section
193.15 273.1384;

193.16 (14) for the reporting period and for the prior years of the district, the actual amount
193.17 expended for, at least, the following categories:

193.18 (i) acquisition of land and buildings through condemnation or purchase;

193.19 (ii) site improvements or preparation costs;

193.20 (iii) installation of public utilities, parking facilities, streets, roads, sidewalks, or
193.21 other similar public improvements;

193.22 (iv) administrative costs, including the allocated cost of the authority; and

193.23 (v) ~~public park facilities, facilities for social, recreational, or conference purposes, or~~
193.24 ~~other similar public improvements; and~~ for housing districts, construction of affordable
193.25 housing;

193.26 ~~(vi) transfers to funds not exclusively associated with the district;~~

193.27 (15) the amount of any payments for activities and improvements located outside of
193.28 the district that are paid for or financed with tax increments;

193.29 (16) the amount of payments of principal and interest that are made during the
193.30 reporting period on any nondefeased:

193.31 (i) general obligation tax increment financing bonds; and

193.32 (ii) other tax increment financing bonds, including pay-as-you-go contracts and
193.33 notes; and

193.34 ~~(iii) notes and pay-as-you-go contracts;~~

193.35 (17) the principal amount, at the end of the reporting period, of any nondefeased:

193.36 (i) general obligation tax increment financing bonds; and

194.1 (ii) other tax increment financing bonds, including pay-as-you-go contracts and
194.2 notes; and

194.3 ~~(iii) notes and pay-as-you-go contracts;~~

194.4 (18) the amount of principal and interest payments that are due for the current
194.5 calendar year on any nondefeased:

194.6 (i) general obligation tax increment financing bonds; and

194.7 (ii) other tax increment financing bonds, including pay-as-you-go contracts and
194.8 notes; and

194.9 ~~(iii) notes and pay-as-you-go contracts;~~

194.10 (19) if the fiscal disparities contribution under chapter 276A or 473F for the district
194.11 is computed under section 469.177, subdivision 3, paragraph (a), the amount of total
194.12 increased property taxes imposed on other properties in the municipality that approved the
194.13 tax increment financing plan as a result of the fiscal disparities contribution; to be paid
194.14 from outside the tax increment financing district; and

194.15 ~~(20) the estimate, if any, contained in the tax increment financing plan of the amount~~
194.16 ~~of the cost of the project, including administrative expenses, that will be paid or financed~~
194.17 ~~with tax increment; and~~

194.18 ~~(21)~~ any additional information the state auditor may require.

194.19 ~~(d) The commissioner of revenue shall prescribe the method of calculating the~~
194.20 ~~increased property taxes under paragraph (c), clause (19), and the form of the statement~~
194.21 ~~disclosing this information on the annual statement under subdivision 5.~~

194.22 ~~(e)~~ (d) The reporting requirements imposed by this subdivision apply to districts
194.23 certified before, on, and after August 1, 1979.

194.24 **EFFECTIVE DATE.** This section is effective for tax increment financing reports
194.25 due after December 31, 2009.

194.26 Sec. 4. Minnesota Statutes 2008, section 469.176, subdivision 3, is amended to read:

194.27 Subd. 3. **Limitation on administrative expenses.**

194.28 (a) For districts for which certification was requested before August 1, 1979, or after
194.29 June 30, 1982 and before August 1, 2001, no tax increment shall be used to pay any
194.30 administrative expenses for a project which exceed ten percent of the total estimated tax
194.31 increment expenditures authorized by the tax increment financing plan or the total tax
194.32 increment expenditures for the project, whichever is less.

194.33 (b) For districts for which certification was requested after July 31, 1979, and before
194.34 July 1, 1982, no tax increment shall be used to pay administrative expenses, as defined in
194.35 Minnesota Statutes 1980, section 273.73, for a district which exceeds five percent of the

195.1 total tax increment expenditures authorized by the tax increment financing plan or the total
195.2 estimated tax increment expenditures for the district, whichever is less.

195.3 (c) For districts for which certification was requested after July 31, 2001, no tax
195.4 increment may be used to pay any administrative expenses for a project which exceed
195.5 ten percent of total estimated tax increment expenditures authorized by the tax increment
195.6 financing plan or the total tax increments, as defined in section 469.174, subdivision 25,
195.7 clause (1), from the district, whichever is less.

195.8 (d) Increments used to pay the county's administrative expenses under subdivision
195.9 4h are not subject to the percentage limits in this subdivision.

195.10 **EFFECTIVE DATE.** This section is effective for all districts, regardless of when
195.11 the request for certification was made.

195.12 Sec. 5. Minnesota Statutes 2008, section 469.176, is amended by adding a subdivision
195.13 to read:

195.14 Subd. 4m. **Use to offset state aid reductions.** (a) Notwithstanding any other
195.15 provision of this section, section 469.1763, or a special law, upon the request of the
195.16 municipality, the authority may elect, by resolution, to transfer increments from a district
195.17 to the municipality for deposit in its general fund. The permitted transfer for a calendar
195.18 year is limited to the amount allowed under paragraph (b). Following the election,
195.19 expenditure of increments from the district are limited by the conditions in paragraph (c).
195.20 The transferred increments may be expended for any purpose the municipality's general
195.21 fund permits.

195.22 (b) For each calendar year for which transfers are permitted under this section,
195.23 the maximum transfer equals the lesser of:

195.24 (1) the excess of the district's available increment over the sum of:

195.25 (i) required payments of obligations that will come due during the calendar year or
195.26 the first six months of the following calendar year on outstanding bonds and binding
195.27 contracts to which the district's increments are pledged; plus

195.28 (ii) transfers of increments from the district to offset deficits in other districts to be
195.29 made during the calendar year under section 469.1763, subdivision 6; or

195.30 (2) the sum of the following amounts, limited to the relevant amounts that are
195.31 effective through the calendar year in which the transfer is to be made:

195.32 (i) unallotment of aid payments previously certified by the state to be paid to the
195.33 municipality during calendar years 2008 to 2010;

195.34 (ii) reductions in state reimbursement payments for property tax credits to be paid
195.35 to the municipality in calendar years 2008 to 2010; and

(iii) reductions in local government aids to be paid to the municipality resulting from reductions in the appropriation or changes in the formula, enacted by the legislature, for calendar years 2009 to 2010; less

(iv) any special levy made by the municipality under section 275.70, subdivision 5, clause (22).

(c) Following an election under this subdivision, an authority may expend increments from the district for only the following purposes:

(1) payment of bonds and binding contracts with an entity not under the control of the municipality or authority to which the district's increments were pledged that were outstanding when the election was made;

(2) transfers to offset deficits in other districts as permitted under section 469.1763, subdivision 6;

(3) administrative expenses of the district; and

(4) transfers permitted under this subdivision.

(d) The commissioner of revenue shall calculate and certify the amount, if any, of the reduction under paragraph (b), clause (2), item (iii), for a city, upon request of the city.

(g) The authority to transfer increments under this section does not apply to a municipality, if the captured tax capacity of the municipality exceeds 12 percent of the municipality's total tax capacity for the taxes payable year in which the transfer is made.

(f) The authority to transfer increments under this section expires on December 31, 2010.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to increments from any district, regardless of when the request for certification was made.

Sec. 6. Minnesota Statutes 2008, section 469.176, subdivision 6, is amended to read:

Subd. 6. **Action required.** (a) If, after four years from the date of certification of the original net tax capacity of the tax increment financing district pursuant to section 469.177, no demolition, rehabilitation, or renovation of property or other site preparation, including qualified improvement of a street adjacent to a parcel but not installation of utility service including sewer or water systems, has been commenced on a parcel located within a tax increment financing district by the authority or by the owner of the parcel in accordance with the tax increment financing plan, no additional tax increment may be taken from that parcel, and the original net tax capacity of that parcel shall be excluded from the original net tax capacity of the tax increment financing district. If the authority or the owner of the parcel subsequently commences demolition, rehabilitation,

or renovation or other site preparation on that parcel including qualified improvement of a street adjacent to that parcel, in accordance with the tax increment financing plan, the authority shall certify to the county auditor that the activity has commenced, and the county auditor shall certify the net tax capacity thereof as most recently certified by the commissioner of revenue and add it to the original net tax capacity of the tax increment financing district. The county auditor must enforce the provisions of this subdivision. The authority must submit to the county auditor evidence that the required activity has taken place for each parcel in the district. The evidence for a parcel must be submitted by February 1 of the fifth year following the year in which the parcel was certified as included in the district. For purposes of this subdivision, qualified improvements of a street are limited to (1) construction or opening of a new street, (2) relocation of a street, and (3) substantial reconstruction or rebuilding of an existing street.

(b) For districts which were certified on or after January 1, 2005, and before July 1, 2010, the four-year period under paragraph (a) is increased to six years.

EFFECTIVE DATE. This section is effective for districts certified on or after January 1, 2005.

Sec. 7. Minnesota Statutes 2008, section 469.1763, subdivision 2, is amended to read:

Subd. 2. **Expenditures outside district.** (a) For each tax increment financing district, an amount equal to at least 75 percent of the total revenue derived from tax increments paid by properties in the district must be expended on activities in the district or to pay bonds, to the extent that the proceeds of the bonds were used to finance activities in the district or to pay, or secure payment of, debt service on credit enhanced bonds. For districts, other than redevelopment districts for which the request for certification was made after June 30, 1995, the in-district percentage for purposes of the preceding sentence is 80 percent. Not more than 25 percent of the total revenue derived from tax increments paid by properties in the district may be expended, through a development fund or otherwise, on activities outside of the district but within the defined geographic area of the project except to pay, or secure payment of, debt service on credit enhanced bonds. For districts, other than redevelopment districts for which the request for certification was made after June 30, 1995, the pooling percentage for purposes of the preceding sentence is 20 percent. The revenue derived from tax increments for the district that are expended on costs under section 469.176, subdivision 4h, paragraph (b), may be deducted first before calculating the percentages that must be expended within and without the district.

(b) In the case of a housing district, a housing project, as defined in section 469.174, subdivision 11, is an activity in the district.

198.1 (c) All administrative expenses are for activities outside of the district, except that
198.2 if the only expenses for activities outside of the district under this subdivision are for
198.3 the purposes described in paragraph (d), administrative expenses will be considered as
198.4 expenditures for activities in the district.

198.5 (d) The authority may elect, in the tax increment financing plan for the district,
198.6 to increase by up to ten percentage points the permitted amount of expenditures for
198.7 activities located outside the geographic area of the district under paragraph (a). As
198.8 permitted by section 469.176, subdivision 4k, the expenditures, including the permitted
198.9 expenditures under paragraph (a), need not be made within the geographic area of the
198.10 project. Expenditures that meet the requirements of this paragraph are legally permitted
198.11 expenditures of the district, notwithstanding section 469.176, subdivisions 4b, 4c, and 4j.
198.12 To qualify for the increase under this paragraph, the expenditures must:

198.13 (1)(i) be used exclusively to assist housing that meets the requirement for a qualified
198.14 low-income building, as that term is used in section 42 of the Internal Revenue Code;

198.15 ~~(2)~~ (ii) not exceed the qualified basis of the housing, as defined under section 42(c)
198.16 of the Internal Revenue Code, less the amount of any credit allowed under section 42 of
198.17 the Internal Revenue Code; and

198.18 ~~(3)~~ (iii) be used to:

198.19 ~~(i)~~ (A) acquire and prepare the site of the housing;

198.20 ~~(ii)~~ (B) acquire, construct, or rehabilitate the housing; or

198.21 ~~(iii)~~ (C) make public improvements directly related to the housing; or

198.22 (2) be used to develop housing that does not exceed 150 percent of the average
198.23 market value of single-family homes in that municipality and to pay the cost of site
198.24 acquisition, relocation, demolition of existing structures, site preparation, and pollution
198.25 abatement on one or more parcels, if the parcel:

198.26 (i) contains a residence containing one to four family dwelling units that has been
198.27 vacant for three or more months;

198.28 (ii) contains a residence containing one to four family dwelling units that is
198.29 structurally substandard, as defined in section 469.174, subdivision 10;

198.30 (iii) is in foreclosure as defined in section 325N.10, subdivision 7, but without regard
198.31 to whether the residence is the owner's principal residence; or

198.32 (iv) is a vacant site, if the authority uses the parcel in connection with the
198.33 development or redevelopment of a parcel qualifying under items (i) to (iii).

198.34 (e) For a district created within a biotechnology and health sciences industry zone
198.35 as defined in section 469.330, subdivision 6, or for an existing district located within
198.36 such a zone, tax increment derived from such a district may be expended outside of the

199.1 district but within the zone only for expenditures required for the construction of public
199.2 infrastructure necessary to support the activities of the zone, land acquisition, and other
199.3 redevelopment costs as defined in section 469.176, subdivision 4j. These expenditures are
199.4 considered as expenditures for activities within the district.

199.5 (f) The authority under paragraph (d), clause (2), expires on December 31, 2015.
199.6 Increments may continue to be expended under this authority after that date, if they are
199.7 used to pay bonds or binding contracts that would qualify under subdivision 3, paragraph
199.8 (a), if December 31, 2015 is considered to be the last date of the five-year period after
199.9 certification under that provision.

199.10 **EFFECTIVE DATE.** This section is effective for any district that is subject to the
199.11 provisions of section 469.1763, regardless of when the request for certification of the
199.12 district was made.

199.13 Sec. 8. Minnesota Statutes 2008, section 469.1763, subdivision 3, is amended to read:

199.14 Subd. 3. **Five-year rule.** (a) Revenues derived from tax increments are considered
199.15 to have been expended on an activity within the district under subdivision 2 only if one
199.16 of the following occurs:

199.17 (1) before or within five years after certification of the district, the revenues are
199.18 actually paid to a third party with respect to the activity;

199.19 (2) bonds, the proceeds of which must be used to finance the activity, are issued and
199.20 sold to a third party before or within five years after certification, the revenues are spent
199.21 to repay the bonds, and the proceeds of the bonds either are, on the date of issuance,
199.22 reasonably expected to be spent before the end of the later of (i) the five-year period, or
199.23 (ii) a reasonable temporary period within the meaning of the use of that term under section
199.24 148(c)(1) of the Internal Revenue Code, or are deposited in a reasonably required reserve
199.25 or replacement fund;

199.26 (3) binding contracts with a third party are entered into for performance of the
199.27 activity before or within five years after certification of the district and the revenues are
199.28 spent under the contractual obligation;

199.29 (4) costs with respect to the activity are paid before or within five years after
199.30 certification of the district and the revenues are spent to reimburse a party for payment
199.31 of the costs, including interest on unreimbursed costs; or

199.32 (5) expenditures are made for housing purposes as permitted by subdivision 2,
199.33 paragraphs (b) and (d), or for public infrastructure purposes within a zone as permitted
199.34 by subdivision 2, paragraph (e).

200.1 (b) For purposes of this subdivision, bonds include subsequent refunding bonds if
200.2 the original refunded bonds meet the requirements of paragraph (a), clause (2).

200.3 (c) For districts which were certified on or after January 1, 2004, and before July 1,
200.4 2010, the five-year period under paragraph (a) is increased to eight years. For districts
200.5 qualifying under this paragraph, application of subdivision 4 begins in the ninth year
200.6 following certification of the district.

200.7 **EFFECTIVE DATE.** This section is effective for districts certified on or after
200.8 January 1, 2004.

200.9 Sec. 9. Minnesota Statutes 2008, section 469.178, subdivision 7, is amended to read:

200.10 Subd. 7. **Interfund loans.** The authority or municipality may advance or loan
200.11 money to finance expenditures under section 469.176, subdivision 4, from its general
200.12 fund or any other fund under which it has legal authority to do so. The loan or advance
200.13 must be authorized, by resolution of the governing body or of the authority, whichever
200.14 has jurisdiction over the fund from which the advance or loan is ~~made~~ authorized, before
200.15 money is transferred, advanced, or spent, whichever is earliest. The resolution may
200.16 generally grant to the authority the power to make interfund loans under one or more tax
200.17 increment financing plans or for one or more districts. The terms and conditions for
200.18 repayment of the loan must be provided in writing and include, at a minimum, the principal
200.19 amount, the interest rate, and maximum term. The maximum rate of interest permitted to
200.20 be charged is limited to the greater of the rates specified under section 270C.40 or 549.09
200.21 as of the date the loan or advance is ~~made~~ authorized, unless the written agreement states
200.22 that the maximum interest rate will fluctuate as the interest rates specified under section
200.23 270C.40 or 549.09 are from time to time adjusted.

200.24 **EFFECTIVE DATE.** This section is effective for interfund loans made after June
200.25 30, 2009.

200.26 Sec. 10. Laws 1995, chapter 264, article 5, section 44, subdivision 4, as amended by
200.27 Laws 1996, chapter 471, article 7, section 21, and Laws 1997, chapter 231, article 10,
200.28 section 12, and Laws 2008, chapter 154, article 9, section 18, is amended to read:

200.29 Subd. 4. **Authority.** For housing replacement projects in the city of Crystal,
200.30 "authority" means the Crystal economic development authority. For housing replacement
200.31 projects in the city of Fridley, "authority" means the housing and redevelopment authority
200.32 in and for the city of Fridley or a successor in interest. For housing replacement
200.33 projects in the city of Minneapolis, "authority" means the Minneapolis community

201.1 development agency or its successors and assigns. For housing replacement projects
201.2 in the city of St. Paul, "authority" means the St. Paul housing and redevelopment
201.3 authority. For housing replacement projects in the city of Duluth, "authority" means the
201.4 Duluth economic development authority. For housing replacement projects in the city of
201.5 Richfield, "authority" is the authority as defined in Minnesota Statutes, section 469.174,
201.6 subdivision 2, that is designated by the governing body of the city of Richfield. For
201.7 housing replacement projects in the city of Columbia Heights, "authority" is the authority
201.8 as defined in Minnesota Statutes, section 469.174, subdivision 2, that is designated by
201.9 the governing body of the city of Columbia Heights. For housing replacement projects in
201.10 the city of Brooklyn Park, "authority" is the authority as defined in Minnesota Statutes,
201.11 section 469.174, subdivision 2, that is designated by the governing body of the city of
201.12 Brooklyn Park.

201.13 **EFFECTIVE DATE.** This section is effective the day following final enactment
201.14 and applies to the city of Brooklyn Park without local approval under Minnesota Statutes,
201.15 section 645.023, subdivision 1, clause (a).

201.16 Sec. 11. Laws 1995, chapter 264, article 5, section 45, subdivision 1, as amended by
201.17 Laws 1996, chapter 471, article 7, section 22, and Laws 1997, chapter 231, article 10,
201.18 section 13, and Laws 2002, chapter 377, article 7, section 6, and Laws 2008, chapter 154,
201.19 article 9, section 19, is amended to read:

201.20 Subdivision 1. **Creation of projects.** (a) An authority may create a housing
201.21 replacement project under sections 44 to 47, as provided in this section.

201.22 (b) For the cities of Crystal, Fridley, Richfield, ~~and~~ Columbia Heights, and Brooklyn
201.23 Park, the authority may designate up to ~~50~~ 100 parcels in the city to be included in a
201.24 housing replacement district over the life of a district or districts. ~~No more than ten~~
201.25 ~~parcels may be included in year one of the district, with up to ten additional parcels added~~
201.26 ~~to the district in each of the following nine years.~~ For the cities of St. Paul and Duluth,
201.27 each authority may designate not more than 200 parcels in the city to be included in a
201.28 housing replacement district over the life of the district. For the city of Minneapolis, the
201.29 authority may designate not more than 400 parcels in the city to be included in housing
201.30 replacement districts over the life of the districts. The only parcels that may be included
201.31 in a district are (1) vacant sites, (2) parcels containing vacant houses, or (3) parcels
201.32 containing houses that are structurally substandard, as defined in Minnesota Statutes,
201.33 section 469.174, subdivision 10.

(c) The city in which the authority is located must pay at least 25 percent of the housing replacement project costs from its general fund, a property tax levy, or other unrestricted money, not including tax increments.

(d) The housing replacement district plan must have as its sole object the acquisition of parcels for the purpose of preparing the site to be sold for market rate housing. As used in this section, "market rate housing" means housing that has a market value that does not exceed 150 percent of the average market value of single-family housing in that municipality.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to the affected cities without local approval under Minnesota Statutes, section 645.023, subdivision 1, clause (a).

Sec. 12. Laws 2008, chapter 366, article 5, section 34, is amended to read:

Sec. 34. **CITY OF OAKDALE; ORIGINAL TAX CAPACITY.**

(a) The provisions of this section apply to redevelopment tax increment financing districts created by the Housing and Redevelopment Authority in and for the city of Oakdale in the areas comprised of the parcels with the following parcel identification numbers: (1) 3102921320053; 3102921320054; 3102921320055; 3102921320056; 3102921320057; 3102921320058; 3102921320062; 3102921320063; 3102921320059; 3102921320060; ~~and 3102921320061; and (2) 3102921330005; and 3102921330004; and~~ (2) 2902921330001 and 2902921330005.

(b) For a district subject to this section, the Housing and Redevelopment Authority may, when requesting certification of the original tax capacity of the district under Minnesota Statutes, section 469.177, elect to have the original tax capacity of the district be certified as the tax capacity of the land.

(c) The authority to request certification of a district under this section expires on July 1, 2013.

EFFECTIVE DATE. This section is effective upon approval by the governing body of the city of Oakdale and compliance with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 13. **HOUSING AND REDEVELOPMENT AUTHORITY OF THE CITY OF SOUTH ST. PAUL; TAX INCREMENT FINANCING DISTRICT.**

Subdivision 1. **Authorization.** Notwithstanding the provisions of any other law, the Housing and Redevelopment Authority of the city of South St. Paul may establish a

redevelopment tax increment financing district comprised of the properties included in the existing Concord Street tax increment district in the city that are exempt under Minnesota Statutes, section 469.179, subdivision 1, and were not decertified before July 1, 2009. The district created under this section may be certified after August 1, 2009, and terminates no later than December 31, 2024. The Housing and Redevelopment Authority of the city of South St. Paul may create the district under this section only if it enters into an agreement with Dakota County to pay the county annually out of the increment from this district an amount equal to the tax that would have been payable to the county on the captured tax capacity of the district had the district not been created.

Subd. 2. **Special rules.** The requirements for qualifying a redevelopment district under Minnesota Statutes, section 469.174, subdivision 10, do not apply to parcels located within the district. Minnesota Statutes, section 469.176, subdivisions 4j and 4l, do not apply to the district. The original tax capacity of the district is \$354,945.

Subd. 3. **Authorized expenditures.** Tax increment from the district may be expended to pay for any eligible activities authorized by Minnesota Statutes, chapter 469, within the redevelopment area that includes the district. All such expenditures are deemed to be activities within the district under Minnesota Statutes, section 469.1763, subdivisions 2, 3, and 4.

Subd. 4. **Adjusted net tax capacity.** The captured tax capacity of the district must be included in the adjusted net tax capacity of the city, county, and school district for the purposes of determining local government aid, education aid, and county program aid. The county auditor shall report to the commissioner of revenue the amount of the captured tax capacity for the district at the time the assessment abstracts are filed.

EFFECTIVE DATE. This section is effective upon compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of South St. Paul.

Sec. 14. CITY OF MINNETONKA; TAX INCREMENT FINANCING DISTRICT EXTENSION.

Notwithstanding the provisions of Minnesota Statutes, section 469.176, subdivision 1b, paragraph (a), clause (1), the governing bodies of the city of Minnetonka and its economic development authority may elect to extend the maximum duration of all or a portion the Glenhaven Tax Increment Financing District by up to seven years. The city may make the election under this section only if it finds by resolution that when it approved the original tax increment financing plan for the Glenhaven Tax Increment Financing District the area of the district qualified to be certified as a redevelopment

204.1 district under Minnesota Statutes, section 469.174, subdivision 10, or that the portion of
204.2 the district it is electing to extend so qualified. The city must document this finding in the
204.3 manner provided under Minnesota Statutes, section 469.175, subdivision 3, paragraph (b),
204.4 clause (1), for a redevelopment district.

204.5 **EFFECTIVE DATE.** This section is effective upon compliance with Minnesota
204.6 Statutes, sections 469.1782, subdivision 2, and 645.021, subdivision 3.

204.7 Sec. 15. **CITY OF ARDEN HILLS; SPECIAL TAX INCREMENT FINANCING**
204.8 **AUTHORITY.**

204.9 Subdivision 1. **Establishment.** The city of Arden Hills may establish within the
204.10 corporate boundaries of the city a redevelopment tax increment financing district subject
204.11 to the special rules under subdivision 2. The district must be located within the area
204.12 described in the TCAAP Boundary Survey dated December 12, 2007, by W. Brown Land
204.13 Surveying, Inc.

204.14 Subd. 2. **Special rules.** (a) If the city elects to adopt the tax increment financing
204.15 plan in subdivision 1 for the district, the following rules apply to the district:

204.16 (1) the district is deemed to meet all the requirements of Minnesota Statutes, section
204.17 469.174, subdivision 10;

204.18 (2) the five-year rule under Minnesota Statutes, section 469.1763, subdivision 3, is
204.19 extended to a ten-year period; and

204.20 (3) the duration limit under Minnesota Statutes, section 469.176, subdivision 1b,
204.21 paragraph (a), clause (4), is extended to 30 years after receipt of the first increment.

204.22 (b) Notwithstanding Minnesota Statutes, section 469.175, subdivision 1, paragraph
204.23 (b), the city may designate the first year in which it elects to receive an increment, up to six
204.24 years following the year of approval of the district. The city must make the designation
204.25 by written notice to the county auditor delivered by June 30 of the year prior to the
204.26 designated year of first receipt.

204.27 Subd. 3. **Expiration.** The authority to approve a tax increment financing plan to
204.28 establish a tax increment financing district under this section expires December 31, 2019.

204.29 **EFFECTIVE DATE.** This section is effective upon approval by the governing body
204.30 of the city of Arden Hills and upon compliance by the city with Minnesota Statutes,
204.31 sections 469.1782, subdivision 2, and 645.021, subdivision 3.

204.32 Sec. 16. **CITY OF ST. PAUL; AUTHORITY TO EXERCISE SPECIAL LAW**
204.33 **AUTHORITY.**

205.1 Notwithstanding the failure of the governing body of the city of St. Paul to approve
205.2 Laws 1995, chapter 264, article 5, sections 44 to 47, as required by Laws 1995, chapter
205.3 264, article 5, section 49, the provisions of sections 44 to 47, as amended, apply to the city
205.4 of St. Paul without local approval under Minnesota Statutes, section 645.023, subdivision
205.5 1, clause (a).

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

205.7 Sec. 17. **CITY OF SAUK RAPIDS; TAX INCREMENT FINANCING DISTRICT.**

205.8 Any parcel in the city of Sauk Rapids located within Blocks 26, 27, 59, 61, and 62,
205.9 original town of Sauk Rapids Plat, is deemed to meet the requirements of Minnesota
205.10 Statutes, section 469.174, subdivision 10, paragraph (d), clause (1), if the following
205.11 conditions are met:

205.12 (1) a building on the parcel was demolished in compliance with Minnesota Statutes,
205.13 section 469.174, subdivision 10, paragraph (d), clause (2), after the authority adopted a
205.14 resolution pursuant to Minnesota Statutes, section 469.174, subdivision 10, paragraph
205.15 (d), clause (3); and

205.16 (2) the request for certification of the parcel as part of a district is filed with the
205.17 county auditor by December 31, 2012, or three years after the date of demolition,
205.18 whichever is later.

205.19 **EFFECTIVE DATE.** This section is effective upon compliance by the governing
205.20 body of the city of Sauk Rapids with the requirements of Minnesota Statutes, section
205.21 645.021, subdivision 3.

205.22 Sec. 18. **SEAWAY PORT AUTHORITY OF DULUTH; TAX INCREMENT**
205.23 **FINANCING DISTRICT; SPECIAL RULES.**

205.24 (a) If the Seaway Port Authority of Duluth adopts a tax increment financing plan
205.25 or plans and the governing body of the city of Duluth approves the plan or plans for one
205.26 or more tax increment financing districts consisting of one or more parcels identified as:
205.27 010-2730-00010; 010-2730-00020; 010-2730-00040; 010-2730-00050; 010-2730-00070;
205.28 010-2730-00080; 010-2730-00090; 010-2730-00100; 010-2730-00160; 010-2730-00180;
205.29 010-2730-00200; 010-2730-01250; 010-2730-01340; 010-2730-01350; 010-2730-01490;
205.30 010-2730-01500; 010-2730-01510; 010-2730-01520; 010-2730-01530; 010-2730-01540;
205.31 010-2730-01550; 010-2730-01560; 010-2730-01570; 010-2730-01580; 010-2730-01590;
205.32 010-2730-1300; 010-2746-1330; 010-2746-1440; 010-2746-1380; 010-3300-4560;
205.33 010-3300-4565; 010-3300-04570; 010-3300-04580; 010-3300-04640; 010-3300-04645;

and 010-3300-04650, the five-year rule under Minnesota Statutes, section 469.1763, subdivision 3, that activities must be undertaken within a five-year period from the date of certification of a tax increment financing district, must be considered to be met if the activities are undertaken within five years after the date all qualifying parcels are delisted from the Federal Superfund list.

(b) The requirements of Minnesota Statutes, section 469.1763, subdivision 4, beginning in the sixth year following certification of the district requirement, will begin in the sixth year following the date all qualifying parcels are delisted from the Federal Superfund list.

(c) For purposes of this section, "qualifying parcels" means United States Steel parcels listed in paragraph (a) and shown by the Minnesota Pollution Control Agency as part of the USS Site (USEPA OU 02) that are:

(1) included in the tax increment financing district; and

(2) on which actions are taken that meet the requirements of Minnesota Statutes, section 469.176, subdivision 6.

(d) In addition to the reporting requirements of Minnesota Statutes, section 469.175, subdivision 5, the Seaway Port Authority of Duluth shall report the status of all parcels listed in paragraph (a) and shown as part of the USS Site (USEPA OU 02). The status report must show the parcel numbers, the listed or delisted status, and if delisted, the delisting date.

EFFECTIVE DATE. This section is effective upon approval by the governing body of the city of Duluth and compliance with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 19. CITY OF MANKATO; TAX INCREMENT FINANCING DISTRICT; PROJECT REQUIREMENTS.

Subdivision 1. **Expenditures outside district.** Notwithstanding Minnesota Statutes, section 469.1763, subdivision 2, or any other law to the contrary, the city of Mankato may expend increments generated from its South Riverfront tax increment financing district for construction of street and roadway improvements under the Sibley Parkway Plan, provided the improvements are located within 500 feet or less of the boundaries of the district.

Subd. 2. **Five-year rule.** The five-year rule under Minnesota Statutes, section 469.1763, subdivision 3, is extended to an 11-year period for the South Riverfront tax increment financing district.

207.1 **EFFECTIVE DATE.** This section is effective upon approval by the governing
207.2 body of the city of Mankato and upon compliance by the city with Minnesota Statutes,
207.3 section 645.021, subdivision 3.

207.4 Sec. 20. **CITY OF FARIBAULT; JOBZ EXTENSION.**

207.5 Notwithstanding the provisions of Minnesota Statutes, section 469.312, subdivision
207.6 5, the city of Faribault may, with approval by the commissioner of employment and
207.7 economic development, extend the duration of a job opportunity building zone located
207.8 within its corporate boundaries by five years. This authority applies to a zone that borders
207.9 on Trunk Highway No. I-35 and Park Avenue. The authority to extend the duration of
207.10 the zone applies only if the city enters a business subsidy agreement that provides for a
207.11 business, which is engaged in manufacturing products that increase the efficiency of the
207.12 use of energy resources, to construct or improve a facility in the zone.

207.13 The authority to extend the duration of a zone under this section expires January 1,
207.14 2011.

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

207.16 **ARTICLE 12**

207.17 **MINERALS**

207.18 Section 1. Minnesota Statutes 2008, section 298.001, is amended by adding a
207.19 subdivision to read:

207.20 Subd. 10. **Nonferrous minerals assistance area.** The area of the "nonferrous
207.21 minerals assistance area" means the area of the following independent school districts, or
207.22 their successor districts:

207.23 (1) No. 166, Cook County;

207.24 (2) No. 316, Coleraine;

207.25 (3) No. 318, Grand Rapids;

207.26 (4) No. 319, Nashwauk-Keewatin;

207.27 (5) No. 381, Lake Superior;

207.28 (6) No. 695, Chisholm;

207.29 (7) No. 696, Ely;

207.30 (8) No. 701, Hibbing;

207.31 (9) No. 706, Virginia;

207.32 (10) No. 712, Mountain Iron-Buhl;

207.33 (11) No. 2711, Mesabi-East;

208.1 (12) No. 2142, St. Louis County; and

208.2 (13) No. 2154, Eveleth-Gilbert.

208.3 Sec. 2. Minnesota Statutes 2008, section 298.018, subdivision 1, is amended to read:

208.4 Subdivision 1. **Within ~~taconite~~ nonferrous minerals assistance area.** The
208.5 proceeds of the tax paid under sections 298.015 to 298.017 on minerals and energy
208.6 resources mined or extracted within the ~~taconite~~ nonferrous minerals assistance area
208.7 ~~defined in section 273.1341~~, shall be allocated as follows:

208.8 (1) five percent to the city or town within which the minerals or energy resources
208.9 are mined or extracted;

208.10 (2) ten percent to the taconite municipal aid account to be distributed ~~as provided~~
208.11 ~~in section 298.282~~ to qualifying municipalities, as defined in section 298.282, located in
208.12 the nonferrous minerals assistance area;

208.13 (3) ten percent to the school district within which the minerals or energy resources
208.14 are mined or extracted;

208.15 (4) ~~20~~ 30 percent to a group of school districts comprised of those school districts
208.16 wherein the mineral or energy resource was mined or extracted or in which there is a
208.17 qualifying municipality as defined by section 273.134, paragraph (b), in direct proportion
208.18 to school district indexes as follows: for each school district, its pupil units determined
208.19 under section 126C.05 for the prior school year shall be multiplied by the ratio of the
208.20 average adjusted net tax capacity per pupil unit for school districts receiving aid under
208.21 this clause as calculated pursuant to chapters 122A, 126C, and 127A for the school year
208.22 ending prior to distribution to the adjusted net tax capacity per pupil unit of the district.
208.23 Each district shall receive that portion of the distribution which its index bears to the sum
208.24 of the indices for all school districts that receive the distributions. These amounts are not
208.25 subject to sections 126C.21, subdivision 4, and 126C.48, subdivision 8;

208.26 (5) 20 percent to the county within which the minerals or energy resources are
208.27 mined or extracted;

208.28 (6) ~~20 percent to St. Louis County acting as the counties' fiscal agent to be~~
208.29 ~~distributed as provided in sections 273.134 to 273.136;~~

208.30 ~~(7)~~ five percent to the Iron Range Resources and Rehabilitation Board for the
208.31 purposes of section 298.22;

208.32 ~~(8) five~~ (7) ten percent to the Douglas J. Johnson economic protection trust fund; and

208.33 ~~(9) five~~ (8) ten percent to the taconite environmental protection fund.

208.34 The proceeds of the tax shall be distributed on July 15 each year.

209.1 Sec. 3. Minnesota Statutes 2008, section 298.018, subdivision 2, is amended to read:

209.2 Subd. 2. **Outside ~~taconite~~ nonferrous minerals assistance area.** The proceeds of
209.3 the tax paid under sections 298.015 to 298.017 on minerals and energy resources mined or
209.4 extracted outside of the ~~taconite~~ nonferrous minerals assistance area defined in section
209.5 273.1341, shall be deposited in the general fund.

209.6 Sec. 4. Minnesota Statutes 2008, section 298.018, is amended by adding a subdivision
209.7 to read:

209.8 Subd. 3. **Segregation of funds.** The proceeds of the tax allocated under subdivision
209.9 1, clauses (2), (6), (7), and (8), including the investment earnings on the funds, must be
209.10 segregated and separately accounted for in the respective funds or accounts to which
209.11 they are allocated. These amounts must only be distributed to municipalities within the
209.12 nonferrous minerals assistance area or used for projects within the area.

209.13 Sec. 5. Minnesota Statutes 2008, section 298.227, is amended to read:

209.14 **298.227 TACONITE ECONOMIC DEVELOPMENT FUND.**

209.15 (a) An amount equal to that distributed pursuant to each taconite producer's taxable
209.16 production and qualifying sales under section 298.28, subdivision 9a, shall be held by
209.17 the Iron Range Resources and Rehabilitation Board in a separate taconite economic
209.18 development fund for each taconite and direct reduced ore producer. Money from the
209.19 fund for each producer shall be released by the commissioner after review by a joint
209.20 committee consisting of an equal number of representatives of the salaried employees and
209.21 the nonsalaried production and maintenance employees of that producer. The District 11
209.22 director of the United States Steelworkers of America, on advice of each local employee
209.23 president, shall select the employee members. In nonorganized operations, the employee
209.24 committee shall be elected by the nonsalaried production and maintenance employees.
209.25 The review must be completed no later than six months after the producer presents a
209.26 proposal for expenditure of the funds to the committee. The funds held pursuant to this
209.27 section may be released only for workforce development and associated public facility
209.28 improvement, or for acquisition of plant and stationary mining equipment and facilities
209.29 for the producer or for research and development in Minnesota on new mining, or
209.30 taconite, iron, or steel production technology, but only if the producer provides a matching
209.31 expenditure to be used for the same purpose of at least 50 percent of the distribution
209.32 based on 14.7 cents per ton beginning with distributions in 2002. Effective for proposals
209.33 for expenditures of money from the fund beginning May 26, 2007, the commissioner
209.34 may not release the funds before the next scheduled meeting of the board. If the board

210.1 rejects a proposed expenditure, the funds must be deposited in the Taconite Environmental
210.2 Protection Fund under sections 298.222 to 298.225. If a producer uses money which has
210.3 been released from the fund prior to May 26, 2007 to procure haulage trucks, mobile
210.4 equipment, or mining shovels, and the producer removes the piece of equipment from the
210.5 taconite tax relief area defined in section 273.134 within ten years from the date of receipt
210.6 of the money from the fund, a portion of the money granted from the fund must be repaid
210.7 to the taconite economic development fund. The portion of the money to be repaid is 100
210.8 percent of the grant if the equipment is removed from the taconite tax relief area within 12
210.9 months after receipt of the money from the fund, declining by ten percent for each of the
210.10 subsequent nine years during which the equipment remains within the taconite tax relief
210.11 area. If a taconite production facility is sold after operations at the facility had ceased, any
210.12 money remaining in the fund for the former producer may be released to the purchaser of
210.13 the facility on the terms otherwise applicable to the former producer under this section. If
210.14 a producer fails to provide matching funds for a proposed expenditure within six months
210.15 after the commissioner approves release of the funds, the funds are available for release to
210.16 another producer in proportion to the distribution provided and under the conditions of
210.17 this section. Any portion of the fund which is not released by the commissioner within
210.18 one year of its deposit in the fund shall be divided between the taconite environmental
210.19 protection fund created in section 298.223 and the Douglas J. Johnson economic protection
210.20 trust fund created in section 298.292 for placement in their respective special accounts.
210.21 Two-thirds of the unreleased funds shall be distributed to the taconite environmental
210.22 protection fund and one-third to the Douglas J. Johnson economic protection trust fund.
210.23 (b) Notwithstanding the requirements of paragraph (a), setting the amount of
210.24 distributions and the review process, an amount equal to ten cents per taxable ton of
210.25 production in 2007, for distribution in 2008 only, that would otherwise be distributed
210.26 under paragraph (a), may be used for a loan for the cost of ~~construction of~~ providing for
210.27 a biomass energy facility. This amount must be deducted from the distribution under
210.28 paragraph (a) for which a matching expenditure by the producer is not required. The
210.29 granting of the loan is subject to approval by the Iron Range Resources and Rehabilitation
210.30 Board; interest must be payable on the loan at the rate prescribed in section 298.2213,
210.31 subdivision 3. Repayments of the loan and interest must be deposited in the northeast
210.32 Minnesota economic development fund established in section 298.2213. If a loan is not
210.33 made under this paragraph by July 1, ~~2009~~ 2010, the amount that had been made available
210.34 for the loan under this paragraph must be transferred to the northeast Minnesota economic
210.35 development fund. Money distributed in 2008 to the fund established under this section

211.1 that exceeds ten cents per ton is available to qualifying producers under paragraph (a)
211.2 on a pro rata basis.

211.3 ~~If 2008 H.F. No. 1812 is enacted and includes a provision that amends this section~~
211.4 ~~in a manner that is different from the amendment in this section, the amendment in this~~
211.5 ~~section supersedes the amendment in 2008 H.F. No. 1812, notwithstanding section 645.26.~~

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

211.7 Sec. 6. Minnesota Statutes 2008, section 298.24, subdivision 1, is amended to read:

211.8 Subdivision 1. **Imposed; calculation.** (a) For concentrate produced in 2001, 2002,
211.9 and 2003, there is imposed upon taconite and iron sulphides, and upon the mining and
211.10 quarrying thereof, and upon the production of iron ore concentrate therefrom, and upon
211.11 the concentrate so produced, a tax of \$2.103 per gross ton of merchantable iron ore
211.12 concentrate produced therefrom. For concentrates produced in ~~2005~~ 2009, the tax rate is
211.13 the same rate imposed for concentrates produced in ~~2004~~ 2008. For concentrates produced
211.14 in 2009 and subsequent years, the tax is also imposed upon other iron-bearing material.

211.15 (b) For concentrates produced in ~~2006~~ 2010 and subsequent years, the tax rate shall
211.16 be equal to the preceding year's tax rate plus an amount equal to the preceding year's tax
211.17 rate multiplied by the percentage increase in the implicit price deflator from the fourth
211.18 quarter of the second preceding year to the fourth quarter of the preceding year. "Implicit
211.19 price deflator" means the implicit price deflator for the gross domestic product prepared by
211.20 the Bureau of Economic Analysis of the United States Department of Commerce.

211.21 (c) An additional tax is imposed equal to three cents per gross ton of merchantable
211.22 iron ore concentrate for each one percent that the iron content of the product exceeds 72
211.23 percent, when dried at 212 degrees Fahrenheit.

211.24 (d) The tax on taconite and iron sulphides shall be imposed on the average of the
211.25 production for the current year and the previous two years. The rate of the tax imposed
211.26 will be the current year's tax rate. This clause shall not apply in the case of the closing
211.27 of a taconite facility if the property taxes on the facility would be higher if this clause
211.28 and section 298.25 were not applicable. The tax on other iron-bearing material shall be
211.29 imposed on the current year production.

211.30 (e) If the tax or any part of the tax imposed by this subdivision is held to be
211.31 unconstitutional, a tax of \$2.103 per gross ton of merchantable iron ore concentrate
211.32 produced shall be imposed.

211.33 (f) Consistent with the intent of this subdivision to impose a tax based upon the
211.34 weight of merchantable iron ore concentrate, the commissioner of revenue may indirectly
211.35 determine the weight of merchantable iron ore concentrate included in fluxed pellets by

212.1 subtracting the weight of the limestone, dolomite, or olivine derivatives or other basic
212.2 flux additives included in the pellets from the weight of the pellets. For purposes of this
212.3 paragraph, "fluxed pellets" are pellets produced in a process in which limestone, dolomite,
212.4 olivine, or other basic flux additives are combined with merchantable iron ore concentrate.
212.5 No subtraction from the weight of the pellets shall be allowed for binders, mineral and
212.6 chemical additives other than basic flux additives, or moisture.

212.7 (g)(1) Notwithstanding any other provision of this subdivision, for the first two years
212.8 of a plant's commercial production of direct reduced ore from ore mined in this state, no
212.9 tax is imposed under this section. As used in this paragraph, "commercial production" is
212.10 production of more than 50,000 tons of direct reduced ore in the current year or in any
212.11 prior year, "noncommercial production" is production of 50,000 tons or less of direct
212.12 reduced ore in any year, and "direct reduced ore" is ore that results in a product that has an
212.13 iron content of at least 75 percent. For the third year of a plant's commercial production of
212.14 direct reduced ore, the rate to be applied to direct reduced ore is 25 percent of the rate
212.15 otherwise determined under this subdivision. For the fourth commercial production year,
212.16 the rate is 50 percent of the rate otherwise determined under this subdivision; for the fifth
212.17 commercial production year, the rate is 75 percent of the rate otherwise determined under
212.18 this subdivision; and for all subsequent commercial production years, the full rate is
212.19 imposed.

212.20 (2) Subject to clause (1), production of direct reduced ore in this state is subject to
212.21 the tax imposed by this section, but if that production is not produced by a producer of
212.22 taconite, iron sulfides, or other iron-bearing material, the production of taconite, iron
212.23 sulfides, or other iron-bearing material, that is consumed in the production of direct
212.24 reduced iron in this state is not subject to the tax imposed by this section on taconite,
212.25 iron sulfides, or other iron-bearing material.

212.26 (3) Notwithstanding any other provision of this subdivision, no tax is imposed
212.27 on direct reduced ore under this section during the facility's noncommercial production
212.28 of direct reduced ore. The taconite or iron sulphides consumed in the noncommercial
212.29 production of direct reduced ore is subject to the tax imposed by this section on taconite
212.30 and iron sulphides. Three-year average production of direct reduced ore does not
212.31 include production of direct reduced ore in any noncommercial year. Three-year average
212.32 production for a direct reduced ore facility that has noncommercial production is the
212.33 average of the commercial production of direct reduced ore for the current year and the
212.34 previous two commercial years.

212.35 (4) This paragraph applies only to plants for which all environmental permits have
212.36 been obtained and construction has begun before July 1, 2008.

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

213.2 Sec. 7. Minnesota Statutes 2008, section 298.28, subdivision 2, is amended to read:

213.3 Subd. 2. **City or town where quarried or produced.** (a) ~~4.5~~ 6.5 cents per gross
213.4 ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton," must be
213.5 allocated to the city or town in the county in which the lands from which taconite was
213.6 mined or quarried were located or within which the concentrate was produced. If the
213.7 mining, quarrying, and concentration, or different steps in either thereof are carried on in
213.8 more than one taxing district, the commissioner shall apportion equitably the proceeds
213.9 of the part of the tax going to cities and towns among such subdivisions upon the basis
213.10 of attributing ~~40~~ 50 percent of the proceeds of the tax to the operation of mining or
213.11 quarrying the taconite, and the remainder to the concentrating plant and to the processes of
213.12 concentration, and with respect to each thereof giving due consideration to the relative
213.13 extent of such operations performed in each such taxing district. The commissioner's
213.14 order making such apportionment shall be subject to review by the Tax Court at the
213.15 instance of any of the interested taxing districts, in the same manner as other orders of
213.16 the commissioner.

213.17 (b) Four cents per taxable ton shall be allocated to cities and organized townships
213.18 affected by mining because their boundaries are within three miles of a taconite mine pit
213.19 that has been actively mined in at least one of the prior three years. If a city or town is
213.20 located near more than one mine meeting these criteria, the city or town is eligible to
213.21 receive aid calculated from only the mine producing the largest taxable tonnage. When
213.22 more than one municipality qualifies for aid based on one company's production, the aid
213.23 must be apportioned among the municipalities in proportion to their populations. Of the
213.24 amounts distributed under this paragraph to each municipality, one-half must be used for
213.25 infrastructure improvement projects, and one-half must be used for projects in which two
213.26 or more municipalities cooperate. Each municipality that receives a distribution under this
213.27 paragraph must report annually to the Iron Range Resources and Rehabilitation Board and
213.28 the commissioner of Iron Range resources and rehabilitation on the projects involving
213.29 cooperation with other municipalities.

213.30 **EFFECTIVE DATE.** This section is effective for production in 2009, for
213.31 distributions in 2010, and thereafter.

213.32 Sec. 8. Minnesota Statutes 2008, section 298.28, subdivision 4, is amended to read:

214.1 Subd. 4. **School districts.** (a) 23.15 cents per taxable ton, plus the increase provided
214.2 in paragraph (d) must be allocated to qualifying school districts to be distributed, based
214.3 upon the certification of the commissioner of revenue, under paragraphs (b), (c), and (f).

214.4 (b)(i) 3.43 cents per taxable ton must be distributed to the school districts in which
214.5 the lands from which taconite was mined or quarried were located or within which the
214.6 concentrate was produced. The distribution must be based on the apportionment formula
214.7 prescribed in subdivision 2.

214.8 (ii) Four cents per taxable ton from each taconite facility must be distributed to
214.9 each affected school district for deposit in a fund dedicated to building maintenance
214.10 and repairs, as follows:

214.11 (1) proceeds from Keewatin Taconite or its successor are distributed to Independent
214.12 School Districts Nos. 316, Coleraine, and 319, Nashwauk-Keewatin, or their successor
214.13 districts;

214.14 (2) proceeds from the Hibbing Taconite Company or its successor are distributed to
214.15 Independent School Districts Nos. 695, Chisholm, and 701, Hibbing, or their successor
214.16 districts;

214.17 (3) proceeds from the Mittal Steel Company and Minntac or their successors are
214.18 distributed to Independent School Districts Nos. 712, Mountain Iron-Buhl, 706, Virginia,
214.19 2711, Mesabi East, and 2154, Eveleth-Gilbert, or their successor districts;

214.20 (4) proceeds from the Northshore Mining Company or its successor are distributed
214.21 to Independent School Districts Nos. 2142, St. Louis County, and 381, Lake Superior,
214.22 or their successor districts; and

214.23 (5) proceeds from United Taconite or its successor are distributed to Independent
214.24 School Districts Nos. 2142, St. Louis County, and 2154, Eveleth-Gilbert, or their
214.25 successor districts.

214.26 Revenues that are required to be distributed to more than one district shall be
214.27 apportioned according to the number of pupil units identified in section 126C.05,
214.28 subdivision 1, enrolled in the second previous year.

214.29 (c)(i) 15.72 cents per taxable ton, less any amount distributed under paragraph (e),
214.30 shall be distributed to a group of school districts comprised of those school districts which
214.31 qualify as a tax relief area under section 273.134, paragraph (b), or in which there is a
214.32 qualifying municipality as defined by section 273.134, paragraph (a), in direct proportion
214.33 to school district indexes as follows: for each school district, its pupil units determined
214.34 under section 126C.05 for the prior school year shall be multiplied by the ratio of the
214.35 average adjusted net tax capacity per pupil unit for school districts receiving aid under
214.36 this clause as calculated pursuant to chapters 122A, 126C, and 127A for the school year

ending prior to distribution to the adjusted net tax capacity per pupil unit of the district. Each district shall receive that portion of the distribution which its index bears to the sum of the indices for all school districts that receive the distributions.

(ii) Notwithstanding clause (i), each school district that receives a distribution under sections 298.018; 298.23 to 298.28, exclusive of any amount received under this clause; 298.34 to 298.39; 298.391 to 298.396; 298.405; or any law imposing a tax on severed mineral values after reduction for any portion distributed to cities and towns under section 126C.48, subdivision 8, paragraph (5), that is less than the amount of its levy reduction under section 126C.48, subdivision 8, for the second year prior to the year of the distribution shall receive a distribution equal to the difference; the amount necessary to make this payment shall be derived from proportionate reductions in the initial distribution to other school districts under clause (i).

(d) Any school district described in paragraph (c) where a levy increase pursuant to section 126C.17, subdivision 9, was authorized by referendum for taxes payable in 2001, shall receive a distribution of 21.3 cents per ton. Each district shall receive \$175 times the pupil units identified in section 126C.05, subdivision 1, enrolled in the second previous year or the 1983-1984 school year, whichever is greater, less the product of 1.8 percent times the district's taxable net tax capacity in the second previous year.

If the total amount provided by paragraph (d) is insufficient to make the payments herein required then the entitlement of \$175 per pupil unit shall be reduced uniformly so as not to exceed the funds available. Any amounts received by a qualifying school district in any fiscal year pursuant to paragraph (d) shall not be applied to reduce general education aid which the district receives pursuant to section 126C.13 or the permissible levies of the district. Any amount remaining after the payments provided in this paragraph shall be paid to the commissioner of Iron Range resources and rehabilitation who shall deposit the same in the taconite environmental protection fund and the Douglas J. Johnson economic protection trust fund as provided in subdivision 11.

Each district receiving money according to this paragraph shall reserve the lesser of the amount received under this paragraph or \$25 times the number of pupil units served in the district. It may use the money for early childhood programs or for outcome-based learning programs that enhance the academic quality of the district's curriculum. The outcome-based learning programs must be approved by the commissioner of education.

(e) There shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32 in 1975.

(f) Four cents per taxable ton must be distributed to qualifying school districts according to the distribution specified in paragraph (b), clause (ii), and apportioned based

216.1 on the apportionment formula prescribed in subdivision 2. Two cents per taxable ton must
216.2 be distributed according to the distribution specified in paragraph (c). These amounts are
216.3 not subject to sections 126C.21, subdivision 4, and 126C.48, subdivision 8.

216.4 **EFFECTIVE DATE.** This section is effective for production in 2009, for
216.5 distributions in 2010, and thereafter.

216.6 Sec. 9. Minnesota Statutes 2008, section 298.28, is amended by adding a subdivision
216.7 to read:

216.8 Subd. 9e. **Taconite environmental fund; additional distribution.** Beginning
216.9 with distributions in 2010, an amount equal to the total taconite railroad distribution
216.10 paid in 2009 to counties, cities, and towns under section 298.28, subdivision 11, less
216.11 the equivalent of 2.0 cents per gross ton that is distributed to the cities and towns under
216.12 section 298.28, subdivision 2, for the current distribution year. The amount of difference
216.13 must annually be paid to the taconite environmental fund for use under section 298.223, as
216.14 provided under that subdivision.

216.15 **EFFECTIVE DATE.** This section is effective for production in 2009, for
216.16 distributions in 2010, and thereafter.

216.17 Sec. 10. Minnesota Statutes 2008, section 298.28, subdivision 11, is amended to read:

216.18 Subd. 11. **Remainder.** (a) The proceeds of the tax imposed by section 298.24 which
216.19 remain after the distributions and payments in subdivisions 2 to 10a, as certified by the
216.20 commissioner of revenue, and paragraphs (b), (c), (d), and (e) have been made, together
216.21 with interest earned on all money distributed under this section prior to distribution, shall
216.22 be divided between the taconite environmental protection fund created in section 298.223
216.23 and the Douglas J. Johnson economic protection trust fund created in section 298.292 as
216.24 follows: Two-thirds to the taconite environmental protection fund and one-third to the
216.25 Douglas J. Johnson economic protection trust fund. The proceeds shall be placed in
216.26 the respective special accounts.

216.27 (b) ~~There shall be distributed to each city, town, and county the amount that it~~
216.28 ~~received under section 294.26 in calendar year 1977; provided, however, that the amount~~
216.29 ~~distributed in 1981 to the unorganized territory number 2 of Lake County and the town~~
216.30 ~~of Beaver Bay based on the between-terminal trackage of Eric Mining Company will be~~
216.31 ~~distributed in 1982 and subsequent years to the unorganized territory number 2 of Lake~~
216.32 ~~County and the towns of Beaver Bay and Stony River based on the miles of track of Eric~~
216.33 ~~Mining Company in each taxing district.~~

217.1 ~~(e)~~ There shall be distributed to the Iron Range Resources and Rehabilitation Board
217.2 the amounts it received in 1977 under section 298.22. The amount distributed under
217.3 this paragraph shall be expended within or for the benefit of the taconite assistance area
217.4 defined in section 273.1341.

217.5 ~~(d)~~ (c) There shall be distributed to each school district 62 percent of the amount
217.6 that it received under section 294.26 in calendar year 1977.

217.7 ~~(e)~~ (d) In 2003 only, \$100,000 must be distributed to a township located in a taconite
217.8 tax relief area as defined in section 273.134, paragraph (a), that received \$119,259 of
217.9 homestead and agricultural credit aid and \$182,014 in local government aid in 2001.

217.10 **EFFECTIVE DATE.** This section is effective for production in 2009, for
217.11 distributions in 2010, and thereafter.

217.12 ARTICLE 13

217.13 MISCELLANEOUS

217.14 Section 1. **[17.1195] BOVINE TUBERCULOSIS TESTING GRANTS.**

217.15 **Subdivision 1. Definitions.** (a) For purposes of this section, the following terms
217.16 have the meanings given.

217.17 (b) "Commissioner" means the commissioner of agriculture.

217.18 (c) "Corporate owner of cattle" means an owner of cattle subject to tax under section
217.19 290.06, subdivision 1, and also a shareholder of an S corporation under section 290.9725.

217.20 **Subd. 2. Bovine tuberculosis testing grants.** (a) The commissioner is authorized to
217.21 make grants to owners of cattle in Minnesota to offset a portion of the cost of tuberculosis
217.22 testing performed on the cattle. For corporate owners of cattle, the grant equals 25 percent
217.23 of the tuberculosis testing expenses incurred during the calendar year. For all other
217.24 owners, the grant equals 50 percent of tuberculosis testing expenses incurred during the
217.25 calendar year.

217.26 (b) The commissioner may specify a time and manner for cattle owners to apply
217.27 for grants under this section, and may request supporting documentation of actual testing
217.28 expenses. Applications received by January 31 relating to testing expenses incurred in
217.29 the previous calendar year are eligible for grants. The commissioner must issue grants by
217.30 March 1.

217.31 (c) If applications for grants exceed the amount available for the fiscal year, the
217.32 commissioner must proportionally adjust all grant amounts so that the amount awarded for
217.33 the year does not exceed the amount available.

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

Sec. 2. [17.1197] BOVINE TUBERCULOSIS GRANTS; SPLIT STATE STATUS.

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Commissioner" means the commissioner of agriculture.

(c) "Owner" means an individual or corporation, including a shareholder of an S corporation under section 290.9725, who owned a herd of animals subject to a whole-herd test for bovine tuberculosis in calendar years 2006 through 2008 and located in the modified accredited zone established as part of Minnesota's split state status as approved by the United States Department of Agriculture and effective October 10, 2008.

(e) "Animals" means cattle, bison, and goats.

Subd. 2. Bovine tuberculosis split state grants. (a) The commissioner is authorized to make annual grants to owners to offset a portion of the cost of tuberculosis testing performed on animals. The annual grant amount for each owner equals \$25 per animal multiplied by the largest number of animals tested as part of any whole-herd test of the owner's animals occurring during the years 2006 through 2008 as reported by the Board of Animal Health.

(b) The commissioner may specify a time and manner for owners to apply for grants under this section, and may request supporting documentation of actual testing expenses.

(c) If applications for grants exceed the amount available for the fiscal year, the commissioner must proportionally adjust all grant amounts so that the amount awarded for the year does not exceed the amount available.

(d) The grants made under this subdivision shall be made annually after July 1 and before July 15, beginning in 2010, until terminated under this paragraph. The commissioner's authority to make grants under this subdivision terminates in the year following the calendar year in which the Board of Animal Health certifies that the state is free of bovine tuberculosis.

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

Sec. 3. Minnesota Statutes 2008, section 270C.12, is amended by adding a subdivision to read:

Subd. 5. Duration. Notwithstanding the provisions of any statutes to the contrary, including section 15.059, the coordinating committee as established by this section to oversee and coordinate preparation of the microdata samples of income tax returns and other information does not expire.

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

219.1 Sec. 4. Minnesota Statutes 2008, section 270C.445, is amended to read:

219.2 **270C.445 TAX PREPARATION SERVICES.**

219.3 Subdivision 1. **Scope.** This section applies to a person who provides tax preparation
219.4 services, except:

219.5 (1) a person who provides tax preparation services for fewer than ten clients in a
219.6 calendar year;

219.7 (2) a person who provides tax preparation services only to immediate family
219.8 members. For the purposes of this section, "immediate family members" means a spouse,
219.9 parent, grandparent, child, or sibling;

219.10 (3) an employee who prepares a tax return for an employer's business;

219.11 (4) any fiduciary, or the regular employees of a fiduciary, while acting on behalf of
219.12 the fiduciary estate, testator, trustor, grantor, or beneficiaries of them; and

219.13 (5) nonprofit organizations providing tax preparation services under the Internal
219.14 Revenue Service Volunteer Income Tax Assistance Program or Tax Counseling for the
219.15 Elderly Program.

219.16 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have
219.17 the meanings given.

219.18 (b) "Client" means an individual for whom a tax preparer performs or agrees to
219.19 perform tax preparation services.

219.20 (c) "Person" means an individual, corporation, partnership, limited liability
219.21 company, association, trustee, or other legal entity.

219.22 (d) "Refund anticipation loan" means a loan or any other extension of credit, whether
219.23 provided by the tax preparer or another entity such as a financial institution, in anticipation
219.24 of, and whose payment is secured by, a client's federal or state income tax refund or both.

219.25 (e) "Tax preparation services" means services provided for a fee or other
219.26 consideration to a client to:

219.27 (1) assist with preparing or filing state or federal individual income tax returns;

219.28 (2) assume final responsibility for completed work on an individual income tax
219.29 return on which preliminary work has been done by another; or

219.30 (3) ~~offer or~~ facilitate the provision of refund anticipation loans and refund
219.31 anticipation checks.

219.32 (f) "Tax preparer" or "preparer" means a person providing tax preparation services
219.33 subject to this section.

219.34 (g) "Advertise" means to solicit business through any means or medium.

219.35 (h) "Facilitate" means to individually or in conjunction or cooperation with another
219.36 person:

220.1 (1) accept an application for a refund anticipation loan;

220.2 (2) pay to a client the proceeds, through direct deposit, a negotiable instrument, or
220.3 any other means, of a refund anticipation loan; or

220.4 (3) offer, arrange, process, provide, or in any other manner act to allow the making
220.5 of, a refund anticipation loan.

220.6 (i) "Refund anticipation check" means a negotiable instrument provided to a client
220.7 by the tax preparer or another person, which is issued from the proceeds of a taxpayer's
220.8 federal or state income tax refund or both and represents the net of the refund minus the tax
220.9 preparation fee and any other fees. A refund anticipation check includes a refund transfer.

220.10 **Subd. 3. Standards of conduct.** No tax preparer shall:

220.11 (1) without good cause fail to promptly, diligently, and without unreasonable delay
220.12 complete a client's tax return;

220.13 (2) obtain the signature of a client to a tax return or authorizing document that
220.14 contains blank spaces to be filled in after it has been signed;

220.15 (3) fail to sign a client's tax return when payment for services rendered has been
220.16 made;

220.17 (4) fail or refuse to give a client a copy of any document requiring the client's
220.18 signature within a reasonable time after the client signs the document;

220.19 (5) fail to retain for at least four years a copy of individual income tax returns;

220.20 (6) fail to maintain a confidential relationship ~~between themselves and their~~ with
220.21 clients or former clients;

220.22 (7) fail to take commercially reasonable measures to safeguard a client's nonpublic
220.23 personal information;

220.24 (8) make, authorize, publish, disseminate, circulate, or cause to make, either directly
220.25 or indirectly, any false, deceptive, or misleading statement or representation relating to or
220.26 in connection with the offering or provision of tax preparation services;

220.27 (9) require a client to enter into a loan arrangement in order to complete a tax return;

220.28 (10) claim credits or deductions on a client's tax return for which the tax preparer
220.29 knows or reasonably should know the ~~taxpayer~~ client does not qualify;

220.30 (11) charge, offer to accept, or accept a fee based upon a percentage of an anticipated
220.31 refund for tax preparation services;

220.32 (12) under any circumstances, withhold or fail to return to a client a document
220.33 provided by the client for use in preparing the client's tax return;

220.34 (13) establish an account in the preparer's name to receive a client's refund through
220.35 a direct deposit or any other instrument unless the client's name is also on the account,
220.36 except that a taxpayer may assign the portion of a refund representing the Minnesota

221.1 education credit available under section 290.0674 to a bank account without the client's
221.2 name, as provided under section 290.0679;

221.3 (14) fail to act in the best interests of the client;

221.4 (15) fail to safeguard and account for any money handled for the client;

221.5 (16) fail to disclose all material facts of which the preparer has knowledge which
221.6 might reasonably affect the client's rights and interests;

221.7 (17) violate any provision of section 332.37;

221.8 (18) include any of the following in any document provided or signed in connection
221.9 with the provision of tax preparation services:

221.10 (i) a hold harmless clause;

221.11 (ii) a confession of judgment or a power of attorney to confess judgment against the
221.12 client or appear as the client in any judicial proceeding;

221.13 (iii) a waiver of the right to a jury trial, if applicable, in any action brought by or
221.14 against a debtor;

221.15 (iv) an assignment of or an order for payment of wages or other compensation for
221.16 services;

221.17 (v) a provision in which the client agrees not to assert any claim or defense otherwise
221.18 available;

221.19 (vi) a waiver of any provision of this section or a release of any obligation required
221.20 to be performed on the part of the tax preparer; or

221.21 (vii) a waiver of the right to injunctive, declaratory, or other equitable relief or
221.22 relief on a class basis; or

221.23 (19) if making, providing, or facilitating a refund anticipation loan, fail to provide all
221.24 disclosures required by the federal Truth in Lending Act, United States Code, title 15, in a
221.25 form that may be retained by the client.

221.26 **Subd. 3a. Written agreements required; refund anticipation loans and checks.**

221.27 (a) All agreements to make, provide, or facilitate a refund anticipation loan or refund
221.28 anticipation check must be in writing. No agreement may include a provision that
221.29 directly or indirectly arranges for payment of or deduction from any portion of the refund
221.30 anticipation loan or refund anticipation check for check cashing, credit insurance, attorney
221.31 fees, or the collection of any debt owed to any party for any other good or service other
221.32 than a debt owed to the facilitator for the repayment of a refund anticipation loan and tax
221.33 preparation fees associated with the refund anticipation loan or refund anticipation check.

221.34 (b) If a written agreement contains a mandatory arbitration clause, the tax preparer
221.35 must provide a separate written notice to the client that:

222.1 (1) arbitration is the exclusive means of dispute resolution for any dispute about the
222.2 written agreement;

222.3 (2) the client has the right to affirmatively opt out of the arbitration clause within 30
222.4 days of entering into an agreement; and

222.5 (3) the client is not bound to arbitration if the claim or dispute involves a violation of
222.6 this section or the client invokes the remedies provided in subdivision 7.

222.7 The tax preparer must advise the client, both orally and in writing, of the process by
222.8 which the client may exercise the right to opt out of the mandatory arbitration clause.

222.9 **Subd. 4. Required disclosures; refund anticipation loans.** ~~(a) If Before or at the~~
222.10 ~~same time a tax preparer offers to make or facilitate a refund anticipation loan to the~~
222.11 ~~client, the preparer must make the disclosures in this subdivision. The disclosures must~~
222.12 ~~be made before or at the same time the preparer offers the refund anticipation loan to the~~
222.13 ~~client.~~ subdivision 4a. Before or at the same time a tax preparer offers or facilitates a
222.14 refund anticipation check or refund transfer, the tax preparer must make the disclosures
222.15 in subdivision 4b.

222.16 (b) The disclosures must be provided to a client in a written notice on a single sheet
222.17 of paper, separate from any other document or writing.

222.18 (c) All required statements must be in capital and small font type fonts, in a
222.19 minimum of 14-point type, with at least a double space between each statement.

222.20 (d) The notice must be signed and dated by the tax preparer and the client.

222.21 (e) All required disclosures, notices, and statements must be provided in the client's
222.22 primary language, if the tax preparer advertises in that language.

222.23 ~~(b) The tax preparer must provide to a client a written notice on a single sheet of~~
222.24 ~~paper, separate from any other document or writing, containing:~~

222.25 ~~(1) a legend, centered at the top on the single sheet of paper, in bold, capital letters,~~
222.26 ~~and in 28-point type stating "NOTICE";~~

222.27 ~~(2) the following verbatim statements:~~

222.28 ~~(i) "This is a loan. The annual percentage rate (APR), based on the estimated~~
222.29 ~~payment period, is (fill in the estimated APR)."~~

222.30 ~~(ii) "Your refund will be used to repay the loan. As a result, the amount of your~~
222.31 ~~refund will be reduced by (fill in appropriate dollar amount) for fees, interest, and other~~
222.32 ~~charges."~~

222.33 ~~(iii) "You can get your refund in about two weeks if you file your return electronically~~
222.34 ~~and have the Internal Revenue Service send your refund to your own bank account." and~~

~~(3) if the client is subject to additional interest when a refund is delayed, the following verbatim statement must also be included in the notice: "If you choose to take this loan and your refund is delayed, you may have to pay additional interest."~~

~~(c) All required statements must be in capital and small font type fonts, in a minimum of 14-point type, with at least a double space between each line in the statement and four spaces between each statement.~~

~~(d) The notice must be signed and dated by the tax preparer and the client.~~

Subd. 4a. **Refund anticipation loan disclosures.** The disclosure required under subdivision 4 for a refund anticipation loan must contain:

(1) a legend, centered at the top on the single sheet of paper, in bold, capital letters, and in 28-point type stating "NOTICE";

(2) the following verbatim statements:

(i) "This is a loan. This is not your refund. The annual percentage rate (APR), based on the estimated payment period, is (fill in the estimated APR).";

(ii) "Your refund will be used to repay the loan. As a result, the amount of your refund will be reduced by (fill in appropriate dollar amount) for fees, interest, and other charges.";

(iii) "You have the right to cancel this transaction by returning the loan check or the amount of the loan in cash within one business day after you get the loan."; and

(iv) "You can get your refund in about two weeks if you file your return electronically and have the Internal Revenue Service send your refund to your own bank account."; and

(3) if the client is subject to additional interest when a refund is delayed, the following verbatim statement must also be included in the notice: "If you choose to take this loan and your refund is delayed, you may have to pay."

Subd. 4b. **Refund anticipation check disclosures.** (a) The disclosure required under subdivision 4 for a refund anticipation check must contain:

(1) a legend, centered at the top on the single sheet of paper, in bold, capital letters, and in 28-point type stating "NOTICE";

(2) the following verbatim statements:

(i) "You do not have to purchase a refund anticipation check (RAC) to get your tax refund.";

(ii) "Generally the IRS can direct deposit your income tax refund to your personal bank account within 8 to 15 days after the IRS accepts your tax return for processing.";

(iii) "If you choose to purchase a RAC, your tax return funds will generally be made available to you within 8 to 15 days.";

(iv) "A RAC is not a loan.";

224.1 (v) "The cost of the RAC is \$ (fill in dollar amount).";

224.2 (vi) "You can either pay for your RAC now or you can have it withheld from your
224.3 refund."; and

224.4 (vii) "The cost of your tax return is not any more or any less if you purchase a RAC."

224.5 (b) A tax preparer offering a refund anticipation check that uses a different product
224.6 name, including but not limited to refund transfer, must substitute the product name for
224.7 "RAC" in all the statements required under this subdivision.

224.8 Subd. 5. **Itemized bill required.** A tax preparer must provide an itemized statement
224.9 of the charges for services, at least separately stating the charges for:

224.10 (1) return preparation; ~~and~~

224.11 (2) providing or facilitating a refund anticipation loan; and

224.12 (3) each fee associated with the provision of a refund anticipation check.

224.13 Subd. 5a. **Nongame wildlife checkoff.** A tax preparer must give written notice of
224.14 the option to contribute to the nongame wildlife management account in section 290.431
224.15 to corporate clients that file an income tax return and to individual clients who file an
224.16 income tax return or property tax refund claim form. This notification must be included
224.17 with information sent to the client at the same time as the preliminary worksheets or other
224.18 documents used in preparing the client's return and must include a line for displaying
224.19 contributions.

224.20 Subd. 5b. **Right to rescind refund anticipation loan.** (a) A client may rescind a
224.21 refund anticipation loan on or before the close of business on the next day of business
224.22 following execution of the loan agreement or receipt of the proceeds of the loan by
224.23 providing written notification to the tax preparer of the rescission, and either returning the
224.24 original check issued for the loan, or tendering the amount of the loan to the tax preparer.

224.25 (b) The tax preparer may charge a fee for rescinding a refund anticipation loan
224.26 only if an account has been established at a financial institution to electronically receive
224.27 the refund and the financial institution has charged a fee to establish the account. The
224.28 allowable fee the tax preparer may charge the client rescinding the refund anticipation
224.29 loan may not exceed the fee charged to the tax preparer by the financial institution to
224.30 establish the account.

224.31 Subd. 6. **Enforcement; penalties.** The commissioner may impose an administrative
224.32 penalty of not more than \$1,000 per violation of subdivision 3, 3a, 4, or 5, or 5b, provided
224.33 that a penalty may not be imposed for any conduct that is also subject to the tax return
224.34 preparer penalties in section 289A.60, subdivision 13. The commissioner may terminate a
224.35 tax preparer's authority to transmit returns electronically to the state, if the commissioner
224.36 determines the tax preparer engaged in a pattern and practice of violating this section.

225.1 Imposition of a penalty under this subdivision is subject to the contested case procedure
225.2 under chapter 14. The commissioner shall collect the penalty in the same manner as the
225.3 income tax. Penalties imposed under this subdivision are public data.

225.4 Subd. 6a. **Exchange of data; State Board of Accountancy.** The State Board of
225.5 Accountancy shall refer to the commissioner complaints it receives about tax preparers
225.6 who are not subject to the jurisdiction of the State Board of Accountancy and who are
225.7 alleged to have violated the provisions of subdivisions ~~3 to~~, 3a, 4, 4a, 4b, 5, and 5b.

225.8 Subd. 6b. **Exchange of data; Lawyers Board of Professional Responsibility.** The
225.9 Lawyers Board of Professional Responsibility may refer to the commissioner complaints
225.10 it receives about tax preparers who are not subject to its jurisdiction and who are alleged
225.11 to have violated the provisions of subdivisions ~~3 to~~, 3a, 4, 4a, 4b, 5, and 5b.

225.12 Subd. 6c. **Exchange of data; commissioner.** The commissioner shall refer
225.13 complaints about tax preparers who are alleged to have violated the provisions of
225.14 subdivisions ~~3 to~~, 3a, 4, 4a, 4b, 5, and 5b to:

225.15 (1) the State Board of Accountancy, if the tax preparer is under its jurisdiction; and

225.16 (2) the Lawyers Board of Professional Responsibility, if the tax preparer is under
225.17 its jurisdiction.

225.18 Subd. 6d. **Data private.** Information exchanged on individuals under subdivisions
225.19 6a to 6c are private data under section 13.02, subdivision 12, until such time as a penalty
225.20 is imposed as provided in section 326A.08 or by the Lawyers Board of Professional
225.21 Responsibility.

225.22 Subd. 7. **Enforcement; civil actions.** (a) Any violation of this section is an unfair,
225.23 deceptive, and unlawful trade practice within the meaning of section 8.31. An action taken
225.24 under section 8.31 is in the public interest.

225.25 (b) A client may bring a civil action seeking redress for a violation of this section in
225.26 the conciliation or the district court of the county in which unlawful action is alleged to
225.27 have been committed or where the respondent resides or has a principal place of business.

225.28 (c) A ~~district~~ court finding for the plaintiff must award:

225.29 (1) actual damages, including;

225.30 (2) incidental and consequential damages;

225.31 (3) statutory damages of twice the sum of: (i) the tax preparation fees; and (ii) if the
225.32 plaintiff violated subdivision 3a, 4, or 5b all interest and fees for a refund anticipation loan;

225.33 (4) reasonable attorney fees;

225.34 (5) court costs; and

225.35 (6) any other equitable relief as the court considers appropriate.

Subd. 8. ~~Limited exemptions; enforcement provisions.~~ The provisions of this section, except for ~~subdivision~~ subdivisions 3a, 4, and 5b, do not apply to:

- (1) an attorney admitted to practice under section 481.01;
- (2) a certified public accountant or other person who is subject to the jurisdiction of the State Board of Accountancy;
- (3) an enrolled agent who has passed the special enrollment examination administered by the Internal Revenue Service; or
- ~~(4) any fiduciary, or the regular employees of a fiduciary, while acting on behalf of the fiduciary estate, the testator, trustor, grantor, or beneficiaries of them;~~
- ~~(5) a tax preparer who provides tax preparation services for fewer than six clients in a calendar year;~~
- ~~(6) tax preparation services to a spouse, parent, grandparent, child, or sibling of the tax preparer; and~~
- ~~(7) the preparation by an employee of the tax return of the employee's employer~~
- (4) anyone who provides, or assists in providing, tax preparation services within the scope of duties as an employee or supervisor of a person who is exempt under this subdivision.

Sec. 5. Minnesota Statutes 2008, section 270C.56, subdivision 3, is amended to read:

Subd. 3. **Procedure for assessment; claims for refunds.** (a) The commissioner may assess liability for the taxes described in subdivision 1 against a person liable under this section. The assessment may be based upon information available to the commissioner. It must be made within the prescribed period of limitations for assessing the underlying tax, or within one year after the date of an order assessing underlying tax, whichever period expires later. An order assessing personal liability under this section is reviewable under section 270C.35 and is appealable to Tax Court.

(b) If the time for appealing the order has expired and a payment is made by or collected from the person assessed on the order in excess of the amount lawfully due from that person of any portion of the liability shown on the order, a claim for refund may be made by that person within 120 days after any payment of the liability if the payment is within 3-1/2 years after the date the order was issued. Claims for refund under this paragraph are limited to the amount paid during the 120-day period. Any amounts collected under paragraph (c) after a claim for refund is filed in order to satisfy the unpaid balance of the assessment that is the subject of the claim shall be returned if the claim is allowed. There is no claim for refund available under this paragraph if the assessment has previously been the subject of an administrative or Tax Court appeal, or a denied claim

227.1 for refund. The taxpayer may contest denial of the refund as provided in the procedures
227.2 governing claims for refunds under section 289A.50, subdivision 7.

227.3 (c) If a person has been assessed under this section for an amount for a given period
227.4 and the time for appeal has expired, regardless of whether an action contesting denial of a
227.5 claim for refund has been filed under paragraph (b), or there has been a final determination
227.6 that the person is liable, collection action is not stayed pursuant to section 270C.33,
227.7 subdivision 5, for that assessment or for subsequent assessments of additional amounts for
227.8 the same person for the same period and tax type.

227.9 **EFFECTIVE DATE.** This section is effective for orders issued after the date of
227.10 final enactment.

227.11 Sec. 6. Minnesota Statutes 2008, section 275.07, is amended by adding a subdivision
227.12 to read:

227.13 Subd. 6. **Recertification due to unallotment.** If a local government's December
227.14 aid or credit payments under sections 477A.011 to 477A.014 and section 273.1384 are
227.15 reduced due to unallotment under section 16A.152, the local government may recertify
227.16 its levy under subdivision 1, by January 15 of the year in which the levy will be paid.
227.17 The local government must report the recertified amount to the county auditor within
227.18 two business days of January 15 or the levy will remain at the amount certified under
227.19 subdivision 1. Notwithstanding subdivision 4, the county auditor shall report to the
227.20 commissioner of revenue any recertified levies under this subdivision by January 30
227.21 of the year in which the levy will be paid.

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

227.23 Sec. 7. Minnesota Statutes 2008, section 275.70, subdivision 5, is amended to read:

227.24 Subd. 5. **Special levies.** "Special levies" means those portions of ad valorem taxes
227.25 levied by a local governmental unit for the following purposes or in the following manner:

227.26 (1) to pay the costs of the principal and interest on bonded indebtedness or to
227.27 reimburse for the amount of liquor store revenues used to pay the principal and interest
227.28 due on municipal liquor store bonds in the year preceding the year for which the levy
227.29 limit is calculated;

227.30 (2) to pay the costs of principal and interest on certificates of indebtedness issued for
227.31 any corporate purpose except for the following:

227.32 (i) tax anticipation or aid anticipation certificates of indebtedness;

227.33 (ii) certificates of indebtedness issued under sections 298.28 and 298.282;

228.1 (iii) certificates of indebtedness used to fund current expenses or to pay the costs of
228.2 extraordinary expenditures that result from a public emergency; or
228.3 (iv) certificates of indebtedness used to fund an insufficiency in tax receipts or
228.4 an insufficiency in other revenue sources;
228.5 (3) to provide for the bonded indebtedness portion of payments made to another
228.6 political subdivision of the state of Minnesota;
228.7 (4) to fund payments made to the Minnesota State Armory Building Commission
228.8 under section 193.145, subdivision 2, to retire the principal and interest on armory
228.9 construction bonds;
228.10 (5) property taxes approved by voters which are levied against the referendum
228.11 market value as provided under section 275.61;
228.12 (6) to fund matching requirements needed to qualify for federal or state grants or
228.13 programs to the extent that either (i) the matching requirement exceeds the matching
228.14 requirement in calendar year 2001, or (ii) it is a new matching requirement that did not
228.15 exist prior to 2002;
228.16 (7) to pay the expenses reasonably and necessarily incurred in preparing for or
228.17 repairing the effects of natural disaster including the occurrence or threat of widespread
228.18 or severe damage, injury, or loss of life or property resulting from natural causes, in
228.19 accordance with standards formulated by the Emergency Services Division of the state
228.20 Department of Public Safety, as allowed by the commissioner of revenue under section
228.21 275.74, subdivision 2;
228.22 (8) pay amounts required to correct an error in the levy certified to the county
228.23 auditor by a city or county in a levy year, but only to the extent that when added to the
228.24 preceding year's levy it is not in excess of an applicable statutory, special law or charter
228.25 limitation, or the limitation imposed on the governmental subdivision by sections 275.70
228.26 to 275.74 in the preceding levy year;
228.27 (9) to pay an abatement under section 469.1815;
228.28 (10) to pay any costs attributable to increases in the employer contribution rates
228.29 under chapter 353, or locally administered pension plans, that are effective after June
228.30 30, 2001;
228.31 (11) to pay the operating or maintenance costs of a county jail as authorized in
228.32 section 641.01 or 641.262, or of a correctional facility as defined in section 241.021,
228.33 subdivision 1, paragraph (f), to the extent that the county can demonstrate to the
228.34 commissioner of revenue that the amount has been included in the county budget as
228.35 a direct result of a rule, minimum requirement, minimum standard, or directive of the
228.36 Department of Corrections, or to pay the operating or maintenance costs of a regional jail

229.1 as authorized in section 641.262. For purposes of this clause, a district court order is
229.2 not a rule, minimum requirement, minimum standard, or directive of the Department of
229.3 Corrections. If the county utilizes this special levy, except to pay operating or maintenance
229.4 costs of a new regional jail facility under sections 641.262 to 641.264 which will not
229.5 replace an existing jail facility, any amount levied by the county in the previous levy year
229.6 for the purposes specified under this clause and included in the county's previous year's
229.7 levy limitation computed under section 275.71, shall be deducted from the levy limit
229.8 base under section 275.71, subdivision 2, when determining the county's current year
229.9 levy limitation. The county shall provide the necessary information to the commissioner
229.10 of revenue for making this determination;

229.11 (12) to pay for operation of a lake improvement district, as authorized under section
229.12 103B.555. If the county utilizes this special levy, any amount levied by the county in the
229.13 previous levy year for the purposes specified under this clause and included in the county's
229.14 previous year's levy limitation computed under section 275.71 shall be deducted from
229.15 the levy limit base under section 275.71, subdivision 2, when determining the county's
229.16 current year levy limitation. The county shall provide the necessary information to the
229.17 commissioner of revenue for making this determination;

229.18 (13) to repay a state or federal loan used to fund the direct or indirect required
229.19 spending by the local government due to a state or federal transportation project or other
229.20 state or federal capital project. This authority may only be used if the project is not a
229.21 local government initiative;

229.22 (14) to pay for court administration costs as required under section 273.1398,
229.23 subdivision 4b, less the (i) county's share of transferred fines and fees collected by the
229.24 district courts in the county for calendar year 2001 and (ii) the aid amount certified to be
229.25 paid to the county in 2004 under section 273.1398, subdivision 4c; however, for taxes
229.26 levied to pay for these costs in the year in which the court financing is transferred to the
229.27 state, the amount under this clause is limited to the amount of aid the county is certified to
229.28 receive under section 273.1398, subdivision 4a;

229.29 (15) to fund a police or firefighters relief association as required under section 69.77
229.30 to the extent that the required amount exceeds the amount levied for this purpose in 2001;

229.31 (16) for purposes of a storm sewer improvement district under section 444.20;

229.32 (17) to pay for the maintenance and support of a city or county society for the
229.33 prevention of cruelty to animals under section 343.11, but not to exceed in any year
229.34 \$4,800 or the sum of \$1 per capita based on the county's or city's population as of the most
229.35 recent federal census, whichever is greater. If the city or county uses this special levy, any
229.36 amount levied by the city or county in the previous levy year for the purposes specified

230.1 in this clause and included in the city's or county's previous year's levy limit computed
230.2 under section 275.71, must be deducted from the levy limit base under section 275.71,
230.3 subdivision 2, in determining the city's or county's current year levy limit;

230.4 (18) for counties, to pay for the increase in their share of health and human service
230.5 costs caused by reductions in federal health and human services grants effective after
230.6 September 30, 2007;

230.7 (19) for a city, for the costs reasonably and necessarily incurred for securing,
230.8 maintaining, or demolishing foreclosed or abandoned residential properties, as allowed by
230.9 the commissioner of revenue under section 275.74, subdivision 2. A city must have either
230.10 (i) a foreclosure rate of at least 1.4 percent in 2007, or (ii) a foreclosure rate in 2007 in
230.11 the city or in a zip code area of the city that is at least 50 percent higher than the average
230.12 foreclosure rate in the metropolitan area, as defined in section 473.121, subdivision 2,
230.13 to use this special levy. For purposes of this paragraph, "foreclosure rate" means the
230.14 number of foreclosures, as indicated by sheriff sales records, divided by the number of
230.15 households in the city in 2007;

230.16 (20) for a city, for the unreimbursed costs of redeployed traffic control agents and
230.17 lost traffic citation revenue due to the collapse of the Interstate 35W bridge, as certified
230.18 to the Federal Highway Administration;

230.19 (21) to pay costs attributable to wages and benefits for sheriff, police, and fire
230.20 personnel. If a local governmental unit did not use this special levy in the previous year its
230.21 levy limit base under section 275.71 shall be reduced by the amount equal to the amount it
230.22 levied for the purposes specified in this clause in the previous year; ~~and~~

230.23 (22) an amount equal to any reductions in the certified aids or credits payable
230.24 under sections 477A.011 to 477A.014, and section 273.1384, due to unallotment under
230.25 section 16A.152 in any year, reductions in aids under chapter 477A, that are enacted by
230.26 the legislature in the year in which the aid is paid, and reductions to credits under section
230.27 273.1384 enacted by the legislature in any year. The amount of the levy allowed under
230.28 this clause is equal to the amount unallotted or reduced in the calendar year in which the
230.29 tax is levied unless the ~~unallotment~~ amount is not known by September 1 of the levy year,
230.30 and the local government has not adjusted its levy under section 275.065, subdivision 6,
230.31 or section 275.07, subdivision 6, in which case the unallotment amount may be levied in
230.32 the following year;

230.33 (23) to pay for the difference between one-half of the costs of confining sex offenders
230.34 undergoing the civil commitment process and any state payments for this purpose pursuant
230.35 to section 253B.185, subdivision 5; and

231.1 (24) for a county to pay the costs of the first year of maintaining and operating a new
231.2 facility or new expansion, either of which contains courts, corrections, dispatch, criminal
231.3 investigation labs, or other public safety facilities and for which all or a portion of the
231.4 funding for the site acquisition, building design, site preparation, construction, and related
231.5 equipment was issued or authorized prior to the imposition of levy limits in 2008. The
231.6 levy limit base shall then be increased by an amount equal to the new facility's first full
231.7 year's operating costs as described in this clause.

231.8 **EFFECTIVE DATE.** This section is effective for levies certified in calendar year
231.9 2009 and thereafter, payable in 2010 and thereafter.

231.10 Sec. 8. Minnesota Statutes 2008, section 275.71, subdivision 4, is amended to read:

231.11 Subd. 4. **Adjusted levy limit base.** For taxes levied in ~~2008 through 2009~~ 2010,
231.12 the adjusted levy limit base is equal to the levy limit base computed under subdivision 2
231.13 or section 275.72, multiplied by:

231.14 (1) one plus the lesser of 3.9 percent or the percentage growth in the implicit price
231.15 deflator, but not less than two percent;

231.16 (2) one plus a percentage equal to 50 percent of the percentage increase in the number
231.17 of households, if any, for the most recent 12-month period for which data is available; and

231.18 (3) one plus a percentage equal to 50 percent of the percentage increase in the
231.19 taxable market value of the jurisdiction due to new construction of class 3 property, as
231.20 defined in section 273.13, subdivision 4, except for state-assessed utility and railroad
231.21 property, for the most recent year for which data is available.

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

231.23 Sec. 9. Minnesota Statutes 2008, section 287.08, is amended to read:

231.24 **287.08 TAX, HOW PAYABLE; RECEIPTS.**

231.25 (a) The tax imposed by sections 287.01 to 287.12 must be paid to the treasurer of
231.26 any county in this state in which the real property or some part is located at or before
231.27 the time of filing the mortgage for record. The treasurer shall endorse receipt on the
231.28 mortgage and the receipt is conclusive proof that the tax has been paid in the amount
231.29 stated and authorizes any county recorder or registrar of titles to record the mortgage. Its
231.30 form, in substance, shall be "registration tax hereon of dollars paid." If the
231.31 mortgage is exempt from taxation the endorsement shall, in substance, be "exempt from
231.32 registration tax." In either case the receipt must be signed by the treasurer. In case the
231.33 treasurer is unable to determine whether a claim of exemption should be allowed, the tax

232.1 must be paid as in the case of a taxable mortgage. For documents submitted electronically,
232.2 the endorsements and tax amount shall be affixed electronically and no signature by the
232.3 treasurer will be required. The actual payment method must be arranged in advance
232.4 between the submitter and the receiving county.

232.5 (b) The county treasurer may refund in whole or in part any mortgage registry tax
232.6 overpayment if a written application by the taxpayer is submitted to the county treasurer
232.7 within 3-1/2 years from the date of the overpayment. If the county has not issued a denial
232.8 of the application, the taxpayer may bring an action in Tax Court in the county in which
232.9 the tax was paid at any time after the expiration of six months from the time that the
232.10 application was submitted. A denial of refund may be appealed within 60 days from
232.11 the date of the denial by bringing an action in Tax Court in the county in which the tax
232.12 was paid. The action is commenced by the serving of a petition for relief on the county
232.13 treasurer, and by filing a copy with the court. The county attorney shall defend the action.
232.14 The county treasurer shall notify the treasurer of each county that has or would receive a
232.15 portion of the tax as paid.

232.16 (c) If the county treasurer determines a refund should be paid, or if a refund is
232.17 ordered by the court, the county treasurer of each county that actually received a portion
232.18 of the tax shall immediately pay a proportionate share of three percent of the refund
232.19 using any available county funds. The county treasurer of each county that received, or
232.20 would have received, a portion of the tax shall also pay their county's proportionate share
232.21 of the remaining 97 percent of the court-ordered refund on or before the 20th day of the
232.22 following month using solely the mortgage registry tax funds that would be paid to the
232.23 commissioner of revenue on that date under section 287.12. If the funds on hand under
232.24 this procedure are insufficient to fully fund 97 percent of the court-ordered refund, the
232.25 county treasurer of the county in which the action was brought shall file a claim with the
232.26 commissioner of revenue under section 16A.48 for the remaining portion of 97 percent of
232.27 the refund, and shall pay over the remaining portion upon receipt of a warrant from the
232.28 state issued pursuant to the claim.

232.29 (d) When any mortgage covers real property located in more than one county in this
232.30 state the total tax must be paid to the treasurer of the county where the mortgage is first
232.31 presented for recording, and the payment must be receipted as provided in paragraph (a).
232.32 ~~If the principal debt or obligation secured by such a multiple county mortgage exceeds~~
232.33 ~~\$1,000,000, the nonstate portion of the tax must be divided and paid over by the county~~
232.34 ~~treasurer receiving it, on or before the 20th day of each month after receipt, to the county~~
232.35 ~~or counties entitled in the ratio that the market value of the real property covered by the~~
232.36 ~~mortgage in each county bears to the market value of all the real property in this state~~

233.1 ~~described in the mortgage. In making the division and payment the county treasurer shall~~
233.2 ~~send a statement giving the description of the real property described in the mortgage and~~
233.3 ~~the market value of the part located in each county. For this purpose, the treasurer of any~~
233.4 ~~county may require the treasurer of any other county to certify to the former the market~~
233.5 ~~valuation of any tract of real property in any mortgage.~~

233.6 (e) The mortgagor must pay the tax imposed by sections 287.01 to 287.12. The
233.7 mortgagee may undertake to collect and remit the tax on behalf of the mortgagor. If the
233.8 mortgagee collects money from the mortgagor to remit the tax on behalf of the mortgagor,
233.9 the mortgagee has a fiduciary duty to remit the tax on behalf of the mortgagor as to the
233.10 amount of the tax collected for that purpose and the mortgagor is relieved of any further
233.11 obligation to pay the tax as to the amount collected by the mortgagee for this purpose.

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

233.13 Sec. 10. Minnesota Statutes 2008, section 475.51, subdivision 4, is amended to read:

233.14 Subd. 4. **Net debt.** "Net debt" means the amount remaining after deducting from its
233.15 gross debt the amount of current revenues which are applicable within the current fiscal
233.16 year to the payment of any debt and the aggregate of the principal of the following:

233.17 (1) Obligations issued for improvements which are payable wholly or partly from the
233.18 proceeds of special assessments levied upon property specially benefited thereby, including
233.19 those which are general obligations of the municipality issuing them, if the municipality is
233.20 entitled to reimbursement in whole or in part from the proceeds of the special assessments.

233.21 (2) Warrants or orders having no definite or fixed maturity.

233.22 (3) Obligations payable wholly from the income from revenue producing
233.23 conveniences.

233.24 (4) Obligations issued to create or maintain a permanent improvement revolving
233.25 fund.

233.26 (5) Obligations issued for the acquisition, and betterment of public waterworks
233.27 systems, and public lighting, heating or power systems, and of any combination thereof or
233.28 for any other public convenience from which a revenue is or may be derived.

233.29 (6) Debt service loans and capital loans made to a school district under the provisions
233.30 of sections 126C.68 and 126C.69.

233.31 (7) Amount of all money and the face value of all securities held as a debt service
233.32 fund for the extinguishment of obligations other than those deductible under this
233.33 subdivision.

233.34 (8) Obligations to repay loans made under section 216C.37.

(9) Obligations to repay loans made from money received from litigation or settlement of alleged violations of federal petroleum pricing regulations.

(10) Obligations issued to pay pension fund ~~or other postemployment benefit~~ liabilities under section 475.52, subdivision 6, or any charter authority.

(11) Obligations issued to pay judgments against the municipality under section 475.52, subdivision 6, or any charter authority.

(12) All other obligations which under the provisions of law authorizing their issuance are not to be included in computing the net debt of the municipality.

EFFECTIVE DATE. This section is effective for obligations sold after August 1, 2009.

Sec. 11. Minnesota Statutes 2008, section 475.52, subdivision 6, is amended to read:

Subd. 6. **Certain purposes.** Any municipality may issue bonds for paying judgments against it; for refunding outstanding bonds; for funding floating indebtedness; ~~for funding actuarial liabilities to pay postemployment benefits to employees or officers after their termination of service;~~ or for funding all or part of the municipality's current and future unfunded liability for a pension or retirement fund or plan referred to in section 356.20, subdivision 2, as those liabilities are most recently computed pursuant to sections 356.215 and 356.216. The board of trustees or directors of a pension fund or relief association referred to in section 69.77 or chapter 422A must consent and must be a party to any contract made under this section with respect to the fund held by it for the benefit of and in trust for its members. ~~For purposes of this section, the term "postemployment benefits" means benefits giving rise to a liability under Statement No. 45 of the Governmental Accounting Standards Board.~~

EFFECTIVE DATE. This section is effective for obligations sold after August 1, 2009.

Sec. 12. Minnesota Statutes 2008, section 475.58, subdivision 1, is amended to read:

Subdivision 1. **Approval by electors; exceptions.** Obligations authorized by law or charter may be issued by any municipality upon obtaining the approval of a majority of the electors voting on the question of issuing the obligations, but an election shall not be required to authorize obligations issued:

(1) to pay any unpaid judgment against the municipality;

(2) for refunding obligations;

(3) for an improvement or improvement program, which obligation is payable wholly or partly from the proceeds of special assessments levied upon property specially benefited by the improvement or by an improvement within the improvement program, or from tax increments, as defined in section 469.174, subdivision 25, including obligations which are the general obligations of the municipality, if the municipality is entitled to reimbursement in whole or in part from the proceeds of such special assessments or tax increments and not less than 20 percent of the cost of the improvement or the improvement program is to be assessed against benefited property or is to be paid from the proceeds of federal grant funds or a combination thereof, or is estimated to be received from tax increments;

(4) payable wholly from the income of revenue producing conveniences;

(5) under the provisions of a home rule charter which permits the issuance of obligations of the municipality without election;

(6) under the provisions of a law which permits the issuance of obligations of a municipality without an election;

(7) to fund pension or retirement fund ~~or postemployment benefit~~ liabilities pursuant to section 475.52, subdivision 6;

(8) under a capital improvement plan under section 373.40; and

(9) under sections 469.1813 to 469.1815 (property tax abatement authority bonds), if the proceeds of the bonds are not used for a purpose prohibited under section 469.176, subdivision 4g, paragraph (b).

EFFECTIVE DATE. This section is effective for obligations sold after August 1, 2009.

Sec. 13. [475.755] EMERGENCY DEBT CERTIFICATES.

(a) If at any time during a fiscal year the receipts of a local government are reasonably expected to be reduced below the amount provided in the local government's budget when the final property tax levy to be collected during the fiscal year was certified and the receipts are insufficient to meet the expenses incurred or to be incurred during the fiscal year, the governing body of the local government may authorize and sell certificates of indebtedness to mature within two years or less from the end of the fiscal year in which the certificates are issued. The maximum principal amount of the certificates that it may issue in a fiscal year is limited to the expected reduction in receipts plus the cost of issuance. The certificates may be issued in the manner and on the terms the governing body determines by resolution.

(b) The governing body of the local government shall levy taxes for the payment of principal and interest on the certificates in accordance with section 475.61.

236.1 (c) The certificates are not to be included in the net debt of the issuing local
236.2 government.

236.3 (d) To the extent that a local government issues certificates under this section to fund
236.4 an unallotment or other reduction in its state aid, the local government may not use a
236.5 special levy for the aid reduction under section 275.70, subdivision 5, clause (22), or a
236.6 similar or successor provision. This provision does not affect the status of the levy under
236.7 section 475.61 to pay the certificates as a levy that is not subject to levy limits.

236.8 (e) For purposes of this section, the following terms have the meanings given:

236.9 (1) "Local government" means a statutory or home rule charter city, a town, or
236.10 a county.

236.11 (2) "Receipts" includes the following amounts scheduled to be received by the
236.12 local government for the fiscal year from:

236.13 (i) taxes;

236.14 (ii) aid payments previously certified by the state to be paid to the local government;

236.15 (iii) state reimbursement payments for property tax credits; and

236.16 (iv) any other source.

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

236.18 Sec. 14. **BUDGET RESERVE.**

236.19 In fiscal year 2010, the commissioner of finance shall transfer \$250,000,000 to the
236.20 budget reserve account in the general fund. The commissioner shall make this transfer
236.21 from general fund revenues resulting from legislation enacted in the 2009 legislative
236.22 session. The amount necessary for this purpose is appropriated from the general fund.

236.23 Sec. 15. **APPROPRIATIONS.**

236.24 Subdivision 1. **Bovine tuberculosis testing grants.** \$360,000 in fiscal year
236.25 2010 and \$360,000 in fiscal year 2011 are appropriated from the general fund to the
236.26 commissioner of agriculture to make bovine tuberculosis testing grants as provided in
236.27 Minnesota Statutes, section 17.1195. Of this amount, the commissioner may use up to five
236.28 percent for administrative expenses related to the grant program.

236.29 Subd. 2. **Bovine tuberculosis; split state status grants.** \$400,000 in fiscal year
236.30 2010 and \$400,000 in fiscal year 2011 are appropriated from the general fund to the
236.31 commissioner of agriculture to make bovine tuberculosis split state status grants as
236.32 provided in Minnesota Statutes, section 17.1197. Of this amount, the commissioner may
236.33 use up to five percent for administrative expenses related to the grant program.

237.1 Subd. 3. **Basic sliding fee child care.** \$5,000,000 in fiscal year 2010 and \$5,000,000
237.2 in fiscal year 2011 are appropriated from the general fund to the commissioner of human
237.3 services for basic sliding fee child care under Minnesota Statutes, section 119B.03. This
237.4 appropriation is added to base level funding and is in addition to any other appropriation
237.5 for the same purpose. Notwithstanding any other law to the contrary, this appropriation
237.6 may only be used to fund child care assistance.

APPENDIX
Article locations in H2323-1

ARTICLE 1	INDIVIDUAL INCOME, CORPORATE FRANCHISE, AND ESTATE AND GIFT TAXES	Page.Ln 3.18
ARTICLE 2	COUNTY REVENUE REFORM	Page.Ln 51.20
ARTICLE 3	PROPERTY TAX REFORM, ACCOUNTABILITY, VALUE, AND EFFICIENCY PROVISIONS	Page.Ln 59.14
ARTICLE 4	LOCAL GOVERNMENT FLEXIBILITY AND MANDATE REDUCTION PROVISIONS	Page.Ln 72.10
ARTICLE 5	TRUTH IN TAXATION	Page.Ln 82.21
ARTICLE 6	PROPERTY TAX	Page.Ln 97.6
ARTICLE 7	AIDS AND CREDITS	Page.Ln 133.17
ARTICLE 8	SEASONAL RECREATIONAL PROPERTY TAX DEFERRAL PROGRAM	Page.Ln 144.15
ARTICLE 9	SPECIAL TAXES	Page.Ln 151.18
ARTICLE 10	SALES AND USE TAX	Page.Ln 156.16
ARTICLE 11	LOCAL DEVELOPMENT	Page.Ln 189.29
ARTICLE 12	MINERALS	Page.Ln 207.16
ARTICLE 13	MISCELLANEOUS	Page.Ln 217.12

245.4835 COUNTY MAINTENANCE OF EFFORT.

Subdivision 1. **Required expenditures.** Counties must maintain a level of expenditures for mental health services under sections 245.461 to 245.484 and 245.487 to 245.4889 so that each year's county expenditures are at least equal to that county's average expenditures for those services for calendar years 2004 and 2005. The commissioner will adjust each county's base level for minimum expenditures in each year by the amount of any increase or decrease in that county's state grants or other noncounty revenues for mental health services under sections 245.461 to 245.484 and 245.487 to 245.4889.

Subd. 2. **Failure to maintain expenditures.** If a county does not comply with subdivision 1, the commissioner shall require the county to develop a corrective action plan according to a format and timeline established by the commissioner. If the commissioner determines that a county has not developed an acceptable corrective action plan within the required timeline, or that the county is not in compliance with an approved corrective action plan, the protections provided to that county under section 245.485 do not apply.

245.4932 REVENUE ENHANCEMENT; AUTHORITY AND RESPONSIBILITIES.

Subdivision 1. **Collaborative responsibilities.** The children's mental health collaborative shall have the following authority and responsibilities regarding federal revenue enhancement:

- (1) the collaborative must establish an integrated fund;
- (2) the collaborative shall designate a lead county or other qualified entity as the fiscal agency for reporting, claiming, and receiving payments;
- (3) the collaborative or lead county may enter into subcontracts with other counties, school districts, special education cooperatives, municipalities, and other public and nonprofit entities for purposes of identifying and claiming eligible expenditures to enhance federal reimbursement;
- (4) the collaborative shall use any enhanced revenue attributable to the activities of the collaborative, including administrative and service revenue, solely to provide mental health services or to expand the operational target population. The lead county or other qualified entity may not use enhanced federal revenue for any other purpose;
- (5) the members of the collaborative must continue the base level of expenditures, as defined in section 245.492, subdivision 2, for services for children with emotional or behavioral disturbances and their families from any state, county, federal, or other public or private funding source which, in the absence of the new federal reimbursement earned under sections 245.491 to 245.495, would have been available for those services. The base year for purposes of this subdivision shall be the accounting period closest to state fiscal year 1993;
- (6) the collaborative or lead county must develop and maintain an accounting and financial management system adequate to support all claims for federal reimbursement, including a clear audit trail and any provisions specified in the contract with the commissioner of human services;
- (7) the collaborative or its members may elect to pay the nonfederal share of the medical assistance costs for services designated by the collaborative; and
- (8) the lead county or other qualified entity may not use federal funds or local funds designated as matching for other federal funds to provide the nonfederal share of medical assistance.

246.54 LIABILITY OF COUNTY; REIMBURSEMENT.

Subdivision 1. **County portion for cost of care.** (a) Except for chemical dependency services provided under sections 254B.01 to 254B.09, the client's county shall pay to the state of Minnesota a portion of the cost of care provided in a regional treatment center or a state nursing facility to a client legally settled in that county. A county's payment shall be made from the county's own sources of revenue and payments shall equal a percentage of the cost of care, as determined by the commissioner, for each day, or the portion thereof, that the client spends at a regional treatment center or a state nursing facility according to the following schedule:

- (1) zero percent for the first 30 days;
 - (2) 20 percent for days 31 to 60; and
 - (3) 50 percent for any days over 60.
- (b) The increase in the county portion for cost of care under paragraph (a), clause (3), shall be imposed when the treatment facility has determined that it is clinically appropriate for the client to be discharged.
- (c) If payments received by the state under sections 246.50 to 246.53 exceed 80 percent of the cost of care for days 31 to 60, or 50 percent for days over 60, the county shall be responsible

APPENDIX

Repealed Minnesota Statutes: H2323-1

for paying the state only the remaining amount. The county shall not be entitled to reimbursement from the client, the client's estate, or from the client's relatives, except as provided in section 246.53.

Subd. 2. **Exceptions.** (a) Subdivision 1 does not apply to services provided at the Minnesota Security Hospital, the Minnesota sex offender program, or the Minnesota extended treatment options program. For services at these facilities, a county's payment shall be made from the county's own sources of revenue and payments shall be paid as follows: payments to the state from the county shall equal ten percent of the cost of care, as determined by the commissioner, for each day, or the portion thereof, that the client spends at the facility. If payments received by the state under sections 246.50 to 246.53 exceed 90 percent of the cost of care, the county shall be responsible for paying the state only the remaining amount. The county shall not be entitled to reimbursement from the client, the client's estate, or from the client's relatives, except as provided in section 246.53.

(b) Regardless of the facility to which the client is committed, subdivision 1 does not apply to the following individuals:

(1) clients who are committed as mentally ill and dangerous under section 253B.02, subdivision 17;

(2) clients who are committed as sexual psychopathic personalities under section 253B.02, subdivision 18b; and

(3) clients who are committed as sexually dangerous persons under section 253B.02, subdivision 18c.

For each of the individuals in clauses (1) to (3), the payment by the county to the state shall equal ten percent of the cost of care for each day as determined by the commissioner.

252.275 SEMI-INDEPENDENT LIVING SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.

Subd. 3. **Reimbursement.** Counties shall be reimbursed for all expenditures made pursuant to subdivision 1 at a rate of 70 percent, up to the allocation determined pursuant to subdivisions 4 and 4b. However, the commissioner shall not reimburse costs of services for any person if the costs exceed the state share of the average medical assistance costs for services provided by intermediate care facilities for a person with a developmental disability for the same fiscal year, and shall not reimburse costs of a onetime living allowance for any person if the costs exceed \$1,500 in a state fiscal year. The commissioner may make payments to each county in quarterly installments. The commissioner may certify an advance of up to 25 percent of the allocation. Subsequent payments shall be made on a reimbursement basis for reported expenditures and may be adjusted for anticipated spending patterns.

253B.045 TEMPORARY CONFINEMENT.

Subd. 2. **Facilities.** Each county or a group of counties shall maintain or provide by contract a facility for confinement of persons held temporarily for observation, evaluation, diagnosis, treatment, and care. When the temporary confinement is provided at a regional treatment center, the commissioner shall charge the county of financial responsibility for the costs of confinement of persons hospitalized under section 253B.05, subdivisions 1 and 2, and section 253B.07, subdivision 2b, except that the commissioner shall bill the responsible health plan first. If the person has health plan coverage, but the hospitalization does not meet the criteria in subdivision 6 or section 62M.07, 62Q.53, or 62Q.535, the county is responsible. When a person is temporarily confined in a Department of Corrections facility solely under subdivision 1a, and not based on any separate correctional authority:

(1) the commissioner of corrections may charge the county of financial responsibility for the costs of confinement; and

(2) the Department of Human Services shall use existing appropriations to fund all remaining nonconfinement costs. The funds received by the commissioner for the confinement and nonconfinement costs are appropriated to the department for these purposes.

"County of financial responsibility" means the county in which the person resides at the time of confinement or, if the person has no residence in this state, the county which initiated the confinement. The charge for confinement in a facility operated by the commissioner of human services shall be based on the commissioner's determination of the cost of care pursuant to section 246.50, subdivision 5. When there is a dispute as to which county is the county of financial responsibility, the county charged for the costs of confinement shall pay for them pending final determination of the dispute over financial

APPENDIX

Repealed Minnesota Statutes: H2323-1

responsibility. Disputes about the county of financial responsibility shall be submitted to the commissioner to be settled in the manner prescribed in section 256G.09.

254B.04 ELIGIBILITY FOR CHEMICAL DEPENDENCY FUND SERVICES.

Subdivision 1. **Eligibility.** (a) Persons eligible for benefits under Code of Federal Regulations, title 25, part 20, persons eligible for medical assistance benefits under sections 256B.055, 256B.056, and 256B.057, subdivisions 1, 2, 5, and 6, or who meet the income standards of section 256B.056, subdivision 4, and persons eligible for general assistance medical care under section 256D.03, subdivision 3, are entitled to chemical dependency fund services. State money appropriated for this paragraph must be placed in a separate account established for this purpose.

Persons with dependent children who are determined to be in need of chemical dependency treatment pursuant to an assessment under section 626.556, subdivision 10, or a case plan under section 260C.201, subdivision 6, or 260C.212, shall be assisted by the local agency to access needed treatment services. Treatment services must be appropriate for the individual or family, which may include long-term care treatment or treatment in a facility that allows the dependent children to stay in the treatment facility. The county shall pay for out-of-home placement costs, if applicable.

(b) A person not entitled to services under paragraph (a), but with family income that is less than 215 percent of the federal poverty guidelines for the applicable family size, shall be eligible to receive chemical dependency fund services within the limit of funds appropriated for this group for the fiscal year. If notified by the state agency of limited funds, a county must give preferential treatment to persons with dependent children who are in need of chemical dependency treatment pursuant to an assessment under section 626.556, subdivision 10, or a case plan under section 260C.201, subdivision 6, or 260C.212. A county may spend money from its own sources to serve persons under this paragraph. State money appropriated for this paragraph must be placed in a separate account established for this purpose.

(c) Persons whose income is between 215 percent and 412 percent of the federal poverty guidelines for the applicable family size shall be eligible for chemical dependency services on a sliding fee basis, within the limit of funds appropriated for this group for the fiscal year. Persons eligible under this paragraph must contribute to the cost of services according to the sliding fee scale established under subdivision 3. A county may spend money from its own sources to provide services to persons under this paragraph. State money appropriated for this paragraph must be placed in a separate account established for this purpose.

256.82 PAYMENTS BY STATE.

Subd. 2. **Foster care maintenance payments.** Beginning January 1, 1986, for the purpose of foster care maintenance payments under title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676, the county paying the maintenance costs must be reimbursed for the costs from the federal money available for the purpose. Beginning July 1, 1997, for the purposes of determining a child's eligibility under title IV-E of the Social Security Act, the placing agency shall use AFDC requirements in effect on July 16, 1996.

256.976 FOSTER GRANDPARENTS PROGRAM.

Subdivision 1. **Program established.** There is established a foster grandparents program which will engage the services of low-income persons aged 60 or over to provide supportive person to person assistance in health, education, welfare, and related fields to persons receiving care in resident group homes for dependent and neglected persons, day care centers or other public or private nonprofit institutions or agencies providing care for neglected and disadvantaged persons who lack close personal relationships.

Subd. 2. **Compensation.** Persons employed as foster grandparents shall be compensated for no more than 20 hours per week and at an hourly rate not to exceed the federal minimum wage by more than 20 percent. In addition to such compensation foster grandparents shall be eligible for protective clothing, including replacement of glasses; transportation assistance, not to exceed mileage payments for 20 miles per day or chartered transportation service, for travel between residence and place of employment; workers' compensation; annual physical examinations; food services during employment, generally provided by the employing agency or institution; and such other assistance as the Minnesota Board on Aging may prescribe. No person employed as a foster grandparent shall be terminated because of redefinition of income standards, or a change of income, marital status, or number of dependents.

APPENDIX

Repealed Minnesota Statutes: H2323-1

Subd. 3. **Grants-in-aid.** The Minnesota Board on Aging, hereinafter called the board, may make grants-in-aid for the employment of foster grandparents to qualified resident group homes for dependent and neglected persons, day care centers and other public or nonprofit private institutions and agencies providing care for neglected and disadvantaged persons who lack close personal relationships. Agencies and institutions seeking aid shall apply on a form prescribed by the board. Priority shall be given to agencies and institutions providing care for retarded children. Grants shall not be made to local public or nonprofit agencies until 40 percent of the recognized need for foster grandparents within state institutions has been met. Grants shall be for a period of 12 months or less, and grants to local public and nonprofit agencies or institutions shall be based on 90 percent state, and ten percent local sharing of program expenditures authorized by the board. Grants shall not be used to match other state funds nor shall any person paid from grant funds be used to replace any staff member of the grantee. Grants may be used to match federal funds. Each grantee shall file a semiannual report with the board at the time and containing such information as the board shall prescribe.

Subd. 4. **Rulemaking authority.** The board is authorized, subject to the provisions of chapter 14, to make rules necessary to the operation of the foster grandparent program and to employ assistance in performing its administrative duties. In adopting rules the board shall give consideration to applicable federal guidelines.

256B.05 ADMINISTRATION BY COUNTY AGENCIES.

Subdivision 1. **Administration of medical assistance.** The county agencies shall administer medical assistance in their respective counties under the supervision of the state agency and the commissioner of human services as specified in section 256.01, and shall make such reports, prepare such statistics, and keep such records and accounts in relation to medical assistance as the state agency may require under section 256.01, subdivision 2, paragraph (17).

256B.0625 COVERED SERVICES.

Subd. 20. **Mental health case management.** (a) To the extent authorized by rule of the state agency, medical assistance covers case management services to persons with serious and persistent mental illness and children with severe emotional disturbance. Services provided under this section must meet the relevant standards in sections 245.461 to 245.4887, the Comprehensive Adult and Children's Mental Health Acts, Minnesota Rules, parts 9520.0900 to 9520.0926, and 9505.0322, excluding subpart 10.

(b) Entities meeting program standards set out in rules governing family community support services as defined in section 245.4871, subdivision 17, are eligible for medical assistance reimbursement for case management services for children with severe emotional disturbance when these services meet the program standards in Minnesota Rules, parts 9520.0900 to 9520.0926 and 9505.0322, excluding subparts 6 and 10.

(c) Medical assistance and MinnesotaCare payment for mental health case management shall be made on a monthly basis. In order to receive payment for an eligible child, the provider must document at least a face-to-face contact with the child, the child's parents, or the child's legal representative. To receive payment for an eligible adult, the provider must document:

(1) at least a face-to-face contact with the adult or the adult's legal representative; or
(2) at least a telephone contact with the adult or the adult's legal representative and document a face-to-face contact with the adult or the adult's legal representative within the preceding two months.

(d) Payment for mental health case management provided by county or state staff shall be based on the monthly rate methodology under section 256B.094, subdivision 6, paragraph (b), with separate rates calculated for child welfare and mental health, and within mental health, separate rates for children and adults.

(e) Payment for mental health case management provided by Indian health services or by agencies operated by Indian tribes may be made according to this section or other relevant federally approved rate setting methodology.

(f) Payment for mental health case management provided by vendors who contract with a county or Indian tribe shall be based on a monthly rate negotiated by the host county or tribe. The negotiated rate must not exceed the rate charged by the vendor for the same service to other payers. If the service is provided by a team of contracted vendors, the county or tribe may negotiate a team rate with a vendor who is a member of the team. The team shall determine how to distribute the rate among its members. No reimbursement received by contracted vendors shall

APPENDIX

Repealed Minnesota Statutes: H2323-1

be returned to the county or tribe, except to reimburse the county or tribe for advance funding provided by the county or tribe to the vendor.

(g) If the service is provided by a team which includes contracted vendors, tribal staff, and county or state staff, the costs for county or state staff participation in the team shall be included in the rate for county-provided services. In this case, the contracted vendor, the tribal agency, and the county may each receive separate payment for services provided by each entity in the same month. In order to prevent duplication of services, each entity must document, in the recipient's file, the need for team case management and a description of the roles of the team members.

(h) Notwithstanding section 256B.19, subdivision 1, the nonfederal share of costs for mental health case management shall be provided by the recipient's county of responsibility, as defined in sections 256G.01 to 256G.12, from sources other than federal funds or funds used to match other federal funds. If the service is provided by a tribal agency, the nonfederal share, if any, shall be provided by the recipient's tribe. When this service is paid by the state without a federal share through fee-for-service, 50 percent of the cost shall be provided by the recipient's county of responsibility.

(i) Notwithstanding any administrative rule to the contrary, prepaid medical assistance, general assistance medical care, and MinnesotaCare include mental health case management. When the service is provided through prepaid capitation, the nonfederal share is paid by the state and the county pays no share.

(j) The commissioner may suspend, reduce, or terminate the reimbursement to a provider that does not meet the reporting or other requirements of this section. The county of responsibility, as defined in sections 256G.01 to 256G.12, or, if applicable, the tribal agency, is responsible for any federal disallowances. The county or tribe may share this responsibility with its contracted vendors.

(k) The commissioner shall set aside a portion of the federal funds earned for county expenditures under this section to repay the special revenue maximization account under section 256.01, subdivision 2, clause (15). The repayment is limited to:

- (1) the costs of developing and implementing this section; and
- (2) programming the information systems.

(l) Payments to counties and tribal agencies for case management expenditures under this section shall only be made from federal earnings from services provided under this section. When this service is paid by the state without a federal share through fee-for-service, 50 percent of the cost shall be provided by the state. Payments to county-contracted vendors shall include the federal earnings, the state share, and the county share.

(m) Case management services under this subdivision do not include therapy, treatment, legal, or outreach services.

(n) If the recipient is a resident of a nursing facility, intermediate care facility, or hospital, and the recipient's institutional care is paid by medical assistance, payment for case management services under this subdivision is limited to the lesser of:

- (1) the last 180 days of the recipient's residency in that facility and may not exceed more than six months in a calendar year; or
- (2) the limits and conditions which apply to federal Medicaid funding for this service.

(o) Payment for case management services under this subdivision shall not duplicate payments made under other program authorities for the same purpose.

Subd. 20a. **Case management; developmental disabilities.** To the extent defined in the state Medicaid plan, case management service activities for persons with developmental disabilities as defined in section 256B.092, and rules promulgated thereunder, are covered services under medical assistance.

256B.0945 SERVICES FOR CHILDREN WITH SEVERE EMOTIONAL DISTURBANCE.

Subdivision 1. **Residential services; provider qualifications.** Counties must arrange to provide residential services for children with severe emotional disturbance according to sections 245.4882, 245.4885, and this section. Services must be provided by a facility that is licensed according to section 245.4882 and administrative rules promulgated thereunder, and under contract with the county.

Subd. 2. **Covered services.** All services must be included in a child's individualized treatment or multiagency plan of care as defined in chapter 245.

For facilities that are not institutions for mental diseases according to federal statute and regulation, medical assistance covers mental health-related services that are required to be

APPENDIX

Repealed Minnesota Statutes: H2323-1

provided by a residential facility under section 245.4882 and administrative rules promulgated thereunder, except for room and board.

Subd. 3. **Centralized disbursement of medical assistance payments.** Notwithstanding section 256B.041, county payments for the cost of residential services provided under this section shall not be made to the commissioner of finance.

Subd. 4. **Payment rates.** (a) Notwithstanding sections 256B.19 and 256B.041, payments to counties for residential services provided by a residential facility shall only be made of federal earnings for services provided under this section, and the nonfederal share of costs for services provided under this section shall be paid by the county from sources other than federal funds or funds used to match other federal funds. Payment to counties for services provided according to this section shall be a proportion of the per day contract rate that relates to rehabilitative mental health services and shall not include payment for costs or services that are billed to the IV-E program as room and board.

(b) Per diem rates paid to providers under this section by prepaid plans shall be the proportion of the per-day contract rate that relates to rehabilitative mental health services and shall not include payment for group foster care costs or services that are billed to the county of financial responsibility.

(c) The commissioner shall set aside a portion not to exceed five percent of the federal funds earned for county expenditures under this section to cover the state costs of administering this section. Any unexpended funds from the set-aside shall be distributed to the counties in proportion to their earnings under this section.

256B.19 DIVISION OF COST.

Subdivision 1. **Division of cost.** The state and county share of medical assistance costs not paid by federal funds shall be as follows:

(1) beginning January 1, 1992, 50 percent state funds and 50 percent county funds for the cost of placement of severely emotionally disturbed children in regional treatment centers;

(2) beginning January 1, 2003, 80 percent state funds and 20 percent county funds for the costs of nursing facility placements of persons with disabilities under the age of 65 that have exceeded 90 days. This clause shall be subject to chapter 256G and shall not apply to placements in facilities not certified to participate in medical assistance;

(3) beginning July 1, 2004, 90 percent state funds and ten percent county funds for the costs of placements that have exceeded 90 days in intermediate care facilities for persons with developmental disabilities that have seven or more beds. This provision includes pass-through payments made under section 256B.5015; and

(4) beginning July 1, 2004, when state funds are used to pay for a nursing facility placement due to the facility's status as an institution for mental diseases (IMD), the county shall pay 20 percent of the nonfederal share of costs that have exceeded 90 days. This clause is subject to chapter 256G.

For counties that participate in a Medicaid demonstration project under sections 256B.69 and 256B.71, the division of the nonfederal share of medical assistance expenses for payments made to prepaid health plans or for payments made to health maintenance organizations in the form of prepaid capitation payments, this division of medical assistance expenses shall be 95 percent by the state and five percent by the county of financial responsibility.

In counties where prepaid health plans are under contract to the commissioner to provide services to medical assistance recipients, the cost of court ordered treatment ordered without consulting the prepaid health plan that does not include diagnostic evaluation, recommendation, and referral for treatment by the prepaid health plan is the responsibility of the county of financial responsibility.

256D.03 RESPONSIBILITY TO PROVIDE GENERAL ASSISTANCE.

Subdivision 1. **County administration.** Every county agency shall provide general assistance to persons residing within its jurisdiction who meet the need requirements of sections 256D.01 to 256D.21. General assistance shall be administered by the county agencies according to law and rules promulgated by the commissioner pursuant to sections 14.001 to 14.69.

Subd. 2. **Assistance standards.** State aid shall be paid for all general assistance and grants up to the standards of section 256D.01, subdivision 1a, and according to procedures established by the commissioner, except as provided for under section 256.017.

Subd. 2a. **County agency options.** Any county agency may, from its own resources, make payments of general assistance: (a) at a standard higher than that established by the commissioner

APPENDIX

Repealed Minnesota Statutes: H2323-1

without reference to the standards of section 256D.01, subdivision 1; or (b) to persons not meeting the eligibility standards set forth in section 256D.05, subdivision 1, but for whom the aid would further the purposes established in the general assistance program according to rules adopted by the commissioner according to the Administrative Procedure Act. The Minnesota Department of Human Services may maintain client records and issue these payments, providing the cost of benefits is paid by the counties to the Department of Human Services according to section 256.01.

Subd. 3. **General assistance medical care; eligibility.** (a) General assistance medical care may be paid for any person who is not eligible for medical assistance under chapter 256B, including eligibility for medical assistance based on a spenddown of excess income according to section 256B.056, subdivision 5, or MinnesotaCare as defined in paragraph (b), except as provided in paragraph (c), and:

(1) who is receiving assistance under section 256D.05, except for families with children who are eligible under Minnesota family investment program (MFIP), or who is having a payment made on the person's behalf under sections 256I.01 to 256I.06; or

(2) who is a resident of Minnesota; and

(i) who has gross countable income not in excess of 75 percent of the federal poverty guidelines for the family size, using a six-month budget period and whose equity in assets is not in excess of \$1,000 per assistance unit. General assistance medical care is not available for applicants or enrollees who are otherwise eligible for medical assistance but fail to verify their assets. Enrollees who become eligible for medical assistance shall be terminated and transferred to medical assistance. Exempt assets, the reduction of excess assets, and the waiver of excess assets must conform to the medical assistance program in section 256B.056, subdivisions 3 and 3d, with the following exception: the maximum amount of undistributed funds in a trust that could be distributed to or on behalf of the beneficiary by the trustee, assuming the full exercise of the trustee's discretion under the terms of the trust, must be applied toward the asset maximum;

(ii) who has gross countable income above 75 percent of the federal poverty guidelines but not in excess of 175 percent of the federal poverty guidelines for the family size, using a six-month budget period, whose equity in assets is not in excess of the limits in section 256B.056, subdivision 3c, and who applies during an inpatient hospitalization; or

(iii) the commissioner shall adjust the income standards under this section each July 1 by the annual update of the federal poverty guidelines following publication by the United States Department of Health and Human Services.

(b) Effective for applications and renewals processed on or after September 1, 2006, general assistance medical care may not be paid for applicants or recipients who are adults with dependent children under 21 whose gross family income is equal to or less than 275 percent of the federal poverty guidelines who are not described in paragraph (e).

(c) Effective for applications and renewals processed on or after September 1, 2006, general assistance medical care may be paid for applicants and recipients who meet all eligibility requirements of paragraph (a), clause (2), item (i), for a temporary period beginning the date of application. Immediately following approval of general assistance medical care, enrollees shall be enrolled in MinnesotaCare under section 256L.04, subdivision 7, with covered services as provided in section 256L.03 for the rest of the six-month general assistance medical care eligibility period, until their six-month renewal.

(d) To be eligible for general assistance medical care following enrollment in MinnesotaCare as required by paragraph (c), an individual must complete a new application.

(e) Applicants and recipients eligible under paragraph (a), clause (1), are exempt from the MinnesotaCare enrollment requirements in this subdivision if they:

(1) have applied for and are awaiting a determination of blindness or disability by the state medical review team or a determination of eligibility for Supplemental Security Income or Social Security Disability Insurance by the Social Security Administration;

(2) fail to meet the requirements of section 256L.09, subdivision 2;

(3) are homeless as defined by United States Code, title 42, section 11301, et seq.;

(4) are classified as end-stage renal disease beneficiaries in the Medicare program;

(5) are enrolled in private health care coverage as defined in section 256B.02, subdivision 9;

(6) are eligible under paragraph (j);

(7) receive treatment funded pursuant to section 254B.02; or

(8) reside in the Minnesota sex offender program defined in chapter 246B.

(f) For applications received on or after October 1, 2003, eligibility may begin no earlier than the date of application. For individuals eligible under paragraph (a), clause (2), item (i), a redetermination of eligibility must occur every 12 months. Individuals are eligible under

APPENDIX

Repealed Minnesota Statutes: H2323-1

paragraph (a), clause (2), item (ii), only during inpatient hospitalization but may reapply if there is a subsequent period of inpatient hospitalization.

(g) Beginning September 1, 2006, Minnesota health care program applications and renewals completed by recipients and applicants who are persons described in paragraph (c) and submitted to the county agency shall be determined for MinnesotaCare eligibility by the county agency. If all other eligibility requirements of this subdivision are met, eligibility for general assistance medical care shall be available in any month during which MinnesotaCare enrollment is pending. Upon notification of eligibility for MinnesotaCare, notice of termination for eligibility for general assistance medical care shall be sent to an applicant or recipient. If all other eligibility requirements of this subdivision are met, eligibility for general assistance medical care shall be available until enrollment in MinnesotaCare subject to the provisions of paragraphs (c), (e), and (f).

(h) The date of an initial Minnesota health care program application necessary to begin a determination of eligibility shall be the date the applicant has provided a name, address, and Social Security number, signed and dated, to the county agency or the Department of Human Services. If the applicant is unable to provide a name, address, Social Security number, and signature when health care is delivered due to a medical condition or disability, a health care provider may act on an applicant's behalf to establish the date of an initial Minnesota health care program application by providing the county agency or Department of Human Services with provider identification and a temporary unique identifier for the applicant. The applicant must complete the remainder of the application and provide necessary verification before eligibility can be determined. The county agency must assist the applicant in obtaining verification if necessary.

(i) County agencies are authorized to use all automated databases containing information regarding recipients' or applicants' income in order to determine eligibility for general assistance medical care or MinnesotaCare. Such use shall be considered sufficient in order to determine eligibility and premium payments by the county agency.

(j) General assistance medical care is not available for a person in a correctional facility unless the person is detained by law for less than one year in a county correctional or detention facility as a person accused or convicted of a crime, or admitted as an inpatient to a hospital on a criminal hold order, and the person is a recipient of general assistance medical care at the time the person is detained by law or admitted on a criminal hold order and as long as the person continues to meet other eligibility requirements of this subdivision.

(k) General assistance medical care is not available for applicants or recipients who do not cooperate with the county agency to meet the requirements of medical assistance.

(l) In determining the amount of assets of an individual eligible under paragraph (a), clause (2), item (i), there shall be included any asset or interest in an asset, including an asset excluded under paragraph (a), that was given away, sold, or disposed of for less than fair market value within the 60 months preceding application for general assistance medical care or during the period of eligibility. Any transfer described in this paragraph shall be presumed to have been for the purpose of establishing eligibility for general assistance medical care, unless the individual furnishes convincing evidence to establish that the transaction was exclusively for another purpose. For purposes of this paragraph, the value of the asset or interest shall be the fair market value at the time it was given away, sold, or disposed of, less the amount of compensation received. For any uncompensated transfer, the number of months of ineligibility, including partial months, shall be calculated by dividing the uncompensated transfer amount by the average monthly per person payment made by the medical assistance program to skilled nursing facilities for the previous calendar year. The individual shall remain ineligible until this fixed period has expired. The period of ineligibility may exceed 30 months, and a reapplication for benefits after 30 months from the date of the transfer shall not result in eligibility unless and until the period of ineligibility has expired. The period of ineligibility begins in the month the transfer was reported to the county agency, or if the transfer was not reported, the month in which the county agency discovered the transfer, whichever comes first. For applicants, the period of ineligibility begins on the date of the first approved application.

(m) When determining eligibility for any state benefits under this subdivision, the income and resources of all noncitizens shall be deemed to include their sponsor's income and resources as defined in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, title IV, Public Law 104-193, sections 421 and 422, and subsequently set out in federal rules.

(n) Undocumented noncitizens and nonimmigrants are ineligible for general assistance medical care. For purposes of this subdivision, a nonimmigrant is an individual in one or more of the classes listed in United States Code, title 8, section 1101(a)(15), and an undocumented noncitizen is an individual who resides in the United States without the approval or acquiescence of the United States Citizenship and Immigration Services.

APPENDIX

Repealed Minnesota Statutes: H2323-1

(o) Notwithstanding any other provision of law, a noncitizen who is ineligible for medical assistance due to the deeming of a sponsor's income and resources, is ineligible for general assistance medical care.

(p) Effective July 1, 2003, general assistance medical care emergency services end.

Subd. 3a. **Claims; assignment of benefits.** Claims must be filed pursuant to section 256D.16. General assistance medical care applicants and recipients must apply or agree to apply third party health and accident benefits to the costs of medical care. They must cooperate with the state in establishing paternity and obtaining third party payments. By accepting general assistance, a person assigns to the Department of Human Services all rights to medical support or payments for medical expenses from another person or entity on their own or their dependent's behalf and agrees to cooperate with the state in establishing paternity and obtaining third party payments. The application shall contain a statement explaining the assignment. Any rights or amounts assigned shall be applied against the cost of medical care paid for under this chapter. An assignment is effective on the date general assistance medical care eligibility takes effect.

Subd. 3b. **Cooperation.** (a) General assistance or general assistance medical care applicants and recipients must cooperate with the state and local agency to identify potentially liable third-party payors and assist the state in obtaining third-party payments. Cooperation includes identifying any third party who may be liable for care and services provided under this chapter to the applicant, recipient, or any other family member for whom application is made and providing relevant information to assist the state in pursuing a potentially liable third party. General assistance medical care applicants and recipients must cooperate by providing information about any group health plan in which they may be eligible to enroll. They must cooperate with the state and local agency in determining if the plan is cost-effective. For purposes of this subdivision, coverage provided by the Minnesota Comprehensive Health Association under chapter 62E shall not be considered group health plan coverage or cost-effective by the state and local agency. If the plan is determined cost-effective and the premium will be paid by the state or local agency or is available at no cost to the person, they must enroll or remain enrolled in the group health plan. Cost-effective insurance premiums approved for payment by the state agency and paid by the local agency are eligible for reimbursement according to subdivision 6.

(b) Effective for all premiums due on or after June 30, 1997, general assistance medical care does not cover premiums that a recipient is required to pay under a qualified or Medicare supplement plan issued by the Minnesota Comprehensive Health Association. General assistance medical care shall continue to cover premiums for recipients who are covered under a plan issued by the Minnesota Comprehensive Health Association on June 30, 1997, for a period of six months following receipt of the notice of termination or until December 31, 1997, whichever is later.

Subd. 4. **General assistance medical care; services.** (a)(i) For a person who is eligible under subdivision 3, paragraph (a), clause (2), item (i), general assistance medical care covers, except as provided in paragraph (c):

- (1) inpatient hospital services;
- (2) outpatient hospital services;
- (3) services provided by Medicare certified rehabilitation agencies;
- (4) prescription drugs and other products recommended through the process established in section 256B.0625, subdivision 13;

(5) equipment necessary to administer insulin and diagnostic supplies and equipment for diabetics to monitor blood sugar level;

(6) eyeglasses and eye examinations provided by a physician or optometrist;

(7) hearing aids;

(8) prosthetic devices;

(9) laboratory and X-ray services;

(10) physician's services;

(11) medical transportation except special transportation;

(12) chiropractic services as covered under the medical assistance program;

(13) podiatric services;

(14) dental services as covered under the medical assistance program;

(15) mental health services covered under chapter 256B;

(16) prescribed medications for persons who have been diagnosed as mentally ill as necessary to prevent more restrictive institutionalization;

(17) medical supplies and equipment, and Medicare premiums, coinsurance and deductible payments;

(18) medical equipment not specifically listed in this paragraph when the use of the equipment will prevent the need for costlier services that are reimbursable under this subdivision;

APPENDIX

Repealed Minnesota Statutes: H2323-1

(19) services performed by a certified pediatric nurse practitioner, a certified family nurse practitioner, a certified adult nurse practitioner, a certified obstetric/gynecological nurse practitioner, a certified neonatal nurse practitioner, or a certified geriatric nurse practitioner in independent practice, if (1) the service is otherwise covered under this chapter as a physician service, (2) the service provided on an inpatient basis is not included as part of the cost for inpatient services included in the operating payment rate, and (3) the service is within the scope of practice of the nurse practitioner's license as a registered nurse, as defined in section 148.171;

(20) services of a certified public health nurse or a registered nurse practicing in a public health nursing clinic that is a department of, or that operates under the direct authority of, a unit of government, if the service is within the scope of practice of the public health nurse's license as a registered nurse, as defined in section 148.171;

(21) telemedicine consultations, to the extent they are covered under section 256B.0625, subdivision 3b;

(22) care coordination and patient education services provided by a community health worker according to section 256B.0625, subdivision 49; and

(23) regardless of the number of employees that an enrolled health care provider may have, sign language interpreter services when provided by an enrolled health care provider during the course of providing a direct, person-to-person covered health care service to an enrolled recipient who has a hearing loss and uses interpreting services.

(ii) Effective October 1, 2003, for a person who is eligible under subdivision 3, paragraph (a), clause (2), item (ii), general assistance medical care coverage is limited to inpatient hospital services, including physician services provided during the inpatient hospital stay. A \$1,000 deductible is required for each inpatient hospitalization.

(b) Effective August 1, 2005, sex reassignment surgery is not covered under this subdivision.

(c) In order to contain costs, the commissioner of human services shall select vendors of medical care who can provide the most economical care consistent with high medical standards and shall where possible contract with organizations on a prepaid capitation basis to provide these services. The commissioner shall consider proposals by counties and vendors for prepaid health plans, competitive bidding programs, block grants, or other vendor payment mechanisms designed to provide services in an economical manner or to control utilization, with safeguards to ensure that necessary services are provided. Before implementing prepaid programs in counties with a county operated or affiliated public teaching hospital or a hospital or clinic operated by the University of Minnesota, the commissioner shall consider the risks the prepaid program creates for the hospital and allow the county or hospital the opportunity to participate in the program in a manner that reflects the risk of adverse selection and the nature of the patients served by the hospital, provided the terms of participation in the program are competitive with the terms of other participants considering the nature of the population served. Payment for services provided pursuant to this subdivision shall be as provided to medical assistance vendors of these services under sections 256B.02, subdivision 8, and 256B.0625. For payments made during fiscal year 1990 and later years, the commissioner shall consult with an independent actuary in establishing prepayment rates, but shall retain final control over the rate methodology.

(d) Effective January 1, 2008, drug coverage under general assistance medical care is limited to prescription drugs that:

(i) are covered under the medical assistance program as described in section 256B.0625, subdivisions 13 and 13d; and

(ii) are provided by manufacturers that have fully executed general assistance medical care rebate agreements with the commissioner and comply with the agreements. Prescription drug coverage under general assistance medical care must conform to coverage under the medical assistance program according to section 256B.0625, subdivisions 13 to 13g.

(e) Recipients eligible under subdivision 3, paragraph (a), shall pay the following co-payments for services provided on or after October 1, 2003, and before January 1, 2009:

(1) \$25 for eyeglasses;

(2) \$25 for nonemergency visits to a hospital-based emergency room;

(3) \$3 per brand-name drug prescription and \$1 per generic drug prescription, subject to a \$12 per month maximum for prescription drug co-payments. No co-payments shall apply to antipsychotic drugs when used for the treatment of mental illness; and

(4) 50 percent coinsurance on restorative dental services.

(f) Recipients eligible under subdivision 3, paragraph (a), shall include the following co-payments for services provided on or after January 1, 2009:

(1) \$25 for nonemergency visits to a hospital-based emergency room; and

APPENDIX

Repealed Minnesota Statutes: H2323-1

(2) \$3 per brand-name drug prescription and \$1 per generic drug prescription, subject to a \$7 per month maximum for prescription drug co-payments. No co-payments shall apply to antipsychotic drugs when used for the treatment of mental illness.

(g) MS 2007 Supp [Expired]

(h) Effective January 1, 2009, co-payments shall be limited to one per day per provider for nonemergency visits to a hospital-based emergency room. Recipients of general assistance medical care are responsible for all co-payments in this subdivision. The general assistance medical care reimbursement to the provider shall be reduced by the amount of the co-payment, except that reimbursement for prescription drugs shall not be reduced once a recipient has reached the \$7 per month maximum for prescription drug co-payments. The provider collects the co-payment from the recipient. Providers may not deny services to recipients who are unable to pay the co-payment.

(i) General assistance medical care reimbursement to fee-for-service providers and payments to managed care plans shall not be increased as a result of the removal of the co-payments effective January 1, 2009.

(j) Any county may, from its own resources, provide medical payments for which state payments are not made.

(k) Chemical dependency services that are reimbursed under chapter 254B must not be reimbursed under general assistance medical care.

(l) The maximum payment for new vendors enrolled in the general assistance medical care program after the base year shall be determined from the average usual and customary charge of the same vendor type enrolled in the base year.

(m) The conditions of payment for services under this subdivision are the same as the conditions specified in rules adopted under chapter 256B governing the medical assistance program, unless otherwise provided by statute or rule.

(n) Inpatient and outpatient payments shall be reduced by five percent, effective July 1, 2003. This reduction is in addition to the five percent reduction effective July 1, 2003, and incorporated by reference in paragraph (l).

(o) Payments for all other health services except inpatient, outpatient, and pharmacy services shall be reduced by five percent, effective July 1, 2003.

(p) Payments to managed care plans shall be reduced by five percent for services provided on or after October 1, 2003.

(q) A hospital receiving a reduced payment as a result of this section may apply the unpaid balance toward satisfaction of the hospital's bad debts.

(r) Fee-for-service payments for nonpreventive visits shall be reduced by \$3 for services provided on or after January 1, 2006. For purposes of this subdivision, a visit means an episode of service which is required because of a recipient's symptoms, diagnosis, or established illness, and which is delivered in an ambulatory setting by a physician or physician ancillary, chiropractor, podiatrist, advance practice nurse, audiologist, optician, or optometrist.

(s) Payments to managed care plans shall not be increased as a result of the removal of the \$3 nonpreventive visit co-payment effective January 1, 2006.

(t) Payments for mental health services added as covered benefits after December 31, 2007, are not subject to the reductions in paragraphs (l), (n), (o), and (p).

Subd. 5. Certain county agencies to pay state for county share. The county agencies that contract with the commissioner of human services for state administration of general assistance medical care payments shall make payment to the state for the county share of those payments in the manner described for medical assistance advances in section 256B.041, subdivision 5.

Subd. 6. Division of costs. The state share of county agency expenditures for general assistance medical care shall be 100 percent. Payments made under this subdivision shall be made according to sections 256B.041, subdivision 5 and 256B.19, subdivision 1. In counties where a pilot or demonstration project is operated for general assistance medical care services, the state may pay 100 percent of the costs of administering the pilot or demonstration project.

Notwithstanding any provision to the contrary, beginning July 1, 1991, the state shall pay 100 percent of the costs for centralized claims processing by the Department of Administration relative to claims beginning January 1, 1991, and submitted on behalf of general assistance medical care recipients by vendors in the general assistance medical care program.

Beginning July 1, 1991, the state shall reimburse counties up to the limit of state appropriations for general assistance medical care common carrier transportation and related travel expenses provided for medical purposes after December 31, 1990. For purposes of this subdivision, transportation shall have the meaning given it in Code of Federal Regulations, title 42, section 440.170(a), as amended through October 1, 1987, and travel expenses shall have

APPENDIX

Repealed Minnesota Statutes: H2323-1

the meaning given in Code of Federal Regulations, title 42, section 440.170(a)(3), as amended through October 1, 1987.

The county shall ensure that only the least costly most appropriate transportation and travel expenses are used. The state may enter into volume purchase contracts, or use a competitive bidding process, whenever feasible, to minimize the costs of transportation services. If the state has entered into a volume purchase contract or used the competitive bidding procedures of chapter 16C to arrange for transportation services, the county may be required to use such arrangements to be eligible for state reimbursement for general assistance medical care common carrier transportation and related travel expenses provided for medical purposes.

In counties where prepaid health plans are under contract to the commissioner to provide services to general assistance medical care recipients, the cost of court ordered treatment that does not include diagnostic evaluation, recommendation, or referral for treatment by the prepaid health plan is the responsibility of the county of financial responsibility.

Subd. 7. **Duties of the commissioner.** The commissioner shall promulgate rules as necessary to establish:

- (a) standards of eligibility, utilization of services, and payment levels;
- (b) standards for quality assurance, surveillance, and utilization review procedures that conform to those established for the medical assistance program pursuant to chapter 256B, including general criteria and procedures for the identification and prompt investigation of suspected fraud, theft, abuse, presentment of false or duplicate claims, presentment of claims for services not medically necessary, or false statements or representations of material facts by a vendor or recipient of general assistance medical care, and for the imposition of sanctions against such vendor or recipient of medical care. The rules relating to sanctions shall be consistent with the provisions of section 256B.064, subdivisions 1a and 2; and
- (c) administrative and fiscal procedures for payment of the state share of the medical costs incurred by the counties under section 256D.02, subdivision 4a. Rules promulgated pursuant to this clause may include: (1) procedures by which state liability for the costs of medical care incurred pursuant to section 256D.02, subdivision 4a may be deducted from county liability to the state under any other public assistance program authorized by law; (2) procedures for processing claims of counties for reimbursement by the state for expenditures for medical care made by the counties pursuant to section 256D.02, subdivision 4a; and (3) procedures by which the county agencies may contract with the commissioner of human services for state administration of general assistance medical care payments.

Subd. 8. **Private insurance policies.** (a) Private accident and health care coverage for medical services is primary coverage and must be exhausted before general assistance medical care is paid. When a person who is otherwise eligible for general assistance medical care has private accident or health care coverage, including a prepaid health plan, the private health care benefits available to the person must be used first and to the fullest extent. General assistance medical care payment will not be made when either covered charges are paid in full by a third party or the provider has an agreement to accept payment for less than charges as payment in full. Payment for patients that are simultaneously covered by general assistance medical care and a liable third party other than Medicare will be determined as the lesser of clauses (1) to (3):

- (1) the patient liability according to the provider/insurer agreement;
- (2) covered charges minus the third party payment amount; or
- (3) the general assistance medical care rate minus the third party payment amount.

A negative difference will not be implemented.

(b) When a parent or a person with an obligation of support has enrolled in a prepaid health care plan under section 518A.41, subdivision 1, the commissioner of human services shall limit the recipient of general assistance medical care to the benefits payable under that prepaid health care plan to the extent that services available under general assistance medical care are also available under the prepaid health care plan.

(c) Upon furnishing general assistance medical care or general assistance to any person having private accident or health care coverage, or having a cause of action arising out of an occurrence that necessitated the payment of assistance, the state agency shall be subrogated, to the extent of the cost of medical care, subsistence, or other payments furnished, to any rights the person may have under the terms of the coverage or under the cause of action. For purposes of this subdivision, "state agency" includes prepaid health plans under contract with the commissioner according to subdivision 4, paragraph (c), and sections 256B.69 and 256L.12; children's mental health collaboratives under section 245.493; demonstration projects for persons with disabilities under section 256B.77; nursing homes under the alternative payment demonstration project under section 256B.434; and county-based purchasing entities under section 256B.692.

APPENDIX

Repealed Minnesota Statutes: H2323-1

This right of subrogation includes all portions of the cause of action, notwithstanding any settlement allocation or apportionment that purports to dispose of portions of the cause of action not subject to subrogation.

(d) To recover under this section, the attorney general may institute or join a civil action to enforce the subrogation rights the commissioner established under this section.

Any prepaid health plan providing services under subdivision 4, paragraph (c), and sections 256B.69 and 256L.12; children's mental health collaboratives under section 245.493; demonstration projects for persons with disabilities under section 256B.77; nursing homes under the alternative payment demonstration project under section 256B.434; or the county-based purchasing entity providing services under section 256B.692 may retain legal representation to enforce the subrogation rights created under this section or, if no action has been brought, may initiate and prosecute an independent action on their behalf against a person, firm, or corporation that may be liable to the person to whom the care or payment was furnished.

(e) The state agency must be given notice of monetary claims against a person, firm, or corporation that may be liable in damages, or otherwise obligated to pay part or all of the costs related to an injury when the state agency has paid or become liable for the cost of care or payments related to the injury. Notice must be given as follows:

(i) Applicants for general assistance or general assistance medical care shall notify the state or county agency of any possible claims when they submit the application. Recipients of general assistance or general assistance medical care shall notify the state or county agency of any possible claims when those claims arise.

(ii) A person providing medical care services to a recipient of general assistance medical care shall notify the state agency when the person has reason to believe that a third party may be liable for payment of the cost of medical care.

(iii) A person who is party to a claim upon which the state agency may be entitled to subrogation under this section shall notify the state agency of its potential subrogation claim before filing a claim, commencing an action, or negotiating a settlement. A person who is a party to a claim includes the plaintiff, the defendants, and any other party to the cause of action.

Notice given to the county agency is not sufficient to meet the requirements of paragraphs (b) and (c).

(f) Upon any judgment, award, or settlement of a cause of action, or any part of it, upon which the state agency has a subrogation right, including compensation for liquidated, unliquidated, or other damages, reasonable costs of collection, including attorney fees, must be deducted first. The full amount of general assistance or general assistance medical care paid to or on behalf of the person as a result of the injury must be deducted next and paid to the state agency. The rest must be paid to the public assistance recipient or other plaintiff. The plaintiff, however, must receive at least one-third of the net recovery after attorney fees and collection costs.

Subd. 9. **Payment for ambulance services.** Effective for services rendered on or after July 1, 1999, general assistance medical care payments for ambulance services shall be increased by five percent.

256D.053 MINNESOTA FOOD ASSISTANCE PROGRAM.

Subd. 3. **Program administration.** (a) The rules for the Minnesota food assistance program shall follow exactly the regulations for the federal Food Stamp Program, except for the provisions pertaining to immigration status under section 402 or 403 of Public Law 104-193.

(b) The county agency shall use the income, budgeting, and benefit allotment regulations of the federal Food Stamp Program to calculate an eligible recipient's monthly Minnesota food assistance program benefit. Until September 30, 1998, eligible recipients under this subdivision shall receive the average per person food stamp issuance in Minnesota in the fiscal year ending June 30, 1997. Beginning October 1, 1998, eligible recipients shall receive the same level of benefits as those provided by the federal Food Stamp Program to similarly situated citizen recipients. The monthly Minnesota food assistance program benefits shall not exceed an amount equal to the amount of federal Food Stamp Program benefits the household would receive if all members of the household were eligible for the federal Food Stamp Program.

(c) Minnesota food assistance program benefits must be disregarded as income in all programs that do not count food stamps as income.

(d) The county agency must redetermine a Minnesota food assistance program recipient's eligibility for the federal Food Stamp Program when the agency receives information that the recipient's legal immigration status has changed in such a way that would make the recipient potentially eligible for the federal Food Stamp Program.

APPENDIX

Repealed Minnesota Statutes: H2323-1

(e) Until October 1, 1998, the commissioner may provide benefits under this section in cash.

256E.12 GRANTS FOR PERSONS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS.

Subd. 3. **Allocation of grants.** The commissioner shall allocate grants under this section to finance up to 90 percent of each county's costs for services to persons with serious and persistent mental illness. The commissioner shall promulgate permanent rules to govern grant applications, approval of applications, allocation of grants, and maintenance of financial statements by grant recipients. The commissioner shall specify requirements for reports, including quarterly fiscal reports, according to section 256.01, subdivision 2, paragraph (17). The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the services in helping persons with serious and persistent mental illness remain and function in their own communities.

256F.10 CHILD WELFARE TARGETED CASE MANAGEMENT.

Subd. 7. **Expansion of services and base level of expenditures.** (a) Counties and tribal social services must continue the base level of expenditures for preventive child welfare services from either or both of any state, county, or federal funding source, which, in the absence of federal funds earned under this section, would have been available for these services. The commissioner shall review the county or tribal social services expenditures annually using reports required under sections 245.482 and 256.01, subdivision 2, paragraph (17), to ensure that the base level of expenditures for preventive child welfare services is continued from sources other than the federal funds earned under this section.

(b) The commissioner may reduce, suspend, or eliminate either or both of a county's or tribal social services' obligations to continue the base level of expenditures and to expand child welfare preventive services if the commissioner determines that one or more of the following conditions apply to that county or reservation:

- (1) imposition of levy limits that significantly reduce available social service funds;
- (2) reduction in the net tax capacity of the taxable property within a county or reservation that significantly reduces available social service funds;
- (3) reduction in the number of children under age 19 in the county or reservation by 25 percent when compared with the number in the base year using the most recent data provided by the State Demographer's Office; or
- (4) termination of the federal revenue earned under this section.

(c) The commissioner may suspend for one year either or both of a county's or tribal social services' obligations to continue the base level of expenditures and to expand child welfare preventive services if the commissioner determines that in the previous year one or more of the following conditions applied to that county or reservation:

- (1) the total number of children in placement under sections 260C.212 and 393.07, subdivisions 1 and 2, has been reduced by 50 percent from the total number in the base year; or
- (2) the average number of children in placement under sections 260C.212 and 393.07, subdivisions 1 and 2, on the last day of each month is equal to or less than one child per 1,000 children in the county or reservation.

(d) For the purposes of this section, child welfare preventive services are those services directed toward a specific child or family that further the goals of Minnesota Statutes 2002, section 256F.01, and include assessments, family preservation services, service coordination, community-based treatment, crisis nursery services when the parents retain custody and there is no voluntary placement agreement with a child-placing agency, respite care except when it is provided under a medical assistance waiver, home-based services, and other related services. For the purposes of this section, child welfare preventive services shall not include shelter care placements under the authority of the court or public agency to address an emergency, residential services except for respite care, child care for the purposes of employment and training, adult services, services other than child welfare targeted case management when they are provided under medical assistance, placement services, or activities not directed toward a specific child or family. Respite care must be planned, routine care to support the continuing residence of the child with its family or long-term primary caretaker and must not be provided to address an emergency.

(e) For the counties and tribal social services beginning to claim federal reimbursement for services under this section and section 256B.094, the base year is the calendar year ending at least two calendar quarters before the first calendar quarter in which the provider begins claiming

APPENDIX

Repealed Minnesota Statutes: H2323-1

reimbursement. For the purposes of this section, the base level of expenditures is the level of county or tribal social services expenditures in the base year for eligible child welfare preventive services described in this subdivision.

256F.13 FAMILY SERVICES COLLABORATIVE.

Subdivision 1. **Federal revenue enhancement.** (a) The commissioner of human services may enter into an agreement with one or more family services collaboratives to enhance federal reimbursement under title IV-E of the Social Security Act and federal administrative reimbursement under title XIX of the Social Security Act. The commissioner may contract with the Department of Education for purposes of transferring the federal reimbursement to the commissioner of education to be distributed to the collaboratives according to clause (2). The commissioner shall have the following authority and responsibilities regarding family services collaboratives:

(1) the commissioner shall submit amendments to state plans and seek waivers as necessary to implement the provisions of this section;

(2) the commissioner shall pay the federal reimbursement earned under this subdivision to each collaborative based on their earnings. Payments to collaboratives for expenditures under this subdivision will only be made of federal earnings from services provided by the collaborative;

(3) the commissioner shall review expenditures of family services collaboratives using reports specified in the agreement with the collaborative to ensure that the base level of expenditures is continued and new federal reimbursement is used to expand education, social, health, or health-related services to young children and their families;

(4) the commissioner may reduce, suspend, or eliminate a family services collaborative's obligations to continue the base level of expenditures or expansion of services if the commissioner determines that one or more of the following conditions apply:

(i) imposition of levy limits that significantly reduce available funds for social, health, or health-related services to families and children;

(ii) reduction in the net tax capacity of the taxable property eligible to be taxed by the lead county or subcontractor that significantly reduces available funds for education, social, health, or health-related services to families and children;

(iii) reduction in the number of children under age 19 in the county, collaborative service delivery area, subcontractor's district, or catchment area when compared to the number in the base year using the most recent data provided by the State Demographer's Office; or

(iv) termination of the federal revenue earned under the family services collaborative agreement;

(5) the commissioner shall not use the federal reimbursement earned under this subdivision in determining the allocation or distribution of other funds to counties or collaboratives;

(6) the commissioner may suspend, reduce, or terminate the federal reimbursement to a provider that does not meet the reporting or other requirements of this subdivision;

(7) the commissioner shall recover from the family services collaborative any federal fiscal disallowances or sanctions for audit exceptions directly attributable to the family services collaborative's actions in the integrated fund, or the proportional share if federal fiscal disallowances or sanctions are based on a statewide random sample; and

(8) the commissioner shall establish criteria for the family services collaborative for the accounting and financial management system that will support claims for federal reimbursement.

(b) The family services collaborative shall have the following authority and responsibilities regarding federal revenue enhancement:

(1) the family services collaborative shall be the party with which the commissioner contracts. A lead county shall be designated as the fiscal agency for reporting, claiming, and receiving payments;

(2) the family services collaboratives may enter into subcontracts with other counties, school districts, special education cooperatives, municipalities, and other public and nonprofit entities for purposes of identifying and claiming eligible expenditures to enhance federal reimbursement, or to expand education, social, health, or health-related services to families and children;

(3) the family services collaborative must continue the base level of expenditures for education, social, health, or health-related services to families and children from any state, county, federal, or other public or private funding source which, in the absence of the new federal reimbursement earned under this subdivision, would have been available for those services, except as provided in paragraph (a), clause (4). The base year for purposes of this subdivision

APPENDIX

Repealed Minnesota Statutes: H2323-1

shall be the four-quarter calendar year ending at least two calendar quarters before the first calendar quarter in which the new federal reimbursement is earned;

(4) the family services collaborative must use all new federal reimbursement resulting from federal revenue enhancement to expand expenditures for education, social, health, or health-related services to families and children beyond the base level, except as provided in paragraph (a), clause (4);

(5) the family services collaborative must ensure that expenditures submitted for federal reimbursement are not made from federal funds or funds used to match other federal funds. Notwithstanding section 256B.19, subdivision 1, for the purposes of family services collaborative expenditures under agreement with the department, the nonfederal share of costs shall be provided by the family services collaborative from sources other than federal funds or funds used to match other federal funds;

(6) the family services collaborative must develop and maintain an accounting and financial management system adequate to support all claims for federal reimbursement, including a clear audit trail and any provisions specified in the agreement; and

(7) the family services collaborative shall submit an annual report to the commissioner as specified in the agreement.

256L.04 ELIGIBILITY FOR GROUP RESIDENTIAL HOUSING PAYMENT.

Subdivision 1. **Individual eligibility requirements.** An individual is eligible for and entitled to a group residential housing payment to be made on the individual's behalf if the county agency has approved the individual's residence in a group residential housing setting and the individual meets the requirements in paragraph (a) or (b).

(a) The individual is aged, blind, or is over 18 years of age and disabled as determined under the criteria used by the title II program of the Social Security Act, and meets the resource restrictions and standards of the supplemental security income program, and the individual's countable income after deducting the (1) exclusions and disregards of the SSI program, (2) the medical assistance personal needs allowance under section 256B.35, and (3) an amount equal to the income actually made available to a community spouse by an elderly waiver recipient under the provisions of sections 256B.0575, paragraph (a), clause (4), and 256B.058, subdivision 2, is less than the monthly rate specified in the county agency's agreement with the provider of group residential housing in which the individual resides.

(b) The individual meets a category of eligibility under section 256D.05, subdivision 1, paragraph (a), and the individual's resources are less than the standards specified by section 256D.08, and the individual's countable income as determined under sections 256D.01 to 256D.21, less the medical assistance personal needs allowance under section 256B.35 is less than the monthly rate specified in the county agency's agreement with the provider of group residential housing in which the individual resides.

Subd. 1a. **County approval.** A county agency may not approve a group residential housing payment for an individual in any setting with a rate in excess of the MSA equivalent rate for more than 30 days in a calendar year unless the county agency has developed or approved a plan for the individual which specifies that:

(1) the individual has an illness or incapacity which prevents the person from living independently in the community; and

(2) the individual's illness or incapacity requires the services which are available in the group residence.

The plan must be signed or countersigned by any of the following employees of the county of financial responsibility: the director of human services or a designee of the director; a social worker; or a case aide.

Subd. 1b. **Optional state supplements to SSI.** Group residential housing payments made on behalf of persons eligible under subdivision 1, paragraph (a), are optional state supplements to the SSI program.

Subd. 1c. **Interim assistance.** Group residential housing payments made on behalf of persons eligible under subdivision 1, paragraph (b), are considered interim assistance payments to applicants for the federal SSI program.

Subd. 2. **Date of eligibility.** An individual who has met the eligibility requirements of subdivision 1, shall have a group residential housing payment made on the individual's behalf from the first day of the month in which a signed application form is received by a county agency, or the first day of the month in which all eligibility factors have been met, whichever is later.

Subd. 2a. **License required.** A county agency may not enter into an agreement with an establishment to provide group residential housing unless:

APPENDIX

Repealed Minnesota Statutes: H2323-1

(1) the establishment is licensed by the Department of Health as a hotel and restaurant; a board and lodging establishment; a residential care home; a boarding care home before March 1, 1985; or a supervised living facility, and the service provider for residents of the facility is licensed under chapter 245A. However, an establishment licensed by the Department of Health to provide lodging need not also be licensed to provide board if meals are being supplied to residents under a contract with a food vendor who is licensed by the Department of Health;

(2) the residence is licensed by the commissioner of human services under Minnesota Rules, parts 9555.5050 to 9555.6265, or certified by a county human services agency prior to July 1, 1992, using the standards under Minnesota Rules, parts 9555.5050 to 9555.6265;

(3) the establishment is registered under chapter 144D and provides three meals a day, or is an establishment voluntarily registered under section 144D.025 as a supportive housing establishment; or

(4) an establishment voluntarily registered under section 144D.025, other than a supportive housing establishment under clause (3), is not eligible to provide group residential housing.

The requirements under clauses (1), (2), (3), and (4) do not apply to establishments exempt from state licensure because they are located on Indian reservations and subject to tribal health and safety requirements.

Subd. 2b. **Group residential housing agreements.** Agreements between county agencies and providers of group residential housing must be in writing and must specify the name and address under which the establishment subject to the agreement does business and under which the establishment, or service provider, if different from the group residential housing establishment, is licensed by the Department of Health or the Department of Human Services; the specific license or registration from the Department of Health or the Department of Human Services held by the provider and the number of beds subject to that license; the address of the location or locations at which group residential housing is provided under this agreement; the per diem and monthly rates that are to be paid from group residential housing funds for each eligible resident at each location; the number of beds at each location which are subject to the group residential housing agreement; whether the license holder is a not-for-profit corporation under section 501(c)(3) of the Internal Revenue Code; and a statement that the agreement is subject to the provisions of sections 256I.01 to 256I.06 and subject to any changes to those sections. Group residential housing agreements may be terminated with or without cause by either the county or the provider with two calendar months prior notice.

Subd. 2c. **Crisis shelters.** Secure crisis shelters for battered women and their children designated by the Minnesota Department of Corrections are not group residences under this chapter.

Subd. 3. **Moratorium on the development of group residential housing beds.** (a) County agencies shall not enter into agreements for new group residential housing beds with total rates in excess of the MSA equivalent rate except:

(1) for group residential housing establishments licensed under Minnesota Rules, parts 9525.0215 to 9525.0355, provided the facility is needed to meet the census reduction targets for persons with developmental disabilities at regional treatment centers;

(2) to ensure compliance with the federal Omnibus Budget Reconciliation Act alternative disposition plan requirements for inappropriately placed persons with developmental disabilities or mental illness;

(3) up to 80 beds in a single, specialized facility located in Hennepin County that will provide housing for chronic inebriates who are repetitive users of detoxification centers and are refused placement in emergency shelters because of their state of intoxication, and planning for the specialized facility must have been initiated before July 1, 1991, in anticipation of receiving a grant from the Housing Finance Agency under section 462A.05, subdivision 20a, paragraph (b);

(4) notwithstanding the provisions of subdivision 2a, for up to 190 supportive housing units in Anoka, Dakota, Hennepin, or Ramsey County for homeless adults with a mental illness, a history of substance abuse, or human immunodeficiency virus or acquired immunodeficiency syndrome. For purposes of this section, "homeless adult" means a person who is living on the street or in a shelter or discharged from a regional treatment center, community hospital, or residential treatment program and has no appropriate housing available and lacks the resources and support necessary to access appropriate housing. At least 70 percent of the supportive housing units must serve homeless adults with mental illness, substance abuse problems, or human immunodeficiency virus or acquired immunodeficiency syndrome who are about to be or, within the previous six months, has been discharged from a regional treatment center, or a state-contracted psychiatric bed in a community hospital, or a residential mental health or chemical dependency treatment program. If a person meets the requirements of subdivision 1, paragraph (a), and receives a federal or state housing subsidy, the group residential housing

APPENDIX

Repealed Minnesota Statutes: H2323-1

rate for that person is limited to the supplementary rate under section 256I.05, subdivision 1a, and is determined by subtracting the amount of the person's countable income that exceeds the MSA equivalent rate from the group residential housing supplementary rate. A resident in a demonstration project site who no longer participates in the demonstration program shall retain eligibility for a group residential housing payment in an amount determined under section 256I.06, subdivision 8, using the MSA equivalent rate. Service funding under section 256I.05, subdivision 1a, will end June 30, 1997, if federal matching funds are available and the services can be provided through a managed care entity. If federal matching funds are not available, then service funding will continue under section 256I.05, subdivision 1a;

(5) for group residential housing beds in settings meeting the requirements of subdivision 2a, clauses (1) and (3), which are used exclusively for recipients receiving home and community-based waiver services under sections 256B.0915, 256B.092, subdivision 5, 256B.093, and 256B.49, and who resided in a nursing facility for the six months immediately prior to the month of entry into the group residential housing setting. The group residential housing rate for these beds must be set so that the monthly group residential housing payment for an individual occupying the bed when combined with the nonfederal share of services delivered under the waiver for that person does not exceed the nonfederal share of the monthly medical assistance payment made for the person to the nursing facility in which the person resided prior to entry into the group residential housing establishment. The rate may not exceed the MSA equivalent rate plus \$426.37 for any case;

(6) for an additional two beds, resulting in a total of 32 beds, for a facility located in Hennepin County providing services for recovering and chemically dependent men that has had a group residential housing contract with the county and has been licensed as a board and lodge facility with special services since 1980;

(7) for a group residential housing provider located in Stearns County that operates a 40-bed facility, that received financing through the Minnesota Housing Finance Agency Ending Long-Term Homelessness Initiative and serves chemically dependent clientele, providing 24-hour-a-day supervision;

(8) for a new 65-bed facility in Crow Wing County that will serve chemically dependent persons, operated by a group residential housing provider that currently operates a 304-bed facility in Minneapolis, and a 44-bed facility in Duluth;

(9) for a group residential housing provider that operates two ten-bed facilities, one located in Hennepin County and one located in Ramsey County, that provide community support and 24-hour-a-day supervision to serve the mental health needs of individuals who have chronically lived unsheltered; and

(10) for a group residential facility in Hennepin County with a capacity of up to 48 beds that has been licensed since 1978 as a board and lodging facility and that until August 1, 2007, operated as a licensed chemical dependency treatment program.

(b) A county agency may enter into a group residential housing agreement for beds with rates in excess of the MSA equivalent rate in addition to those currently covered under a group residential housing agreement if the additional beds are only a replacement of beds with rates in excess of the MSA equivalent rate which have been made available due to closure of a setting, a change of licensure or certification which removes the beds from group residential housing payment, or as a result of the downsizing of a group residential housing setting. The transfer of available beds from one county to another can only occur by the agreement of both counties.

Subd. 4. **Rental assistance.** For participants in the Minnesota supportive housing demonstration program under subdivision 3, paragraph (a), clause (5), notwithstanding the provisions of section 256I.06, subdivision 8, the amount of the group residential housing payment for room and board must be calculated by subtracting 30 percent of the recipient's adjusted income as defined by the United States Department of Housing and Urban Development for the Section 8 program from the fair market rent established for the recipient's living unit by the federal Department of Housing and Urban Development. This payment shall be regarded as a state housing subsidy for the purposes of subdivision 3. Notwithstanding the provisions of section 256I.06, subdivision 6, the recipient's countable income will only be adjusted when a change of greater than \$100 in a month occurs or upon annual redetermination of eligibility, whichever is sooner. The commissioner is directed to study the feasibility of developing a rental assistance program to serve persons traditionally served in group residential housing settings and report to the legislature by February 15, 1999.

256I.08 COUNTY SHARE FOR CERTAIN NURSING FACILITY STAYS.

APPENDIX

Repealed Minnesota Statutes: H2323-1

Beginning July 1, 2004, if group residential housing is used to pay for a nursing facility placement due to the facility's status as an Institution for Mental Diseases, the county is liable for 20 percent of the nonfederal share of costs for persons under the age of 65 that have exceeded 90 days.

256J.09 APPLYING FOR ASSISTANCE.

Subdivision 1. **Where to apply.** To apply for assistance a person must submit a signed application to the county agency in the county where that person lives.

Subd. 2. **County agency responsibility to provide information.** When a person inquires about assistance, a county agency must:

(1) explain the eligibility requirements of, and how to apply for any assistance for which the person may be eligible; and

(2) offer the person brochures developed or approved by the commissioner that describe how to apply for assistance.

Subd. 3. **Submitting the application form.** (a) A county agency must offer, in person or by mail, the application forms prescribed by the commissioner as soon as a person makes a written or oral inquiry. At that time, the county agency must:

(1) inform the person that assistance begins with the date the signed application is received by the county agency or the date all eligibility criteria are met, whichever is later;

(2) inform the person that any delay in submitting the application will reduce the amount of assistance paid for the month of application;

(3) inform a person that the person may submit the application before an interview;

(4) explain the information that will be verified during the application process by the county agency as provided in section 256J.32;

(5) inform a person about the county agency's average application processing time and explain how the application will be processed under subdivision 5;

(6) explain how to contact the county agency if a person's application information changes and how to withdraw the application;

(7) inform a person that the next step in the application process is an interview and what a person must do if the application is approved including, but not limited to, attending orientation under section 256J.45 and complying with employment and training services requirements in sections 256J.515 to 256J.57;

(8) explain the child care and transportation services that are available under paragraph (c) to enable caregivers to attend the interview, screening, and orientation; and

(9) identify any language barriers and arrange for translation assistance during appointments, including, but not limited to, screening under subdivision 3a, orientation under section 256J.45, and assessment under section 256J.521.

(b) Upon receipt of a signed application, the county agency must stamp the date of receipt on the face of the application. The county agency must process the application within the time period required under subdivision 5. An applicant may withdraw the application at any time by giving written or oral notice to the county agency. The county agency must issue a written notice confirming the withdrawal. The notice must inform the applicant of the county agency's understanding that the applicant has withdrawn the application and no longer wants to pursue it. When, within ten days of the date of the agency's notice, an applicant informs a county agency, in writing, that the applicant does not wish to withdraw the application, the county agency must reinstate the application and finish processing the application.

(c) Upon a participant's request, the county agency must arrange for transportation and child care or reimburse the participant for transportation and child care expenses necessary to enable participants to attend the screening under subdivision 3a and orientation under section 256J.45.

256L.15 PREMIUMS.

Subd. 4. **Exception for transitioned adults.** County agencies shall pay premiums for single adults and households with no children formerly enrolled in general assistance medical care and enrolled in MinnesotaCare according to section 256D.03, subdivision 3, until six-month renewal. The county agency has the option of continuing to pay premiums for these enrollees.

272.02 EXEMPT PROPERTY.

Subd. 83. **International economic development zone property.** (a) Improvements to real property, and personal property, classified under section 273.13, subdivision 24, and

APPENDIX

Repealed Minnesota Statutes: H2323-1

located within the international economic development zone designated under section 469.322, are exempt from ad valorem taxes levied under chapter 275, if the improvements are:

- (1) part of a regional distribution center as defined in section 469.321; or
- (2) occupied by a qualified business as defined in section 469.321, that uses the improvements primarily in freight forwarding operations.

(b) The exemption applies to each assessment year that begins during the duration of the international economic development zone. To be exempt under paragraph (a), clause (2), the property must be occupied by July 1 of the assessment year by a qualified business that has signed the business subsidy agreement by July 1 of the assessment year.

273.113 TAX CREDIT FOR PROPERTY IN PROPOSED BOVINE TUBERCULOSIS MODIFIED ACCREDITED ZONE.

Subdivision 1. **Definition.** For the purposes of this section, the following terms have the meanings given to them:

- (1) "proposed bovine tuberculosis modified accredited zone" means the modified accredited zone proposed by the Board of Animal Health under section 35.244; and
- (2) "located within" means that the herd is kept in the area for at least a part of calendar year 2007.

Subd. 2. **Eligibility; amount of credit.** Agricultural land classified under section 273.13, subdivision 23, located within a proposed bovine tuberculosis modified accredited zone is eligible for a property tax credit equal to the property tax on the parcel where the herd had been located, excluding any tax attributable to residential structures. To begin to qualify for the tax credit, the owner shall file an application with the county by December 1 of the levy year. The credit must be given for each subsequent taxes payable year until the credit terminates under subdivision 4. The assessor shall indicate the amount of the property tax reduction on the property tax statement of each taxpayer receiving a credit under this section. The credit paid pursuant to this section shall be deducted from the tax due on the property as provided in section 273.1393.

Subd. 3. **Reimbursement for lost revenue.** The county auditor shall certify to the commissioner of revenue, as part of the abstracts of tax lists required to be filed with the commissioner under section 275.29, the amount of tax lost to the county from the property tax credit under subdivision 2. Any prior year adjustments must also be certified in the abstracts of tax lists. The commissioner of revenue shall review the certifications to determine their accuracy. The commissioner may make the changes in the certification that are considered necessary or return a certification to the county auditor for corrections. The commissioner shall reimburse each taxing district for the taxes lost. The payments must be made at the time provided in section 473H.10 for payment to taxing jurisdictions in the same proportion that the ad valorem tax is distributed. The amount necessary to make the reimbursements under this section is annually appropriated from the general fund to the commissioner of revenue.

Subd. 4. **Termination of credit.** The credits provided under this section cease to be available beginning with taxes payable in the year following the date when the Board of Animal Health has certified that the state is free of bovine tuberculosis.

275.065 PROPOSED PROPERTY TAXES; NOTICE.

Subd. 5a. **Public advertisement.** (a) A city that has a population of more than 2,500, county, a metropolitan special taxing district as defined in subdivision 3, paragraph (i), a regional library district established under section 134.201, or school district shall advertise in a newspaper a notice of its intent to adopt a budget and property tax levy or, in the case of a school district, to review its current budget and proposed property taxes payable in the following year, at a public hearing, if a public hearing is required under subdivision 6. The notice must be published not less than two business days nor more than six business days before the hearing.

The advertisement must be at least one-eighth page in size of a standard-size or a tabloid-size newspaper. The advertisement must not be placed in the part of the newspaper where legal notices and classified advertisements appear. The advertisement must be published in an official newspaper of general circulation in the taxing authority. The newspaper selected must be one of general interest and readership in the community, and not one of limited subject matter. The advertisement must appear in a newspaper that is published at least once per week.

For purposes of this section, the metropolitan special taxing district's advertisement must only be published in the Minneapolis Star and Tribune and the Saint Paul Pioneer Press.

In addition to other requirements, a county and a city having a population of more than 2,500 must show in the public advertisement required under this subdivision the current local tax

APPENDIX
Repealed Minnesota Statutes: H2323-1

rate, the proposed local tax rate if no property tax levy increase is adopted, and the proposed rate if the proposed levy is adopted. For purposes of this subdivision, "local tax rate" means the city's or county's net tax capacity levy divided by the city's or county's taxable net tax capacity.

(b) Subject to the provisions of paragraph (g), the advertisement for school districts, metropolitan special taxing districts, and regional library districts must be in the following form, except that the notice for a school district may include references to the current budget in regard to proposed property taxes.

"NOTICE OF
PROPOSED PROPERTY TAXES
(School District/Metropolitan
Special Taxing District/Regional
Library District) of

The governing body of will soon hold budget hearings and vote on the property taxes for (metropolitan special taxing district/regional library district services that will be provided in (year)/school district services that will be provided in (year) and (year)).

NOTICE OF PUBLIC HEARING:

All concerned citizens are invited to attend a public hearing and express their opinions on the proposed (school district/metropolitan special taxing district/regional library district) budget and property taxes, or in the case of a school district, its current budget and proposed property taxes, payable in the following year. The hearing will be held on (Month/Day/Year) at (Time) at (Location, Address)."

(c) Subject to the provisions of paragraph (g), the advertisement for cities and counties must be in the following form.

"NOTICE OF PROPOSED
TOTAL BUDGET AND PROPERTY TAXES

The (city/county) governing body or board of commissioners will hold a public hearing to discuss the budget and to vote on the amount of property taxes to collect for services the (city/county) will provide in (year).

SPENDING: The total budget amounts below compare (city's/county's) (year) total actual budget with the amount the (city/county) proposes to spend in (year).

(Year) Total ActualBudget	Proposed (Year) Budget	Change from (Year)-(Year)
\$	\$	%

TAXES: The property tax amounts below compare that portion of the current budget levied in property taxes in (city/county) for (year) with the property taxes the (city/county) proposes to collect in (year).

(Year) Property Taxes	Proposed (Year) PropertyTaxes	Change from (Year)-(Year)
\$	\$	%

LOCAL TAX RATE COMPARISON: The current local tax rate, the local tax rate if no tax levy increase is adopted, and the proposed local tax rate if the proposed levy is adopted.

(Year) Tax Rate	(Year) Tax Rate if NO Levy Increase	(Year) Proposed TaxRate
.....		

ATTEND THE PUBLIC HEARING

All (city/county) residents are invited to attend the public hearing of the (city/county) to express your opinions on the budget and the proposed amount of (year) property taxes. The hearing will be held on:

(Month/Day/Year/Time)

(Location/Address)

If the discussion of the budget cannot be completed, a time and place for continuing the discussion will be announced at the hearing. You are also invited to send your written comments to:

(City/County)

(Location/Address)"

(d) For purposes of this subdivision, the budget amounts listed on the advertisement mean:

(1) for cities, the total government fund expenditures, as defined by the state auditor under section 471.6965, less any expenditures for improvements or services that are specially assessed or charged under chapter 429, 430, 435, or the provisions of any other law or charter; and

APPENDIX

Repealed Minnesota Statutes: H2323-1

(2) for counties, the total government fund expenditures, as defined by the state auditor under section 375.169, less any expenditures for direct payments to recipients or providers for the human service aids listed below:

- (i) Minnesota family investment program under chapters 256J and 256K;
- (ii) medical assistance under sections 256B.041, subdivision 5, and 256B.19, subdivision 1;
- (iii) general assistance medical care under section 256D.03, subdivision 6;
- (iv) general assistance under section 256D.03, subdivision 2;
- (v) Minnesota supplemental aid under section 256D.36, subdivision 1;
- (vi) preadmission screening under section 256B.0911, and alternative care grants under section 256B.0913;
- (vii) general assistance medical care claims processing, medical transportation and related costs under section 256D.03, subdivision 4;
- (viii) medical transportation and related costs under section 256B.0625, subdivisions 17 to 18a;
- (ix) group residential housing under section 256I.05, subdivision 8, transferred from programs in clauses (iv) and (v); or
- (x) any successor programs to those listed in clauses (i) to (ix).

(e) A city with a population of over 500 but not more than 2,500 that is required to hold a public hearing under subdivision 6 must advertise by posted notice as defined in section 645.12, subdivision 1. The advertisement must be posted at the time provided in paragraph (a). It must be in the form required in paragraph (b).

(f) For purposes of this subdivision, the population of a city is the most recent population as determined by the state demographer under section 4A.02.

(g) The commissioner of revenue shall annually prescribe the specific form and format of the advertisements required under this subdivision, including such details as font size and style, and spacing for the required items. The commissioner may prescribe alternate and additional language for the advertisement for a taxing authority or for groups of taxing authorities. At least two weeks before November 29 each year, the commissioner shall provide a copy of the prescribed advertisements to the chairs of the committees of the house of representatives and the senate with jurisdiction over taxes.

Subd. 6b. **Joint public hearings.** Notwithstanding any other provision of law, any city with a population of 10,000 and over, may conduct a more comprehensive public hearing than is contained in subdivision 6 by including a board member from the county, a board member from the school district located within the city's boundary, and a representative of the metropolitan council, if the city is in the metropolitan area, as defined in section 473.121, subdivision 2, at the city's public hearing. All provisions regarding the public hearings under subdivision 6 are applicable to the joint public hearings under this subdivision.

Upon the adoption of a resolution by the governing body of the city to hold a joint hearing, the city shall notify the county, the school district, and the Metropolitan Council if the city is in the metropolitan area, of the decision to hold a joint public hearing and request a board member from each of those taxing authorities, and the member or the designee of the Metropolitan Council if applicable, to be at the joint hearing. If the city is located in more than one county, the city may choose to request a county board member from each county or only from the county containing the majority of the city's market value. If more than one school district is partially or totally located within the city, the city may choose to request a school district board member from each school district, or a board member only from the school district containing the majority of the city's market value. If, as a result of requests under this subdivision, there are not sufficient board members in the county or the school district to attend the joint hearing, the county or school district may send a nonelected person working for its taxing authority to speak on the authority's behalf. The city may also invite each state senator and representative who represents the city, or a portion of the city, to come to the joint hearing.

The primary purpose of the joint hearing is to discuss the city's budget and property tax levy. The county and school district officials, and Metropolitan Council representative, if the city is in the metropolitan area, should be prepared to answer questions relevant to its budget and levy and the effect that its levy has on the property owners in the city.

If a city conducts a hearing under this subdivision, this hearing is in lieu of the initial hearing required under subdivision 6. However, the city is still required to adopt its proposed property tax levy at a subsequent hearing as provided under subdivision 6. The hearings under this subdivision do not relieve a county, school district, or the Metropolitan Council of the requirement to hold its individual hearing under subdivision 6.

Subd. 6c. **Joint public hearing; nonmetropolitan county, cities, and school districts.**
(a) Notwithstanding any other provision of law, the county board may hold a joint hearing with the governing bodies of all taxing authorities located wholly or partially within the county that are required to hold a public hearing under this section, excluding special taxing districts. The primary purpose of the joint hearing is for taxpayer efficiency by allowing taxpayers to come to a single public hearing to discuss the budgets and proposed property tax levies of most taxing authorities that impact the taxes on their property.

(b) This subdivision applies only to counties located outside the metropolitan area as defined under section 473.121, subdivision 2. If a city or school district is located partially within the metropolitan area, that taxing jurisdiction may participate in its nonmetropolitan county's joint hearing, if it so chooses.

(c) Upon the adoption of a resolution by the county board to hold a joint public hearing, the county shall notify each city with a population over 500 and each school district located wholly or partially within the county of its intention to hold the joint hearing and ask each of the taxing authorities if it would like to participate. Participation is voluntary, and participation in the joint hearing is in lieu of the requirement for the governing body to hold a separate public hearing under subdivision 6. If a participating city or school district is located in more than one county, the hearing under this subdivision is in lieu of the requirement to hold a separate public hearing if 75 percent or more of that city or school district's previous year's net tax capacity is in the county where the hearing is held.

(d) The initial joint hearing must be held on the first Thursday in December. The county may hold an additional joint hearing on another date before December 20 if the majority of the participating taxing authorities want an additional hearing.

The county board shall obtain a meeting space to hold the joint hearing, preferably at a public building such as the courthouse, school, or community center. The location shall be as centrally located within the county as possible. The meeting shall generally be structured in the following general manner:

- (1) 30 to 60 minutes must be devoted to discussion of the county's budget and levy;
- (2) 30 to 60 minutes must be devoted to discussion of the city's budget and levy, with each city's discussion held in a separate room, preferably in the same building;
- (3) 30 to 60 minutes must be devoted to discussion of the school district's levy, with each school district's discussion held in a separate room, preferably in the same building; and
- (4) during the last 30 minutes the governing bodies must reassemble in a joint meeting to entertain any follow-up questions that have arisen from the separate discussions.

The county shall attempt to keep the total public hearing to within three hours.

(e) In lieu of the public advertisement requirement in subdivision 5a, the county shall have a single advertisement listing the county, each city with a population of over 500, and each school district participating in the joint public hearing listing. Any taxing authority participating under this subdivision is exempt from the separate public advertisement requirement under subdivision 5a. The cost of the joint hearing advertisement shall be apportioned in the same manner provided in subdivision 4. The notice must be published not less than two business days nor more than six business days before the hearing. The newspaper selected must be one of general interest and readership in the county, and not one of limited subject matter. The advertisement must appear in a newspaper that is published at least once per week. The advertisement must be in the following form:

"NOTICE OF JOINT PUBLIC HEARING
PROPOSED TOTAL PROPERTY TAXES
FOR PARTICIPATING TAXING AUTHORITIES

The property tax amounts below compare that portion of the current budget levied in property taxes in the county, cities, and school districts for (year) with the property taxes the county, cities, and school districts propose to collect in (year) for those taxing authorities participating in the joint public hearing.

Taxing Authority	(Year) Property Taxes	Proposed (Year) Property Taxes	Change(Year) - (Year)
\$	\$.....	\$	%
\$	\$.....	\$	%
\$	\$.....	\$	%

ATTEND THE JOINT PUBLIC HEARING

All residents are invited to attend the joint public hearing of the county/cities/school districts to express your opinions on the proposed amount of (year) property taxes. The hearing will be held on:

APPENDIX
Repealed Minnesota Statutes: H2323-1

(Month/Day/Year/Time)
(Location/Address)

If the discussion cannot be completed, and another hearing is scheduled, a time and place for that hearing will be announced at this hearing. You are also invited to send your written comments to the county auditor. If the comments relate to the city or school district's levy, please identify that on the envelope so the county auditor can direct the correspondence to the right jurisdiction."

The formal adoption of the taxing authority's levy must not be made at the joint public hearing held under this subdivision. The formal adoption must be made at one of the regularly scheduled meetings of the taxing authority's governing body. However, the property tax levy amount that is subsequently adopted cannot exceed the amount shown to taxpayers at the joint public hearing.

Subd. 8. **Hearing.** Notwithstanding any other provision of law, Ramsey County, the city of St. Paul, and Independent School District No. 625 are authorized to and shall hold their initial public hearing jointly. The hearing must be held during the week of the second Tuesday of December each year. The advertisement required in subdivision 5a may be a joint advertisement. The hearing is otherwise subject to the requirements of this section.

Ramsey County is authorized to hold an additional initial hearing or hearings as provided under this section, provided that any additional hearings must not conflict with the initial or continuation hearing dates of the other taxing districts. However, if Ramsey County elects not to hold such additional initial hearing or hearings, the joint initial hearing required by this subdivision must be held in a St. Paul location convenient to residents of Ramsey County.

Subd. 9. **Aitkin County and school district hearing.** Notwithstanding any other law, Aitkin County and Independent School District No. 1, and the city of Aitkin, or any two of them, may hold their initial public hearing jointly. The hearing must be held on the second Tuesday of December each year. The advertisement required in subdivision 5a may be a joint advertisement. The hearing is otherwise subject to the requirements of this section.

Subd. 10. **Nobles County; joint initial public hearing.** Notwithstanding any other law, Nobles County, the city of Worthington, and Independent School District No. 518, Worthington, or any two of them, may hold their initial public hearing jointly. The hearing must be held on the second Tuesday of December each year. The advertisement required in subdivision 5a may be a joint advertisement. The hearing is otherwise subject to the requirements of this section.

289A.50 CLAIMS FOR REFUNDS.

Subd. 10. **Limitation on refund.** If an addition to federal taxable income under section 290.01, subdivision 19a, clause (1), is judicially determined to discriminate against interstate commerce, the legislature intends that the discrimination be remedied by adding interest on obligations of Minnesota governmental units and Indian tribes to federal taxable income. This subdivision applies beginning with the taxable years that begin during the calendar year in which the court's decision is final. Other remedies apply for previous taxable years.

290.01 DEFINITIONS.

Subd. 6b. **Foreign operating corporation.** The term "foreign operating corporation," when applied to a corporation, means a domestic corporation with the following characteristics:

- (1) it is part of a unitary business at least one member of which is taxable in this state;
- (2) it is not a foreign sales corporation under section 922 of the Internal Revenue Code, as amended through December 31, 1999, for the taxable year;
- (3) it is not an interest charge domestic international sales corporation under sections 992, 993, 994, and 995 of the Internal Revenue Code;
- (4) either (i) it has in effect a valid election under section 936 of the Internal Revenue Code; or (ii) at least 80 percent of the gross income from all sources of the corporation in the tax year is active foreign business income; and
- (5) for purposes of this subdivision, active foreign business income means gross income that is (i) derived from sources without the United States, as defined in subtitle A, chapter 1, subchapter N, part 1, of the Internal Revenue Code; and (ii) attributable to the active conduct of a trade or business in a foreign country.

290.06 RATES OF TAX; CREDITS.

Subd. 24. **Credit for job creation.** (a) A corporation that leases and operates a heavy maintenance base for aircraft that is owned by the state of Minnesota or one of its political subdivisions may take a credit against the tax due under this chapter.

APPENDIX

Repealed Minnesota Statutes: H2323-1

(b) For the first taxable year when the facility has been in operation for at least three consecutive months, the credit is equal to \$5,000 multiplied by the number of persons employed by the corporation on a full-time basis at the facility on the last day of the taxable year, not to exceed the number of persons employed by the corporation on a full-time basis at the facility on the date 90 days before the last day of the taxable year. For each of the succeeding four taxable years, the credit is equal to \$5,000 multiplied by the number of persons employed by the corporation on a full-time basis at the facility on the last day of the taxable year, not to exceed the number of persons employed by the corporation on a full-time basis at the facility on the date 90 days before the last day of the taxable year.

(c) For the first taxable year in which the credit is allowed for the facility, the credit must not exceed 80 percent of the wages paid to or incurred for persons employed by the taxpayer at the facility during the taxable year. For the succeeding four taxable years, the credit must not exceed 20 percent of the wages paid to or incurred for persons employed by the taxpayer at the facility during the taxable year. For purposes of this section, "wages" has the meaning given under section 3121(b) of the Internal Revenue Code, except the limitation to the contribution and benefit base does not apply.

(d) If the credit provided under this subdivision exceeds the tax liability of the corporation for the taxable year, the excess amount of the credit may be carried over to each of the 20 taxable years succeeding the taxable year. The entire amount of the credit must be carried to the earliest taxable year to which the amount may be carried. The unused portion of the credit must be carried to the following taxable year. No credit may be carried to a taxable year more than 20 years after the taxable year in which the credit was earned.

(e) If an unused portion of the credit remains at the end of the carryover period under paragraph (d), the commissioner shall refund the unused portion to the taxpayer. The provisions of this paragraph do not apply if the corporation that earned the credit under this subdivision or a successor in interest to the corporation filed for bankruptcy protection.

Subd. 28. **Credit for transit passes.** A taxpayer may take a credit against the tax due under this chapter equal to 30 percent of the expense incurred by the taxpayer to provide transit passes, for use in Minnesota, to employees of the taxpayer. As used in this subdivision, "transit pass" has the meaning given in section 132(f)(5)(A) of the Internal Revenue Code. If the taxpayer purchases the transit passes from the transit system operator, and resells them to the employees, the credit is based on the amount of the difference between the price paid for the passes by the employer and the amount charged to employees.

Subd. 30. **Biotechnology and health science industry zone job credit.** A taxpayer that is a qualified business, as defined in section 469.330, subdivision 11, is allowed a credit as determined under section 469.338 against the franchise tax imposed under section 290.06, subdivision 1, or the alternative minimum tax imposed under section 290.0921.

Subd. 31. **Biotechnology and health science industry zone research and development credit.** A taxpayer that is a qualified business, as defined in section 469.330, subdivision 11, is allowed a credit as determined under section 469.339 against the franchise tax imposed under section 290.06, subdivision 1, or the alternative minimum tax imposed under section 290.0921.

Subd. 32. **International economic development zone job credit.** A taxpayer that is a qualified business, as defined in section 469.321, subdivision 6, is allowed a credit as determined under section 469.327 against the tax imposed by this chapter.

Subd. 33. **Bovine testing credit.** (a) An owner of cattle in Minnesota may take a credit against the tax due under this chapter for an amount equal to: (1) for corporate filers, including shareholders of an S corporation under section 290.9725, 25 percent of the expenses incurred during the taxable year to conduct tuberculosis testing on those cattle; and (2) for all other filers, one-half the expenses incurred during the taxable year to conduct tuberculosis testing on those cattle.

(b) If the amount of credit which the taxpayer is eligible to receive under this subdivision exceeds the taxpayer's tax liability under this chapter, the commissioner of revenue shall refund the excess to the taxpayer.

(c) The amount necessary to pay claims for the refund provided in this subdivision is appropriated from the general fund to the commissioner of revenue.

(d) Expenses incurred in a calendar year in which tuberculosis testing of cattle in Minnesota is not federally required are not allowed in claiming the credit under paragraph (a).

Subd. 34. **Lower income motor fuels tax credit.** (a) An individual is allowed a credit against the tax imposed under this chapter if the individual:

- (i) has attained the age of 18 by the end of the taxable year;
- (ii) cannot be claimed as a dependent on another taxpayer's return; and
- (iii) is (A) a United States citizen or (B) lawfully present in the United States.

APPENDIX

Repealed Minnesota Statutes: H2323-1

For married couples filing joint returns, surviving spouses, single filers, and head of household filers, the credit amount is \$25. For married individuals filing separate returns, the credit amount is \$12.50. To qualify, the individual's taxable net income for the taxable year must not exceed the maximum amount for the individual's filing status, adjusted as provided in subdivision 2d, that is taxable at the lowest rate under subdivision 2c. For individuals with taxable net income that exceeds the amount of income taxable for the individual's filing status at the lowest rate under subdivision 2c, adjusted as provided in subdivision 2d, the credit amount is zero. For a nonresident or part-year resident, the credit must be allocated based on the percentage calculated under subdivision 2c, paragraph (e).

(b) If the amount of the credit which the individual is eligible to receive under this subdivision exceeds the individual's liability for tax under this chapter, the commissioner of revenue shall refund the excess.

(c) The amount necessary to pay claims for the refund provided in this section is appropriated from the general fund to the commissioner.

290.067 DEPENDENT CARE CREDIT.

Subdivision 1. **Amount of credit.** (a) A taxpayer may take as a credit against the tax due from the taxpayer and a spouse, if any, under this chapter an amount equal to the dependent care credit for which the taxpayer is eligible pursuant to the provisions of section 21 of the Internal Revenue Code subject to the limitations provided in subdivision 2 except that in determining whether the child qualified as a dependent, income received as a Minnesota family investment program grant or allowance to or on behalf of the child must not be taken into account in determining whether the child received more than half of the child's support from the taxpayer, and the provisions of section 32(b)(1)(D) of the Internal Revenue Code do not apply.

(b) If a child who has not attained the age of six years at the close of the taxable year is cared for at a licensed family day care home operated by the child's parent, the taxpayer is deemed to have paid employment-related expenses. If the child is 16 months old or younger at the close of the taxable year, the amount of expenses deemed to have been paid equals the maximum limit for one qualified individual under section 21(c) and (d) of the Internal Revenue Code. If the child is older than 16 months of age but has not attained the age of six years at the close of the taxable year, the amount of expenses deemed to have been paid equals the amount the licensee would charge for the care of a child of the same age for the same number of hours of care.

(c) If a married couple:

(1) has a child who has not attained the age of one year at the close of the taxable year;

(2) files a joint tax return for the taxable year; and

(3) does not participate in a dependent care assistance program as defined in section 129 of the Internal Revenue Code, in lieu of the actual employment related expenses paid for that child under paragraph (a) or the deemed amount under paragraph (b), the lesser of (i) the combined earned income of the couple or (ii) the amount of the maximum limit for one qualified individual under section 21(c) and (d) of the Internal Revenue Code will be deemed to be the employment related expense paid for that child. The earned income limitation of section 21(d) of the Internal Revenue Code shall not apply to this deemed amount. These deemed amounts apply regardless of whether any employment-related expenses have been paid.

(d) If the taxpayer is not required and does not file a federal individual income tax return for the tax year, no credit is allowed for any amount paid to any person unless:

(1) the name, address, and taxpayer identification number of the person are included on the return claiming the credit; or

(2) if the person is an organization described in section 501(c)(3) of the Internal Revenue Code and exempt from tax under section 501(a) of the Internal Revenue Code, the name and address of the person are included on the return claiming the credit.

In the case of a failure to provide the information required under the preceding sentence, the preceding sentence does not apply if it is shown that the taxpayer exercised due diligence in attempting to provide the information required.

In the case of a nonresident, part-year resident, or a person who has earned income not subject to tax under this chapter including earned income excluded pursuant to section 290.01, subdivision 19b, clause (10) or (16), the credit determined under section 21 of the Internal Revenue Code must be allocated based on the ratio by which the earned income of the claimant and the claimant's spouse from Minnesota sources bears to the total earned income of the claimant and the claimant's spouse.

APPENDIX

Repealed Minnesota Statutes: H2323-1

For residents of Minnesota, the subtractions for military pay under section 290.01, subdivision 19b, clauses (11) and (12), are not considered "earned income not subject to tax under this chapter."

For residents of Minnesota, the exclusion of combat pay under section 112 of the Internal Revenue Code is not considered "earned income not subject to tax under this chapter."

Subd. 2. **Limitations.** The credit for expenses incurred for the care of each dependent shall not exceed \$720 in any taxable year, and the total credit for all dependents of a claimant shall not exceed \$1,440 in a taxable year. The maximum total credit shall be reduced according to the amount of the income of the claimant and a spouse, if any, as follows:

income up to \$18,040, \$720 maximum for one dependent, \$1,440 for all dependents;
income over \$18,040, the maximum credit for one dependent shall be reduced by \$18 for every \$350 of additional income, \$36 for all dependents.

The commissioner shall construct and make available to taxpayers tables showing the amount of the credit at various levels of income and expenses. The tables shall follow the schedule contained in this subdivision, except that the commissioner may graduate the transitions between expenses and income brackets.

Subd. 2a. **Income.** (a) For purposes of this section, "income" means the sum of the following:

- (1) federal adjusted gross income as defined in section 62 of the Internal Revenue Code; and
- (2) the sum of the following amounts to the extent not included in clause (1):
 - (i) all nontaxable income;
 - (ii) the amount of a passive activity loss that is not disallowed as a result of section 469, paragraph (i) or (m) of the Internal Revenue Code and the amount of passive activity loss carryover allowed under section 469(b) of the Internal Revenue Code;
 - (iii) an amount equal to the total of any discharge of qualified farm indebtedness of a solvent individual excluded from gross income under section 108(g) of the Internal Revenue Code;
 - (iv) cash public assistance and relief;
 - (v) any pension or annuity (including railroad retirement benefits, all payments received under the federal Social Security Act, supplemental security income, and veterans benefits), which was not exclusively funded by the claimant or spouse, or which was funded exclusively by the claimant or spouse and which funding payments were excluded from federal adjusted gross income in the years when the payments were made;
 - (vi) interest received from the federal or a state government or any instrumentality or political subdivision thereof;
 - (vii) workers' compensation;
 - (viii) nontaxable strike benefits;
 - (ix) the gross amounts of payments received in the nature of disability income or sick pay as a result of accident, sickness, or other disability, whether funded through insurance or otherwise;
 - (x) a lump-sum distribution under section 402(e)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1995;
 - (xi) contributions made by the claimant to an individual retirement account, including a qualified voluntary employee contribution; simplified employee pension plan; self-employed retirement plan; cash or deferred arrangement plan under section 401(k) of the Internal Revenue Code; or deferred compensation plan under section 457 of the Internal Revenue Code;
 - (xii) nontaxable scholarship or fellowship grants;
 - (xiii) the amount of deduction allowed under section 199 of the Internal Revenue Code; and
 - (xiv) the amount of deduction allowed under section 220 or 223 of the Internal Revenue Code.

In the case of an individual who files an income tax return on a fiscal year basis, the term "federal adjusted gross income" means federal adjusted gross income reflected in the fiscal year ending in the next calendar year. Federal adjusted gross income may not be reduced by the amount of a net operating loss carryback or carryforward or a capital loss carryback or carryforward allowed for the year.

- (b) "Income" does not include:
 - (1) amounts excluded pursuant to the Internal Revenue Code, sections 101(a) and 102;
 - (2) amounts of any pension or annuity that were exclusively funded by the claimant or spouse if the funding payments were not excluded from federal adjusted gross income in the years when the payments were made;
 - (3) surplus food or other relief in kind supplied by a governmental agency;
 - (4) relief granted under chapter 290A;

APPENDIX
Repealed Minnesota Statutes: H2323-1

(5) child support payments received under a temporary or final decree of dissolution or legal separation; and

(6) restitution payments received by eligible individuals and excludable interest as defined in section 803 of the Economic Growth and Tax Relief Reconciliation Act of 2001, Public Law 107-16.

Subd. 2b. **Inflation adjustment.** The commissioner shall adjust the dollar amount of the income threshold at which the maximum credit begins to be reduced under subdivision 2 by the percentage determined pursuant to the provisions of section 1(f) of the Internal Revenue Code, except that in section 1(f)(3)(B) the word "1999" shall be substituted for the word "1992." For 2001, the commissioner shall then determine the percent change from the 12 months ending on August 31, 1999, to the 12 months ending on August 31, 2000, and in each subsequent year, from the 12 months ending on August 31, 1999, to the 12 months ending on August 31 of the year preceding the taxable year. The determination of the commissioner pursuant to this subdivision must not be considered a "rule" and is not subject to the Administrative Procedure Act contained in chapter 14. The threshold amount as adjusted must be rounded to the nearest \$10 amount. If the amount ends in \$5, the amount is rounded up to the nearest \$10 amount.

Subd. 3. **Credit to be refundable.** If the amount of credit which a claimant would be eligible to receive pursuant to this subdivision exceeds the claimant's tax liability under chapter 290, the excess amount of the credit shall be refunded to the claimant by the commissioner of revenue.

Subd. 4. **Right to file claim.** The right to file a claim under this section shall be personal to the claimant and shall not survive death, but such right may be exercised on behalf of a claimant by the claimant's legal guardian or attorney-in-fact. When a claimant dies after having filed a timely claim the amount thereof shall be disbursed to another member of the household as determined by the commissioner of revenue. If the claimant was the only member of a household, the claim may be paid to the claimant's personal representative, but if neither is appointed and qualified within two years of the filing of the claim, the amount of the claim shall escheat to the state.

290.0672 LONG-TERM CARE INSURANCE CREDIT.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Long-term care insurance" means a policy that:

(1) qualifies for a deduction under section 213 of the Internal Revenue Code, disregarding the 7.5 percent income test; or meets the requirements given in section 62A.46; or provides similar coverage issued under the laws of another jurisdiction; and

(2) has a lifetime long-term care benefit limit of not less than \$100,000; and

(3) has been offered in compliance with the inflation protection requirements of section 62S.23.

(c) "Qualified beneficiary" means the taxpayer or the taxpayer's spouse.

(d) "Premiums deducted in determining federal taxable income" means the lesser of (1) long-term care insurance premiums that qualify as deductions under section 213 of the Internal Revenue Code; and (2) the total amount deductible for medical care under section 213 of the Internal Revenue Code.

Subd. 2. **Credit.** A taxpayer is allowed a credit against the tax imposed by this chapter for long-term care insurance policy premiums paid during the tax year. The credit for each policy equals 25 percent of premiums paid to the extent not deducted in determining federal taxable income. A taxpayer may claim a credit for only one policy for each qualified beneficiary. A maximum of \$100 applies to each qualified beneficiary. The maximum total credit allowed per year is \$200 for married couples filing joint returns and \$100 for all other filers. For a nonresident or part-year resident, the credit determined under this section must be allocated based on the percentage calculated under section 290.06, subdivision 2c, paragraph (e).

290.0674 MINNESOTA EDUCATION CREDIT.

Subdivision 1. **Credit allowed.** An individual is allowed a credit against the tax imposed by this chapter in an amount equal to 75 percent of the amount paid for education-related expenses for a qualifying child in kindergarten through grade 12. For purposes of this section, "education-related expenses" means:

(1) fees or tuition for instruction by an instructor under section 120A.22, subdivision 10, clause (1), (2), (3), (4), or (5), or a member of the Minnesota Music Teachers Association, and who is not a lineal ancestor or sibling of the dependent for instruction outside the regular school

APPENDIX

Repealed Minnesota Statutes: H2323-1

day or school year, including tutoring, driver's education offered as part of school curriculum, regardless of whether it is taken from a public or private entity or summer camps, in grade or age appropriate curricula that supplement curricula and instruction available during the regular school year, that assists a dependent to improve knowledge of core curriculum areas or to expand knowledge and skills under the required academic standards under section 120B.021, subdivision 1, and the elective standard under section 120B.022, subdivision 1, clause (2), and that do not include the teaching of religious tenets, doctrines, or worship, the purpose of which is to instill such tenets, doctrines, or worship;

(2) expenses for textbooks, including books and other instructional materials and equipment purchased or leased for use in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state. "Textbooks" does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to instill such tenets, doctrines, or worship, nor does it include books or materials for extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or similar programs;

(3) a maximum expense of \$200 per family for personal computer hardware, excluding single purpose processors, and educational software that assists a dependent to improve knowledge of core curriculum areas or to expand knowledge and skills under the required academic standards under section 120B.021, subdivision 1, and the elective standard under section 120B.022, subdivision 1, clause (2), purchased for use in the taxpayer's home and not used in a trade or business regardless of whether the computer is required by the dependent's school; and

(4) the amount paid to others for transportation of a qualifying child attending an elementary or secondary school situated in Minnesota, North Dakota, South Dakota, Iowa, or Wisconsin, wherein a resident of this state may legally fulfill the state's compulsory attendance laws, which is not operated for profit, and which adheres to the provisions of the Civil Rights Act of 1964 and chapter 363A.

For purposes of this section, "qualifying child" has the meaning given in section 32(c)(3) of the Internal Revenue Code.

Subd. 2. **Limitations.** (a) For claimants with income not greater than \$33,500, the maximum credit allowed for a family is \$1,000 multiplied by the number of qualifying children in kindergarten through grade 12 in the family. The maximum credit for families with one qualifying child in kindergarten through grade 12 is reduced by \$1 for each \$4 of household income over \$33,500, and the maximum credit for families with two or more qualifying children in kindergarten through grade 12 is reduced by \$2 for each \$4 of household income over \$33,500, but in no case is the credit less than zero.

For purposes of this section "income" has the meaning given in section 290.067, subdivision 2a. In the case of a married claimant, a credit is not allowed unless a joint income tax return is filed.

(b) For a nonresident or part-year resident, the credit determined under subdivision 1 and the maximum credit amount in paragraph (a) must be allocated using the percentage calculated in section 290.06, subdivision 2c, paragraph (e).

Subd. 3. **Reduction by alternative minimum tax liability.** The amount of the credit allowed must be reduced by the amount of the taxpayer's liability under section 290.091, determined before the credit allowed by this section is subtracted from regular tax liability.

Subd. 4. **Credit to be refundable.** If the amount of credit that the claimant is eligible to receive under this section exceeds the claimant's tax liability under this chapter, the commissioner shall refund the excess to the claimant.

Subd. 5. **Appropriation.** An amount sufficient to pay the refunds required by this section is appropriated to the commissioner from the general fund.

290.0679 ASSIGNMENT OF REFUND.

Subdivision 1. **Definitions.** (a) "Qualifying taxpayer" means a resident who has a child in kindergarten through grade 12 in the current tax year and who met the income requirements under section 290.0674, subdivision 2, for receiving the education credit in the tax year preceding the assignment of the taxpayer's refund.

(b) "Education credit" means the credit allowed under section 290.0674.

(c) "Refund" means an individual income tax refund.

(d) "Financial institution" means a state or federally chartered bank, savings bank, savings association, or credit union.

(e) "Qualifying organization" means a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code.

APPENDIX

Repealed Minnesota Statutes: H2323-1

(f) "Assignee" means a financial institution or qualifying organization that is entitled to receive payment of a refund assigned under this section.

Subd. 2. **Conditions for assignment.** A qualifying taxpayer may assign all or part of an anticipated refund for the current and future taxable years to a financial institution or a qualifying organization. A financial institution or qualifying organization accepting assignment must pay the amount secured by the assignment to a third-party vendor. The commissioner of education shall, upon request from a third-party vendor, certify that the vendor's products and services qualify for the education credit. A denial of a certification is subject to the contested case procedure under chapter 14. A financial institution or qualifying organization that accepts assignments under this section must verify as part of the assignment documentation that the product or service to be provided by the third-party vendor has been certified by the commissioner of education as qualifying for the education credit. The amount assigned for the current and future taxable years may not exceed the maximum allowable education credit for the current taxable year. Both the taxpayer and spouse must consent to the assignment of a refund from a joint return.

Subd. 3. **Consent for disclosure.** When the taxpayer applies to the financial institution or the qualifying organization for a loan to be secured by the assignment under subdivision 2, the taxpayer must sign a written consent on a form prescribed by the commissioner. The consent must authorize the commissioner to disclose to the financial institution or qualifying organization the total amount of state taxes owed or revenue recapture claims filed under chapter 270A against the taxpayer, and the total amount of outstanding assignments made by the taxpayer under this section. For a refund from a joint return, the consent must also authorize the disclosure of taxes, revenue recapture claims, and assignments relating to the taxpayer's spouse, and must be signed by the spouse. The financial institution or qualifying organization may request that the taxpayer provide a copy of the taxpayer's previous year's income tax return, if any, and may assist the taxpayer in requesting a copy of the previous year's return from the commissioner.

Subd. 4. **Consumer disclosure.** (a) A third-party vendor that receives payment of the amount secured by an assignment must comply with the requirements of this subdivision.

(b) The third-party vendor must disclose to the taxpayer, in plain language:

(1) the cost of each product or service for which the third-party vendor separately charges the taxpayer;

(2) any fees charged to the taxpayer for tax preparation services; and

(3) for qualifying low-income taxpayers, information on the availability of free tax preparation services.

(c) The third-party vendor must provide to the taxpayer executed copies of any documents signed by the taxpayer.

Subd. 5. **Filing of assignment.** The commissioner shall prescribe the form of and manner for filing an assignment of a refund under this section.

Subd. 6. **Effect of assignment.** The taxpayer may not revoke an assignment after it has been filed. The assignee must notify the commissioner if the loan secured by the assignment has been paid in full, in which case the assignment is canceled. An assignment is in effect until the amount assigned is refunded in full to the assignee, or until the assignee cancels the assignment.

Subd. 7. **Payment of refund.** When a refund assigned under this section is issued by the commissioner, the proceeds of the refund, as defined in subdivision 1, paragraph (c), must be distributed in the following order:

(1) to satisfy any delinquent tax obligations of the taxpayer which are owed to the commissioner;

(2) to claimant agencies to satisfy any revenue recapture claims filed against the taxpayer, in the order of priority of the claims set forth in section 270A.10;

(3) to assignees to satisfy assignments under this section, based on the order in time in which the commissioner received the assignments; and

(4) to the taxpayer.

Subd. 8. **Legal action.** If there is a dispute between the taxpayer and the assignee after the commissioner has remitted the taxpayer's refund to the assignee, the taxpayer's only remedy is to bring an action against the assignee in court to recover the refund. The action must be brought within two years after the commissioner remits the refund to the assignee. The commissioner may not be a party to the proceeding.

Subd. 9. **Assignments private data.** Information regarding assignments under this section is classified as private data on individuals.

290.0802 SUBTRACTION FOR THE ELDERLY AND DISABLED.

APPENDIX

Repealed Minnesota Statutes: H2323-1

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given.

(a) "Adjusted gross income" means federal adjusted gross income as used in section 22(d) of the Internal Revenue Code for the taxable year, plus a lump-sum distribution as defined in section 402(e)(3) of the Internal Revenue Code, and less any pension, annuity, or disability benefits included in federal gross income but not subject to state taxation other than the subtraction allowed under section 290.01, subdivision 19b, clause (4).

(b) "Disability income" means disability income as defined in section 22(c)(2)(B)(iii) of the Internal Revenue Code.

(c) "Nontaxable retirement and disability benefits" means the amount of pension, annuity, or disability benefits that would be included in the reduction under section 22(c)(3) of the Internal Revenue Code and pension, annuity, or disability benefits included in federal gross income but not subject to state taxation.

(d) "Qualified individual" means a qualified individual as defined in section 22(b) of the Internal Revenue Code.

Subd. 2. **Subtraction.** (a) A qualified individual is allowed a subtraction from federal taxable income of the individual's subtraction base amount. The excess of the subtraction base amount over the taxable net income computed without regard to the subtraction for the elderly or disabled under section 290.01, subdivision 19b, clause (4), may be used to reduce the amount of a lump sum distribution subject to tax under section 290.032.

(b)(1) The initial subtraction base amount equals

(i) \$12,000 for a married taxpayer filing a joint return if a spouse is a qualified individual,

(ii) \$9,600 for a single taxpayer, and

(iii) \$6,000 for a married taxpayer filing a separate federal return.

(2) The qualified individual's initial subtraction base amount, then, must be reduced by the sum of nontaxable retirement and disability benefits and one-half of the amount of adjusted gross income in excess of the following thresholds:

(i) \$18,000 for a married taxpayer filing a joint return if both spouses are qualified individuals,

(ii) \$14,500 for a single taxpayer or for a married couple filing a joint return if only one spouse is a qualified individual, and

(iii) \$9,000 for a married taxpayer filing a separate federal return.

(3) In the case of a qualified individual who is under the age of 65, the maximum amount of the subtraction base may not exceed the taxpayer's disability income.

(4) The resulting amount is the subtraction base amount.

Subd. 3. **Restrictions; married couples.** Except in the case of a husband and wife who live apart at all times during the taxable year, if the taxpayer is married at the close of the taxable year, the subtraction under subdivision 2 is allowable only if the taxpayers file joint federal and state income tax returns for the taxable year.

290.0921 CORPORATE ALTERNATIVE MINIMUM TAX AFTER 1989.

Subd. 7. **Foreign operating companies.** The income and deductions related to foreign operating companies, as defined in section 290.01, subdivision 6b, that are used to calculate Minnesota alternative minimum taxable income, are limited to the amounts included for purposes of calculating taxable income under section 290.01, subdivision 29.

290.191 APPORTIONMENT OF NET INCOME.

Subd. 4. **Apportionment formula for certain mail order businesses.** If the business of a corporation, partnership, or proprietorship consists exclusively of the selling of tangible personal property and services at retail, as defined in section 297A.61, subdivision 4, paragraph (a), in response to orders received by United States mail, telephone, facsimile, or other electronic media, and 99 percent of the taxpayer's property and payroll is within Minnesota, then the taxpayer may apportion net income to Minnesota based solely upon the percentage that the sales made within this state in connection with its trade or business during the tax period are of the total sales wherever made in connection with the trade or business during the tax period. Property and payroll factors are disregarded. In determining eligibility for this subdivision:

(1) the sale not in the ordinary course of business of tangible or intangible assets used in conducting business activities must be disregarded; and

APPENDIX

Repealed Minnesota Statutes: H2323-1

(2) property and payroll at a distribution center outside of Minnesota are disregarded if the sole activity at the distribution center is the filling of orders, and no solicitation of orders occurs at the distribution center.

290.491 TAX ON GAIN; DISCHARGE IN BANKRUPTCY.

(a) Any tax due under this chapter on a gain realized on a forced sale pursuant to foreclosure of a mortgage or other security interest in agricultural production property, other real property, or equipment, used in a farm business that was owned and operated by the taxpayer shall be a dischargeable debt in a bankruptcy proceeding under United States Code, title 11, section 727.

(b) Income realized on a sale or exchange of agricultural production property, other real property, or equipment, used in a farm business that was owned and operated by the taxpayer shall be exempt from taxation under this chapter, if the taxpayer was insolvent at the time of the sale and the proceeds of the sale were used solely to discharge indebtedness secured by a mortgage, lien, or other security interest on the property sold. For purposes of this section, "insolvent" means insolvent as defined in section 108(d)(3) of the Internal Revenue Code. This paragraph applies only to the extent that the gain is includable in federal taxable income or in the computation of the alternative minimum taxable income under section 290.091 for purposes of the alternative minimum tax. The amount of the exemption is limited to the excess of the taxpayer's (1) liabilities over (2) the total assets and any exclusion claimed under section 108 of the Internal Revenue Code determined immediately before application of this paragraph.

(c) For purposes of this section, any tax due under this chapter specifically includes, but is not limited to, tax imposed under sections 290.02 and 290.03 on income derived from a sale or exchange, whether constituting gain, discharge of indebtedness or recapture of depreciation deductions, or the alternative minimum tax imposed under section 290.091.

297A.61 DEFINITIONS.

Subd. 45. **Ring tone.** "Ring tone" means a digitized sound file that is downloaded onto a device and that may be used to alert the customer of a telecommunication service with respect to a communication.

297A.68 BUSINESS EXEMPTIONS.

Subd. 38. **Biotechnology and health sciences industry zone.** (a) Purchases of tangible personal property or taxable services by a qualified business, as defined in section 469.330, are exempt if the property or services are primarily used or consumed in a biotechnology and health sciences industry zone designated under section 469.334.

(b) Purchase and use of construction materials and supplies used or consumed in, and equipment incorporated into, the construction of improvements to real property in a biotechnology and health sciences industry zone are exempt if the improvements after completion of construction are to be used in the conduct of a qualified business, as defined in section 469.330. This exemption applies regardless of whether the purchases are made by the business or a contractor.

(c) The exemptions under this subdivision apply to a local sales and use tax regardless of whether the local sales tax is imposed on the sales taxable as defined under this chapter.

(d)(1) The tax on sales of goods or services exempted under this subdivision are imposed and collected as if the applicable rate under section 297A.62 applied. Upon application by the purchaser, on forms prescribed by the commissioner, a refund equal to the tax paid must be paid to the purchaser. The application must include sufficient information to permit the commissioner to verify the sales tax paid and the eligibility of the claimant to receive the credit. No more than two applications for refunds may be filed under this subdivision in a calendar year. The provisions of section 289A.40 apply to the refunds payable under this subdivision.

(2) The amount required to make the refunds is annually appropriated to the commissioner of revenue.

(3) The aggregate amount refunded to a qualified business must not exceed the amount allocated to the qualified business under section 469.335.

(e) This subdivision applies only to sales made during the duration of the designation of the zone.

Subd. 41. **International economic development zones.** (a) Purchases of tangible personal property or taxable services by a qualified business, as defined in section 469.321, are exempt if the property or services are primarily used or consumed in the international economic development zone designated under section 469.322. This exemption applies only if the purchase

APPENDIX

Repealed Minnesota Statutes: H2323-1

is made and delivery received after the business signed the business subsidy agreement required under chapter 469.

(b) Purchase and use of construction materials, supplies, and equipment incorporated into the construction of improvements to real property in the international economic development zone are exempt if the improvements after completion of construction are to be used as a regional distribution center as defined in section 469.321 or otherwise used in the conduct of freight forwarding activities of a qualified business as defined in section 469.321. This exemption applies regardless of whether the purchases are made by the business or a contractor.

(c) The exemptions under this subdivision apply to a local sales and use tax, regardless of whether the local tax is imposed on sales taxable under this chapter or in another law, ordinance, or charter provision.

(d) The exemptions in this section apply to sales and purchases made after the date of final zone designation under section 469.322, paragraph (c), and before the expiration of the zone under section 469.322, paragraph (d).

(e) For purchases made for improvements to real property to be occupied by a business that has not signed a business subsidy agreement at the time of the purchase, the tax must be imposed and collected as if the rate under section 297A.62, subdivision 1, applied, and then refunded in the manner provided in section 297A.75. The taxpayer must attach to the claim for refund information sufficient for the commissioner to be able to determine that the improvements are being occupied by a business that has signed a business subsidy agreement.

469.316 INDIVIDUAL INCOME TAX EXEMPTION.

Subdivision 1. **Application.** An individual, estate, or trust operating a trade or business in a job opportunity building zone, and an individual, estate, or trust making a qualifying investment in a qualified business operating in a job opportunity building zone qualifies for the exemptions from taxes imposed under chapter 290, as provided in this section. The exemptions provided under this section apply only to the extent that the income otherwise would be taxable under chapter 290. Subtractions under this section from federal taxable income, alternative minimum taxable income, or any other base subject to tax are limited to the amount that otherwise would be included in the tax base absent the exemption under this section. This section applies only to taxable years beginning during the duration of the job opportunity building zone.

Subd. 2. **Rents.** An individual, estate, or trust is exempt from the taxes imposed under chapter 290 on net rents derived from real or tangible personal property used by a qualified business and located in a zone for a taxable year in which the zone was designated a job opportunity building zone. If tangible personal property was used both within and outside of the zone by the qualified business, the exemption amount for the net rental income must be multiplied by a fraction, the numerator of which is the number of days the property was used in the zone and the denominator of which is the total days the property is rented by the qualified business.

Subd. 3. **Business income.** An individual, estate, or trust is exempt from the taxes imposed under chapter 290 on net income from the operation of a qualified business in a job opportunity building zone. If the trade or business is carried on within and without the zone and the individual is not a resident of Minnesota, or the taxpayer is an estate or trust, the exemption must be apportioned based on the zone percentage and the relocation payroll percentage for the taxable year. If the trade or business is carried on within and without the zone and the individual is a resident of Minnesota, the exemption must be apportioned based on the zone percentage and the relocation payroll percentage for the taxable year, except the ratios under section 469.310, subdivision 7, clause (1), items (i) and (ii), must use the denominators of the property and payroll factors determined under section 290.191. No subtraction is allowed under this section in excess of 20 percent of the sum of the job opportunity building zone payroll and the adjusted basis of the property at the time that the property is first used in the job opportunity building zone by the business.

Subd. 4. **Capital gains.** (a) An individual, estate, or trust is exempt from the taxes imposed under chapter 290 on:

(1) net gain derived on a sale or exchange of real property located in the zone and used by a qualified business. If the property was held by the individual, estate, or trust during a period when the zone was not designated, the gain must be prorated based on the percentage of time, measured in calendar days, that the real property was held by the individual, estate, or trust during the period the zone designation was in effect to the total period of time the real property was held by the individual;

(2) net gain derived on a sale or exchange of tangible personal property used by a qualified business in the zone. If the property was held by the individual, estate, or trust during a period

APPENDIX

Repealed Minnesota Statutes: H2323-1

when the zone was not designated, the gain must be prorated based on the percentage of time, measured in calendar days, that the property was held by the individual, estate, or trust during the period the zone designation was in effect to the total period of time the property was held by the individual. If the tangible personal property was used outside of the zone during the period of the zone's designation, the exemption must be multiplied by a fraction, the numerator of which is the number of days the property was used in the zone during the time of the designation and the denominator of which is the total days the property was held during the time of the designation; and

(3) net gain derived on a sale of an ownership interest in a qualified business operating in the job opportunity building zone, meeting the requirements of paragraph (b). The exemption on the gain must be multiplied by the zone percentage of the business for the taxable year prior to the sale.

(b) A qualified business meets the requirements of paragraph (a), clause (3), if it is a corporation, an S corporation, or a partnership, and for the taxable year its job opportunity building zone percentage exceeds 25 percent. For purposes of paragraph (a), clause (3), the zone percentage must be calculated by modifying the ratios under section 469.310, subdivision 7, clause (1), items (i) and (ii), to use the denominators of the property and payroll factors determined under section 290.191. Upon the request of an individual, estate, or trust holding an ownership interest in the entity, the entity must certify to the owner, in writing, the job opportunity building zone percentage needed to determine the exemption.

469.317 CORPORATE FRANCHISE TAX EXEMPTION.

(a) A qualified business is exempt from taxation under section 290.02, the alternative minimum tax under section 290.0921, and the minimum fee under section 290.0922, on the portion of its income attributable to operations within the zone. This exemption is determined as follows:

(1) for purposes of the tax imposed under section 290.02, by multiplying its taxable net income by its zone percentage and by its relocation payroll percentage and subtracting the result in determining taxable income;

(2) for purposes of the alternative minimum tax under section 290.0921, by multiplying its alternative minimum taxable income by its zone percentage and by its relocation payroll percentage and reducing alternative minimum taxable income by this amount; and

(3) for purposes of the minimum fee under section 290.0922, by excluding property and payroll in the zone from the computations of the fee or by exempting the entity under section 290.0922, subdivision 2, clause (7).

(b) No subtraction is allowed under this section in excess of 20 percent of the sum of the corporation's job opportunity building zone payroll and the adjusted basis of the property at the time that the property is first used in the job opportunity building zone by the corporation.

(c) This section applies only to taxable years beginning during the duration of the job opportunity building zone.

469.321 DEFINITIONS.

Subdivision 1. **Scope.** For purposes of sections 469.321 to 469.329, the following terms have the meanings given.

Subd. 2. **Foreign trade zone.** "Foreign trade zone" means a foreign trade zone designated pursuant to United States Code, title 19, section 81a, for the right to use the powers provided in United States Code, title 19, sections 81a to 81u, or a subzone authorized by the foreign trade zone.

Subd. 3. **Foreign trade zone authority.** "Foreign trade zone authority" means the Greater Metropolitan Foreign Trade Zone Commission number 119, a joint powers authority created by the county of Hennepin, the cities of Minneapolis and Bloomington, and the Metropolitan Airports Commission, under the authority of section 469.059, 469.101, or 471.59, and includes any other political subdivisions that enter into the authority after its creation, as well as the county in which the zone is located. Notwithstanding section 471.59, the members of the authority are not required to have separate authority to establish or operate a foreign trade zone.

Subd. 4. **International economic development zone or zone.** An "international economic development zone" or "zone" is a zone so designated under section 469.322.

Subd. 5. **Person.** "Person" includes an individual, corporation, partnership, limited liability company, association, or any other entity.

Subd. 6. **Qualified business.** "Qualified business" means a person who has signed a business subsidy agreement as required under sections 116J.993 to 116J.995 and 469.323,

APPENDIX

Repealed Minnesota Statutes: H2323-1

subdivision 4, carrying on a trade or business at a place of business located within the international economic development zone that is:

(1)(i) engaged in the furtherance of international export or import of goods as a freight forwarder; and (ii) certified by the foreign trade zone authority as a trade or business that furthers the purpose of developing international distribution capacity and capability; or

(2) the owner or operator of a regional distribution center.

Subd. 7. Regional distribution center. A "regional distribution center" is a distribution center developed within a foreign trade zone. The regional distribution center must have as its primary purpose, the facilitation of the gathering of freight for the purpose of centralizing the functions necessary for the shipment of freight in international commerce, including, but not limited to, security and customs functions.

Subd. 8. International economic development zone percentage or zone percentage. "International economic development zone percentage" or "zone percentage" means the following fraction reduced to a percentage:

(1) the numerator of the fraction is:

(i) the ratio of the taxpayer's property factor under section 290.191 located in the zone for the taxable year which is land, buildings, machinery and equipment, inventories, and other tangible personal property that is a regional distribution center or is used in the furtherance of the taxpayer's freight forwarding operations over the property factor numerator determined under section 290.191, plus

(ii) the ratio of the taxpayer's international economic development zone payroll factor under subdivision 9 over the payroll factor numerator determined under section 290.191; and

(2) the denominator of the fraction is two.

When calculating the zone percentage for a business that is part of a unitary business as defined under section 290.17, subdivision 4, the denominator of the payroll and property factors is the Minnesota payroll and property of the unitary business as reported on the combined report under section 290.17, subdivision 4, paragraph (j).

Subd. 9. International economic development zone payroll factor or international economic development zone payroll. "International economic development zone payroll factor" or "international economic development zone payroll" is that portion of the payroll factor under section 290.191 used to operate a regional distribution center, or used in the furtherance of the taxpayer's freight forwarding operations that represents:

(1) wages or salaries paid to an individual for services performed in the international economic development zone; or

(2) wages or salaries paid to individuals working from offices within the international economic development zone, if their employment requires them to work outside the zone and the work is incidental to the work performed by the individual within the zone. However, in no case does zone payroll include wages paid for work performed outside the zone of an employee who performs more than ten percent of total services for the employer outside the zone.

Subd. 10. Freight forwarder. "Freight forwarder" is a business that, for compensation, ensures that goods produced or sold by another business move from point of origin to point of destination.

469.3215 APPLICATION FOR DESIGNATION.

Subdivision 1. Who may apply. One or more local government units, or a joint powers board under section 471.59, acting on behalf of two or more units, may apply for designation of an area as an international economic development zone. All or part of the area proposed for designation as a zone must be located within the boundaries of each of the governmental units. A local government unit may not submit or have submitted on its behalf more than one application for designation of an international economic development zone.

Subd. 2. Application content. (a) The application must include:

(1) a resolution or ordinance adopted by each of the cities or towns and the counties in which the zone is located, agreeing to provide all of the local tax exemptions provided under section 469.315;

(2) an agreement by the applicant to treat incentives provided under the zone designation as business subsidies under sections 116J.993 to 116J.995 and to comply with the requirements of that law; and

(3) supporting evidence to allow the authority to evaluate the application.

APPENDIX

Repealed Minnesota Statutes: H2323-1

(b) Applications must be submitted to the authority no later than December 31, 2005.

469.322 DESIGNATION OF INTERNATIONAL ECONOMIC DEVELOPMENT ZONE.

(a) An area designated as a foreign trade zone may be designated by the foreign trade zone authority as an international economic development zone if within the zone a regional distribution center is being developed pursuant to section 469.323. The zone must consist of contiguous area of not less than 500 acres and not more than 1,000 acres. The designation authority under this section is limited to one zone.

(b) In making the designation, the foreign trade zone authority, in consultation with the Minnesota Department of Transportation and the Metropolitan Council, shall consider access to major transportation routes, consistency with current state transportation and air cargo planning, adequacy of the size of the site, access to airport facilities, present and future capacity at the designated airport, the capability to meet integrated present and future air cargo, security, and inspection services, and access to other infrastructure and financial incentives. The border of the international economic development zone must be no more than 60 miles distant or 90 minutes drive time from the border of the Minneapolis-St. Paul International Airport.

(c) Before final designation of the zone, the foreign trade zone authority, in consultation with the applicant, must conduct a transportation impact study based on the regional model and utilizing traffic forecasting and assignments. The results must be used to evaluate the effects of the proposed use on the transportation system and identify any needed improvements. If the site is in the metropolitan area the study must also evaluate the effect of the transportation impacts on the Metropolitan Transportation System plan as well as the comprehensive plans of the municipalities that would be affected. The authority shall provide copies of the study to the legislature under section 3.195 and to the chairs of the committees with jurisdiction over transportation and economic development. The applicant must pay the cost of the study.

(d) Final zone designation must be made by June 30, 2008.

(e) Duration of the zone is a 12-year period beginning on January 1, 2010.

469.323 FOREIGN TRADE ZONE AUTHORITY POWERS.

Subdivision 1. Development of regional distribution center. The foreign trade zone authority is responsible for creating and implementing a development plan for the regional distribution center. The regional distribution center must be developed with the purpose of expanding, on a regional basis, international distribution capacity and capability. The foreign trade zone authority shall consult only with municipalities that have indicated to the authority an interest in locating the international economic development zone within their boundaries, as well as interested businesses, potential financiers, and appropriate state and federal agencies.

Subd. 2. Business plan. Before designation of an international economic development zone under section 469.322, the governing body of the foreign trade zone authority shall prepare a business plan. The findings of the business plan shall be presented to the legislature pursuant to section 3.195. Copies of the business plan shall be provided to the chairs of committees with jurisdiction over transportation and economic development. The plan must include an analysis of the economic feasibility of the regional distribution center once it becomes operational and of the operations of freight forwarders and other businesses that choose to locate within the boundaries of the zone. The analysis must provide profitability models that:

- (1) include the benefits of the incentives;
- (2) estimate the amount of time needed to achieve profitability; and
- (3) analyze the length of time incentives will be necessary to the economic viability of the regional distribution center.

If the governing body of the foreign trade authority determines that the models do not establish the economic feasibility of the project, the regional distribution center does not meet the development requirements of this section and section 469.322.

Subd. 3. Port authority powers. The governing body of the foreign trade zone authority may establish a port authority that has the same powers as a port authority established under section 469.049. If the foreign trade zone authority establishes a port authority, the governing body of the foreign trade zone authority may exercise all powers granted to a city by sections 469.048 to 469.068 within the area of the international economic development zone, except it may not impose or request imposition of a property tax levy under section 469.053 by any city.

APPENDIX

Repealed Minnesota Statutes: H2323-1

Subd. 4. **Business subsidy law.** Tax exemptions and job credits provided under this section are business subsidies and the foreign trade zone authority is the local government agency for the purpose of sections 116J.871 and 116J.993 to 116J.995.

469.324 TAX INCENTIVES IN INTERNATIONAL ECONOMIC DEVELOPMENT ZONE.

Qualified businesses that operate in an international economic development zone, individuals who invest in a regional distribution center or qualified businesses that operate in an international economic development zone, and property located in an international economic development zone qualify for:

- (1) exemption from individual income taxes as provided under section 469.325;
- (2) exemption from corporate franchise taxes as provided under section 469.326;
- (3) exemption from the state sales and use tax and any local sales and use taxes on qualifying purchases as provided in section 297A.68, subdivision 41;
- (4) exemption from the property tax as provided in section 272.02, subdivision 68; and
- (5) the jobs credit allowed under section 469.327.

469.325 INDIVIDUAL INCOME TAX EXEMPTION.

Subdivision 1. **Application.** An individual, estate, or trust operating a trade or business in the international economic development zone, and an individual making a qualifying investment in a qualified business operating in the international economic development zone, qualifies for the exemptions from taxes imposed under chapter 290, as provided in this section. The exemptions provided under this section apply only to the extent that the income otherwise would be taxable under chapter 290. Subtractions under this section from federal taxable income, alternative minimum taxable income, or any other base subject to tax are limited to the amount that otherwise would be included in the tax base absent the exemption under this section. This section applies only to tax years beginning during the duration of the zone.

Subd. 2. **Business income.** An individual, estate, or trust is exempt from the taxes imposed under chapter 290 on net income from the operation of a qualified business in the international economic development zone. If the trade or business is carried on within and outside of the zone and the individual is not a resident of Minnesota, the exemption must be apportioned based on the zone percentage for the taxable year. If the trade or business is carried on within or outside of the zone and the individual is a resident of Minnesota, the exemption must be apportioned based on the zone percentage for the taxable year, except the ratios under section 469.321, subdivision 8, clause (1), items (i) and (ii), must use the denominators of the property and payroll factors determined under section 290.191. No subtraction is allowed under this section in excess of 20 percent of the sum of the international economic development zone payroll and the adjusted basis of the property at the time that the property is first used in the international economic development zone by the business.

469.326 CORPORATE FRANCHISE TAX EXEMPTION.

(a) A qualified business is exempt from taxation under section 290.02, the alternative minimum tax under section 290.0921, and the minimum fee under section 290.0922, on the portion of its income attributable to operations within the international economic development zone. This exemption is determined as follows:

- (1) for purposes of the tax imposed under section 290.02, by multiplying its taxable net income by its zone percentage and subtracting the result in determining taxable income;
- (2) for purposes of the alternative minimum tax under section 290.0921, by multiplying its alternative minimum taxable income by its zone percentage and reducing alternative minimum taxable income by this amount; and
- (3) for purposes of the minimum fee under section 290.0922, by excluding property and payroll in the zone from the computations of the fee or by exempting the entity under section 290.0922, subdivision 2, clause (8).

(b) No subtraction is allowed under this section in excess of 20 percent of the sum of the corporation's international economic development zone payroll and the adjusted basis of the zone property at the time that the property is first used in the international economic development zone by the corporation.

APPENDIX

Repealed Minnesota Statutes: H2323-1

(c) This section applies only to tax years beginning during the duration of the international economic development zone.

469.327 JOBS CREDIT.

Subdivision 1. **Credit allowed.** (a) A qualified business is allowed a credit against the taxes imposed under chapter 290. The credit equals seven percent of the:

(1) lesser of:

(i) zone payroll for the taxable year, less the zone payroll for the base year; or

(ii) total Minnesota payroll for the taxable year, less total Minnesota payroll for the base year; minus

(2) \$30,000 multiplied by the number of full-time equivalent employees that the qualified business employs in the international economic development zone for the taxable year, minus the number of full-time equivalent employees the business employed in the zone in the base year, but not less than zero.

(b) This section applies only to tax years beginning during the duration of the international economic development zone.

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Base year" means the taxable year beginning during the calendar year immediately preceding the calendar year in which the duration of the zone begins under section 469.322, paragraph (d).

(c) "Full-time equivalent employees" means the equivalent of annualized expected hours of work equal to 2,080 hours.

(d) "Minnesota payroll" means the wages or salaries attributed to Minnesota under section 290.191, subdivision 12, for the qualified business or the unitary business of which the qualified business is a part, whichever is greater.

(e) "Zone payroll" means wages or salaries used to determine the zone payroll factor for the qualified business, less the amount of compensation attributable to any employee that exceeds \$70,000.

Subd. 3. **Inflation adjustment.** For taxable years beginning after December 31, 2010, the dollar amounts in subdivisions 1, paragraph (a), clause (2); and 2, paragraph (e), are annually adjusted for inflation. The commissioner of revenue shall adjust the amounts by the percentage determined under section 290.06, subdivision 2d, for the taxable year.

Subd. 4. **Refundable.** If the amount of the credit exceeds the liability for tax under chapter 290, the commissioner of revenue shall refund the excess to the qualified business.

Subd. 5. **Appropriation.** An amount sufficient to pay the refunds authorized by this section is appropriated to the commissioner of revenue from the general fund.

469.328 REPAYMENT OF TAX BENEFITS.

Subdivision 1. **Repayment obligation.** A person must repay the amount of the tax reduction received under section 469.324, subdivision 1, clauses (1) to (5), or credit received under section 469.327, during the two years immediately before it ceased to operate in the zone as a qualified business, if the person ceased to operate its facility located within the zone, ceased to be in compliance with the terms of the business subsidy agreement, or otherwise ceases to be or is not a qualified business.

Subd. 2. **Disposition of repayment.** The repayment must be paid to the state to the extent it represents a state tax reduction and to the county to the extent it represents a property tax reduction. Any amount repaid to the state must be deposited in the general fund. Any amount repaid to the county for the property tax exemption must be distributed to the local governments with authority to levy taxes in the zone in the same manner provided for distribution of payment of delinquent property taxes. Any repayment of local sales or use taxes must be repaid to the jurisdiction imposing the local sales or use tax.

Subd. 3. **Repayment procedures.** (a) For the repayment of taxes imposed under chapter 290 or 297A or local taxes collected pursuant to section 297A.99, a person must file an amended return with the commissioner of revenue and pay any taxes required to be repaid within 30 days after ceasing to be a qualified business. The amount required to be repaid is determined by calculating the tax for the period for which repayment is required without regard to the tax reductions and credits allowed under section 469.324.

(b) For the repayment of property taxes, the county auditor shall prepare a tax statement for the person, applying the applicable tax extension rates for each payable year and provide a

APPENDIX

Repealed Minnesota Statutes: H2323-1

copy to the business. The person must pay the taxes to the county treasurer within 30 days after receipt of the tax statement. The taxpayer may appeal the valuation and determination of the property tax to the tax court within 30 days after receipt of the tax statement.

(c) The provisions of chapters 270C and 289A relating to the commissioner of revenue's authority to audit, assess, and collect the tax and to hear appeals are applicable to the repayment required under paragraphs (a) and (b). The commissioner may impose civil penalties as provided in chapter 289A, and the additional tax and penalties are subject to interest at the rate provided in section 270C.40, from 30 days after ceasing to do business in the zone until the date the tax is paid.

(d) If a property tax is not repaid under paragraph (c), the county treasurer shall add the amount required to be repaid to the property taxes assessed against the property for payment in the year following the year in which the treasurer discovers that the person ceased to operate in the international economic development zone.

(e) For determining the tax required to be repaid, a tax reduction is deemed to have been received on the date that the tax would have been due if the person had not been entitled to the tax reduction.

(f) The commissioner of revenue may assess the repayment of taxes under paragraph (d) at any time within two years after the person ceases to be a qualified business, or within any period of limitations for the assessment of tax under section 289A.38, whichever is later.

Subd. 4. **Waiver authority.** The commissioner of revenue may waive all or part of a repayment, if, in consultation with the foreign trade zone authority and appropriate officials from the state and local government units, including the commissioner of employment and economic development, determines that requiring repayment of the tax is not in the best interest of the state or local government and the business ceased operating as a result of circumstances beyond its control, including, but not limited to:

- (1) a natural disaster;
- (2) unforeseen industry trends; or
- (3) loss of a major supplier or customer.

469.329 REPORTING REQUIREMENTS.

(a) An applicant receiving designation of an international economic development zone under section 469.322 must annually report to the commissioner of employment and economic development on its progress in meeting the zone performance goals under the business plan for the zone and the applicant's compliance with the business subsidy law under sections 116J.993 to 116J.995.

(b) The commissioner must report on its Web site information on (1) the estimated amount of the tax expenditures for the zone, (2) the business subsidy agreements with qualified businesses in the zone, (3) the estimated number of new jobs created in the zone and investment made, and (4) other information similar to the information that the commissioner reports on the job opportunity building zone program on the department's Web site.

469.330 DEFINITIONS.

Subdivision 1. **Scope.** For purposes of sections 469.330 to 469.341, the following terms have the meanings given.

Subd. 2. **Applicant.** "Applicant" means a local government unit or units applying for designation of an area as a biotechnology and health sciences industry zone or a joint powers board, established under section 471.59, acting on behalf of two or more local government units.

Subd. 3. **Biotechnology and health sciences industry facility.** "Biotechnology and health sciences industry facility" means one or more facilities or operations involved in:

- (1) researching, developing, and/or manufacturing a biotechnology product or service or a biotechnology-related health sciences product or service;
- (2) researching, developing, and/or manufacturing a biotechnology medical device product or service or a biotechnology-related medical device product or service; or
- (3) promoting, supplying, or servicing a facility or operation involved in clause (1) or (2), if the business derives more than 50 percent of its gross receipts from those activities.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of employment and economic development.

Subd. 5. **Development plan.** "Development plan" means a plan meeting the requirements of section 469.331.

APPENDIX

Repealed Minnesota Statutes: H2323-1

Subd. 6. **Biotechnology and health sciences industry zone or zone.** "Biotechnology and health sciences industry zone" or "zone" means a zone designated by the commissioner under section 469.334.

Subd. 7. **Biotechnology and health sciences industry zone percentage or zone percentage.** "Biotechnology and health sciences industry zone percentage" or "zone percentage" means the following fraction reduced to a percentage:

(1) the numerator of the fraction is:

(i) the ratio of the taxpayer's property factor under section 290.191 located in the zone for the taxable year over the property factor numerator determined under section 290.191, plus

(ii) the ratio of the taxpayer's biotechnology and health sciences industry zone payroll factor under subdivision 8 over the payroll factor numerator determined under section 290.191; and

(2) the denominator of the fraction is two.

When calculating the zone percentage for a business that is part of a unitary business as defined under section 290.17, subdivision 4, the denominator of the payroll and property factors is the Minnesota payroll and property of the unitary business as reported on the combined report under section 290.17, subdivision 4, paragraph (j).

Subd. 8. **Biotechnology and health sciences industry zone payroll factor.** "Biotechnology and health sciences industry zone payroll factor" or "biotechnology and health sciences industry zone payroll" is that portion of the payroll factor under section 290.191 that represents:

(1) wages or salaries paid to an individual for services performed for a qualified business in a biotechnology and health sciences industry zone; or

(2) wages or salaries paid to individuals working from offices of a qualified business within a biotechnology and health sciences industry zone if their employment requires them to work outside the zone and the work is incidental to the work performed by the individual within the zone.

Subd. 9. **Local government unit.** "Local government unit" means a statutory or home rule charter city, county, town, or school district.

Subd. 10. **Person.** "Person" includes an individual, corporation, partnership, limited liability company, association, or any other entity.

Subd. 11. **Qualified business.** (a) "Qualified business" means a person carrying on a trade or business at a biotechnology and health sciences industry facility located within a biotechnology and health sciences industry zone. A person is a qualified business only on those parcels of land for which it has entered into a business subsidy agreement, as required under section 469.333, with the appropriate local government unit in which the parcels are located.

(b) A person that relocates a biotechnology and health sciences industry facility from outside a biotechnology and health sciences industry zone into a zone is not a qualified business, unless the business:

(1)(i) increases full-time employment in the first full year of operation within the biotechnology and health sciences industry zone by at least 20 percent measured relative to the operations that were relocated and maintains the required level of employment for each year the zone designation applies; or

(ii) makes a capital investment in the property located within a zone equivalent to ten percent of the gross revenues of operation that were relocated in the immediately preceding taxable year; and

(2) enters a binding written agreement with the commissioner that:

(i) pledges the business will meet the requirements of clause (1);

(ii) provides for repayment of all tax benefits enumerated under section 469.336 to the business under the procedures in section 469.340, if the requirements of clause (1) are not met; and

(iii) contains any other terms the commissioner determines appropriate.

Subd. 12. **Relocates.** (a) "Relocates" means that the trade or business:

(1) ceases one or more operations or functions at another location in Minnesota and begins performing substantially the same operations or functions at a location in a biotechnology and health sciences industry zone; or

(2) reduces employment at another location in Minnesota during a period starting one year before and ending one year after it begins operations in a biotechnology and health sciences industry zone and its employees in the biotechnology and health sciences industry zone are engaged in the same line of business as the employees at the location where it reduced employment.

APPENDIX

Repealed Minnesota Statutes: H2323-1

(b) "Relocate" does not include an expansion by a business that establishes a new facility that does not replace or supplant an existing operation or employment, in whole or in part.

469.331 DEVELOPMENT PLAN.

(a) An applicant for designation of a biotechnology and health sciences industry zone must adopt a written development plan for the zone before submitting the application to the commissioner.

(b) The development plan must contain, at least, the following:

(1) a map of the proposed zone that indicates the geographic boundaries of the zone, the total area, and present use and conditions generally of the land and structures within those boundaries;

(2) evidence of community support and commitment from local government, local workforce investment boards, school districts, and other education institutions, business groups, and the public;

(3) a description of the methods proposed to increase economic opportunity and expansion, facilitate infrastructure improvement, reduce the local regulatory burden, and identify job-training opportunities;

(4) current social, economic, and demographic characteristics of the proposed zone and anticipated improvements in education, health, human services, and employment if the zone is created;

(5) a description of anticipated activity in the zone and each subzone, including, but not limited to, industrial use and industrial site reuse;

(6) a description of the tax exemptions under section 469.336 to be provided to each qualifying business based on a development agreement between the applicant and each qualified business. The development agreement must also state any obligations the qualified business must fulfill in order to be eligible for tax benefits; and

(7) any other information required by the commissioner.

469.332 ZONE LIMITS.

Subdivision 1. **Maximum size.** A biotechnology and health sciences industry zone may not exceed 5,000 acres.

Subd. 2. **Subzones.** The area of a biotechnology and health sciences industry zone may consist of one or more noncontiguous areas or subzones.

Subd. 3. **Duration limit.** The maximum duration of a zone is 12 years. The applicant may request a shorter duration. The commissioner may specify a shorter duration, regardless of the requested duration.

469.333 APPLICATION FOR DESIGNATION.

Subdivision 1. **Who may apply.** One or more local government units, or a joint powers board under section 471.59, acting on behalf of two or more units, may apply for designation of an area as a biotechnology and health sciences industry zone. All or part of the area proposed for designation as a zone must be located within the boundaries of each of the governmental units. A local government unit may not submit or have submitted on its behalf more than one application for designation of a biotechnology and health sciences industry zone.

Subd. 2. **Application content.** The application must include:

(1) a development plan meeting the requirements of section 469.331;

(2) the proposed duration of the zone, not to exceed 12 years;

(3) a resolution or ordinance adopted by each of the cities or towns and the counties in which the zone is located, agreeing to provide all of the local sales and use tax exemptions provided under section 469.336;

(4) an agreement by the applicant to treat incentives provided under the zone designation as business subsidies under sections 116J.993 to 116J.995 and to comply with the requirements of that law; and

(5) supporting evidence to allow the commissioner to evaluate the application under the criteria in section 469.334.

469.334 DESIGNATION OF ZONE.

Subdivision 1. **Commissioner to designate.** (a) The commissioner, in consultation with the commissioner of revenue and the director of the Office of Strategic and Long-Range

APPENDIX

Repealed Minnesota Statutes: H2323-1

Planning, may designate biotechnology and health sciences industry zones. Priority must be given to applicants with a development plan that links a higher education/research institution with a biotechnology and health sciences industry facility.

(b) The commissioner may consult with the applicant prior to the designation of the zone. The commissioner may modify the development plan, including the boundaries of the zone or subzones, if in the commissioner's opinion a modified plan would better meet the objectives of the biotechnology and health sciences industry zone program. The commissioner shall notify the applicant of the modifications and provide a statement of the reasons for the modifications.

Subd. 2. **Need indicators.** (a) In evaluating applications to determine the need for designation of a biotechnology and health sciences industry zone, the commissioner shall consider the following factors as indicators of need:

(1) the extent to which land in proximity to a significant scientific research institution could be developed as a higher and better use for biotechnology and health sciences industry facilities;

(2) the amount of property in or near the zone that is deteriorated or underutilized; and

(3) the extent to which property in the area would remain underdeveloped or nonperforming due to physical characteristics.

(b) The commissioner may require applicants to provide data to demonstrate how the area meets one or more of the indicators of need.

Subd. 3. **Success indicators.** In determining the likelihood of success of a proposed zone, the commissioner shall consider:

(1) applicants that show a viable link between a higher education/research institution, the biotechnology and/or medical devices business sectors, and one or more units of local government with a development plan;

(2) the extent to which the area has substantial real property with adequate infrastructure and energy to support new or expanded development;

(3) the strength and viability of the proposed development goals, objectives, and strategies in the development plan;

(4) whether the development plan is creative and innovative in comparison to other applications;

(5) local public and private commitment to development of a biotechnology and health sciences industry facility or facilities in the proposed zone and the potential cooperation of surrounding communities;

(6) existing resources available to the proposed zone;

(7) how the designation of the zone would relate to other economic and community development projects and to regional initiatives or programs;

(8) how the regulatory burden will be eased for biotechnology and health sciences industry facilities located in the proposed zone;

(9) proposals to establish and link job creation and job training in the biotechnology and health sciences industry with research/educational institutions; and

(10) the extent to which the development is directed at encouraging, and that designation of the zone is likely to result in, the creation of high-paying jobs.

Subd. 4. **Designation schedule.** (a) The schedule in paragraphs (b) to (e) applies to the designation of the first biotechnology and health sciences industry zone.

(b) The commissioner shall publish the form for applications and any procedural, form, or content requirements for applications by no later than August 1, 2003. The commissioner may publish these requirements on the Internet, in the State Register, or by any other means the commissioner determines appropriate to disseminate the information to potential applicants for designation.

(c) Applications must be submitted by October 15, 2003.

(d) The commissioner shall designate the zones by no later than December 31, 2003.

(e) The designation of the zones takes effect January 1, 2004.

(f) Additional zones may be designated in later years, only after the commissioner of employment and economic development has established criteria for expanding the number of zones. The criteria must limit designating a new zone to a community that has adequate resources and infrastructure to support bioindustry, including postsecondary institutions, strong health care systems, and existing bioscience companies. It must also require that a new zone be located on a transportation corridor.

469.335 APPLICATION FOR TAX BENEFITS.

(a) To claim a tax credit or exemption against a state tax under section 469.336, a business must apply to the commissioner for a tax credit certificate. As a condition of its application,

APPENDIX

Repealed Minnesota Statutes: H2323-1

the business must agree to furnish information to the commissioner that is sufficient to verify the eligibility for any credits or exemptions claimed. The total amount of the state tax credits and exemptions allowed for the specified period may not exceed the amount of the tax credit certificates provided by the commissioner to the business. The commissioner must verify to the commissioner of revenue the amount of tax exemptions or credits for which each business is eligible.

(b) A tax credit certificate issued under this section may specify the particular tax exemptions or credits against a state tax that the qualified business is eligible to claim under section 469.336, and the amount of each exemption or credit allowed.

(c) The commissioner may issue \$1,000,000 of tax credits or exemptions in fiscal year 2004. Any tax credits or exemptions not awarded in fiscal year 2004 may be awarded in fiscal year 2005.

(d) A qualified business must use the tax credits or tax exemptions granted under this section by the later of the end of the state fiscal year or the taxpayer's tax year in which the credits or exemptions are granted.

469.336 TAX INCENTIVES AVAILABLE IN ZONES.

Qualified businesses that operate in a biotechnology and health sciences industry zone, individuals who invest in a qualified business that operates in a biotechnology and health sciences industry zone, and property of a qualified business located in a biotechnology and health sciences industry zone qualify for:

- (1) exemption from corporate franchise taxes as provided under section 469.337;
- (2) exemption from the state sales and use tax and any local sales and use taxes on qualifying purchases as provided in section 297A.68, subdivision 38;
- (3) research and development credits as provided under section 469.339;
- (4) jobs credits as provided under section 469.338.

469.337 CORPORATE FRANCHISE TAX EXEMPTION.

(a) A qualified business is exempt from taxation under section 290.02, the alternative minimum tax under section 290.0921, and the minimum fee under section 290.0922, on the portion of its income attributable to operations of a qualified business within the biotechnology and health sciences industry zone. This exemption is determined as follows:

- (1) for purposes of the tax imposed under section 290.02, by multiplying its taxable net income by its zone percentage and subtracting the result in determining taxable income;
- (2) for purposes of the alternative minimum tax under section 290.0921, by multiplying its alternative minimum taxable income by its zone percentage and reducing alternative minimum taxable income by this amount; and
- (3) for purposes of the minimum fee under section 290.0922, by excluding zone property and payroll from the computations of the fee. The qualified business is exempt from the minimum fee if all of its property is located in the zone and all of its payroll is zone payroll.

(b) No subtraction is allowed under this section in excess of 20 percent of the sum of the corporation's biotechnology and health sciences industry zone payroll and the adjusted basis of the property at the time that the property is first used in the biotechnology and health sciences industry zone by the corporation.

(c) No reduction in tax is allowed in excess of the amount allocated under section 469.335.

469.338 JOBS CREDIT.

Subdivision 1. **Credit allowed.** A qualified business is allowed a credit against the taxes imposed under chapter 290.

The credit equals seven percent of the:

- (1) lesser of:
 - (i) zone payroll for the taxable year, less the zone payroll for the base year; or
 - (ii) total Minnesota payroll for the taxable year, less total Minnesota payroll for the base year; minus
- (2) \$30,000 multiplied by the number of full-time equivalent employee positions that the qualified business employs in the biotechnology and health sciences industry zone for the taxable year, minus the number of full-time equivalent employees the business employed in the zone in the base year, but not less than zero.

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meaning given.

APPENDIX

Repealed Minnesota Statutes: H2323-1

(b) "Base year" means the taxable year beginning during the calendar year in which the commissioner designated the zone.

(c) "Full-time equivalent employee position" means the equivalent of annualized expected hours of work equal to 2,080 hours.

(d) "Minnesota payroll" means the wages or salaries attributed to Minnesota under section 290.191, subdivision 12, for the qualified business or the unitary business of which the qualified business is a part, whichever is greater.

(e) "Zone payroll" means wages or salaries used to determine the zone payroll factor for the qualified business.

Subd. 3. **Inflation adjustment.** For taxable years beginning after December 31, 2004, the dollar amount in subdivision 1, clause (2), is annually adjusted for inflation. The commissioner of revenue shall adjust the amount by the percentage determined under section 290.06, subdivision 2d, for the taxable year.

Subd. 4. **Refundable.** If the amount of the credit calculated under this section and allocated to the qualified business under section 469.335 exceeds the liability for tax under chapter 290, the commissioner of revenue shall refund the excess to the qualified business.

469.339 CREDIT FOR MORE RESEARCH IN ZONE.

Subdivision 1. **Credit allowed.** A corporation, other than a corporation treated as an "S" corporation under section 290.9725, is allowed a credit against the portion of the franchise tax computed under section 290.06, subdivision 1, for the taxable year equal to:

(1) five percent of the first \$2,000,000 of the excess (if any) of (i) the qualified research expenses for the taxable year, over (ii) the base amount; and

(2) 2.5 percent of all such excess expenses over \$2,000,000.

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Qualified research expenses" means qualified research expenses and basic research payments as defined in section 41(b) and (e) of the Internal Revenue Code.

(c) "Qualified research" means activities in the fields of biotechnology or health sciences that are "qualified research" as defined in section 41(d) of the Internal Revenue Code, except that the term does not include qualified research conducted outside the biotechnology and health sciences industry zone.

(d) "Base amount" means base amount as defined in section 41(c) of the Internal Revenue Code, except that the average annual gross receipts must be calculated using Minnesota sales or receipts under section 290.191 and the definitions contained in paragraphs (b) and (c) apply.

(e) "Liability for tax" for purposes of this section means the tax imposed under this chapter for the taxable year reduced by the sum of the nonrefundable credits allowed under this chapter.

Subd. 3. **Refundable credit.** If the credit determined under this section and allocated to the taxpayer under section 469.335 for the taxable year exceeds the taxpayer's liability for tax for the year, the commissioner shall refund the difference to the taxpayer.

Subd. 4. **Partnerships.** For partnerships, the credit is allocated in the same manner provided by section 41(f)(2) of the Internal Revenue Code.

Subd. 5. **Adjustments; acquisitions and dispositions.** If a taxpayer acquires or disposes of the major portion of a trade or business or the major portion of a separate unit of a trade or business in a transaction with another taxpayer, the taxpayer's qualified research expenses and base amount are adjusted in the same manner provided by section 41(f)(3) of the Internal Revenue Code.

Subd. 6. **Interaction; regular research credit.** Any amount used to calculate a credit under this section may not be used to generate a credit under section 290.068.

469.340 REPAYMENT OF TAX BENEFITS.

Subdivision 1. **Repayment obligation.** A business must repay the amount of the tax reduction listed in section 469.336 and any refunds under sections 469.338 and 469.339 in excess of tax liability, received during the two years immediately before it ceased to operate in the zone, if the business:

(1) received tax reductions authorized by section 469.336; and

(2)(i) did not meet the goals specified in an agreement entered into with the applicant that states any obligation the qualified business must fulfill in order to be eligible for tax benefits. The commissioner of employment and economic development may extend for up to one year the period for meeting any goals provided in an agreement. The applicant may extend the period

APPENDIX

Repealed Minnesota Statutes: H2323-1

for meeting other goals by documenting in writing the reason for the extension and attaching a copy of the document to its next annual report to the commissioner of employment and economic development; or

(ii) ceased to operate its facility located within the biotechnology and health sciences industry zone or otherwise ceases to be or is not a qualified business.

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Business" means any person who received tax benefits enumerated in section 469.336.

(c) "Commissioner" means the commissioner of revenue.

Subd. 3. **Disposition or repayment.** The repayment must be paid to the state to the extent it represents a state tax reduction and to the county to the extent it represents a property tax reduction. Any amount repaid to the state must be deposited in the general fund. Any amount repaid to the county for the property tax exemption must be distributed to the local governments with authority to levy taxes in the zone in the same manner provided for distribution of payment of delinquent property taxes. Any repayment of local sales taxes must be repaid to the city or county imposing the local sales tax.

Subd. 4. **Repayment procedures.** (a) For the repayment of taxes imposed under chapter 290 or 297A or local taxes collected pursuant to section 297A.99, a business must file an amended return with the commissioner of revenue and pay any taxes required to be repaid within 30 days after ceasing to do business in the zone. The amount required to be repaid is determined by calculating the tax for the period or periods for which repayment is required without regard to the exemptions and credits allowed under section 469.336.

(b) For the repayment of property taxes, the county auditor shall prepare a tax statement for the business, applying the applicable tax extension rates for each payable year and provide a copy to the business. The business must pay the taxes to the county treasurer within 30 days after receipt of the tax statement. The taxpayer may appeal the valuation and determination of the property tax to the Tax Court within 30 days after receipt of the tax statement.

(c) The provisions of chapters 270C and 289A relating to the commissioner's authority to audit, assess, and collect the tax and to hear appeals are applicable to the repayment required under paragraph (a). The commissioner may impose civil penalties as provided in chapter 289A, and the additional tax and penalties are subject to interest at the rate provided in section 270C.40, from 30 days after ceasing to do business in the biotechnology and health sciences industry zone until the date the tax is paid.

(d) If a property tax is not repaid under paragraph (b), the county treasurer shall add the amount required to be repaid to the property taxes assessed against the property for payment in the year following the year in which the treasurer discovers that the business ceased to operate in the biotechnology and health sciences industry zone.

(e) For determining the tax required to be repaid, a tax reduction is deemed to have been received on the date that the tax would have been due if the taxpayer had not been entitled to the exemption, or on the date a refund was issued for a refundable credit.

(f) The commissioner may assess the repayment of taxes under paragraph (c) any time within two years after the business ceases to operate in the biotechnology and health sciences industry zone, or within any period of limitations for the assessment of tax under section 289A.38, whichever period is later.

Subd. 5. **Waiver authority.** The commissioner may waive all or part of a repayment, if the commissioner, in consultation with the commissioner of employment and economic development and appropriate officials from the local government units in which the business is located, determines that requiring repayment of the tax is not in the best interest of the state or the local government units and the business ceased operating as a result of circumstances beyond its control including, but not limited to:

- (1) a natural disaster;
- (2) unforeseen industry trends; or
- (3) loss of a major supplier or customer.

469.341 ZONE PERFORMANCE; REMEDIES.

Subdivision 1. **Reporting requirement.** An applicant receiving designation of a biotechnology and health sciences industry zone under section 469.334 must annually report to the commissioner on its progress in meeting the zone performance goals under the development plan for the zone and the applicant's compliance with the business subsidy law under sections 116J.993 to 116J.995.

APPENDIX

Repealed Minnesota Statutes: H2323-1

Subd. 2. **Procedures.** For reports required by subdivision 1, the commissioner may prescribe:

- (1) the required time or times by which the reports must be filed;
- (2) the form of the report; and
- (3) the information required to be included in the report.

Subd. 3. **Remedies.** If the commissioner determines, based on a report filed under subdivision 1 or other available information, that a zone or subzone is failing to meet its performance goals, the commissioner may take any actions the commissioner determines appropriate, including modification of the boundaries of the zone or a subzone or termination of the zone or a subzone. Before taking any action, the commissioner shall consult with the applicant and the affected local government units, including notifying them of the proposed actions to be taken. The commissioner shall publish any order modifying a zone in the State Register and on the Internet. The applicant may appeal the commissioner's order under the contested case procedures of chapter 14.

Subd. 4. **Existing businesses.** (a) An action to remove area from a zone or to terminate a zone under this section does not apply to:

- (1) the property tax on improvements constructed before the first January 2 following publication of the commissioner's order;
- (2) sales tax on purchases made before the first day of the next calendar month beginning at least 30 days after publication of the commissioner's order; and
- (3) individual income tax or corporate franchise tax attributable to a facility that was in operation before the publication of the commissioner's order.

(b) The tax exemptions specified in paragraph (a) terminate on the date on which the zone expires under the original designation.

477A.0124 COUNTY PROGRAM AID.

Subd. 3. **County need aid.** For 2005 and subsequent years, the money appropriated to county need aid each calendar year shall be allocated as follows: 40 percent based on each county's share of age-adjusted population, 40 percent based on each county's share of the state total of households receiving food stamps, and 20 percent based on each county's share of the state total of Part I crimes.

Subd. 4. **County tax-base equalization aid.** (a) For 2006 and subsequent years, the money appropriated to county tax-base equalization aid each calendar year, after the payment under paragraph (f), shall be apportioned among the counties according to each county's tax-base equalization aid factor.

(b) A county's tax-base equalization aid factor is equal to the amount by which (i) \$185 times the county's population, exceeds (ii) 9.45 percent of the county's net tax capacity.

(c) In the case of a county with a population less than 10,000, the factor determined in paragraph (b) shall be multiplied by a factor of three.

(d) In the case of a county with a population greater than or equal to 10,000, but less than 12,500, the factor determined in paragraph (b) shall be multiplied by a factor of two.

(e) In the case of a county with a population greater than 500,000, the factor determined in paragraph (b) shall be multiplied by a factor of 0.25.

(f) Before the money appropriated to county base equalization aid is apportioned among the counties as provided in paragraph (a), an amount up to \$73,259 is allocated annually to Anoka County and up to \$59,664 is annually allocated to Washington County for the county to pay postretirement costs of health insurance premiums for court employees. The allocation under this paragraph is in addition to the allocations under paragraphs (a) to (e).

Subd. 5. **County transition aid.** (a) For 2009 and each year thereafter, a county is eligible to receive the transition aid it received in 2007.

(b) In 2009 only, a county with (1) a 2006 population less than 30,000, and (2) an average Part I crimes per capita greater than 3.9 percent based on factors used in determining county program aid payable in 2008, shall receive \$100,000.

477A.03 APPROPRIATION.

Subd. 5. **Aid adjustments.** For aids payable in 2010, the aid amounts contained in subdivisions 2a and 2b are increased by two percent. For aids payable in 2011 and thereafter, the aids amounts contained in subdivisions 2a and 2b are equal to 104 percent of the amounts for aids payable in 2010 under this section.

APPENDIX
Repealed Minnesota Session Laws: H2323-1

Laws 2009, chapter 12, article 1, section 8

Sec. 8. Minnesota Statutes 2008, section 290.067, subdivision 2a, is amended to read:

Subd. 2a. **Income.** (a) For purposes of this section, "income" means the sum of the following:

- (1) federal adjusted gross income as defined in section 62 of the Internal Revenue Code; and
- (2) the sum of the following amounts to the extent not included in clause (1):
 - (i) all nontaxable income;
 - (ii) the amount of a passive activity loss that is not disallowed as a result of section 469, paragraph (i) or (m) of the Internal Revenue Code and the amount of passive activity loss carryover allowed under section 469(b) of the Internal Revenue Code;
 - (iii) an amount equal to the total of any discharge of qualified farm indebtedness of a solvent individual excluded from gross income under section 108(g) of the Internal Revenue Code;
 - (iv) cash public assistance and relief;
 - (v) any pension or annuity (including railroad retirement benefits, all payments received under the federal Social Security Act, supplemental security income, and veterans benefits), which was not exclusively funded by the claimant or spouse, or which was funded exclusively by the claimant or spouse and which funding payments were excluded from federal adjusted gross income in the years when the payments were made;
 - (vi) interest received from the federal or a state government or any instrumentality or political subdivision thereof;
 - (vii) workers' compensation;
 - (viii) nontaxable strike benefits;
 - (ix) the gross amounts of payments received in the nature of disability income or sick pay as a result of accident, sickness, or other disability, whether funded through insurance or otherwise;
 - (x) a lump-sum distribution under section 402(e)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1995;
 - (xi) contributions made by the claimant to an individual retirement account, including a qualified voluntary employee contribution; simplified employee pension plan; self-employed retirement plan; cash or deferred arrangement plan under section 401(k) of the Internal Revenue Code; or deferred compensation plan under section 457 of the Internal Revenue Code;
 - (xii) nontaxable scholarship or fellowship grants;
 - (xiii) the amount of deduction allowed under section 199 of the Internal Revenue Code;
 - (xiv) the amount of deduction allowed under section 220 or 223 of the Internal Revenue Code;
 - (xv) the amount of tuition expenses required to be added to income under section 290.01, subdivision 19a, clause (12); and
 - (xvi) the amount deducted for certain expenses of elementary and secondary school teachers under section 62(a)(2)(D) of the Internal Revenue Code.

In the case of an individual who files an income tax return on a fiscal year basis, the term "federal adjusted gross income" means federal adjusted gross income reflected in the fiscal year ending in the next calendar year. Federal adjusted gross income may not be reduced by the amount of a net operating loss carryback or carryforward or a capital loss carryback or carryforward allowed for the year.

- (b) "Income" does not include:
 - (1) amounts excluded pursuant to the Internal Revenue Code, sections 101(a) and 102;
 - (2) amounts of any pension or annuity that were exclusively funded by the claimant or spouse if the funding payments were not excluded from federal adjusted gross income in the years when the payments were made;
 - (3) surplus food or other relief in kind supplied by a governmental agency;
 - (4) relief granted under chapter 290A;
 - (5) child support payments received under a temporary or final decree of dissolution or legal separation; and
 - (6) restitution payments received by eligible individuals and excludable interest as defined in section 803 of the Economic Growth and Tax Relief Reconciliation Act of 2001, Public Law 107-16.

EFFECTIVE DATE.

This section is effective for taxable years beginning after December 31, 2007.

APPENDIX
Repealed Minnesota Session Laws: H2323-1

Laws 2009, chapter 3, section 1

Section 1. **[290.0678] HEALTH INSURANCE PREMIUMS CREDIT.**

Subdivision 1. **Credit allowed.** (a) An individual is allowed a credit against the tax due under this chapter equal to 20 percent of the health insurance premiums paid from a plan under section 125 of the Internal Revenue Code. The credit is allowed only for premiums paid after the individual has not had coverage under a health care plan for at least one year, and is allowed only for the first 12 months in which an individual participates in the Section 125 Plan.

(b) For a nonresident or part-year resident, the credit determined under this section must be allocated based on the percentage calculated under section 290.06, subdivision 2c, paragraph (e).

Subd. 2. **Limitations.** The credit is allowed only for individuals with household income for the taxable year between:

(1) 275 percent and 300 percent of the federal poverty guidelines for the applicable family size if the individual has dependents; or

(2) 200 percent and 275 percent of the federal poverty guidelines for the applicable family size if the individual has no dependents.

Subd. 3. **Definitions.** For purposes of this section, "household income" means income as defined in section 290.067, subdivision 2a, and "dependent" has the meaning given in section 152 of the Internal Revenue Code.

Subd. 4. **Statement of premiums paid.** Each employer must provide to each employee a statement that shows the amount of health insurance premiums paid from the Section 125 Plan for each month of the taxable year. The employer must provide the statement to the employee at the same time as the annual written statement of wages paid as required under section 289A.09, subdivision 2.

EFFECTIVE DATE.

This section is effective for taxable years beginning after December 31, 2008, for premiums paid in January 2009 and thereafter.