

1.1 Senator moves to amend the delete-everything amendment (SCS1811A-2)
1.2 to S.F. No. 1811 as follows:

1.3 Page 19, after line 24, insert:

1.4 "Sec. 14. Minnesota Statutes 2022, section 289A.08, is amended by adding a subdivision
1.5 to read:

1.6 Subd. 3a. **Corporations; worldwide reporting.** (a) A corporation that is subject to the
1.7 state's jurisdiction to tax under section 290.014, subdivision 5, must file a return, and, in
1.8 the case of a unitary business, may elect to report and pay taxes on combined worldwide
1.9 income as provided in section 290.17, subdivisions 4 and 4a. The provisions of paragraphs
1.10 (b) to (e) apply to corporations making the election as allowed under this paragraph.

1.11 (b) A unitary business electing to report combined worldwide income must make the
1.12 election for the taxable year in the form and manner prescribed by the commissioner. The
1.13 election is binding for that taxable year and applies to any amended returns for that taxable
1.14 year.

1.15 (c) Members of a unitary business that are required to file a combined report on one
1.16 return must designate a member of the unitary business to be responsible for tax matters,
1.17 including the filing of returns, the payment of taxes, additions to tax, penalties, interest, or
1.18 any other payment, and for the receipt of refunds of taxes or interest paid in excess of taxes
1.19 lawfully due. The designated member must be a member of the unitary business that is filing
1.20 the single combined report and either:

1.21 (1) a corporation that is subject to the taxes imposed by chapter 290; or

1.22 (2) a corporation that is not subject to the taxes imposed by chapter 290:

1.23 (i) such corporation consents by filing the return as a designated member under this
1.24 clause to remit taxes, penalties, interest, or additions to tax due from the members of the
1.25 unitary business subject to tax, and receive refunds or other payments on behalf of other
1.26 members of the unitary business. The member designated under this clause is a "taxpayer"
1.27 for the purposes of this chapter and chapter 270C, and is liable for any liability imposed on
1.28 the unitary business under this chapter and chapter 290;

1.29 (ii) if the state does not otherwise have the jurisdiction to tax the member designated
1.30 under this clause, consenting to be the designated member does not create the jurisdiction
1.31 to impose tax on the designated member, other than as described in item (i); and

2.1 (iii) the member designated under this clause must apply for a business tax account
2.2 identification number.

2.3 (d) The commissioner shall adopt rules for the filing of one return on behalf of the
2.4 members of an affiliated group of corporations that are required to file a combined report.
2.5 All members of an affiliated group that are required to file a combined report must file one
2.6 return on behalf of the members of the group under rules adopted by the commissioner.

2.7 (e) If a corporation claims on a return that it has paid tax in excess of the amount of
2.8 taxes lawfully due, that corporation must include on that return information necessary for
2.9 payment of the tax in excess of the amount lawfully due by electronic means."

2.10 Page 32, lines 5 and 12, before the period, insert ", if the unitary business has made the
2.11 election under section 289A.08, subdivision 3a"

2.12 Page 60, line 6, delete "worldwide" and after "income" insert ", or, if the business has
2.13 made the elections under section 289A.08, subdivision 3a, the entire worldwide income"

2.14 Page 61, line 1, reinstate the stricken language and after "(f)" insert "Except for a unitary
2.15 business that has made the election under section 289A.08, subdivision 3a,"

2.16 Page 61, lines 2 to 12, reinstate the stricken language

2.17 Page 61, line 13, reinstate the stricken language and delete the new language

2.18 Page 61, line 15, after "included" insert ":(1)" and reinstate the stricken "only" and
2.19 delete "and foreign"

2.20 Page 61, line 16, delete "and foreign"

2.21 Page 61, lines 17 to 23, reinstate the stricken language

2.22 Page 61, line 24, reinstate the stricken language and delete the new language and insert
2.23 "; and (2) for a unitary business that has made the election under section 289A.08, subdivision
2.24 3a, the income and apportionment factors of domestic and foreign corporations or other
2.25 domestic and foreign entities that are determined to be part of the unitary business pursuant
2.26 to this subdivision, and for foreign corporations and other foreign"

2.27 Page 61, lines 28 and 30, reinstate the stricken language and delete the new language

2.28 Page 61, line 34, reinstate the stricken "(g)"

2.29 Page 61, line 35, delete "(f)"

2.30 Page 62, lines 5 and 12, reinstate the stricken language and delete the new language

- 3.1 Page 62, line 21, after "entity" insert "that has made the election under section 289A.08,
- 3.2 subdivision 3a,"
- 3.3 Renumber the sections in sequence and correct the internal references
- 3.4 Amend the title accordingly