

SENATE  
STATE OF MINNESOTA  
NINETY-FIRST SESSION

S.F. No. 3040

(SENATE AUTHORS: NEWMAN)

DATE  
02/13/2020

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4741 Introduction and first reading  
Referred to Taxes

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to taxes; sales and use; providing a sales tax exemption for certain  
1.3 purchases of automated storage and retrieval equipment; amending Minnesota  
1.4 Statutes 2018, section 297A.68, by adding a subdivision; Minnesota Statutes 2019  
1.5 Supplement, section 297A.75, subdivisions 1, 2.

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

1.7 Section 1. Minnesota Statutes 2018, section 297A.68, is amended by adding a subdivision  
1.8 to read:

1.9 Subd. 46. Certain automated storage and retrieval equipment purchases. (a)  
1.10 Purchases for use in a warehouse and distribution facility of an automated storage and  
1.11 retrieval system are exempt if the following conditions are met:

1.12 (1) the automated storage and retrieval system is installed in a facility located in a county  
1.13 in which no home rule charter or statutory city located solely in the county has a 2018  
1.14 population of 2,500 or more and the county's total 2018 population is less than 16,000;

1.15 (2) the automated storage and retrieval system has a cost of at least \$10,000,000; and

1.16 (3) installation of the equipment occurs after July 1, 2019, and before December 31,  
1.17 2021.

1.18 (b) The tax on purchases under this subdivision must be imposed and collected as if the  
1.19 rate under section 297A.61, subdivision 1, applies and then refunded in the manner provided  
1.20 in section 297A.75.

1.21 (c) For purposes of this subdivision the term "automated storage and retrieval system"  
1.22 means an integrated warehousing and logistical system consisting of a storage/retrieval

2.1 machine, warehouse management and control software, and associated rack structure and  
2.2 extraction devices, as well as integrated ancillary systems including but not limited to  
2.3 palletizers, conveyors, and case packing and handling equipment necessary for order  
2.4 fulfillment.

2.5 (d) The exemption under this subdivision applies to sales and purchases made after June  
2.6 30, 2019, and before December 31, 2021.

2.7 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2019.

2.8 Sec. 2. Minnesota Statutes 2019 Supplement, section 297A.75, subdivision 1, is amended  
2.9 to read:

2.10 Subdivision 1. **Tax collected.** The tax on the gross receipts from the sale of the following  
2.11 exempt items must be imposed and collected as if the sale were taxable and the rate under  
2.12 section 297A.62, subdivision 1, applied. The exempt items include:

2.13 (1) building materials for an agricultural processing facility exempt under section  
2.14 297A.71, subdivision 13;

2.15 (2) building materials for mineral production facilities exempt under section 297A.71,  
2.16 subdivision 14;

2.17 (3) building materials for correctional facilities under section 297A.71, subdivision 3;

2.18 (4) building materials used in a residence for veterans with a disability exempt under  
2.19 section 297A.71, subdivision 11;

2.20 (5) elevators and building materials exempt under section 297A.71, subdivision 12;

2.21 (6) materials and supplies for qualified low-income housing under section 297A.71,  
2.22 subdivision 23;

2.23 (7) materials, supplies, and equipment for municipal electric utility facilities under  
2.24 section 297A.71, subdivision 35;

2.25 (8) equipment and materials used for the generation, transmission, and distribution of  
2.26 electrical energy and an aerial camera package exempt under section 297A.68, subdivision  
2.27 37;

2.28 (9) commuter rail vehicle and repair parts under section 297A.70, subdivision 3, paragraph  
2.29 (a), clause (10);

2.30 (10) materials, supplies, and equipment for construction or improvement of projects and  
2.31 facilities under section 297A.71, subdivision 40;

3.1 (11) materials, supplies, and equipment for construction, improvement, or expansion  
3.2 of:

3.3 (i) an aerospace defense manufacturing facility exempt under Minnesota Statutes 2014,  
3.4 section 297A.71, subdivision 42;

3.5 (ii) a biopharmaceutical manufacturing facility exempt under section 297A.71, subdivision  
3.6 45;

3.7 (iii) a research and development facility exempt under Minnesota Statutes 2014, section  
3.8 297A.71, subdivision 46; and

3.9 (iv) an industrial measurement manufacturing and controls facility exempt under  
3.10 Minnesota Statutes 2014, section 297A.71, subdivision 47;

3.11 (12) enterprise information technology equipment and computer software for use in a  
3.12 qualified data center exempt under section 297A.68, subdivision 42;

3.13 (13) materials, supplies, and equipment for qualifying capital projects under section  
3.14 297A.71, subdivision 44, paragraph (a), clause (1), and paragraph (b);

3.15 (14) items purchased for use in providing critical access dental services exempt under  
3.16 section 297A.70, subdivision 7, paragraph (c);

3.17 (15) items and services purchased under a business subsidy agreement for use or  
3.18 consumption primarily in greater Minnesota exempt under section 297A.68, subdivision  
3.19 44;

3.20 (16) building materials, equipment, and supplies for constructing or replacing real  
3.21 property exempt under section 297A.71, subdivisions 49; 50, paragraph (b); and 51; ~~and~~

3.22 (17) building materials, equipment, and supplies for qualifying capital projects under  
3.23 section 297A.71, subdivision 52; and

3.24 (18) an automated storage and retrieval system under section 297A.68, subdivision 46.

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

3.26 Sec. 3. Minnesota Statutes 2019 Supplement, section 297A.75, subdivision 2, is amended  
3.27 to read:

3.28 Subd. 2. **Refund; eligible persons.** Upon application on forms prescribed by the  
3.29 commissioner, a refund equal to the tax paid on the gross receipts of the exempt items must  
3.30 be paid to the applicant. Only the following persons may apply for the refund:

3.31 (1) for subdivision 1, clauses (1), (2), and (14), the applicant must be the purchaser;

4.1 (2) for subdivision 1, clause (3), the applicant must be the governmental subdivision;

4.2 (3) for subdivision 1, clause (4), the applicant must be the recipient of the benefits  
4.3 provided in United States Code, title 38, chapter 21;

4.4 (4) for subdivision 1, clause (5), the applicant must be the owner of the homestead  
4.5 property;

4.6 (5) for subdivision 1, clause (6), the owner of the qualified low-income housing project;

4.7 (6) for subdivision 1, clause (7), the applicant must be a municipal electric utility or a  
4.8 joint venture of municipal electric utilities;

4.9 (7) for subdivision 1, clauses (8), (11), (12), ~~and (15)~~, and (18), the owner of the  
4.10 qualifying business;

4.11 (8) for subdivision 1, clauses (9), (10), (13), and (17), the applicant must be the  
4.12 governmental entity that owns or contracts for the project or facility; and

4.13 (9) for subdivision 1, clause (16), the applicant must be the owner or developer of the  
4.14 building or project.

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