

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 2386

(SENATE AUTHORS: NELSON)

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Introduction and first reading
Referred to Taxes

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to taxation; modifying income taxes, sales taxes, and property taxes;

1.3 adopting federal rules for Paycheck Protection Program loans; increasing property

1.4 tax refunds; creating a sales tax exemption for food service equipment purchases

1.5 by certain food service establishments; providing a sales tax exemption for certain

1.6 COVID-19-related expenses; establishing the school homestead credit;

1.7 appropriating money; amending Minnesota Statutes 2020, sections 273.1392;

1.8 273.1393; 275.065, subdivision 3; 276.04, subdivision 2; 297A.68, by adding a

1.9 subdivision; proposing coding for new law in Minnesota Statutes, chapter 273.

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

1.11 Section 1. **[273.1388] SCHOOL HOMESTEAD CREDIT.**

1.12 Subdivision 1. **Eligibility.** All class 1a property under section 273.13, subdivision 22,

1.13 and the portion of class 2a property consisting of the house, garage, and immediately

1.14 surrounding one acre of land under section 273.13, subdivision 23, is eligible to receive the

1.15 credit under this section.

1.16 Subd. 2. **Credit amount.** For each qualifying property, the school homestead credit is

1.17 equal to the credit percent multiplied by the property's referendum market value multiplied

1.18 by the portion of the referendum tax rate under section 275.08, subdivision 1b, paragraph

1.19 (c), attributable to school district levies. For property taxes payable in 2022 and thereafter,

1.20 the credit percent is equal to 50. For the purposes of this section, "referendum market value"

1.21 means the market value as defined in section 126C.01, subdivision 3.

1.22 Subd. 3. **Credit reimbursements.** The county auditor shall determine the tax reductions

1.23 allowed under this section within the county for each taxes payable year and shall certify

1.24 that amount to the commissioner of revenue under section 270C.85, subdivision 2, clause

1.25 (4). Any prior year adjustments shall also be certified. The commissioner shall review the

certifications for accuracy, and may make any changes the commissioner deems necessary, or return the certification to the county auditor for correction. The credit under this section must be used to reduce the school district referendum market value based property tax as provided in section 273.1393.

Subd. 4. **Payment.** 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 education, who must pay the reimbursement amounts to each school district as provided in section 273.1392.

Subd. 5. **Appropriation.** An amount sufficient to make the payments required by this section is annually appropriated from the general fund to the commissioner of education.

EFFECTIVE DATE. This section is effective beginning with property taxes payable in 2022 and thereafter.

Sec. 2. Minnesota Statutes 2020, section 273.1392, is amended to read:

273.1392 PAYMENT; SCHOOL DISTRICTS.

The amounts of bovine tuberculosis credit reimbursements under section 273.113; conservation tax credits under section 273.119; disaster or emergency reimbursement under sections 273.1231 to 273.1235; agricultural credits under sections 273.1384 and 273.1387; aids and credits under section 273.1398; enterprise zone property credit payments under section 469.171; ~~and~~ metropolitan agricultural preserve reduction under section 473H.10; and school homestead credits under section 273.1388 for school districts, shall be certified to the Department of Education by the Department of Revenue. The amounts so certified shall be paid according to section 127A.45, subdivisions 9, 10, and 13.

EFFECTIVE DATE. This section is effective beginning with fiscal year 2023.

Sec. 3. Minnesota Statutes 2020, 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;

- 3.1 (5) disparity reduction credit;
- 3.2 (6) conservation tax credit as provided in section 273.119;
- 3.3 (7) the school bond credit as provided in section 273.1387;
- 3.4 (8) the school homestead credit as provided in section 273.1388;
- 3.5 ~~(8)~~ (9) agricultural credit as provided in section 273.1384;
- 3.6 ~~(9)~~ (10) taconite homestead credit as provided in section 273.135;
- 3.7 ~~(10)~~ (11) supplemental homestead credit as provided in section 273.1391; and
- 3.8 ~~(11)~~ (12) the bovine tuberculosis zone credit, as provided in section 273.113.
- 3.9 The combination of all property tax credits must not exceed the gross tax amount.

3.10 **EFFECTIVE DATE.** This section is effective beginning with property taxes payable

3.11 in 2022 and thereafter.

3.12 Sec. 4. Minnesota Statutes 2020, section 275.065, subdivision 3, is amended to read:

3.13 Subd. 3. **Notice of proposed property taxes.** (a) The county auditor shall prepare and

3.14 the county treasurer shall deliver after November 10 and on or before November 24 each

3.15 year, by first class mail to each taxpayer at the address listed on the county's current year's

3.16 assessment roll, a notice of proposed property taxes. Upon written request by the taxpayer,

3.17 the treasurer may send the notice in electronic form or by electronic mail instead of on paper

3.18 or by ordinary mail.

3.19 (b) The commissioner of revenue shall prescribe the form of the notice.

3.20 (c) The notice must inform taxpayers that it contains the amount of property taxes each

3.21 taxing authority proposes to collect for taxes payable the following year. In the case of a

3.22 town, or in the case of the state general tax, the final tax amount will be its proposed tax.

3.23 The notice must clearly state for each city that has a population over 500, county, school

3.24 district, regional library authority established under section 134.201, and metropolitan taxing

3.25 districts as defined in paragraph (i), the time and place of a meeting for each taxing authority

3.26 in which the budget and levy will be discussed and public input allowed, prior to the final

3.27 budget and levy determination. The taxing authorities must provide the county auditor with

3.28 the information to be included in the notice on or before the time it certifies its proposed

3.29 levy under subdivision 1. The public must be allowed to speak at that meeting, which must

3.30 occur after November 24 and must not be held before 6:00 p.m. It must provide a telephone

3.31 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, except that no notice required under this section shall be interpreted as requiring the printing of a personal telephone number or address as the contact information for a taxing authority. If a taxing authority does not maintain public offices where telephone calls can be received by the authority, the authority may inform the county of the lack of a public telephone number and the county shall not list a telephone number for that taxing authority.

(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 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, agricultural homestead credit under section 273.1384, school building bond agricultural credit under section 273.1387, school homestead credit under section 273.1388, 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 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 and subdivision 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.

(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.

7.1 The information may be presented using tables, written narrative, and graphic
7.2 representations and may contain instruction toward further sources of information or
7.3 opportunity for comment.

7.4 **EFFECTIVE DATE.** This section is effective beginning with property taxes payable
7.5 in 2022 and thereafter.

7.6 Sec. 5. Minnesota Statutes 2020, section 276.04, subdivision 2, is amended to read:

7.7 Subd. 2. **Contents of tax statements.** (a) The treasurer shall provide for the printing of
7.8 the tax statements. The commissioner of revenue shall prescribe the form of the property
7.9 tax statement and its contents. The tax statement must not state or imply that property tax
7.10 credits are paid by the state of Minnesota. The statement must contain a tabulated statement
7.11 of the dollar amount due to each taxing authority and the amount of the state tax from the
7.12 parcel of real property for which a particular tax statement is prepared. The dollar amounts
7.13 attributable to the county, the state tax, the voter approved school tax, the other local school
7.14 tax, the township or municipality, and the total of the metropolitan special taxing districts
7.15 as defined in section 275.065, subdivision 3, paragraph (i), must be separately stated. The
7.16 amounts due all other special taxing districts, if any, may be aggregated except that any
7.17 levies made by the regional rail authorities in the county of Anoka, Carver, Dakota, Hennepin,
7.18 Ramsey, Scott, or Washington under chapter 398A shall be listed on a separate line directly
7.19 under the appropriate county's levy. If the county levy under this paragraph includes an
7.20 amount for a lake improvement district as defined under sections 103B.501 to 103B.581,
7.21 the amount attributable for that purpose must be separately stated from the remaining county
7.22 levy amount. In the case of Ramsey County, if the county levy under this paragraph includes
7.23 an amount for public library service under section 134.07, the amount attributable for that
7.24 purpose may be separated from the remaining county levy amount. The amount of the tax
7.25 on homesteads qualifying under the senior citizens' property tax deferral program under
7.26 chapter 290B is the total amount of property tax before subtraction of the deferred property
7.27 tax amount. The amount of the tax on contamination value imposed under sections 270.91
7.28 to 270.98, if any, must also be separately stated. The dollar amounts, including the dollar
7.29 amount of any special assessments, may be rounded to the nearest even whole dollar. For
7.30 purposes of this section whole odd-numbered dollars may be adjusted to the next higher
7.31 even-numbered dollar. The amount of market value excluded under section 273.11,
7.32 subdivision 16, if any, must also be listed on the tax statement.

(b) The property tax statements for manufactured homes and sectional structures taxed as personal property shall contain the same information that is required on the tax statements for real property.

(c) Real and personal property tax statements must contain the following information in the order given in this paragraph. The information must contain the current year tax information in the right column with the corresponding information for the previous year in a column on the left:

(1) the property's estimated market value under section 273.11, subdivision 1;

(2) the property's homestead market value exclusion under section 273.13, subdivision 35;

(3) the property's taxable market value under section 272.03, subdivision 15;

(4) the property's gross tax, before credits;

(5) for agricultural properties, the credits under sections 273.1384 and 273.1387;

(6) any credits received under sections 273.119; 273.1234 or 273.1235; 273.135; 273.1388; 273.1391; 273.1398, subdivision 4; 469.171; and 473H.10, except that the amount of credit received under section 273.135 must be separately stated and identified as "taconite tax relief"; and

(7) the net tax payable in the manner required in paragraph (a).

(d) If the county uses envelopes for mailing property tax statements and if the county agrees, a taxing district may include a notice with the property tax statement notifying taxpayers when the taxing district will begin its budget deliberations for the current year, and encouraging taxpayers to attend the hearings. If the county allows notices to be included in the envelope containing the property tax statement, and if more than one taxing district relative to a given property decides to include a notice with the tax statement, the county treasurer or auditor must coordinate the process and may combine the information on a single announcement.

EFFECTIVE DATE. This section is effective beginning with property taxes payable in 2022 and thereafter.

Sec. 6. Minnesota Statutes 2020, section 297A.68, is amended by adding a subdivision to read:

Subd. 46. Food service establishment equipment. (a) The purpose of the exemption provided by this subdivision is to create parity between the treatment of capital equipment

used in the manufacturing industry and food service equipment used for the production of prepared food and beverages. The goal is to provide the same exemption for equipment used by food service establishments in the production of prepared food and furnishing of beverages, as is provided for capital equipment pursuant to subdivision 5.

(b) Food service equipment purchased or leased, and used in this state by a food service establishment in the production of prepared food or furnishing of beverages, up to the point the prepared food or beverage is ready for delivery or service to the customer is exempt.

(c) For purposes of this subdivision, the following terms have the meanings given:

(1) "food service equipment" means machinery, equipment, fixtures, and supplies used by a food service establishment that are integral to the production of prepared food or the furnishing of beverages and that meet the standards imposed under Minnesota Rules, chapter 4626. Food service equipment:

(i) includes cooking utensils, serving utensils, ovens, grills, coolers, microwave ovens, freezers, refrigerators and refrigerator stations, holding cabinets, deep fryers, condiment stations, dishwashers, steamers, coffee machines, ice machines, water heaters, sinks, faucets, food warmers and warming trays, tabletop chafing equipment, buffets and buffet equipment, self-service condiment equipment, self-service beverage equipment, beer dispensing systems, equipment needed for bar service, and any other item that is integral to the production of prepared food or the furnishing of beverages; and

(ii) excludes items used by customers such as linens, paper napkins, glasses, cups, mugs, utensils, tables, and chairs. Also excluded are delivery vehicles or any motor vehicles purchased by a food service establishment;

(2) "catering service" means a business that prepares food and beverages for service in support of an event with a predetermined guest list such as a reception, party, luncheon, conference, ceremony, or trade show;

(3) "food service establishment" means a restaurant as defined in section 157.15, subdivision 12, a mobile food unit as defined in section 157.15, subdivision 9, or a catering service as defined in clause (2);

(4) "furnishing of beverages" means the production of beverages, including alcoholic beverages, by a bartender, server, caterer, or other person employed by a food service establishment;

(5) "prepared food" has the meaning given in section 297A.61, subdivision 31; and

(6) "production" means an operation or series of operations where ingredients are changed in form, composition, or condition that results in the creation of prepared food or a beverage.

EFFECTIVE DATE. This section is effective retroactively for sales and purchases made after December 31, 2019.

Sec. 7. SALES TAX EXEMPTION FOR CERTAIN PURCHASES RELATED TO COVID-19.

(a) Notwithstanding Minnesota Statutes, section 298A.50, or any law to the contrary, any materials, supplies, or equipment purchased or leased and used in this state by a food service establishment as defined in Minnesota Statutes, section 297A.68, subdivision 46, to adapt to health guidelines or any executive order related to COVID-19 is exempt.

(b) The maximum refund allowed under this section is limited as follows:

(1) for food service establishments that are franchise locations of a larger corporate entity, \$1,000 per franchise location;

(2) for food service establishments that are owned by a unitary corporate entity or its subsidiary, \$1,000 per entity or subsidiary; and

(3) for all other qualifying food service establishments, \$1,000 per federal employer identification number.

(c) The tax paid must be refunded in the same manner as provided in Minnesota Statutes, section 297A.75.

EFFECTIVE DATE; APPLICATION. This section is effective retroactively from March 1, 2020, and applies to sales and purchases made after February 29, 2020, and before January 1, 2022.

Sec. 8. EXCLUSION FROM GROSS INCOME FOR FORGIVEN PPP LOANS.

Subdivision 1. **Scope.** This section applies for the purpose of calculating:

(1) net income, as defined in Minnesota Statutes, section 290.01, subdivision 19;

(2) income, as defined in Minnesota Statutes, section 290.0674, subdivision 2a;

(3) alternative minimum taxable income, as defined in Minnesota Statutes, section 290.091, subdivision 2;

(4) alternative minimum taxable income, as defined in Minnesota Statutes, section 290.0921, subdivision 3; and

11.1 (5) income, as defined in Minnesota Statutes, section 290A.03, subdivision 3.

11.2 Subd. 2. **Adopting federal changes related to the paycheck protection**

11.3 **program.** "Internal Revenue Code" has the meaning given in Minnesota Statutes, section
11.4 290.01, subdivision 31, as amended through the date specified in that subdivision, but
11.5 including the following amendments:

11.6 (1) the exclusion from gross income under Public Law 116-136, section 1106(i);

11.7 (2) section 276 of the COVID-related Tax Relief Act of 2020 in Public Law 116-260;

11.8 and

11.9 (3) all modifications to the Internal Revenue Code in Public Laws 116-142 and 116-147.

11.10 Subd. 3. **No denial of deduction.** Notwithstanding Minnesota Statutes, section 290.10,
11.11 the commissioner of revenue must not deny a taxpayer a deduction that is allowed under
11.12 section 276 of the COVID-related Tax Relief Act of 2020 in Public Law 116-260.

11.13 **EFFECTIVE DATE.** This section is effective retroactively at the same time the
11.14 provisions of federal law specified in subdivision 2, clauses (1) to (3), were effective for
11.15 federal purposes.

11.16 Sec. 9. **RENTER'S CREDIT; ONETIME INCREASE OF \$200.**

11.17 (a) The commissioner of revenue shall increase by \$200 the amount of any refund of at
11.18 least \$1 that is otherwise payable under Minnesota Statutes, section 290A.04, subdivision
11.19 2a.

11.20 (b) In adjusting renter property tax refunds under this section, the commissioner is not
11.21 required to provide information concerning appeal rights that ordinarily must be provided
11.22 whenever the commissioner adjusts refunds payable under Minnesota Statutes, chapter
11.23 290A. Taxpayers retain all rights to appeal adjustments under this section.

11.24 (c) The amount necessary to make the payments required under this section is
11.25 appropriated from the general fund to the commissioner of revenue.

11.26 **EFFECTIVE DATE.** This section is effective for claims based on rent paid in 2020.

11.27 Sec. 10. **TEMPORARY NONCONFORMITY SUBTRACTIONS.**

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

12.1 (1) "subtraction" has the meaning given in Minnesota Statutes, section 290.0132,
12.2 subdivision 1; and

12.3 (2) "unemployment compensation" has the meaning given in section 85 of the Internal
12.4 Revenue Code.

12.5 Subd. 2. **Subtraction; unemployment compensation paid in 2020.** The amount of
12.6 unemployment compensation received in the taxable year is a subtraction.

12.7 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December
12.8 31, 2019, and before January 1, 2022.