

**297A.75 REFUND; APPROPRIATION.**

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

- (1) building materials for an agricultural processing facility exempt under section 297A.71, subdivision 13;
- (2) building materials for mineral production facilities exempt under section 297A.71, subdivision 14;
- (3) building materials for correctional facilities under section 297A.71, subdivision 3;
- (4) building materials used in a residence for disabled veterans exempt under section 297A.71, subdivision 11;
- (5) elevators and building materials exempt under section 297A.71, subdivision 12;
- (6) building materials for the Long Lake Conservation Center exempt under section 297A.71, subdivision 17;
- (7) materials and supplies for qualified low-income housing under section 297A.71, subdivision 23;
- (8) materials, supplies, and equipment for municipal electric utility facilities under section 297A.71, subdivision 35;
- (9) equipment and materials used for the generation, transmission, and distribution of electrical energy and an aerial camera package exempt under section 297A.68, subdivision 37;
- (10) commuter rail vehicle and repair parts under section 297A.70, subdivision 3, paragraph (a), clause (10);
- (11) materials, supplies, and equipment for construction or improvement of projects and facilities under section 297A.71, subdivision 40;
- (12) materials, supplies, and equipment for construction or improvement of a meat processing facility exempt under section 297A.71, subdivision 41;
- (13) materials, supplies, and equipment for construction, improvement, or expansion of:
  - (i) an aerospace defense manufacturing facility exempt under section 297A.71, subdivision 42;
  - (ii) a biopharmaceutical manufacturing facility exempt under section 297A.71, subdivision 45;
  - (iii) a research and development facility exempt under section 297A.71, subdivision 46; and
  - (iv) an industrial measurement manufacturing and controls facility exempt under section 297A.71, subdivision 47;
- (14) enterprise information technology equipment and computer software for use in a qualified data center exempt under section 297A.68, subdivision 42;
- (15) materials, supplies, and equipment for qualifying capital projects under section 297A.71, subdivision 44;

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

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

*[See Note.]*

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

- (1) for subdivision 1, clauses (1), (2), and (16), the applicant must be the purchaser;
- (2) for subdivision 1, clauses (3) and (6), the applicant must be the governmental subdivision;
- (3) for subdivision 1, clause (4), the applicant must be the recipient of the benefits provided in United States Code, title 38, chapter 21;
- (4) for subdivision 1, clause (5), the applicant must be the owner of the homestead property;
- (5) for subdivision 1, clause (7), the owner of the qualified low-income housing project;
- (6) for subdivision 1, clause (8), the applicant must be a municipal electric utility or a joint venture of municipal electric utilities;
- (7) for subdivision 1, clauses (9), (12), (13), (14), and (17), the owner of the qualifying business; and
- (8) for subdivision 1, clauses (10), (11), and (15), the applicant must be the governmental entity that owns or contracts for the project or facility.

Subd. 3. **Application.** (a) The application must include sufficient information to permit the commissioner to verify the tax paid. If the tax was paid by a contractor, subcontractor, or builder, under subdivision 1, clauses (3) to (15), or (17), the contractor, subcontractor, or builder must furnish to the refund applicant a statement including the cost of the exempt items and the taxes paid on the items unless otherwise specifically provided by this subdivision. The provisions of sections 289A.40 and 289A.50 apply to refunds under this section.

(b) An applicant may not file more than two applications per calendar year for refunds for taxes paid on capital equipment exempt under section 297A.68, subdivision 5.

(c) Total refunds for purchases of items in section 297A.71, subdivision 40, must not exceed \$5,000,000 in fiscal years 2010 and 2011. Applications for refunds for purchases of items in sections 297A.70, subdivision 3, paragraph (a), clause (11), and 297A.71, subdivision 40, must not be filed until after June 30, 2009.

Subd. 4. **Interest.** Interest must be paid on the refund at the rate in section 270C.405 from 90 days after the refund claim is filed with the commissioner for taxes paid under subdivision 1.

Subd. 5. **Appropriation.** The amount required to make the refunds is annually appropriated to the commissioner.

**History:** 2000 c 418 art 1 s 19,44 subd 3; 2000 c 490 art 8 s 6; 1Sp2001 c 5 art 12 s 72; 2002 c 377 art 3 s 17; 2003 c 127 art 1 s 26; 2005 c 151 art 2 s 17; art 7 s 19; 1Sp2005 c 3 art 5 s 18-20; 2006 c 259 art 6 s 26-28; 2008 c 366 art 7 s 6; 2009 c 88 art 4 s 7,8; 2010 c 389 art 4 s

*9-11; 1Sp2011 c 7 art 3 s 13-15; 2012 c 187 art 1 s 50; 2012 c 294 art 2 s 18; 2012 c 299 art 5 s 3-5; 2013 c 143 art 8 s 40-42*

**NOTE:** The amendment to subdivision 3 by Laws 2012, chapter 299, article 5, section 5, is effective for sales and purchases made after June 30, 2013. Laws 2012, chapter 299, article 5, section 5, the effective date.

**NOTE:** The amendment to subdivision 1 by Laws 2013, chapter 143, article 8, section 40, striking clause (1), which requires that the tax on capital equipment exempt under section 297A.68, subdivision 5, must be imposed and collected as if the sale were taxable, is effective for sales and purchases made after August 31, 2014. Laws 2013, chapter 143, article 8, section 40.