

**SENATE**  
**STATE OF MINNESOTA**  
**NINETIETH SESSION**

**S.F. No. 538**

(SENATE AUTHORS: MILLER and Simonson)

DATE  
02/02/2017

D-PG  
487 Introduction and first reading  
Referred to Taxes

OFFICIAL STATUS

1.1 A bill for an act  
 1.2 relating to taxation; individual income; modifying the terms for reciprocity with  
 1.3 Wisconsin; amending Minnesota Statutes 2016, section 290.081.

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

1.5 Section 1. Minnesota Statutes 2016, section 290.081, is amended to read:

1.6 **290.081 INCOME OF NONRESIDENTS, RECIPROCITY.**

1.7 (a) The compensation received for the performance of personal or professional services  
 1.8 within this state by an individual whose residence, place of abode, and place customarily  
 1.9 returned to at least once a month is in another state, shall be excluded from gross income  
 1.10 to the extent such compensation is subject to an income tax imposed by the state of residence;  
 1.11 provided that such state allows a similar exclusion of compensation received by residents  
 1.12 of Minnesota for services performed therein.

1.13 (b) ~~When it is deemed to be in the best interests of the people of this state, the~~  
 1.14 ~~commissioner may determine that the provisions of paragraph (a) shall not apply.~~ As long  
 1.15 as the provisions of paragraph (a) apply between Minnesota and Wisconsin, the provisions  
 1.16 of paragraph (a) shall apply to any individual who is domiciled in Wisconsin.

1.17 (c) For the purposes of paragraph (a), whenever the Wisconsin tax on Minnesota residents  
 1.18 which would have been paid Wisconsin without paragraph (a) exceeds the Minnesota tax  
 1.19 on Wisconsin residents which would have been paid Minnesota without paragraph (a), or  
 1.20 vice versa, then the state with the net revenue loss resulting from paragraph (a) shall receive  
 1.21 from the other state the amount of such loss. This provision shall be effective for all years  
 1.22 beginning after December 31, 1972. The data used for computing the loss to either state

shall be determined on or before September 30 of the year following the close of the previous calendar year.

(d)(1) Interest is payable on all amounts calculated under paragraph (c) relating to taxable years beginning after December 31, 2000. Interest accrues from July 1 of the taxable year.

(2) The commissioner of revenue ~~is authorized to~~ shall enter into agreements with the state of Wisconsin specifying the reciprocity payment due dates, conditions constituting delinquency, interest rates, and a method for computing interest due, if the taxing official of the state of Wisconsin agrees to terms consistent with clause (3).

~~(3) For agreements entered into before October 1, 2014, the annual compensation required under paragraph (e) must equal at least the net revenue loss minus \$1,000,000 per fiscal year.~~

~~(4) For agreements entered into after September 30, 2014, The annual compensation required under paragraph (c) must equal the net revenue loss per fiscal year.~~

~~(5) For the purposes of clauses (3) and (4) this clause,~~ "net revenue loss" means the difference between:

(i) the amount of Minnesota income taxes Minnesota forgoes by not taxing Wisconsin residents on income subject to reciprocity less the cost of providing refundable credits in excess of liability under this chapter to Wisconsin residents; and

(ii) the credit Minnesota would have been required to give under section 290.06, subdivision 22, to Minnesota residents working in Wisconsin had there not been reciprocity amount of Wisconsin income taxes Wisconsin forgoes by not taxing Minnesota residents on income subject to reciprocity.

(e) If an agreement cannot be reached as to the amount of the loss, the commissioner of revenue and the taxing official of the state of Wisconsin shall each appoint a member of a board of arbitration and these members shall appoint the third member of the board. The board shall select one of its members as chair. Such board may administer oaths, take testimony, subpoena witnesses, and require their attendance, require the production of books, papers and documents, and hold hearings at such places as are deemed necessary. The board shall then make a determination as to the amount to be paid the other state which determination shall be final and conclusive.

(f) The commissioner may furnish copies of returns, reports, or other information to the taxing official of the state of Wisconsin, a member of the board of arbitration, or a consultant under joint contract with the states of Minnesota and Wisconsin for the purpose of making

3.1 a determination as to the amount to be paid the other state under the provisions of this  
3.2 section. Prior to the release of any information under the provisions of this section, the  
3.3 person to whom the information is to be released shall sign an agreement which provides  
3.4 that the person will protect the confidentiality of the returns and information revealed thereby  
3.5 to the extent that it is protected under the laws of the state of Minnesota.

3.6 **EFFECTIVE DATE.** This section is effective the day following final enactment for  
3.7 taxable years beginning after December 31, 2016.