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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1228

- 02/14/2017 Authored by Davids
The bill was read for the first time and referred to the Committee on Taxes
- 03/29/2017 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
- 05/22/2017 Pursuant to Rule 4.20, returned to the Committee on Taxes

1.1 A bill for an act

1.2 relating to taxation; making technical and clarifying changes to individual income

1.3 taxes, corporate franchise taxes, estate taxes, property taxes, sales and use taxes,

1.4 special taxes, local government aids, and other miscellaneous taxes and tax

1.5 provisions; amending Minnesota Statutes 2016, sections 270.078, subdivision 1;

1.6 270C.171, subdivision 1; 273.0755; 273.135, subdivision 1; 290.0132, subdivision

1.7 21; 290A.03, subdivision 3; 290A.10; 291.075; 298.01, subdivisions 3, 4; 298.24,

1.8 subdivision 1; 298.28, subdivisions 2, 5; 414.09, subdivision 2; 477A.0124,

1.9 subdivision 2; 477A.013, subdivision 1; repealing Minnesota Statutes 2016, sections

1.10 290.9743; 290.9744.

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

1.12 ARTICLE 1

1.13 DEPARTMENT OF REVENUE INDIVIDUAL INCOME, CORPORATE

1.14 FRANCHISE, AND ESTATE TAX TECHNICAL PROVISIONS

1.15 Section 1. Minnesota Statutes 2016, section 290.0132, subdivision 21, is amended to read:

1.16 Subd. 21. **Military service pension; retirement pay.** To the extent included in federal

1.17 taxable income, compensation received from a pension or other retirement pay from the

1.18 federal government for service in the military, as computed under United States Code, title

1.19 10, sections 1401 to 1414, 1447 to 1455, and 12733, is a subtraction. The subtraction ~~must~~

1.20 ~~not include any amount used to claim the credit allowed under section 290.0677~~ is limited

1.21 to individuals who do not claim the credit under section 290.0677.

1.22 **EFFECTIVE DATE.** This section is effective retroactively for taxable years beginning

1.23 after December 31, 2015.

2.1 Sec. 2. Minnesota Statutes 2016, section 290A.03, subdivision 3, is amended to read:

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

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

2.4 (2) the sum of the following amounts to the extent not included in clause (1):

2.5 (i) all nontaxable income;

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

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

2.12 (iv) cash public assistance and relief;

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

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

2.20 (vii) workers' compensation;

2.21 (viii) nontaxable strike benefits;

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

2.25 (x) a lump-sum distribution under section 402(e)(3) of the Internal Revenue Code of
2.26 1986, as amended through December 31, 1995;

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

3.1 Revenue Code, to the extent the sum of amounts exceeds the retirement base amount for
3.2 the claimant and spouse;

3.3 (xii) to the extent not included in federal adjusted gross income, distributions received
3.4 by the claimant or spouse from a traditional or Roth style retirement account or plan;

3.5 (xiii) nontaxable scholarship or fellowship grants;

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

3.7 (xv) the amount of deduction allowed under section 220 or 223 of the Internal Revenue
3.8 Code;

3.9 (xvi) the amount deducted for tuition expenses under section 222 of the Internal Revenue
3.10 Code; and

3.11 (xvii) the amount deducted for certain expenses of elementary and secondary school
3.12 teachers under section 62(a)(2)(D) of the Internal Revenue Code.

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

3.18 (b) "Income" does not include:

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

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

3.23 (3) to the extent included in federal adjusted gross income, amounts contributed by the
3.24 claimant or spouse to a traditional or Roth style retirement account or plan, but not to exceed
3.25 the retirement base amount reduced by the amount of contributions excluded from federal
3.26 adjusted gross income, but not less than zero;

3.27 (4) surplus food or other relief in kind supplied by a governmental agency;

3.28 (5) relief granted under this chapter;

3.29 (6) child support payments received under a temporary or final decree of dissolution or
3.30 legal separation; or

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

4.4 (c) The sum of the following amounts may be subtracted from income:

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

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

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

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

4.9 (5) for the claimant's fifth dependent, the exemption amount; and

4.10 (6) if the claimant or claimant's spouse was disabled or attained the age of 65 on or
4.11 before December 31 of the year for which the taxes were levied or rent paid, the exemption
4.12 amount.

4.13 (d) For purposes of this subdivision, the "exemption amount" means the exemption
4.14 amount under section 151(d) of the Internal Revenue Code for the taxable year for which
4.15 the income is reported; "retirement base amount" means the deductible amount for the
4.16 taxable year for the claimant and spouse under section 219(b)(5)(A) of the Internal Revenue
4.17 Code, adjusted for inflation as provided in section 219(b)(5)(~~D~~)(C) of the Internal Revenue
4.18 Code, without regard to whether the claimant or spouse claimed a deduction; and "traditional
4.19 or Roth style retirement account or plan" means retirement plans under sections 401, 403,
4.20 408, 408A, and 457 of the Internal Revenue Code.

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

4.22 Sec. 3. Minnesota Statutes 2016, section 290A.10, is amended to read:

4.23 **290A.10 PROOF OF TAXES PAID.**

4.24 ~~Every~~ If requested by the commissioner of revenue, a claimant who files a claim for
4.25 relief for property taxes payable shall include with the claim provide a property tax statement
4.26 or a reproduction thereof in a form deemed satisfactory by the commissioner of revenue
4.27 indicating that there are no delinquent property taxes on the homestead. Indication on the
4.28 property tax statement from the county treasurer that there are no delinquent taxes on the
4.29 homestead shall be sufficient proof. Taxes included in a confession of judgment under
4.30 section 277.23 or 279.37 shall not constitute delinquent taxes as long as the claimant is
4.31 current on the payments required to be made under section 277.23 or 279.37.

5.1 **EFFECTIVE DATE.** This section is effective for refunds based on rent paid after
5.2 December 31, 2015, and property taxes payable after December 31, 2016.

5.3 Sec. 4. Minnesota Statutes 2016, section 291.075, is amended to read:

5.4 **291.075 SPECIAL USE VALUATION OF QUALIFIED PROPERTY.**

5.5 If, after the final determination of the tax imposed by this chapter, the property valued
5.6 pursuant to section 2032A of the Internal Revenue Code is disposed of or fails to qualify
5.7 and an additional tax is imposed pursuant to section 2032A(c), any increase in ~~the credit~~
5.8 ~~for state death taxes~~ federal gross or taxable estate shall be reported to the commissioner
5.9 within 90 days ~~after final determination of the increased credit~~ of the federal adjustment.
5.10 Upon notification the commissioner may assess an additional tax in accordance with section
5.11 291.03, subdivision 1.

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

5.13 Sec. 5. **REPEALER.**

5.14 Minnesota Statutes 2016, sections 290.9743; and 290.9744, are repealed.

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

5.16 **ARTICLE 2**

5.17 **DEPARTMENT OF REVENUE PROPERTY TAX AND LOCAL GOVERNMENT**
5.18 **AID TECHNICAL PROVISIONS**

5.19 Section 1. Minnesota Statutes 2016, section 270.078, subdivision 1, is amended to read:

5.20 Subdivision 1. **Conformance to federal law.** If any provision of sections 270.071 to
5.21 270.079 is contrary to any provision of any law of the United States of America, hereinafter
5.22 enacted, providing for or relating to the ad valorem taxation by a state of aircraft or flying
5.23 equipment of an airline company, such provision shall be of no effect and the commissioner
5.24 is authorized and directed to prescribe by rule such provisions as may be necessary to make
5.25 sections 270.071 to 270.079 conform to the federal act and to effectuate the purposes of
5.26 sections 270.071 to 270.079, provided such rules do not prescribe a rate of taxation higher
5.27 than that provided in section 270.075 or a net tax capacity based on a percentage higher
5.28 than that provided in section 270.074, subdivision ~~2~~ 3.

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

6.1 Sec. 2. Minnesota Statutes 2016, section 273.0755, is amended to read:

6.2 **273.0755 TRAINING AND EDUCATION OF PROPERTY TAX PERSONNEL.**

6.3 (a) Beginning with the four-year period starting on July 1, 2000, every person licensed
6.4 by the state Board of Assessors at the Accredited Minnesota Assessor level or higher, shall
6.5 successfully complete a weeklong Minnesota laws course sponsored by the Department of
6.6 Revenue at least once in every four-year period. An assessor need not attend the course if
6.7 they successfully pass the test for the course.

6.8 (b) The commissioner of revenue may require that each county, and each city for which
6.9 the city assessor performs the duties of county assessor, have (i) a person on the assessor's
6.10 staff who is certified by the Department of Revenue in sales ratio calculations, (ii) an officer
6.11 or employee who is certified by the Department of Revenue in tax calculations, and (iii) an
6.12 officer or employee who is certified by the Department of Revenue in the proper preparation
6.13 of abstracts of assessment. The commissioner of revenue may require that each county have
6.14 an officer or employee who is certified by the Department of Revenue in the proper
6.15 preparation of abstracts of tax lists. Certifications under this paragraph expire after four
6.16 years.

6.17 (c) Beginning with the four-year educational licensing period starting on July 1, 2004,
6.18 every Minnesota assessor licensed by the State Board of Assessors must attend and participate
6.19 in a seminar that focuses on ethics, professional conduct and the need for standardized
6.20 assessment practices developed and presented by the commissioner of revenue. This
6.21 requirement must be met at least once in every subsequent four-year period. This requirement
6.22 applies to all assessors licensed for one year or more in the four-year period.

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

6.24 Sec. 3. Minnesota Statutes 2016, section 273.135, subdivision 1, is amended to read:

6.25 Subdivision 1. **Reduction in tax; tax relief area.** The property tax to be paid in respect
6.26 to property taxable within a tax relief area as defined in section 273.134, paragraph (b), on
6.27 homestead property, as otherwise determined by law and regardless of the market value of
6.28 the property, and on nonhomestead portions of property classified as both homestead and
6.29 nonhomestead property as provided in section 273.124, subdivision 11, for all purposes
6.30 shall be reduced in the amount prescribed by subdivision 2, subject to the limitations
6.31 contained therein.

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

7.1 Sec. 4. Minnesota Statutes 2016, section 414.09, subdivision 2, is amended to read:

7.2 Subd. 2. **Transmittal of order.** The chief administrative law judge shall see that copies
7.3 of the order are mailed to all parties entitled to mailed notice of hearing under subdivision
7.4 1, the secretary of state, ~~the Department of Revenue~~, the state demographer, individual
7.5 property owners if initiated in that manner, affected county auditor, and any other party of
7.6 record. The affected county auditor shall record the order against the affected property.

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

7.8 Sec. 5. Minnesota Statutes 2016, section 477A.0124, subdivision 2, is amended to read:

7.9 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
7.10 meanings given them.

7.11 (b) "County program aid" means the sum of "county need aid," "county tax base
7.12 equalization aid," and "county transition aid."

7.13 (c) "Age-adjusted population" means a county's population multiplied by the county age
7.14 index.

7.15 (d) "County age index" means the percentage of the population ~~over~~ age 65 and over
7.16 within the county divided by the percentage of the population ~~over~~ age 65 and over within
7.17 the state, except that the age index for any county may not be greater than 1.8 nor less than
7.18 0.8.

7.19 (e) "Population ~~over~~ age 65 and over" means the population ~~over~~ age 65 and over
7.20 established as of July 15 in an aid calculation year by the most recent federal census, by a
7.21 special census conducted under contract with the United States Bureau of the Census, by a
7.22 population estimate made by the Metropolitan Council, or by a population estimate of the
7.23 state demographer made pursuant to section 4A.02, whichever is the most recent as to the
7.24 stated date of the count or estimate for the preceding calendar year and which has been
7.25 certified to the commissioner of revenue on or before July 15 of the aid calculation year. A
7.26 revision to an estimate or count is effective for these purposes only if certified to the
7.27 commissioner on or before July 15 of the aid calculation year. Clerical errors in the
7.28 certification or use of estimates and counts established as of July 15 in the aid calculation
7.29 year are subject to correction within the time periods allowed under section 477A.014.

7.30 (f) "Part I crimes" means the three-year average annual number of Part I crimes reported
7.31 for each county by the Department of Public Safety for the most recent years available. By
7.32 July 1 of each year, the commissioner of public safety shall certify to the commissioner of

8.1 revenue the number of Part I crimes reported for each county for the three most recent
8.2 calendar years available.

8.3 (g) "Households receiving food stamps" means the average monthly number of
8.4 households receiving food stamps for the three most recent years for which data is available.
8.5 By July 1 of each year, the commissioner of human services must certify to the commissioner
8.6 of revenue the average monthly number of households in the state and in each county that
8.7 receive food stamps, for the three most recent calendar years available.

8.8 (h) "County net tax capacity" means the county's adjusted net tax capacity under section
8.9 273.1325.

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

8.11 Sec. 6. Minnesota Statutes 2016, section 477A.013, subdivision 1, is amended to read:

8.12 Subdivision 1. **Towns.** (a) In 2014 and thereafter, each town is eligible for a distribution
8.13 under this subdivision equal to the product of (i) its agricultural property factor, (ii) its town
8.14 area factor, (iii) its population factor, and (iv) 0.0045. As used in this subdivision, the
8.15 following terms have the meanings given them:

8.16 (1) "agricultural property factor" means the ratio of the adjusted net tax capacity of
8.17 agricultural property located in a town, ~~divided by~~ to the adjusted net tax capacity of all
8.18 other property located in the town. The agricultural property factor cannot exceed eight;

8.19 (2) "agricultural property" means property classified under section 273.13, as homestead
8.20 and nonhomestead agricultural property, rural vacant land, and noncommercial seasonal
8.21 recreational property;

8.22 (3) "town area factor" means the most recent estimate of total acreage, not to exceed
8.23 50,000 acres, located in the township available as of July 1 in the aid calculation year,
8.24 estimated or established by:

8.25 (i) the United States Bureau of the Census;

8.26 (ii) the State Land Management Information Center; or

8.27 (iii) the secretary of state; and

8.28 (4) "population factor" means the square root of the towns' population.

8.29 (b) If the sum of the aids payable to all towns under this subdivision exceeds the limit
8.30 under section 477A.03, subdivision 2c, the distribution to each town must be reduced

9.1 proportionately so that the total amount of aids distributed under this section does not exceed
9.2 the limit in section 477A.03, subdivision 2c.

9.3 (c) Data used in calculating aids to towns under this subdivision, other than acreage,
9.4 shall be the most recently available data as of January 1 in the year in which the aid is
9.5 calculated.

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

9.7 **ARTICLE 3**

9.8 **DEPARTMENT OF REVENUE SALES AND USE, AND SPECIAL TAXES** 9.9 **TECHNICAL PROVISIONS**

9.10 Section 1. Minnesota Statutes 2016, section 270C.171, subdivision 1, is amended to read:

9.11 Subdivision 1. **Definitions.** (a) If a special law grants a local government unit or group
9.12 of units the authority to impose a local tax other than sales tax, including but not limited to
9.13 taxes such as lodging, entertainment, admissions, or food and beverage taxes, and the
9.14 Department of Revenue either has agreed to or is required to administer the tax, such that
9.15 the tax is reported and paid with the chapter 297A taxes, then ~~the local government unit or~~
9.16 ~~group of units must adopt~~ each ~~definition term~~ used in the special law is defined as follows:

9.17 (1) ~~the definition must be identical to the definition found~~ as defined in chapter 297A
9.18 or in Minnesota Rules, chapter 8130; or

9.19 (2) if the specific term is not defined either in chapter 297A or in Minnesota Rules,
9.20 chapter 8130, then ~~the definition must be~~ defined consistent with the position of the
9.21 Department of Revenue as to the extent of the tax base.

9.22 (b) This subdivision does not apply to terms that are defined by the authorizing special
9.23 law.

9.24 (c) This subdivision applies notwithstanding whether a local government unit or group
9.25 of units adopts consistent definitions into local law.

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

9.27 Sec. 2. Minnesota Statutes 2016, section 298.01, subdivision 3, is amended to read:

9.28 Subd. 3. **Occupation tax; other ores.** Every person engaged in the business of mining,
9.29 refining, or producing ores, metals, or minerals in this state, except iron ore or taconite
9.30 concentrates, shall pay an occupation tax to the state of Minnesota as provided in this
9.31 subdivision. For purposes of this subdivision, mining includes the application of

10.1 hydrometallurgical processes. Hydrometallurgical processes are processes that extract the
10.2 ores, metals, or minerals, by use of aqueous solutions that leach, concentrate, and recover
10.3 the ore, metal, or mineral. The tax is determined in the same manner as the tax imposed by
10.4 section 290.02, except that sections 290.05, subdivision 1, clause (a), 290.17, subdivision
10.5 4, and 290.191, subdivision 2, do not apply, and the occupation tax must be computed by
10.6 applying to taxable income the rate of 2.45 percent. ~~A person subject to occupation tax~~
10.7 ~~under this section shall apportion its net income on the basis of the percentage obtained by~~
10.8 ~~taking the sum of:~~

10.9 ~~(1) 75 percent of the percentage which the sales made within this state in connection~~
10.10 ~~with the trade or business during the tax period are of the total sales wherever made in~~
10.11 ~~connection with the trade or business during the tax period;~~

10.12 ~~(2) 12.5 percent of the percentage which the total tangible property used by the taxpayer~~
10.13 ~~in this state in connection with the trade or business during the tax period is of the total~~
10.14 ~~tangible property, wherever located, used by the taxpayer in connection with the trade or~~
10.15 ~~business during the tax period; and~~

10.16 ~~(3) 12.5 percent of the percentage which the taxpayer's total payrolls paid or incurred~~
10.17 ~~in this state or paid in respect to labor performed in this state in connection with the trade~~
10.18 ~~or business during the tax period are of the taxpayer's total payrolls paid or incurred in~~
10.19 ~~connection with the trade or business during the tax period.~~

10.20 The tax is in addition to all other taxes.

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

10.22 Sec. 3. Minnesota Statutes 2016, section 298.01, subdivision 4, is amended to read:

10.23 Subd. 4. **Occupation tax; iron ore; taconite concentrates.** A person engaged in the
10.24 business of mining or producing of iron ore, taconite concentrates or direct reduced ore in
10.25 this state shall pay an occupation tax to the state of Minnesota. The tax is determined in the
10.26 same manner as the tax imposed by section 290.02, except that sections 290.05, subdivision
10.27 1, clause (a), 290.17, subdivision 4, and 290.191, subdivision 2, do not apply, and the
10.28 occupation tax shall be computed by applying to taxable income the rate of 2.45 percent.
10.29 ~~A person subject to occupation tax under this section shall apportion its net income on the~~
10.30 ~~basis of the percentage obtained by taking the sum of:~~

10.31 ~~(1) 75 percent of the percentage which the sales made within this state in connection~~
10.32 ~~with the trade or business during the tax period are of the total sales wherever made in~~
10.33 ~~connection with the trade or business during the tax period;~~

11.1 ~~(2) 12.5 percent of the percentage which the total tangible property used by the taxpayer~~
11.2 ~~in this state in connection with the trade or business during the tax period is of the total~~
11.3 ~~tangible property, wherever located, used by the taxpayer in connection with the trade or~~
11.4 ~~business during the tax period; and~~

11.5 ~~(3) 12.5 percent of the percentage which the taxpayer's total payrolls paid or incurred~~
11.6 ~~in this state or paid in respect to labor performed in this state in connection with the trade~~
11.7 ~~or business during the tax period are of the taxpayer's total payrolls paid or incurred in~~
11.8 ~~connection with the trade or business during the tax period.~~

11.9 The tax is in addition to all other taxes.

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

11.11 Sec. 4. Minnesota Statutes 2016, section 298.24, subdivision 1, is amended to read:

11.12 Subdivision 1. **Imposed; calculation.** (a) For concentrate produced in 2013, there is
11.13 imposed upon taconite and iron sulphides, and upon the mining and quarrying thereof, and
11.14 upon the production of iron ore concentrate therefrom, and upon the concentrate so produced,
11.15 a tax of \$2.56 per gross ton of merchantable iron ore concentrate produced therefrom. ~~The~~
11.16 ~~tax is also imposed upon other iron-bearing material.~~

11.17 (b) For concentrates produced in 2014 and subsequent years, the tax rate shall be equal
11.18 to the preceding year's tax rate plus an amount equal to the preceding year's tax rate multiplied
11.19 by the percentage increase in the implicit price deflator from the fourth quarter of the second
11.20 preceding year to the fourth quarter of the preceding year. "Implicit price deflator" means
11.21 the implicit price deflator for the gross domestic product prepared by the Bureau of Economic
11.22 Analysis of the United States Department of Commerce.

11.23 (c) An additional tax is imposed equal to three cents per gross ton of merchantable iron
11.24 ore concentrate for each one percent that the iron content of the product exceeds 72 percent,
11.25 when dried at 212 degrees Fahrenheit.

11.26 (d) The tax on taconite and iron sulphides shall be imposed on the average of the
11.27 production for the current year and the previous two years. The rate of the tax imposed will
11.28 be the current year's tax rate. This clause shall not apply in the case of the closing of a
11.29 taconite facility if the property taxes on the facility would be higher if this clause and section
11.30 298.25 were not applicable. ~~The tax on other iron-bearing material shall be imposed on the~~
11.31 ~~current year production.~~

12.1 (e) The tax under paragraph (a) is also imposed upon other iron-bearing material. The
12.2 tax on other iron-bearing material shall be imposed on the current year production. The rate
12.3 of the tax imposed is the current year's tax rate.

12.4 ~~(e)~~ (f) If the tax or any part of the tax imposed by this subdivision is held to be
12.5 unconstitutional, a tax of \$2.56 per gross ton of merchantable iron ore concentrate produced
12.6 shall be imposed.

12.7 ~~(f)~~ (g) Consistent with the intent of this subdivision to impose a tax based upon the
12.8 weight of merchantable iron ore concentrate, the commissioner of revenue may indirectly
12.9 determine the weight of merchantable iron ore concentrate included in fluxed pellets by
12.10 subtracting the weight of the limestone, dolomite, or olivine derivatives or other basic flux
12.11 additives included in the pellets from the weight of the pellets. For purposes of this paragraph,
12.12 "fluxed pellets" are pellets produced in a process in which limestone, dolomite, olivine, or
12.13 other basic flux additives are combined with merchantable iron ore concentrate. No
12.14 subtraction from the weight of the pellets shall be allowed for binders, mineral and chemical
12.15 additives other than basic flux additives, or moisture.

12.16 ~~(g)~~ (h)(1) Notwithstanding any other provision of this subdivision, for the first two years
12.17 of a plant's commercial production of direct reduced ore from ore mined in this state, no
12.18 tax is imposed under this section. As used in this paragraph, "commercial production" is
12.19 production of more than 50,000 tons of direct reduced ore in the current year or in any prior
12.20 year, "noncommercial production" is production of 50,000 tons or less of direct reduced
12.21 ore in any year, and "direct reduced ore" is ore that results in a product that has an iron
12.22 content of at least 75 percent. For the third year of a plant's commercial production of direct
12.23 reduced ore, the rate to be applied to direct reduced ore is 25 percent of the rate otherwise
12.24 determined under this subdivision. For the fourth commercial production year, the rate is
12.25 50 percent of the rate otherwise determined under this subdivision; for the fifth commercial
12.26 production year, the rate is 75 percent of the rate otherwise determined under this subdivision;
12.27 and for all subsequent commercial production years, the full rate is imposed.

12.28 (2) Subject to clause (1), production of direct reduced ore in this state is subject to the
12.29 tax imposed by this section, but if that production is not produced by a producer of taconite,
12.30 iron sulfides, or other iron-bearing material, the production of taconite, iron sulfides, or
12.31 other iron-bearing material, that is consumed in the production of direct reduced ~~iron ore~~ ore
12.32 in this state is not subject to the tax imposed by this section on taconite, iron sulfides, or
12.33 other iron-bearing material.

13.1 (3) Notwithstanding any other provision of this subdivision, no tax is imposed on direct
13.2 reduced ore under this section during the facility's noncommercial production of direct
13.3 reduced ore. The taconite or iron sulphides consumed in the noncommercial production of
13.4 direct reduced ore is subject to the tax imposed by this section on taconite and iron sulphides.
13.5 Three-year average production of direct reduced ore does not include production of direct
13.6 reduced ore in any noncommercial year. Three-year average production for a direct reduced
13.7 ore facility that has noncommercial production is the average of the commercial production
13.8 of direct reduced ore for the current year and the previous two commercial years.

13.9 (4) This paragraph applies only to plants for which all environmental permits have been
13.10 obtained and construction has begun before July 1, 2008.

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

13.12 Sec. 5. Minnesota Statutes 2016, section 298.28, subdivision 2, is amended to read:

13.13 Subd. 2. **City or town where quarried or produced.** (a) 4.5 cents per gross ton of
13.14 merchantable iron ore concentrate, hereinafter referred to as "taxable ton," plus the amount
13.15 provided in paragraph (c), must be allocated to the city or town in the county in which the
13.16 lands from which taconite was mined or quarried were located or within which the
13.17 concentrate was produced. If the mining, quarrying, and concentration, or different steps
13.18 in either thereof are carried on in more than one taxing district, the commissioner shall
13.19 apportion equitably the proceeds of the part of the tax going to cities and towns among such
13.20 subdivisions upon the basis of attributing 50 percent of the proceeds of the tax to the operation
13.21 of mining or quarrying the taconite, and the remainder to the concentrating plant and to the
13.22 processes of concentration, and with respect to each thereof giving due consideration to the
13.23 relative extent of such operations performed in each such taxing district. The commissioner's
13.24 order making such apportionment shall be subject to review by the Tax Court at the instance
13.25 of any of the interested taxing districts, in the same manner as other orders of the
13.26 commissioner.

13.27 (b)(1) Four cents per taxable ton shall be allocated to cities and organized townships
13.28 affected by mining because their boundaries are within three miles of a taconite mine pit
13.29 that:

13.30 (i) was actively mined by LTV Steel Mining Company in 1999; or

13.31 (ii) has been actively mined in at least one of the prior three years.

13.32 (2) If a city or town is located near more than one mine meeting ~~these~~ the criteria under
13.33 this paragraph, the city or town is eligible to receive aid calculated from only the mine

14.1 producing the largest taxable tonnage. When more than one municipality qualifies for aid
14.2 based on one company's production, the aid must be apportioned among the municipalities
14.3 in proportion to their populations. The amounts distributed under this paragraph to each
14.4 municipality must be used for infrastructure improvement projects.

14.5 (c) The amount that would have been computed for the current year under Minnesota
14.6 Statutes 2008, section 126C.21, subdivision 4, for a school district shall be distributed to
14.7 the cities and townships within the school district in the proportion that their taxable net tax
14.8 capacity within the school district bears to the taxable net tax capacity of the school district
14.9 for property taxes payable in the year prior to distribution.

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

14.11 Sec. 6. Minnesota Statutes 2016, section 298.28, subdivision 5, is amended to read:

14.12 Subd. 5. **Counties.** (a) 21.05 cents per taxable ton for distributions in 2015 through 2023,
14.13 and 26.05 cents per taxable ton for distributions beginning in 2024, is allocated to counties
14.14 to be distributed, based upon certification by the commissioner of revenue, under paragraphs
14.15 (b) to (d).

14.16 (b) 10.525 cents per taxable ton shall be distributed to the county in which the taconite
14.17 is mined or quarried or in which the concentrate is produced, less any amount which is to
14.18 be distributed pursuant to paragraph (c). The apportionment formula prescribed in subdivision
14.19 2 is the basis for the distribution.

14.20 (c) ~~1.0 cent per taxable ton of the tax distributed to the counties under paragraph (b)~~
14.21 ~~shall be paid to a county that received a distribution under this section in 2000 because there~~
14.22 ~~was located in the county an electric power plant owned by and providing the primary source~~
14.23 ~~of power for a taxpayer mining and concentrating taconite is located in a different county~~
14.24 ~~other than the county in which the mining and the concentrating processes are conducted,~~
14.25 ~~one cent per taxable ton of the tax distributed to the counties pursuant to paragraph (b) and~~
14.26 ~~imposed on and collected from such taxpayer shall be paid to the county in which the power~~
14.27 ~~plant is located.~~

14.28 (d) 10.525 cents per taxable ton for distributions in 2015 through 2023, and 15.525 cents
14.29 per taxable ton for distributions beginning in 2024, shall be paid to the county from which
14.30 the taconite was mined, quarried or concentrated to be deposited in the county road and
14.31 bridge fund. If the mining, quarrying and concentrating, or separate steps in any of those
14.32 processes are carried on in more than one county, the commissioner shall follow the
14.33 apportionment formula prescribed in subdivision 2.

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

APPENDIX
Article locations in HF1228-1

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APPENDIX
Repealed Minnesota Statutes: HF1228-1

No active language found for: 290.9743 No active language found for: 290.9744