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S.F. No. 4725 – Commissioner requirements; Tax Court decisions (as proposed to be amended by the A-1 amendment)

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Section 1. Authority; limitation [revenue notices]. Adds requirements to the statute governing revenue notices. Requires that the commissioner is bound by conclusions of law in Tax Court decisions unless the decision is pending appeal or overturned by the Minnesota Supreme Court or U.S. Supreme Court. If the commissioner intends to not follow a decision issued by the Tax Court, the commissioner must provide notice on the Department of Revenue website within 60 days of the decision, and, within 180 days of the decision, publish a revenue notice describing the commissioner's intended interpretation and administration of the provisions of law at issue in the decision and the rationale for not following the decision.

Section 2. Limitations on assessment. Requires that the commissioner is bound by conclusions of law in Tax Court decisions unless the decision is pending appeal or overturned by the Minnesota Supreme Court or U.S. Supreme Court and unless the commissioner has complied with the notice and publication requirement in section 1. Prohibits the commissioner from issuing an assessment for underpayment of tax if the assessment is inconsistent with or in contravention of conclusions of law in a Tax Court decision unless the decision is pending appeal or was overturned by the Minnesota Supreme Court or U.S. Supreme Court.

Both sections are effective for Tax Court decisions issued the day following final enactment.