



*State of Minnesota*

*Tax Expenditure Budget*

*Fiscal Years 2008-2011*

**MINNESOTA • REVENUE**

*Tax Research Division*

Questions relating to this report  
may be directed to:

Minnesota Department of Revenue  
Tax Research Division  
Mail Station 2230  
St. Paul, Minnesota 55146-2230  
Telephone: (651) 296-3425

The report is also available on our  
web site at [www.taxes.state.mn.us](http://www.taxes.state.mn.us)

STATE OF MINNESOTA  
TAX EXPENDITURE BUDGET

FISCAL YEARS 2008 - 2011

A REPORT TO THE MINNESOTA LEGISLATURE

STATUTORY REQUIREMENT: MINNESOTA STATUTES, SECTION 270C.11

Minnesota Department of Revenue  
Tax Research Division

February 2008



# MINNESOTA • REVENUE

February 2008

## **To the Members of the Legislature of the State of Minnesota:**

It is my pleasure to submit to you the 2008 Minnesota Tax Expenditure Budget, as required by Minnesota Statutes, Section 270C.11. The purpose of the report is to facilitate a regular, comprehensive legislative review of state and local tax provisions that provide preferential tax treatment for certain types of taxpayers or activities.

This report contains information that can be used to evaluate Minnesota's current state and local tax system and as a basis for making future tax policy decisions.

Minnesota Statutes, Section 3.197, specifies that a report to the Legislature must include the cost of its preparation. The approximate cost of preparing this report was \$105,000.

The report is available on the Department of Revenue web site at <http://www.taxes.state.mn.us/reports/reports.html>

Sincerely,



Ward Einess  
Commissioner



## PREFACE

This report is the eleventh tax expenditure budget prepared and submitted as required by Minnesota Statutes. It reflects Minnesota law after changes enacted in the regular and first special sessions of the 2007 Minnesota Legislature.

The tax expenditure budget covers all state taxes and all local taxes that are applied statewide. Only taxes that contain tax expenditure provisions are included in the report.

The main purpose of the tax expenditure budget is to provide information on which sound policy decisions can be made. The report is also a useful reference resource because it contains an explanation and history for each provision, as well as the fiscal impact.

An essential starting point for using this report is the main introduction, beginning on page 1. The main introduction includes background information on tax expenditure reporting, describes the conceptual basis for determining whether a provision is a tax expenditure, and explains how the fiscal impacts of tax expenditure provisions are measured. Following the main introduction is a summary list which contains for each tax expenditure provision the item number, name, year enacted by the state, and fiscal impact for fiscal years 2008 through 2011.

The report is organized into chapters, with one chapter for each tax. Each chapter contains descriptive information on the tax and detailed information on each tax expenditure provision in that tax. The provisions within a chapter are grouped by the type of provision and are in the order used in the computation of the tax, such as exemptions, then deductions, and then credits. An item number is assigned to each tax expenditure provision. The number before the decimal point identifies the chapter, and the numbers after the decimal point are assigned consecutively within the chapter. The item number is the key used to identify and locate provisions throughout this report.





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## **INTRODUCTION TO THE TAX EXPENDITURE BUDGET**

### **The Tax Expenditure Concept**

“State governmental policy objectives are sought to be achieved both by direct expenditure of governmental funds and by the granting of special and selective tax relief or tax expenditures.” (Minnesota Statutes, Section 270C.11, Subd. 1, in part, reprinted in Appendix A.)

Tax expenditures are statutory provisions which reduce the amount of revenue that would otherwise be generated, including exemptions, deductions, credits, and lower tax rates. These provisions are called “expenditures” because they are similar to direct spending programs. Both tax expenditures and direct expenditures are used for public policy goals, such as funding or encouraging specified activities or providing financial assistance to persons, businesses, or groups in particular situations.

For example, the costs of higher education are partially funded through direct spending programs, including the state support of public institutions, direct financial assistance to students, and student loans. The costs of higher education are also assisted through several tax expenditures, including the favorable tax treatment of qualified tuition plans and education savings accounts, the exemption from income for most scholarships, fellowships, and grants, and the deduction for student loan interest. Federal income tax credits for tuition are also available.

A tax expenditure is different from a direct spending program in several respects. A direct spending program continues only if funds are appropriated for each budget period, but the continuation of a tax expenditure does not require legislative action. Unless a tax expenditure has an expiration date, it continues indefinitely unless action is taken to repeal it. Direct spending programs are itemized on the expenditure side of the budget; tax expenditures are reflected on the revenue side of the budget. Revenues shown in the state budget are net of tax expenditures, and the tax expenditures are not itemized.

### **The Purpose of the Tax Expenditure Budget**

The purpose of the tax expenditure budget is to provide information to facilitate a regular, comprehensive legislative review of state and local tax expenditure provisions. Tax expenditure provisions are identified and listed in the report, along with the legal citation, explanation, history, and fiscal impact for each provision.

Minnesota Statutes, Section 270.067, enacted in 1983, required a tax expenditure budget to be submitted as a supplement to the governor’s biennial budget. In 1996 the law was changed so that the report is due in each even-numbered year, rather than at the same time as the governor’s biennial budget in the odd-numbered years. In 2005 the statute was recodified as Section 270C.11 (reprinted in Appendix A).

### **Tax Expenditure Criteria**

Not every exemption, deduction, credit, or lower tax rate is a tax expenditure. A conceptual framework governs the identification of tax expenditure provisions. Each tax provision is evaluated against a list of criteria.

## Introduction

Seven criteria are used to determine if a provision is a tax expenditure for this report. Some of the criteria are taken directly from the authorizing statute; some are based on concepts used in the preparation of federal tax expenditure reports; and others are based on what is believed to be a logical application of the tax expenditure concept. A provision must meet all the criteria in order to be a tax expenditure.

A provision is a tax expenditure if it:

- has an impact on a tax that is applied statewide;
- confers preferential treatment;
- results in reduced tax revenue in the applicable fiscal years;
- is not included as an expenditure item in the state budget;
- is included in the defined tax base for that tax;
- is not subject to an alternative tax; and
- can be amended or repealed by a change in state law.

The first four criteria are based on the statute requiring the tax expenditure budget.

The tax expenditure budget is required by statute to include every state tax and any local tax that is applied statewide. A local tax imposed pursuant to a special law is not included in the report.

Preferential treatment is a key concept in determining tax expenditures. The first sentence of the authorizing statute, quoted at the beginning of this introduction, uses the words “special and selective”. Also, the statutory definition of a tax expenditure uses the word “certain”. Minnesota Statutes, Section 270C.11, Subd. 6 (1) (emphasis added):

“Tax expenditure” means a tax provision which provides a gross income definition, deduction, exemption, credit, or rate for *certain* persons, types of income, transactions, or property that results in reduced tax revenue.

If a provision is not preferential, it is not a tax expenditure. For example, the personal exemption for the individual income tax is not preferential because each person receives the same amount of exemption. Likewise, the graduated rate structure of the individual income tax is not a tax expenditure because each taxpayer with the same amount of tax base pays at the same rate.

In the statute quoted above, a requirement is that the provision “...results in reduced tax revenue”. A provision that would otherwise qualify is not considered a tax expenditure if it is not being used or is not likely to be used during fiscal years 2008 through 2011.

The federal law (Congressional Budget Act of 1974, Public Law 93-344) that requires a list of tax expenditures to be included with the federal budget includes in its definition of tax expenditures “. . . provisions of the Federal tax laws which allow . . . a deferral of liability”. Although the Minnesota law does not mention deferral of liability, this concept has been adopted in the preparation of the report. A deferral of liability results in reduced tax revenue for a given year.

A deferral of liability involves the time value of money and affects primarily the individual income and corporate franchise taxes. A deferral can result either from postponing the time when income is recognized or from accelerating the deduction of expenses. Taxable income is lower in that year than it would be otherwise, and an adjustment is made in a future year. The deferral of liability is similar to an interest-free loan for the taxpayer.

Some provisions of tax law are similar to tax expenditures, but they are itemized on the spending side of the budget. The state-funded property tax relief provisions are not included in the report for this reason.

The tax base for each tax must be clearly defined so that exceptions to that base can be identified. Some tax provisions help to define the base; others are exceptions to the base. Each chapter introduction includes an explanation of the defined tax base for that tax. The tax base for a tax is the working definition used for this report and is not intended to define the ideal tax base.

In some instances, one tax may be imposed in place of another tax, and it would not be reasonable for a taxpayer or activity to be subject to both taxes. Therefore, the exemption from one tax is not considered a tax expenditure if the alternative tax is imposed. However, if a taxpayer can elect to be taxed under an alternative tax that is lower, then the alternative tax provision is considered to be a tax expenditure, measured as the difference between the two taxes.

The application of the alternative tax concept for this report was limited to these situations:

- The income from taconite and iron mining is subject to the occupation tax in lieu of the corporate franchise tax.
- The purchase of a motor vehicle is subject to the motor vehicle sales tax (Chapter 5) in lieu of the general sales and use tax (Chapter 4).
- Cigarettes are exempt from the general sales and use tax but are subject to a tax in lieu of the sales tax at the wholesale level.
- The solid waste management taxes are imposed in lieu of the general sales tax.
- A number of taxes are imposed in lieu of the general property tax, including the motor vehicle registration tax and the taconite production tax.
- Noncommercial aircraft are taxed under the aircraft registration tax, whereas commercial airflight property is taxed under the airflight property tax.

The biennial budget is determined by the Minnesota Legislature and the Governor. Likewise, the tax expenditure budget contains only items which can be changed or repealed by the concurring actions of the Legislature and the Governor. Therefore, tax provisions that are contained in the Minnesota Constitution, federal law, or the United States Constitution are not included in the tax expenditure budget. For example, when federal law prohibits the states from taxing a certain type of income, that is not considered a tax expenditure for this report.

### **Measuring the Fiscal Impact of Tax Expenditures**

The fiscal impact of a tax expenditure measures what is being spent through the tax system by that one provision and is not necessarily the same as the revenue that would be gained by repeal of the provision. This distinction is important.

For the tax expenditure budget, each provision is estimated in isolation, and other provisions in that tax and in other taxes are held constant. The secondary impact of that provision on other provisions is not taken into account. Because the estimates measure the impact of the provision as it exists and not what would happen if it were repealed, no change in taxpayer behavior is assumed.

Estimating the repeal of a provision would take into account interactions within a tax or between taxes and may include changes in taxpayer behavior. If two or more provisions were repealed at the same time, the combined impact of repealing the provisions would be estimated, rather than estimating each provision separately.

## Introduction

The methodology used to estimate tax expenditures can produce misleading results if the estimates for two or more provisions are totaled. Depending upon the situation, the combined impact of two or more provisions could be more or less than the total of the provisions estimated separately.

When two tax expenditures overlap, generally the amount of the overlap is not included in either estimate. The sales tax exemptions for food and for school district purchases illustrate this point. When the exemption for food is estimated, purchases by school districts would still be exempt and are not included in the estimate. When the exemption for purchases by school districts is estimated, purchases of food are excluded. Therefore, purchases of food by school districts are not included in either estimate. If the two exemptions were repealed together, the estimate of repeal would include the overlap and would be larger than the sum of the two exemptions estimated separately.

The estimates for provisions that result in the deferral of tax are the net impact for that year. For example, the expensing of depreciable business property is estimated for a given year as the net of accelerated deductions taken that year and deductions not taken that year because they were expensed in an earlier year.

The precision of the estimates varies with the source of the data and with the applicability of the data to the tax expenditure provision. Data from Minnesota tax returns were used whenever possible. Other sources included federal tax expenditure estimates, data from federal tax returns, and numerous other sources of data for Minnesota and the nation.

## TAX EXPENDITURE SUMMARY LIST

		<u>Year</u> <u>Enacted</u>	<u>Fiscal Year Impact</u>			
			<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
<b>INDIVIDUAL INCOME TAX</b>						
<i>Federal Exclusions</i>						
1.01	Employer-Provided Meals and Lodging	1933	\$6,300,000	\$6,500,000	\$6,800,000	\$7,200,000
1.02	Housing Allowances for Ministers	1945	4,600,000	4,800,000	5,000,000	5,300,000
1.03	Employer-Provided Dependent Care	1982	7,300,000	7,900,000	8,500,000	9,100,000
1.04	Employee Awards	1987	1,300,000	1,400,000	1,500,000	1,600,000
1.05	Employer Pension Plans	1933	610,600,000	644,400,000	678,100,000	713,400,000
1.06	Contributions by Employers for Medical Insurance Premiums and Medical Care	1933	812,200,000	878,400,000	945,300,000	1,008,800,000
1.07	Employer-Paid Accident and Disability Premiums	1955	19,900,000	20,500,000	21,200,000	21,900,000
1.08	Employer-Paid Group Term Life Insurance Premiums	1933	15,400,000	15,600,000	15,800,000	16,100,000
1.09	Employer-Paid Transportation Benefits	1985	32,900,000	33,500,000	34,900,000	35,600,000
1.10	Cafeteria Plans	1975	230,000,000	251,900,000	275,900,000	302,100,000
1.11	Employer-Provided Adoption Assistance	1997	1,100,000	1,200,000	1,300,000	1,000,000
1.12	Employer-Provided Education Assistance	1979	5,600,000	5,900,000	6,200,000	2,800,000
1.13	Miscellaneous Employee Fringe Benefits	1985	47,900,000	49,300,000	51,300,000	53,400,000
1.14	Income Earned Abroad by U.S. Citizens and Foreign Housing Costs	1933	21,700,000	22,800,000	23,900,000	25,000,000

Summary List

	<b>Year Enacted</b>	<b>Fiscal Year Impact</b>			
		<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
1.15 Certain Allowances for Federal Employees Abroad	1945	\$2,400,000	\$2,500,000	\$2,700,000	\$2,800,000
1.16 Benefits and Allowances to Armed Forces Personnel	1933	8,000,000	8,200,000	8,400,000	8,700,000
1.17 Medical Care and Tricare Medical Insurance for Military Dependents and Retirees	1933	8,200,000	8,700,000	9,200,000	9,800,000
1.18 Veterans' Benefits	1933	19,400,000	20,600,000	21,400,000	22,700,000
1.19 Military Disability Pensions	1933	300,000	300,000	300,000	300,000
1.20 Workers' Compensation Benefits	1933	52,700,000	56,100,000	59,700,000	64,600,000
1.21 Special Benefits For Disabled Coal Miners	1971	*	*	*	*
1.22 Social Security Benefits	1939	159,200,000	165,600,000	172,600,000	183,500,000
1.23 Medicare Benefits	1965	197,800,000	211,700,000	231,100,000	259,800,000
1.24 Foster Care Payments	1983	3,100,000	3,300,000	3,400,000	3,600,000
1.25 Public Assistance	1933	14,500,000	14,800,000	15,000,000	15,500,000
1.26 Scholarship and Fellowship Income	1955	10,900,000	11,600,000	12,200,000	12,800,000
1.27 Education Savings Accounts	1998	300,000	400,000	600,000	800,000
1.28 Qualified Tuition Plans	1997	4,100,000	5,300,000	5,800,000	7,000,000
1.29 Certain Agricultural Cost-Sharing Payments	1979	200,000	200,000	200,000	200,000
1.30 Discharge of Indebtedness Income for Certain Farmers	1987	800,000	900,000	1,100,000	1,300,000
1.31 Investment Income on Life Insurance and Annuity Contracts	1933	145,500,000	149,300,000	153,100,000	156,900,000
1.32 Interest on Minnesota State and Local Government Bonds	1933	50,600,000	51,900,000	55,200,000	58,700,000
1.33 Capital Gains on Home Sales	1998	161,200,000	167,400,000	172,900,000	178,100,000
1.34 Capital Gains at Death	1933	241,400,000	258,500,000	270,200,000	254,900,000



	<b>Year Enacted</b>	<b>Fiscal Year Impact</b>			
		<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
1.35 Capital Gains on Gifts	1933	\$26,600,000	\$27,500,000	\$28,500,000	\$28,000,000
1.36 Permanent Exemptions from Imputed Interest Rules	1985	2,200,000	2,400,000	2,500,000	2,800,000
1.37 Like-Kind Exchanges	1933	4,400,000	4,600,000	4,800,000	4,600,000
1.38 Special Rules for Magazine, Paperback, and Record Returns	1979	*	*	*	*
1.39 Energy Conservation Subsidies Provided by Public Utilities	1993	100,000	100,000	100,000	100,000
<b><i>Federal Deductions</i></b>					
1.40 Accelerated Depreciation	1959	61,100,000	61,600,000	63,800,000	64,800,000
1.41 Expensing Depreciable Business Property	1983	26,600,000	18,400,000	14,000,000	*
1.42 Excess of Percentage Over Cost Depletion	1933	300,000	400,000	400,000	500,000
1.43 Five-Year Amortization of Business Organizational and Start-Up Costs	1977	3,600,000	3,700,000	3,900,000	4,000,000
1.44 Expensing of Research and Development Costs	1955	400,000	400,000	400,000	400,000
1.45 Expensing of Magazine Circulation Expenditures	1951	*	*	*	*
1.46 Expensing of Exploration and Development Costs	1933	100,000	100,000	100,000	100,000
1.47 Cash Accounting and Expensing for Agriculture	1933	2,700,000	2,600,000	2,500,000	2,400,000
1.48 Expensing of Multiperiod Timber Growing Costs	1933	100,000	100,000	100,000	100,000
1.49 Special Rules for Mining Reclamation Reserves	1985	*	*	*	*
1.50 Cash Accounting Other than Agriculture	1933	4,700,000	5,100,000	5,500,000	5,900,000

Summary List

	Year Enacted	Fiscal Year Impact			
		2008	2009	2010	2011
1.51 Installment Sales	1933	\$5,500,000	\$2,800,000	\$2,300,000	\$2,000,000
1.52 Completed Contract Rules	1933	*	*	*	*
1.53 Employee Stock Ownership Plans	1975	1,800,000	1,800,000	1,800,000	1,900,000
1.54 Individual Retirement Accounts	1975	115,100,000	125,200,000	135,400,000	146,900,000
1.55 Keogh Plans	1963	52,700,000	58,800,000	63,800,000	70,200,000
1.56 Health Savings Accounts	2005	3,500,000	5,300,000	7,100,000	8,900,000
1.57 Self-Employed Health Insurance	1987	34,200,000	36,400,000	38,400,000	40,900,000
1.58 Interest on Student Loans	1998	7,600,000	7,700,000	7,800,000	8,000,000
1.59 Per Diem Amounts Paid to State Legislators	1959	100,000	100,000	100,000	100,000
<b><i>Federal Personal Deductions</i></b>					
1.60 Additional Standard Deduction for the Elderly and Blind	1987	15,600,000	15,800,000	16,600,000	17,100,000
1.61 Medical Expenses	1933	51,200,000	56,800,000	61,200,000	67,200,000
1.62 Real Estate Taxes	1933	156,000,000	176,000,000	191,000,000	208,600,000
1.63 Other Taxes	1933	12,200,000	13,300,000	14,300,000	15,600,000
1.64 Home Mortgage Interest	1933	400,900,000	448,600,000	495,300,000	543,900,000
1.65 Charitable Contributions	1933	208,500,000	229,800,000	246,200,000	269,600,000
1.66 Casualty and Theft Losses	1933	1,400,000	1,500,000	1,600,000	1,700,000
<b><i>Minnesota Subtractions</i></b>					
1.67 K-12 Education Expenses	1955	18,400,000	18,600,000	18,800,000	19,100,000
1.68 Charitable Contributions for Nonitemizers	1999	7,100,000	7,700,000	8,300,000	9,100,000
1.69 Income of the Elderly or Disabled	1988	1,000,000	800,000	700,000	500,000

	Year Enacted	Fiscal Year Impact			
		2008	2009	2010	2011
1.70 Active Duty Military Service Outside Minnesota	2005	\$4,300,000	\$4,300,000	\$4,300,000	\$4,300,000
1.71 National Guard Active Service in Minnesota	2005	*	*	*	*
1.72 Expenses of Living Organ Donors	2005	*	*	*	*
1.73 Job Opportunity Building Zone Income	2003	3,200,000	4,000,000	4,800,000	5,700,000
1.74 Disposition of Farm Property	1985	*	*	*	*
1.75 Small Ethanol Producers	2000	800,000	0	0	0
<b><i>Preferential Computation</i></b>					
1.76 Five-Year Averaging of Lump Sum Distributions	1975	100,000	100,000	100,000	100,000
<b><i>Credits</i></b>					
1.77 Marriage Credit	1999	58,600,000	61,500,000	64,600,000	68,700,000
1.78 Credit for Long-Term Care Insurance Premiums	1997	7,300,000	7,400,000	7,500,000	7,700,000
1.79 Employer Transit Pass Credit	2000	*	*	*	*
1.80 Child and Dependent Care Credit	1977	13,900,000	13,900,000	13,900,000	13,900,000
1.81 Working Family Credit	1991	153,000,000	160,100,000	163,400,000	166,700,000
1.82 Credit for K-12 Education Expenses	1997	14,000,000	13,600,000	13,100,000	12,700,000
1.83 Credit for Military Service in a Combat Zone	2006	1,100,000	1,100,000	1,100,000	1,100,000
1.84 Job Opportunity Building Zone Jobs Credit	2003	800,000	900,000	1,000,000	1,000,000
1.85 Enterprise Zone Employer Tax Credits	1983	100,000	100,000	100,000	100,000
1.86 Credit for Bovine Tuberculosis Testing	2006	100,000	100,000	*	*

Summary List

	<b>Year Enacted</b>	<b>Fiscal Year Impact</b>			
		<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>CORPORATE FRANCHISE TAX</b>					
<i>Exempt Organizations</i>					
2.01 Credit Unions	1937	\$9,200,000	\$9,500,000	\$9,900,000	\$10,300,000
2.02 Insurance Companies	2001	74,200,000	70,600,000	70,900,000	71,000,000
<i>Federal Exclusions</i>					
2.03 Permanent Exemptions from Imputed Interest Rules	1985	*	*	*	*
2.04 Investment Income on Life Insurance and Annuity Contracts	1933	7,300,000	7,500,000	7,700,000	7,800,000
2.05 Like-Kind Exchanges	1933	9,100,000	9,200,000	9,300,000	9,400,000
2.06 Special Rules for Magazine, Paperback, and Record Returns	1979	100,000	100,000	100,000	100,000
<i>Federal Deductions</i>					
2.07 Accelerated Depreciation	1959	90,700,000	94,400,000	79,800,000	68,800,000
2.08 Expensing Depreciable Business Property	1983	3,800,000	2,700,000	1,100,000	*
2.09 Excess of Percentage Over Cost Depletion (Mining Occupation Tax)	1989	3,600,000	3,600,000	3,600,000	3,600,000
2.10 Amortization of Organizational and Start-Up Costs	1955	*	*	*	*
2.11 Expensing of Research and Development Costs	1955	6,200,000	12,900,000	16,200,000	17,400,000
2.12 Expensing of Magazine Circulation Expenditures	1951	*	*	*	*
2.13 Expensing of Exploration and Development Costs	1967	1,300,000	1,000,000	900,000	900,000
2.14 Cash Accounting and Expensing for Agriculture	1933	*	*	*	*
2.15 Expensing of Multiperiod Timber Growing Costs	1933	800,000	800,000	800,000	800,000

	<b>Year Enacted</b>	<b>Fiscal Year Impact</b>			
		<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
2.16 Special Rules for Mining Reclamation Reserves	1987	\$100,000	\$100,000	\$100,000	\$100,000
2.17 Cash Accounting Other than Agriculture	1933	*	*	*	*
2.18 Installment Sales	1933	4,800,000	2,500,000	2,200,000	2,800,000
2.19 Completed Contract Rules	1933	1,200,000	1,400,000	1,600,000	1,800,000
2.20 Charitable Contributions	1933	10,100,000	10,100,000	10,100,000	10,100,000
2.21 Employee Stock Ownership Plans	1975	2,500,000	2,800,000	3,100,000	3,400,000
2.22 Capital Construction Funds of Shipping Companies	1987	*	*	*	*
<b><i>Apportionment</i></b>					
2.23 Weighted Apportionment	1939	173,700,000	171,600,000	179,200,000	187,800,000
2.24 Throwback Sales	1973	32,400,000	31,300,000	32,500,000	33,600,000
2.25 Single-Factor Apportionment for Mail Order Companies	1985	100,000	100,000	100,000	100,000
<b><i>Minnesota Subtractions</i></b>					
2.26 Dividend Received Deduction	1947	165,400,000	150,600,000	146,100,000	143,700,000
2.27 Foreign Source Royalties	1984	81,600,000	73,700,000	70,700,000	69,300,000
2.28 Foreign Operating Corporations	1988	113,900,000	107,100,000	106,200,000	107,500,000
2.29 Job Opportunity Building Zone Income	2003	4,700,000	5,900,000	7,200,000	8,500,000
2.30 Disposition of Farm Property	1985	*	*	*	*
2.31 Small Ethanol Producers	2000	600,000	0	0	0
<b><i>Credits</i></b>					
2.32 Research and Development Credit	1981	21,700,000	20,600,000	19,800,000	19,500,000
2.33 Employer Transit Pass Credit	2000	400,000	400,000	400,000	400,000

Summary List

	Year Enacted	Fiscal Year Impact			
		2008	2009	2010	2011
2.34 Job Opportunity Building Zone Jobs Credit	2003	\$1,200,000	\$1,300,000	\$1,400,000	\$1,500,000
2.35 Enterprise Zone Employer Tax Credits	1983	400,000	400,000	400,000	400,000
2.36 Credit for Bovine Tuberculosis Testing	2006	600,000	600,000	*	*
<b>ESTATE TAX</b>					
<i>Preferential Valuation</i>					
3.01 Special Use Valuation	1979	100,000	100,000	100,000	100,000
<i>Exclusions</i>					
3.02 Life Insurance Proceeds	1979	11,500,000	12,600,000	13,800,000	15,000,000
3.03 Annuities	1979	*	*	*	*
3.04 Social Security Benefits	1979	*	*	*	*
<i>Deductions</i>					
3.05 Marital Deduction	1979	120,800,000	124,100,000	130,600,000	136,000,000
3.06 Charitable Gifts	1979	19,500,000	20,000,000	21,100,000	22,000,000
<b>GENERAL SALES AND USE TAX</b>					
<i>Exemptions - Particular Goods and Services</i>					
4.01 Food Products	1967	663,500,000	695,900,000	729,000,000	761,600,000
4.02 Clothing and Wearing Apparel	1967	361,900,000	378,700,000	396,100,000	413,200,000
4.03 Drugs and Medicines	1967	228,200,000	243,200,000	261,000,000	280,500,000
4.04 Medical Devices	1967	9,900,000	10,300,000	10,600,000	11,000,000
4.05 Prescription Eyeglasses	1967	29,700,000	31,100,000	32,600,000	34,200,000
4.06 Baby Products	1967	500,000	500,000	500,000	500,000
4.07 Feminine Hygiene Items	1981	2,700,000	2,700,000	2,700,000	2,700,000

	Year Enacted	Fiscal Year Impact				
		2008	2009	2010	2011	
4.08	Caskets and Burial Vaults	1967	\$4,900,000	\$4,900,000	\$4,900,000	\$4,900,000
4.09	Publications	1967	61,300,000	63,200,000	65,200,000	67,300,000
4.10	Textbooks Required for School Use	1973	14,600,000	16,000,000	17,500,000	19,100,000
4.11	Personal Computers Required for School Use	1994	700,000	700,000	700,000	800,000
4.12	<i>De Minimis</i> Use Tax Exemption for Individuals	1996	8,700,000	9,300,000	10,100,000	11,000,000
4.13	Motor Fuels	1967	600,100,000	606,800,000	609,800,000	613,500,000
4.14	Residential Heating Fuels	1978	159,100,000	164,100,000	163,200,000	162,200,000
4.15	Residential Water Services	1979	9,600,000	10,000,000	10,400,000	10,900,000
4.16	Sewer Services	1967	32,100,000	33,200,000	34,400,000	35,600,000
4.17	Used Manufactured Homes	1984	600,000	600,000	600,000	600,000
4.18	Selected Services	1967	2,291,300,000	2,376,400,000	2,477,300,000	2,575,300,000
4.19	Capital Equipment	1989	236,500,000	247,100,000	253,400,000	266,900,000
4.20	Accessory Tools	1973	7,900,000	8,300,000	8,700,000	9,100,000
4.21	Special Tooling	1994	4,900,000	5,200,000	5,600,000	5,800,000
4.22	Telecommunications Equipment	2001	24,200,000	25,500,000	26,700,000	28,100,000
4.23	Resource Recovery Equipment	1984	300,000	100,000	100,000	*
4.24	Used Motor Oil	1988	300,000	300,000	300,000	\$300,000
4.25	Taconite Production Materials	1971	*	*	*	*
4.26	Wind Energy Conversion Systems	1992	1,400,000	1,600,000	1,800,000	2,100,000
4.27	Air Cooling Equipment	1992	300,000	*	300,000	700,000
4.28	Solar Energy Systems	2005	100,000	100,000	100,000	100,000
4.29	Airflight Equipment	1967	22,400,000	20,500,000	17,300,000	18,700,000
4.30	Large Ships	1992	100,000	100,000	100,000	100,000

Summary List

	<b>Year Enacted</b>	<b>Fiscal Year Impact</b>			
		<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
4.31 Repair and Replacement Parts for Ships and Vessels	1990	\$300,000	\$300,000	\$300,000	\$300,000
4.32 Light Rail Transit Vehicles and Parts	2001	300,000	200,000	100,000	100,000
4.33 Petroleum Products Used by Transit Systems	1992	2,600,000	2,700,000	2,800,000	2,900,000
4.34 Petroleum Products Used in Passenger Snowmobiles	1993	*	*	*	*
4.35 Ski Area Equipment	2000	300,000	300,000	300,000	300,000
4.36 Logging Equipment	1998	1,400,000	1,400,000	1,500,000	1,500,000
4.37 Farm Machinery	1998	34,200,000	33,900,000	33,500,000	33,900,000
4.38 Repair and Replacement Parts for Farm Machinery	1985	9,000,000	8,900,000	8,800,000	8,900,000
4.39 Petroleum Products Used to Improve Agricultural Land	1985	*	*	*	*
4.40 Farm Conservation Programs	1991	400,000	400,000	400,000	400,000
4.41 Horses	1994	1,500,000	1,600,000	1,700,000	1,700,000
4.42 Prizes at Carnivals and Fairs	1999	200,000	200,000	200,000	200,000
4.43 Television Commercials	1999	1,300,000	1,400,000	1,400,000	1,400,000
4.44 Advertising Materials	1973	9,500,000	9,600,000	9,700,000	9,800,000
4.45 Court Reporter Documents	1997	400,000	400,000	400,000	400,000
4.46 Patent, Trademark, and Copyright Drawings	2000	200,000	200,000	200,000	200,000
4.47 Packing Materials	1973	*	*	*	*
4.48 Property for Business Use Outside Minnesota	1967	*	*	*	*
4.49 Automatic Fire-Safety Sprinkler Systems	1992	300,000	300,000	300,000	300,000



	Year Enacted	Fiscal Year Impact			
		2008	2009	2010	2011
4.50 Firefighter Personal Protective Equipment	1994	\$600,000	\$700,000	\$700,000	\$700,000
4.51 Building Materials for Residences of Disabled Veterans	1971	*	*	*	*
4.52 Chair Lifts, Ramps, and Elevators in Homesteads	1989	*	*	*	*
4.53 Parts and Accessories to Make Motor Vehicles Handicapped Accessible	1993	1,200,000	1,200,000	1,200,000	1,200,000
4.54 Maintenance of Cemetery Grounds	2000	*	*	*	*
4.55 Trade-In Allowance	1967	7,900,000	8,100,000	8,400,000	8,700,000
<i>Exemptions - Sales to Particular Purchasers</i>					
4.56 Local Governments	1967	118,500,000	121,600,000	125,300,000	129,200,000
4.57 Nonprofit Organizations	1967	82,600,000	85,100,000	87,700,000	90,600,000
4.58 Hospitals and Outpatient Surgical Centers	1967	57,200,000	60,800,000	64,300,000	68,300,000
4.59 Veterans' Organizations	1980	500,000	500,000	500,000	500,000
4.60 Construction Materials for Low-Income Housing	2001	200,000	200,000	100,000	100,000
4.61 Public Safety Radio Systems	1997	2,300,000	800,000	300,000	200,000
4.62 Biosolids Processing Equipment	1998	600,000	600,000	600,000	600,000
4.63 Ambulances Leased to Licensed Ambulance Services	1990	*	*	*	*
4.64 Certain Purchases by Ambulance Services	2001	100,000	100,000	100,000	100,000
4.65 Job Opportunity Building Zones	2003	12,400,000	12,400,000	12,000,000	11,400,000
4.66 Enterprise Zone Construction Materials	1983	100,000	100,000	100,000	100,000
4.67 Waste Recovery Facilities	2005	4,800,000	2,600,000	100,000	100,000

Summary List

		Year Enacted	Fiscal Year Impact			
			2008	2009	2010	2011
4.68	Hydroelectric Generating Facility	2006	\$100,000	\$100,000	\$0	\$0
4.69	Minnesota Twins Ballpark	2006	5,400,000	4,900,000	2,400,000	600,000
4.70	University of Minnesota Football Stadium	2006	2,400,000	3,300,000	300,000	0
<b><i>Exemptions - Sales by Particular Sellers</i></b>						
4.71	Isolated or Occasional Sales	1967	41,500,000	42,700,000	44,100,000	45,400,000
4.72	Institutional Meals	1967	36,100,000	36,600,000	37,300,000	38,100,000
4.73	Fundraising Sales by Nonprofit Organizations	1985	13,400,000	14,000,000	14,500,000	15,100,000
4.74	Admission to Artistic Events	1980	4,700,000	4,800,000	4,900,000	5,000,000
4.75	Admission to School-Sponsored Events	1985	1,900,000	2,000,000	2,200,000	2,300,000
4.76	Admission to the Minnesota Zoo	2001	300,000	300,000	300,000	300,000
4.77	Cross Country Ski Passes for Public Trails	1988	*	*	*	*
4.78	YMCA, YWCA, and JCC Membership Dues	1987	3,500,000	3,700,000	3,800,000	4,000,000
4.79	Minnesota Amateur Sports Commission Events	1994	*	*	*	*
4.80	Admission to Charitable Golf Tournaments	1994	*	*	*	*
4.81	Candy Sales by Certain Organizations	1984	*	*	*	*
4.82	Sacramental Wine Sold by Religious Organizations	1991	*	*	*	*
<b><i>Reduced Sales Price</i></b>						
4.83	New Manufactured Homes	1984	1,700,000	1,600,000	1,400,000	1,300,000

		Year Enacted	Fiscal Year Impact			
			2008	2009	2010	2011
<b>MOTOR VEHICLE SALES TAX</b>						
<i>Exemptions</i>						
5.01	Gifts Between Individuals	1971	\$33,000,000	\$35,000,000	\$37,200,000	\$39,500,000
5.02	Vehicles Acquired by Inheritance	1971	3,200,000	3,300,000	3,400,000	3,500,000
5.03	Persons Moving into Minnesota	1971	8,100,000	8,300,000	8,500,000	8,600,000
5.04	Transfers Between Joint Owners	1971	6,600,000	7,000,000	7,400,000	7,900,000
5.05	Transfers in Divorce Proceedings	1974	1,300,000	1,300,000	1,300,000	1,300,000
5.06	Sales to Disabled Veterans	1971	*	*	*	*
5.07	Corporate and Partnership Transfers	1975	1,200,000	1,300,000	1,300,000	1,300,000
5.08	Transit Vehicles	1971	3,600,000	3,700,000	3,900,000	4,000,000
5.09	Town Road Maintenance Vehicles	1998	800,000	800,000	800,000	800,000
5.10	Bookmobiles	1994	*	*	*	*
5.11	Private Ambulance Services	1990	600,000	600,000	600,000	700,000
5.12	Ready-Mixed Concrete Trucks	1998	800,000	800,000	900,000	900,000
5.13	Automotive Training Programs	1988	100,000	100,000	100,000	100,000
5.14	Donations to Exempt Organizations	1997	200,000	200,000	200,000	200,000
5.15	Trucks, Buses, and Vans Purchased by Charities	2000	2,200,000	2,200,000	2,300,000	2,300,000
5.16	Job Opportunity Building Zones	2003	200,000	200,000	300,000	300,000
<i>Reduced Purchase Price</i>						
5.17	Price Reduced by Value of Trade In	1971	76,500,000	78,100,000	79,700,000	81,300,000
5.18	Handicapped-Accessible Modifications	1992	200,000	200,000	200,000	200,000

Summary List

		<u>Year Enacted</u>	<u>Fiscal Year Impact</u>			
			<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
<i>Preferential Computations</i>						
5.19	Flat Taxes on Older Cars and Collector Vehicles	1985	\$38,900,000	\$40,500,000	\$42,100,000	\$43,800,000
<b>HIGHWAY FUELS EXCISE TAXES</b>						
<i>Exemptions</i>						
6.01	Transit Systems	1977	3,100,000	3,200,000	3,200,000	3,300,000
6.02	Motor Vehicles Not Requiring Registration (Special Fuels)	1951	500,000	500,000	500,000	500,000
6.03	Ambulance Services	2001	200,000	200,000	200,000	200,000
6.04	Reciprocal Agreements for Out-of-State Purchases	1961	*	*	*	*
<b>ALCOHOLIC BEVERAGE TAXES</b>						
<i>Exemptions</i>						
7.01	Consumer Purchases Made Out of State	1947	100,000	100,000	100,000	100,000
7.02	Home Production and Use	1957	*	*	*	*
7.03	Sales to Food Processors and Pharmaceutical Firms	1988	*	*	*	*
7.04	Consumption on Brewery Premises	1941	*	*	*	*
7.05	Wine for Sacramental Purposes	1937	*	*	*	*
7.06	Shipments of Wine for Personal Use	1993	*	*	*	*
<i>Credit</i>						
7.07	Credit for Small Brewers	1985	600,000	600,000	600,000	600,000

	Year Enacted	Fiscal Year Impact			
		2008	2009	2010	2011
<b>CIGARETTE AND TOBACCO TAXES</b>					
<i>Exemption</i>					
8.01 Consumer Purchases Made Out of State	1949	\$13,500,000	\$13,300,000	\$13,200,000	\$13,000,000
<b>MORTGAGE REGISTRY TAX</b>					
<i>Exemptions</i>					
9.01 Agricultural Loans	2001	1,000,000	1,000,000	1,000,000	1,100,000
9.02 Government Housing Programs	2001	900,000	900,000	900,000	900,000
<b>DEED TRANSFER TAX</b>					
<i>Exemptions</i>					
10.01 Property Partitioned Between Co-Owners	1984	*	*	*	*
10.02 Distributions by Personal Representatives	1975	*	*	*	*
10.03 Cemetery Lots	1961	100,000	100,000	100,000	100,000
10.04 Exchange of Permanent School Fund Lands	1991	*	*	*	*
10.05 Mortgage or Lien Foreclosure Sales	1993	9,100,000	7,100,000	5,600,000	4,700,000
10.06 Decree of Marriage Dissolution	1997	200,000	200,000	200,000	200,000
<b>LAWFUL GAMBLING TAXES</b>					
<i>Exemptions</i>					
11.01 Bingo at Certain Organizations	1985	*	*	*	*
11.02 Bingo at Fairs and Civic Celebrations	1984	*	*	*	*
11.03 Infrequent Bingo Occasions	1984	*	*	*	*

Summary List

		Year Enacted	Fiscal Year Impact			
			2008	2009	2010	2011
11.04	Smaller Raffles	1984	\$100,000	\$100,000	\$100,000	\$100,000
11.05	Raffles by Certain Organizations	1984	*	*	*	*
11.06	Lawful Gambling Under Certain Conditions	1986	1,300,000	1,300,000	1,300,000	1,300,000
<b><i>Credit</i></b>						
11.07	Credit for Certain Raffles	2000	*	*	*	*
<b>INSURANCE PREMIUMS TAXES</b>						
<b><i>Exemptions</i></b>						
12.01	Fraternal Benefit Societies	1907	4,500,000	4,600,000	4,700,000	4,800,000
12.02	Farmers' Mutual and Township Mutual Fire Insurance Companies (Surcharge on Fire Safety Premiums)	2006	300,000	300,000	300,000	300,000
12.03	Minnesota Comprehensive Health Insurance Plan	1976	2,400,000	2,400,000	2,500,000	2,500,000
<b><i>Reduced Rates</i></b>						
12.04	Health Maintenance Organizations and Nonprofit Health Service Plan Corporations	1992	74,300,000	79,400,000	85,100,000	91,000,000
12.05	Smaller Mutual Property and Casualty Insurance Companies	1988	10,100,000	10,200,000	10,500,000	10,800,000
12.06	Life Insurance	2005	5,200,000	7,200,000	8,500,000	8,800,000
<b><i>Preferential Computation</i></b>						
12.07	Smaller Mutual Property and Casualty Insurance Companies (Surcharge on Fire Safety Premiums)	2006	100,000	100,000	100,000	100,000
<b><i>Credit</i></b>						
12.08	Credit for Guaranty Association Assessments	1994	200,000	200,000	300,000	400,000

			<b>Year</b>	<b>Fiscal Year Impact</b>			
			<b>Enacted</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>LOCAL PROPERTY TAX</b>							
<i>Exemptions</i>							
13.01	Exempt Real Property	1851	\$1,139,400,000	\$1,240,100,000	\$1,326,900,000	\$1,419,800,000	
13.02	Limited Market Value	1993	48,700,000	51,200,000	52,600,000		0
13.03	Improvements to Older Homes	1993	6,400,000	5,400,000	4,500,000		3,600,000
13.04	Job Opportunity Building Zone Property	2003	3,900,000	6,000,000	7,100,000		8,300,000
<i>Preferential Valuations</i>							
13.05	Classification System	1913	N/A	N/A	N/A		N/A
13.06	Green Acres Treatment of Agricultural Land	1967	56,100,000	62,300,000	69,100,000		76,700,000
13.07	Open Space Property	1969	8,600,000	9,300,000	10,000,000		10,800,000
13.08	Metropolitan Agricultural Preserves Land	1980	5,200,000	5,700,000	6,300,000		6,900,000
13.09	Tax Increment Financing	1947	310,000,000	344,000,000	361,000,000		379,000,000
<i>Preferential Computation</i>							
13.10	Auxiliary Forest Tax	1927	100,000	100,000	100,000		100,000
<i>Credits</i>							
13.11	Taconite Homestead Credit	1969	11,500,000	11,700,000	12,000,000		12,200,000
13.12	Powerline Credit	1979	100,000	100,000	100,000		100,000
13.13	Metropolitan Agricultural Preserves Credit	1980	300,000	300,000	300,000		300,000
13.14	Conservation Tax Credit	1986	200,000	200,000	200,000		200,000
<b>AIRFLIGHT PROPERTY TAX</b>							
<i>Preferential Computation</i>							
14.01	Commuter Airlines	1969	100,000	100,000	100,000		100,000

Summary List

		Year Enacted	Fiscal Year Impact			
			2008	2009	2010	2011
<i>Preferential Valuation</i>						
14.02	Certain Airlines	1987	\$300,000	\$300,000	\$300,000	\$300,000
<b>MOTOR VEHICLE REGISTRATION TAX</b>						
<i>Exemptions</i>						
15.01	Local Government Vehicles	1921	7,500,000	7,600,000	7,700,000	7,900,000
15.02	School Buses	1933	500,000	500,000	500,000	500,000
15.03	Nonresident Military Personnel	1967	100,000	100,000	100,000	100,000
15.04	Medal of Honor Recipients and Former Prisoners of War	1983	*	*	*	*
15.05	Disabled Veterans	1941	*	*	*	*
15.06	Transport of Disabled Persons by Nonprofit Charities	1987	*	*	*	*
15.07	Driver Education Programs at Nonpublic High Schools	1990	*	*	*	*
15.08	Commercial Driving Schools	1999	100,000	100,000	100,000	100,000
15.09	Private Ambulance Services	1990	200,000	200,000	200,000	200,000
<i>Preferential Computation</i>						
15.10	Buses Contracted for Student Transportation	1971	400,000	400,000	400,000	400,000
<b>AIRCRAFT REGISTRATION TAX</b>						
<i>Exemption</i>						
16.01	Civil Air Patrol Aircraft	1957	*	*	*	*
<i>Preferential Computation</i>						
16.02	Maximum Tax For Agricultural Aircraft	1999	*	*	*	*

\*Less Than \$50,000



## **CHAPTER 1: INDIVIDUAL INCOME TAX**

### **Collections and History**

Fiscal year 2007 net collections from the individual income tax were \$7.23 billion. All revenue from this tax goes into the State General Fund.

The State of Minnesota enacted an income tax for both individuals and corporations in 1933. The same graduated rate schedule applied to both taxes, and it was divided into \$1,000 increments, with the lowest rate at 1% on the first \$1,000 of taxable income and the highest rate at 5% on taxable income over \$10,000.

Although many changes were made to the individual income tax over the years, the structure of the tax remained basically the same from 1933 through 1984. In 1985 major changes were made in two areas: the joint income of married couples and the deductibility of the federal income tax.

Prior to 1985, one rate schedule applied to all filers, so that the income of each person was treated the same, regardless of marital status. Two-income married couples usually filed separately, even though they filed a joint federal return. In 1985 a married-joint tax rate schedule was added, and the election to file jointly or separately was required to be the same as on the federal return. Other provisions were changed so that they were based on the joint income of the couple rather than on the income of each taxpayer.

A deduction for federal income taxes was allowed until 1985, when the deduction was made an option, with a schedule of higher tax rates used if federal tax was deducted. In 1987 the deduction for federal income tax was eliminated as part of another wave of broad changes to the individual income tax.

The 1987 changes to the individual income tax occurred in three major areas: federal conformity and simplification; 1986 federal tax reform; and rate structure.

In 1987 the starting point for computation of the Minnesota income tax was changed from federal adjusted gross income to federal taxable income. The Minnesota standard deduction and personal credits were replaced with the federal standard deduction and personal exemptions. Some of the adjustments to income were repealed. Using federal taxable income continued the trend toward closer conformity to federal itemized deductions.

Minnesota also adopted nearly all of the major changes contained in the federal Tax Reform Act of 1986. The changes broadened the tax base by, among other things, repealing the 60% capital gains exclusion and the dividend exclusion.

Both the number of tax brackets and the range of tax rates were reduced dramatically in 1987. Prior to 1985 there were twelve tax rates, from 1.6% to 16%. Since 1988 there have been only three tax rates. The rates were reduced in 1999 and in 2000 and are currently 5.35%, 7.05%, and 7.85%.

Individual Income Tax  
Introduction

**Tax Base**

In order to be a tax expenditure, a provision must be included in the defined tax base for that tax. For this study, the tax base for the individual income tax is defined as income from all sources less expenses that are reasonable and necessary to generate that income. If an expense is reasonable and necessary to generate income, it is not considered a tax expenditure.

An all-encompassing definition of income would include gifts and bequests. For purposes of this study, gifts and bequests that are voluntary and unconditional are not considered income, and, therefore, their exclusion is not considered a tax expenditure. Payments to which the recipient is entitled due to meeting specified requirements, such as social security, workers compensation, and public assistance, are considered income. Therefore, the exclusions of income from these sources are tax expenditures.

**Computation of the Tax**

The computation of the Minnesota individual income tax starts with federal taxable income. The definition of federal taxable income in Minnesota tax law references the Internal Revenue Code as of a specified date. If federal legislation is enacted which affects the computation of federal taxable income, a state law change is required to adopt the federal change. At the time of this report, Minnesota law references the Internal Revenue Code as amended through May 18, 2006. (For tax year 2006 only, Minnesota law referenced the Internal Revenue Code as amended through December 31, 2006.)

Minnesota has adopted the federal personal exemptions, the federal standard deduction, and the federal itemized deductions, but state income (and sales taxes, when applicable) are added back on the Minnesota return. The tax expenditure estimates for the itemized deductions take into account the incremental benefit of the deduction over the standard deduction for those taxpayers who would lose the benefit of itemizing by the loss of that one deduction.

The tax brackets are increased annually by the increase in the United States Consumer Price Index and for tax year 2008 are as follows:

	<u>5.35%</u>	<u>7.05%</u>	<u>7.85%</u>
Married Joint	\$1 - \$31,860	\$31,861 - \$126,580	Over \$126,580
Married Separate	\$1 - \$15,930	\$15,931 - \$63,290	Over \$63,290
Single	\$1 - \$21,800	\$21,801 - \$71,590	Over \$71,590
Head of Household	\$1 - \$26,830	\$26,831 - \$107,820	Over \$107,820

An alternative minimum tax (AMT) on tax preference items is imposed to the extent that it exceeds the regular tax computed from the above rate schedule. The Minnesota AMT is similar to the federal AMT and is 6.4% of Minnesota alternative minimum taxable income. The benefits to a taxpayer of a number of the deductions shown as tax expenditures are lower because part or all of these items must be added back in computing alternative minimum taxable income.

The tax expenditures are shown in this report generally in the order in which they occur in the computation of the tax. The Minnesota individual income tax is computed as follows for tax year 2008:

	Income from all sources
minus:	federal exclusions
equals:	federal gross income
minus:	federal deductions
equals:	federal adjusted gross income
minus:	federal standard deduction or itemized deductions
minus:	federal personal exemptions
equals:	federal taxable income
plus:	Minnesota additions, including:
	- non-Minnesota state and municipal bond interest
	- federal itemized deduction for state income or sales taxes
	- expenses deducted federally on income not taxed by Minnesota
	- federal deduction for U.S. production activities
minus:	Minnesota subtractions, including:
	- U.S. bond interest
	- dependent K-12 education expenses
	- a portion of charitable contributions for nonitemizers
	- income of elderly and disabled (up to specified limits)
	- state income tax refunds included in federal taxable income
	- railroad retirement income
	- active duty military pay while stationed outside Minnesota
	- income from a qualifying business in a Job Opportunity Building Zone
	- human organ donor expenses
equals:	Minnesota taxable income
times:	graduated rates of 5.35%, 7.05%, and 7.85%
equals:	gross tax
plus:	alternative minimum tax
plus:	tax on lump sum distribution from a pension plan
minus:	nonrefundable credits, including:
	- credit for income tax paid to other states
	- marriage credit
	- long-term care insurance credit
	- alternative minimum tax carryover credit
equals:	income tax liability
minus:	refundable credits, including:
	- dependent care credit
	- working family credit
	- K-12 education credit
	- credit for military service in a combat zone
	- jobs credit for Job Opportunity Building Zone businesses
equals:	net tax after refundable credits

**FEDERAL EXCLUSIONS**

**1.01 EMPLOYER-PROVIDED MEALS AND LODGING**

Internal Revenue Code, Sections 119 and 132(e)(2)  
Minnesota Statutes, Section 290.01, Subd. 19

Section 119 of the Internal Revenue Code allows an employee to exclude from income the value of meals and lodging furnished by the employer for the employer’s convenience on the business premises. For lodging to qualify, it must be required as a condition of employment, such as for a live-in housekeeper or an apartment resident manager. This provision does not cover instances in which an employee is reimbursed by the employer for amounts spent on meals and lodging.

An exclusion from income also applies to the fair market value of meals provided to employees at a subsidized eating facility operated by the employer. The facility must be located on or near the employer’s business, and revenue from the facility must equal or exceed the facility’s direct operating costs.

These exclusions were first allowed in 1918 by federal regulation. Section 119 was enacted in 1954. The exclusion of meals at employer-provided facilities was enacted in 1984. These provisions were last changed in 1998.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$6,300,000	\$6,500,000	\$6,800,000	\$7,200,000

**1.02 HOUSING ALLOWANCES FOR MINISTERS**

Internal Revenue Code, Section 107  
Minnesota Statutes, Section 290.01, Subd. 19

Section 107 of the Internal Revenue Code provides that the gross income of a minister of the gospel does not include any housing allowance that is part of compensation. The exclusion applies whether it is the rental value of a home furnished to the minister or a cash housing allowance paid as part of compensation. The amount of the cash housing allowance excluded cannot exceed the fair rental value of the home. A minister who owns a home and receives a cash housing allowance may also claim itemized deductions for mortgage interest and real estate taxes.

This exclusion was enacted federally in 1921 and adopted by Minnesota in 1945. The provision was last changed in 2002.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$4,600,000	\$4,800,000	\$5,000,000	\$5,300,000

**1.03 EMPLOYER-PROVIDED DEPENDENT CARE**

Internal Revenue Code, Section 129  
Minnesota Statutes, Section 290.01, Subd. 19

Employer-provided dependent care assistance is excluded from the employee’s income if the assistance is provided through a formal, written plan. The amount excluded from an employee’s income cannot exceed \$5,000 during a tax year. The assistance provided may not discriminate in favor of highly-compensated employees, shareholders, or owners. The amount excluded cannot exceed the employee’s earned income; amounts exceeding earned income are taxable.

If the taxpayer makes direct payments for child or dependent care, this exclusion does not apply, but the taxpayer may be eligible for the child and dependent care credit (Item 1.80).

This provision was enacted in 1981 and was last changed in 1996.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$7,300,000	\$7,900,000	\$8,500,000	\$9,100,000

**1.04 EMPLOYEE AWARDS**

Internal Revenue Code, Sections 74(c) and 274(j)  
Minnesota Statutes, Section 290.01, Subd. 19

Certain employee awards are excluded from gross income. To qualify, the award must be tangible personal property and must be given for either length of service or safety achievement. The business deduction allowed to the employer determines the size of the award that is excluded. In general, the exclusion is limited to \$400. If the employer has an established written plan which does not discriminate in favor of highly-compensated employees, the exclusion for each employee may be up to \$1,600.

Employee awards were first specifically excluded by statute in the federal Tax Reform Act of 1986.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,300,000	\$1,400,000	\$1,500,000	\$1,600,000

**1.05 EMPLOYER PENSION PLANS**

Internal Revenue Code, Sections 401-407, 411, 415, and 457  
Minnesota Statutes, Section 290.01, Subd. 19

Contributions by an employer to an employee’s qualified pension plan are excluded from the employee’s income. The current-year earnings derived from such contributions, as well as those from contributions made by the employee, are also excluded. The employee’s contribution is also excluded from income for specific types of plans, including 401(k) plans, certain government plans, tax-sheltered annuities, and deferred compensation.

The tax expenditure is actually a deferral of income and not an exclusion because pension income which was not previously taxed must be included in income when disbursements are received. The estimates show the fiscal impact of excluding current-year pension contributions and earnings from taxable income, net of all taxable pension income disbursed in that year.

The federal exclusion was enacted in 1921, and the Minnesota exclusion was enacted in 1933. Various changes were enacted over the years, primarily affecting the requirements for a qualified plan. The last changes were made in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$610,600,000	\$644,400,000	\$678,100,000	\$713,400,000

**1.06 CONTRIBUTIONS BY EMPLOYERS FOR MEDICAL INSURANCE PREMIUMS AND MEDICAL CARE**

Internal Revenue Code, Sections 105 and 106  
Minnesota Statutes, Section 290.01, Subd. 19

All employer contributions to health insurance plans which provide compensation for sickness and injury are excluded from the employee’s income. Payments from such plans may be excluded to the extent that they are based on the nature of the injury or illness or the cost of medical care and are not based on the period the employee is absent from work.

Employer contributions for medical insurance premiums and medical care have never been subject to taxation. In 1996 the provisions were extended to include long-term care insurance.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$812,200,000	\$878,400,000	\$945,300,000	\$1,008,800,000

**1.07 EMPLOYER-PAID ACCIDENT AND DISABILITY PREMIUMS**

Internal Revenue Code, Sections 105 and 106  
Minnesota Statutes, Section 290.01, Subd. 19

Premiums paid by an employer to an employee accident and disability insurance plan are excluded from the gross income of the employee.

This provision was enacted in 1954.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$19,900,000	\$20,500,000	\$21,200,000	\$21,900,000

**1.08 EMPLOYER-PAID GROUP TERM LIFE INSURANCE PREMIUMS**

Internal Revenue Code, Section 79  
Minnesota Statutes, Section 290.01, Subd. 19

Group term life insurance premiums paid by an employer on behalf of an employee may be excluded from the employee's income. However, this exclusion applies only to premiums paid for insurance coverage of \$50,000 or less; premiums for coverage in excess of \$50,000 must be included in an employee's gross income. In order for the premiums to qualify for the exclusion, the plan must meet certain requirements including nondiscrimination rules.

In 1920 a federal administrative legal opinion was issued authorizing this exclusion. In 1954, when the Internal Revenue Code was revised, the provision was codified as Section 79 and was last changed in 1996.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$15,400,000	\$15,600,000	\$15,800,000	\$16,100,000

**1.09 EMPLOYER-PAID TRANSPORTATION BENEFITS**

Internal Revenue Code, Section 132(f)  
Minnesota Statutes, Section 290.01, Subd. 19

Certain employer-provided transportation benefits are excluded from the employee’s income. The exclusion applies to transit passes, parking, and transportation in a commuter vehicle between the employee’s residence and place of employment. The maximum exclusion from an employee’s income for parking is \$215 per month in 2007. The maximum exclusion for the combined amount of transit passes and transportation in a commuter vehicle is \$110 per month in 2007. The maximum amounts are adjusted annually for inflation.

These benefits were first excluded by statute in 1984. The provision was last changed in 1998.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$32,900,000	\$33,500,000	\$34,900,000	\$35,600,000

**1.10 CAFETERIA PLANS**

Internal Revenue Code, Section 125  
Minnesota Statutes, Section 290.01, Subd. 19

Section 125 of the Internal Revenue Code allows an employee to choose to receive a combination of nontaxable fringe benefits or receive all or part of the value of the fringe benefits as taxable compensation. The value of a combination of fringe benefits chosen by the employee is excluded from federal gross income. The nontaxable benefits that may be offered by a plan include the following: group term life insurance; accident or health benefits; dependent care assistance; transportation benefits; and 401(k), profit sharing, or stock bonus plans. If the plan discriminates in favor of highly-compensated or key employees, all benefits paid to those particular employees are taxable.

This exclusion was enacted in 1974 and was first allowed in 1978. It was last changed in 1998.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$230,000,000	\$251,900,000	\$275,900,000	\$302,100,000



**1.11 EMPLOYER-PROVIDED ADOPTION ASSISTANCE**

Internal Revenue Code, Section 137  
Minnesota Statutes, Section 290.01, Subd. 19

Amounts paid by an employer to an employee for adoption assistance are excluded from the employee’s income. For tax year 2007, the exclusion is allowed up to \$11,390 per child and is phased out for adjusted gross income over \$170,820. The maximum exclusion and the income threshold are adjusted annually for inflation.

This exclusion was enacted federally in 1996 and was last changed in 2001. Prior to the 2001 law change, the exclusion was limited to \$5,000 for the adoption of a child (\$6,000 for a child with special needs). The 2001 law changes expire after tax year 2010.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,100,000	\$1,200,000	\$1,300,000	\$1,000,000

**1.12 EMPLOYER-PROVIDED EDUCATION ASSISTANCE**

Internal Revenue Code, Section 127  
Minnesota Statutes, Section 290.01, Subd. 19

An employee may exclude from income amounts paid by the employer for education assistance, including tuition, fees, and books. The maximum exclusion is \$5,250 per year. The exclusion applies if the employer either pays the expenses, reimburses the employee for expenses, or provides the education directly.

This exclusion was first enacted in 1978 as a temporary provision and was renewed a number of times. In 2001 the exclusion was extended to tax year 2010 and was expanded to include graduate education. The exclusion expires after tax year 2010.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$5,600,000	\$5,900,000	\$6,200,000	\$2,800,000

**1.13 MISCELLANEOUS EMPLOYEE FRINGE BENEFITS**

Internal Revenue Code, Sections 117(d) and 132  
Minnesota Statutes, Section 290.01, Subd. 19

In addition to Items 1.01 through 1.12, certain other employee benefits may be excluded from income. The exempt benefits include employee discounts, services provided at no additional cost, *de minimis* fringe benefits, and certain tuition reductions. The benefits may also be for the employee's spouse or dependent.

The status of employee benefits not specifically exempted by statute was uncertain prior to the enactment of Section 132 of the Internal Revenue Code in 1984. Any benefit not specified as exempt by the Internal Revenue Code is now considered taxable compensation. This provision was last changed in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$47,900,000	\$49,300,000	\$51,300,000	\$53,400,000

**1.14 INCOME EARNED ABROAD BY U.S. CITIZENS AND FOREIGN HOUSING COSTS**

Internal Revenue Code, Section 911  
Minnesota Statutes, Section 290.01, Subd. 7 and 19

A United States citizen or resident whose principal residence is in a foreign country and who is either present overseas for eleven out of twelve consecutive months or is a bona fide resident of a foreign country may exclude the income earned in a foreign country up to a maximum of \$80,000. A separate exclusion applies to federal employees (Item 1.15).

The taxpayer may also exclude any employer-paid foreign housing costs above a floor amount equal to 16% of step 1 salary at the GS-14 level. A deduction of an equal amount is allowed if the foreign housing costs are paid by the taxpayer. The combined income and housing exclusion or deduction may not exceed the taxpayer's total foreign earned income for that year.

Individuals qualifying under these provisions may be considered nonresidents for Minnesota tax purposes under certain conditions.

Income earned abroad by United States citizens was excluded without limitation from federal gross income in 1926. The deduction for foreign housing costs was enacted in 1979. A \$70,000 maximum exclusion was enacted in 1986. In 1997 the maximum exclusion was increased to \$72,000 for 1998 and increased by \$2,000 per year to \$80,000 in 2002 and thereafter.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$21,700,000	\$22,800,000	\$23,900,000	\$25,000,000

**1.15 CERTAIN ALLOWANCES FOR FEDERAL EMPLOYEES ABROAD**

Internal Revenue Code, Section 912  
Minnesota Statutes, Section 290.01, Subd. 19

United States federal civilian employees who work abroad are allowed to exclude from income certain allowances that are generally linked to the cost of living. Federal employees are not eligible for the Section 911 exclusion (Item 1.14). The allowances eligible for exclusion include housing, education, and travel, and they are defined by reference to specific federal legislation, including the Foreign Service Act of 1980, the Central Intelligence Act of 1949, the Overseas Differentials and Allowances Act, and the Administrative Expenses Act of 1946. Also excluded are cost-of-living allowances received by federal employees stationed in U.S. possessions, Hawaii, and Alaska, and certain allowances received by members of the Peace Corps.

The federal exclusion was enacted in 1943 and was last amended in 1988.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$2,400,000	\$2,500,000	\$2,700,000	\$2,800,000

**1.16 BENEFITS AND ALLOWANCES TO ARMED FORCES PERSONNEL**

Internal Revenue Code, Sections 112 and 134  
Minnesota Statutes, Section 290.01, Subd. 19

Section 112 of the Internal Revenue Code excludes compensation received by military personnel for active service in a designated combat zone. No dollar limit applies to the exclusion for enlisted personnel, but the limit for commissioned officers is equal to the highest rate of basic pay at the highest pay grade applicable to enlisted personnel.

Under Section 134 of the Internal Revenue Code, the value of in-kind benefits provided to military personnel and the cash payments given in lieu of the benefits are excluded from gross income. These benefits include allowances for housing and overseas cost of living, medical and dental benefits, group term life insurance, professional education, and dependent education.

The exclusion of benefits and allowances to Armed Forces personnel was allowed in 1925. The exclusion of meals, housing, and cash allowances was codified 1986. These provisions were last changed in 2003.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$8,000,000	\$8,200,000	\$8,400,000	\$8,700,000

Individual Income Tax  
Federal Exclusions

**1.17 MEDICAL CARE AND TRICARE MEDICAL INSURANCE FOR MILITARY DEPENDENTS AND RETIREES**

Internal Revenue Code, Section 134  
Minnesota Statutes, Section 290.01, Subd. 19

Dependents of active-duty personnel, retired military personnel and their dependents, and survivors of deceased members are eligible for medical and dental care similar to active-duty military personnel. The care may be provided in military facilities from military doctors or by civilian health-care providers working under contract with the Department of Defense. The program that the Department of Defense uses to coordinate such medical care is called the TriCare Program. Medical benefits and medical insurance provided to eligible participants are excluded from income.

The exclusion of such benefits was first allowed in 1925. Section 134 was codified in 1986.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$8,200,000	\$8,700,000	\$9,200,000	\$9,800,000

**1.18 VETERANS' BENEFITS**

38 United State Code 3101  
Minnesota Statutes, Section 290.01, Subd. 19

All benefits administered by the Department of Veterans Affairs are excluded from a taxpayer's federal gross income. Benefits are paid for compensation for service-connected disability, pensions, and educational assistance.

VA benefits have never been taxed, having first been excluded from federal gross income in 1917.

	Fiscal Year Impact			
	2008	2009	2010	2011
Disability Compensation	\$17,200,000	\$18,200,000	\$18,800,000	\$19,800,000
Pensions	500,000	500,000	500,000	600,000
Education and Training	<u>1,700,000</u>	<u>1,900,000</u>	<u>2,100,000</u>	<u>2,300,000</u>
Total - State General Fund	\$19,400,000	\$20,600,000	\$21,400,000	\$22,700,000

**1.19 MILITARY DISABILITY PENSIONS**

Internal Revenue Code, Sections 104(a)(4) and (5) and 104(b)  
Minnesota Statutes, Section 290.01, Subd. 19

Retired military personnel who have at least a 30% disability may receive a pension from the Department of Defense based on either the number of years in service or their percent disability, whichever would produce a larger pension. The amount of pension which is or would be based on percent disability is excluded from federal gross income.

The exclusion is restricted to qualified pensions. For retirees who entered military service on or before September 24, 1975, qualified pensions include pensions awarded for personal injury and illness resulting from active service in the armed forces of any country. For retirees who entered service after September 24, 1975, only pensions awarded for combat-related injuries qualify.

Beginning in 2001, the exclusion also applies to disability income received by any individual (military or civilian) attributable to injuries incurred as a direct result of a terrorist or military action against the United States.

Military disability pensions were excluded from income until the exclusion was limited in 1976. The provision was last changed in 2001.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$300,000	\$300,000	\$300,000	\$300,000

**1.20 WORKERS' COMPENSATION BENEFITS**

Internal Revenue Code, Section 104(a)(1)  
Minnesota Statutes, Section 290.01, Subd. 19

All workers' compensation benefits are excluded from income. Workers' compensation benefits include replacement of lost earnings, payments of injury-related medical costs, compensation for permanent disabilities, and certain expenses related to injury or death.

Workers' compensation benefits were first excluded from federal taxation in 1918 and from Minnesota taxation in 1933 when the Minnesota individual income tax was enacted.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$52,700,000	\$56,100,000	\$59,700,000	\$64,600,000

Individual Income Tax  
Federal Exclusions

**1.21 SPECIAL BENEFITS FOR DISABLED COAL MINERS**

Internal Revenue Code, Section 104(a)(1)  
30 United States Code 801 and 924(c)  
Revenue Ruling 72-400  
Minnesota Statutes, Section 290.01, Subd. 19  
Minnesota Rules, Part 8001.9000

Benefits provided by certain federal programs to coal miners who are totally disabled as a result of pneumoconiosis (black lung disease), and to widows and dependents of coal miners who died as a result of pneumoconiosis, are excluded from federal gross income.

Disability payments for black lung disease were first specifically excluded from federal gross income in 1969.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**1.22 SOCIAL SECURITY BENEFITS**

Internal Revenue Code, Section 86  
Minnesota Statutes, Section 290.01, Subd. 19

All or a portion of a recipient's social security benefits may be excluded from taxable income. The tax expenditure measures the exclusion of nontaxable social security benefits, net of the recovery of previously-taxed employee contributions.

Social Security benefits are not taxable if the recipient's modified adjusted gross income is less than \$25,000 for single or \$32,000 for married-joint returns. For taxpayers with income between \$32,000 and \$44,000 for married-joint (between \$25,000 and \$34,000 for single), up to 50% of social security benefits are taxable. Above that income level, up to 85% of benefits are taxable. Modified adjusted gross income is adjusted gross income plus federally tax-exempt interest plus one-half of social security benefits.

Prior to 1984, social security benefits were not subject to federal or Minnesota income tax. The federal taxation of a portion of social security benefits was enacted in 1983. In 1985 Minnesota adopted the federal treatment. The inclusion of a larger portion of benefits in taxable income was enacted federally in 1993 and adopted by Minnesota in 1994.

At the end of 2005 approximately 786,000 people in Minnesota received social security benefits.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$159,200,000	\$165,600,000	\$172,600,000	\$183,500,000

**1.23 MEDICARE BENEFITS**

Revenue Ruling 70-341  
Minnesota Statutes, Section 290.01, Subd. 19  
Minnesota Rules, Part 8001.9000

Medicare benefits are excluded from income, including benefits paid under the basic hospital insurance program, the supplementary medical insurance program, and the prescription drug program. The basic Medicare program is financed by a portion of the social security payroll taxes on employees, employers, and the self-employed. The supplementary program and the prescription drug program are voluntary and financed through individual premiums and federal subsidies. The tax expenditure measures the exclusion of benefits attributable to employer contributions through the payroll tax and federal contributions to the voluntary programs; it does not include the recovery of previously-taxed contributions made by the recipient.

Medicare benefits have never been taxed although the exclusion has not been specified in the statutes. A revenue ruling in 1970 upheld the exclusion of these benefits.

In 2005 approximately 690,000 people in Minnesota were enrolled in Medicare.

	Fiscal Year Impact			
	2008	2009	2010	2011
Hospital Insurance	\$100,300,000	\$108,600,000	\$118,300,000	\$132,700,000
Supplementary Medical Insurance	72,100,000	75,400,000	81,400,000	91,100,000
Prescription Drug Insurance	25,400,000	27,700,000	31,400,000	36,000,000
Total - State General Fund	\$197,800,000	\$211,700,000	\$231,100,000	\$259,800,000

**1.24 FOSTER CARE PAYMENTS**

Internal Revenue Code, Section 131  
Minnesota Statutes, Section 290.01, Subd. 19

Qualified foster care payments are excluded from the income of the foster care provider. The exclusion is limited to payments for no more than five foster care individuals over age 18, but no limitation applies to payments for foster children under age 19.

This provision was enacted in 1982. Prior to 1986, foster care payments that exceeded documented expenses were included as income. In 1986 the exclusion was broadened to include all qualified foster care payments and was extended to foster care payments made for qualifying adults. The provision was last changed in 2002.

Minnesota has 4,400 licensed adult foster care and 4,750 licensed child foster care households.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$3,100,000	\$3,300,000	\$3,400,000	\$3,600,000

**1.25 PUBLIC ASSISTANCE**

Numerous Revenue Rulings  
Minnesota Statutes, Section 290.01, Subd. 19  
Minnesota Rules, Part 8001.9000

Public assistance benefits are excluded from federal gross income. The programs through which benefits are paid include the Minnesota Family Investment Program, General Assistance, Minnesota Supplemental Aid, and Supplemental Security Income. Only a portion of the benefits would be subject to the income tax because the income of some recipients would be below the income tax filing requirements.

Although theoretically the tax expenditure includes benefits received both in cash and in kind, such as food stamps, the estimates reflect only cash payments.

During the 1930s the Internal Revenue Service issued a series of Revenue Rulings on the definition of federal gross income which explicitly excluded these benefits.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$14,500,000	\$14,800,000	\$15,000,000	\$15,500,000

**1.26 SCHOLARSHIP AND FELLOWSHIP INCOME**

Internal Revenue Code, Section 117  
Minnesota Statutes, Section 290.01, Subd. 19

Section 117 of the Internal Revenue Code excludes from income scholarships, fellowships, and grants that are used for tuition, fees, and related expenses. To qualify, the student must be a candidate for a degree.

This exclusion was first allowed in 1954. Prior to 1986, scholarship money to cover room and board and money paid to nondegree students were also excluded. This provision was last changed in 2001.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$10,900,000	\$11,600,000	\$12,200,000	\$12,800,000



## 1.27 EDUCATION SAVINGS ACCOUNTS

Internal Revenue Code, Section 530  
Minnesota Statutes, Section 290.01, Subd. 19

A taxpayer may establish an education savings account for qualified education expenses of a named beneficiary. Qualified expenses include tuition, fees, books, and supplies for elementary, secondary, and higher education. Annual contributions to an account cannot exceed \$2,000 and cannot be made after the beneficiary reaches age eighteen. The maximum contribution is reduced for taxpayers with income over \$95,000 (\$190,000 for a joint return).

Earnings on funds in the account are not included in income until the funds are distributed. Distributions used for qualified education expenses of the beneficiary are excluded from income.

This provision was enacted in 1997 and expanded in 2001 by increasing the contribution limit from \$500 to \$2,000, increasing the phaseout threshold for joint returns, and including expenses for elementary and secondary education. The 2001 changes expire after tax year 2010.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$300,000	\$400,000	\$600,000	\$800,000

## 1.28 QUALIFIED TUITION PLANS

Internal Revenue Code, Section 529  
Minnesota Statutes, Sec. 290.01, Subd. 19

Under a qualified tuition plan, a taxpayer may make contributions to an account that is established for the sole purpose of meeting qualified higher education expenses of a designated beneficiary. The plan may be either a college savings plan or a prepaid tuition plan. A state may sponsor either type of plan. A prepaid tuition plan may be established by one or more institutions of higher education.

The earnings on the account are not taxed until they are distributed, and distributions from state-sponsored plans are excluded from income to the extent that they are used for qualified higher education expenses. The exclusion also applies to programs of higher education institutions.

The tax status of state tuition plans was clarified at the federal level in 1996 when Section 529 was added to the Internal Revenue Code. Several changes were made to these provisions in 2001, with the changes to expire after 2010. In 2006 the changes were made permanent for federal tax purposes, but Minnesota has not adopted the 2006 changes.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$4,100,000	\$5,300,000	\$5,800,000	\$7,000,000

**1.29 CERTAIN AGRICULTURAL COST-SHARING PAYMENTS**

Internal Revenue Code, Section 126  
Minnesota Statutes, Section 290.01, Subd. 19

Agricultural cost-sharing payments may be excluded in whole or in part from income if three conditions are met: the United States Secretary of Agriculture certifies that the payment serves to conserve soil and water resources, improve forests, or provide a habitat for wildlife; the Internal Revenue Service determines that the improvement does not substantially increase the annual income from the property; and the payment is for a capital expense. No deductions, depreciation, amortization, or depletion may be claimed with respect to any such amount excluded from income.

This exclusion was enacted in 1978 and was last changed in 1980.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$200,000	\$200,000	\$200,000	\$200,000

**1.30 DISCHARGE OF INDEBTEDNESS INCOME FOR CERTAIN FARMERS**

Internal Revenue Code, Sections 108(g) and 1017  
Minnesota Statutes, Section 290.01, Subd. 19

Generally the amount of any debt forgiveness must be included in the debtor's income unless the debt is discharged in a title II bankruptcy case or when the debtor is insolvent. A solvent farmer may be treated as insolvent and the canceled debt excluded from income if at least 50% of the taxpayer's average annual gross receipts for the previous three years comes from farming. A reduction must be made to the taxpayer's basis in the property and to the taxpayer's tax attributes, including net operating losses, capital losses, and certain credit carryovers. The exclusion cannot exceed the sum of the adjusted basis and the adjusted tax attributes of qualifying property. The net effect is that the income is deferred rather than excluded.

The income exclusion for solvent farmers was enacted in 1986. Prior to that time, a similar provision applied to qualified business indebtedness, not just farming.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$800,000	\$900,000	\$1,100,000	\$1,300,000

**1.31 INVESTMENT INCOME ON LIFE INSURANCE AND ANNUITY CONTRACTS**

Internal Revenue Code, Sections 72, 101, 7702, and 7702A  
 Treasury Regulation 1.451-2  
 Minnesota Statutes, Section 290.01, Subd. 19  
 Minnesota Rules, Part 8001.9000

Investment income earned on life insurance and annuity contracts is not included in the recipient’s gross income as it accumulates. For a life insurance policy, the exclusion applies to what is commonly referred to as “inside build-up” of investment income. When the premiums paid by the policyholder exceed the cost of insurance, the excess premiums are invested by the company, and investment income is credited to the policy.

If the policy is surrendered before the death of the policyholder, the excess of the cash surrender value over the premiums paid is included in income. In this situation, the income is deferred rather than excluded. Policy proceeds paid because of the death of the insured are excluded from the gross income of a beneficiary, and that investment income is never taxed.

An annuity is an investment contract in which the owner makes a deposit in either a lump sum or installment payments in exchange for regular payments for a lifetime or for a specified number of years. The income is not included in the gross income of the owner as it accumulates but is deferred until payments are made to the annuitant.

These exclusions have been in effect since 1933 and were last changed in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$145,500,000	\$149,300,000	\$153,100,000	\$156,900,000

**1.32 INTEREST ON MINNESOTA STATE AND LOCAL GOVERNMENT BONDS**

Internal Revenue Code, Sections 103 and 141-150  
 Minnesota Statutes, Section 290.01, Subd. 19 and Subd. 19a(1)

Interest received from state and local government bonds is excluded from federal gross income. For Minnesota income tax purposes, the exclusion is restricted to interest from bonds issued by the State of Minnesota or by Minnesota local government units. Any interest from non-Minnesota state or local governments is added back to determine Minnesota taxable income.

The exclusion applies to all general obligation bonds. It also applies to several types of nonguaranteed bonds, including exempt facility bonds, small-issue bonds, qualified mortgage bonds, qualified student loan bonds, and qualified redevelopment bonds.

Individual Income Tax  
Federal Exclusions

Federal law imposes an annual volume limitation by state on the total amount of nonguaranteed bonds that can be issued. The limitation for each state is the greater of \$85 per resident or \$256,235,000 in calendar year 2007. The limits are increased annually for inflation. Also exempt from taxation but not subject to the overall volume limitation are qualified bonds of 501(c)(3) nonprofit organizations and bonds for government-owned airports, docks, wharves, and certain solid waste disposal facilities. Other limitations apply to certain types of bonds including those subject to and exempt from the overall state volume limitation.

Minnesota exempted interest from Minnesota state and local bonds when the income tax was enacted in 1933. When the state began adopting the federal definition of gross income in 1961, the add-back provision was included in the statutes to maintain the intent and effect of the 1933 law. A 1968 federal law restricted the tax-free status given interest of industrial revenue bonds to those issued for specific purposes. A 1984 federal law limits by state the total amount of certain types of state and local bonds which may be issued, and the volume limitations were last changed in 2000.

An estimated 74,400 returns benefit from this exemption in tax year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$50,600,000	\$51,900,000	\$55,200,000	\$58,700,000

**1.33 CAPITAL GAINS ON HOME SALES**

Internal Revenue Code, Section 121  
Minnesota Statutes, Section 290.01, Subd. 19

An exclusion from income is allowed for the capital gain from the sale of a taxpayer's principal residence. The gain is excluded if the taxpayer owned and occupied the residence for at least two of the previous five years. The maximum exclusion is \$250,000 (\$500,000 for a married-joint return). The exclusion cannot be used more than once every two years.

The exclusion in its current form was enacted federally in 1997 and adopted by Minnesota in 1998. It replaced two previous provisions. The deferral of the gain from the sale of the taxpayer's principal residence when the seller bought another home of equal or greater value was enacted in 1951 and repealed in 1997. The one-time exclusion of the gain, up to a specified amount, from the sale of the taxpayer's principal residence for taxpayers age 65 or older was enacted in 1964, expanded several times, and repealed in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$161,200,000	\$167,400,000	\$172,900,000	\$178,100,000

**1.34 CAPITAL GAINS AT DEATH**

Internal Revenue Code, Sections 1001, 1014, 1040, 1221, and 1222  
Minnesota Statutes, Section 290.01, Subd. 19

When property is transferred because of the death of the owner, the heir's basis in the property is the value of the asset at the time of the decedent's death rather than the original cost of the asset. Therefore, the appreciation of the asset occurring during the decedent's lifetime is excluded from gross income. The fiscal impact measures the exclusion against the taxation of the gain at the time of transfer at death.

The exclusion of capital gains at death was enacted federally in 1921. A similar provision was incorporated into the original Minnesota income tax law in 1933.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$241,400,000	\$258,500,000	\$270,200,000	\$254,900,000

**1.35 CAPITAL GAINS ON GIFTS**

Internal Revenue Code, Sections 1001, 1015, 1221, and 1222  
Minnesota Statutes, Section 290.01, Subd. 19

The taxation of the capital gain on an asset is deferred when it is given as a gift. The recipient's basis in the property is the same as the giver's basis, but the gain is not reported as income until the property is sold by the recipient. The deferral is considered a tax expenditure because a gain is generally recognized when an asset is transferred.

This provision was enacted federally in 1921 and by Minnesota in 1933.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$26,600,000	\$27,500,000	\$28,500,000	\$28,000,000

**1.36 PERMANENT EXEMPTIONS FROM IMPUTED INTEREST RULES**

Internal Revenue Code, Sections 483, 1274, and 1274A  
Minnesota Statutes, Section 290.01, Subd. 19

The Internal Revenue Code generally requires that debt instruments bear a market rate of interest at least equal to the average rate on outstanding Treasury securities of comparable maturity. If the instrument does not, a market rate is imputed to it for tax purposes. The imputed interest must be included in the income of the recipient and is deducted by the payer.

Several exceptions exist to the imputed interest rules: debt associated with the sale of property when the total sales price does not exceed \$250,000; the sale of farms or small businesses by individuals when the sales price does not exceed \$1 million; and the sale of a personal residence. Debt instruments for amounts not exceeding \$2.8 million that are given in exchange for real property may not have imputed to them an interest rate exceeding 9%. The \$2.8 million maximum is indexed annually for inflation.

Imputed interest rules were enacted in 1984. Permanent exceptions to the rules were enacted in 1986 and were last changed in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$2,200,000	\$2,400,000	\$2,500,000	\$2,800,000

**1.37 LIKE-KIND EXCHANGES**

Internal Revenue Code, Section 1031  
Minnesota Statutes, Section 290.01, Subd. 19

In general, the gain from the sale or exchange of property is recognized as income for tax purposes. However, the gain from a like-kind exchange is not recognized at the time of exchange if both the relinquished and the received property are held for productive use in a trade or business or for investment. The recognition of the gain is deferred until the received property is sold or otherwise disposed. In order for the gain to qualify for deferral, the exchange must be concluded within specified time limits. This provision does not cover stock in trade or other property held primarily for sale, or stock, bonds, notes, or other securities.

Tax-free exchanges of like-kind property were allowed federally in 1921 and by Minnesota in 1933. These provisions were last amended in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$4,400,000	\$4,600,000	\$4,800,000	\$4,600,000

**1.38 SPECIAL RULES FOR MAGAZINE, PAPERBACK, AND RECORD RETURNS**

Internal Revenue Code, Section 458  
Minnesota Statutes, Section 290.01, Subd. 19

Generally, when goods are returned to the seller, the income of the seller is reduced in the year the items are returned. However, distributors and publishers of magazines, paperbacks, and sound recordings may elect to exclude from gross income for a tax year the income from the sale of goods that are returned after the close of the tax year. The taxpayer must have a legal obligation to provide a refund or credit for unsold copies. The exclusion applies to magazines returned within two months and fifteen days after the end of the tax year and to paperbacks and records returned within four months and fifteen days after the end of the tax year.

Section 458 of the Internal Revenue Code was enacted in 1978.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**1.39 ENERGY CONSERVATION SUBSIDIES PROVIDED BY PUBLIC UTILITIES**

Internal Revenue Code, Section 136  
Minnesota Statutes, Section 290.01, Subd. 19

Gross income does not include the value of a subsidy provided by a public utility to a residential customer for the purchase or installation of an energy conservation measure.

Section 136 was enacted as part of the Comprehensive National Energy Policy Act of 1992. A partial exclusion that applied to subsidies for business property was enacted in 1992 and repealed in 1996.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

**FEDERAL DEDUCTIONS**

**1.40 ACCELERATED DEPRECIATION**

Internal Revenue Code, Sections 167 and 168  
Minnesota Statutes, Section 290.01, Subd. 19, Subd. 19a(7), and Subd. 19b(9)

A deduction is allowed for the depreciation of machinery, equipment, and structures used in a trade or business or held for the production of income equal to the deduction allowed federally under the modified accelerated cost recovery system (MACRS).

Under MACRS, machinery and equipment can be depreciated over three, five, seven, or ten years, and the 200% declining balance method is used. The 150% declining balance method applies to fifteen- and twenty-year property. Straight-line depreciation of 27.5 years is used for residential rental property, and 39 years is used for nonresidential real property.

Conceptually, the tax expenditure is the extent to which depreciation for tax purposes exceeds the actual decline in value of the asset during the applicable tax year. For machinery and equipment, the tax expenditure is measured as the difference between the current law depreciation schedule and straight-line depreciation over the period defined by the midpoint of the asset depreciation range (ADR) system that was in effect from 1971 to 1981. For structures, it is measured as the difference between current law depreciation and straight-line depreciation over forty years.

For new equipment placed in service from September 11, 2001, to May 5, 2003, bonus depreciation equal to 30% of the cost was allowed in the first year. For property placed in service from May 6, 2003, to December 31, 2004, the bonus depreciation was 50%. The amount of the bonus depreciation, whether at 30% or 50%, is subtracted from the basis of the property in computing the depreciation deduction for all years. For Minnesota tax purposes, 80% of the bonus depreciation was added back to taxable income in the first year, with that amount subtracted in equal parts over the next five years.

A depreciation deduction was part of the original Minnesota income tax enacted in 1933. Accelerated depreciation was first allowed through administrative practice by the federal government in 1946 and by law in 1954. Minnesota first enacted an accelerated depreciation provision in 1959. In 1987 Minnesota adopted MACRS enacted as part of the federal Tax Reform Act of 1986. The 30% bonus depreciation option was enacted federally in 2002 for property placed in service for the 36 months beginning September 11, 2001. In 2003 the percentage of the bonus depreciation was increased to 50% for property placed in service from May 6, 2003, to December 31, 2004. Minnesota adopted the federal bonus depreciation provisions and, at the same time, enacted the addition for 80% of the bonus depreciation in the first year and the subtraction of that amount in equal parts over the following five years.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$61,100,000	\$61,600,000	\$63,800,000	\$64,800,000



**1.41 EXPENSING DEPRECIABLE BUSINESS PROPERTY**

Internal Revenue Code, Section 179

Minnesota Statutes, Section 290.01, Subd. 19, Subd. 19a(8), and Subd. 19b(14)

A taxpayer may elect to treat the cost of qualifying business property as an expense in the year the property is placed in service. For federal tax purposes, the maximum annual deduction is \$125,000 for tax years 2007 through 2010 and \$25,000 thereafter. If the taxpayer places more than \$500,000 of qualifying property in service during the year, the limitation is reduced by one dollar for each dollar that the cost exceeds \$500,000. After tax year 2010, the threshold is \$200,000 instead of \$500,000. The \$125,000 and \$500,000 are indexed for inflation.

For tax years 2006 through 2009, 80% of the temporary increase in expensing is added back to taxable income on the Minnesota return, with that amount subtracted in equal parts over the next five years. Minnesota has not taken action on the changes for 2010.

This provision was adopted in 1982. The maximum deduction was increased in 1993 and 1996. In 2003 the amount of allowable expensing was temporarily increased for tax years 2003 through 2005, and Minnesota adopted those changes. In 2004 the increase was extended to tax years 2006 and 2007, and in 2006 it was extended to 2008 and 2009. Minnesota adopted the extension of the increase for 2006 through 2009 and, at the same time, enacted the addition equal to 80% of the increase, with that amount subtracted in equal parts over the next five years. Minnesota has not adopted the changes enacted in 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$26,600,000	\$18,400,000	\$14,000,000	*

**1.42 EXCESS OF PERCENTAGE OVER COST DEPLETION**

Internal Revenue Code, Sections 291, 611, 612, 613, and 613A

Minnesota Statutes, Section 290.01, Subd. 19

Depletion allowances refer to the way in which investment costs are recovered for mining or other extractive operations and may be taken for almost all exhaustible natural resources.

A taxpayer may choose from two forms of depletion: cost depletion or percentage depletion. Cost depletion is based on the taxpayer's basis in the property and is similar to depreciation in its application. Percentage depletion is based on a percentage of the gross income received from the extractive operation and has little relationship to a taxpayer's basis. The excess of percentage depletion over cost depletion is considered a tax expenditure.

A deduction for cost depletion was first allowed in 1913, and percentage depletion was allowed as an option in 1926. A 1986 change denies the use of percentage depletion for lease bonuses, advance royalties, or other payments that are not directly related to actual production from oil, gas, and geothermal properties. This provision was last changed in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$300,000	\$400,000	\$400,000	\$500,000

\*Less Than \$50,000

**1.43 FIVE-YEAR AMORTIZATION OF BUSINESS ORGANIZATIONAL AND START-UP COSTS**

Internal Revenue Code, Sections 195 and 709  
Minnesota Statutes, Section 290.01, Subd. 19

Under Section 195 of the Internal Revenue Code, taxpayers who pay or incur business investigatory start-up expenditures and subsequently enter the trade or business to which these costs relate may elect to amortize these expenses over a period of not less than sixty months, beginning with the month in which the business commences. Section 709 allows partnerships to similarly amortize organization fees.

Without these special provisions, these expenditures would be capitalized by adding them to the taxpayer's basis in the business. They would then be treated as nondepreciable intangible assets, with costs not being recoverable until the taxpayer sold their interest in the business.

Section 709 was enacted in 1976. Section 195 was enacted in 1980 and was last changed in 1984.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$3,600,000	\$3,700,000	\$3,900,000	\$4,000,000

**1.44 EXPENSING OF RESEARCH AND DEVELOPMENT COSTS**

Internal Revenue Code, Section 174  
Minnesota Statutes, Section 290.01, Subd. 19

Generally, expenses incurred in creating or developing an asset must be capitalized, with recovery occurring over the life of the asset or at the time of sale. However, a taxpayer may elect to deduct as an expense in the current tax year all qualified research and development costs incurred in connection with a trade or business. If the asset resulting from the research or development expenditures has no determinable useful life (such as is the case with a process or formula), then the taxpayer may alternatively elect to amortize the costs over not less than sixty months. The deduction is reduced by the amount of any federal research credit.

Section 174 was enacted in 1954 and was last changed in 1989.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$400,000	\$400,000	\$400,000	\$400,000

**1.45 EXPENSING OF MAGAZINE CIRCULATION EXPENDITURES**

Internal Revenue Code, Section 173  
Minnesota Statutes, Section 290.01, Subd. 19

A taxpayer may elect to deduct as an expense in the current year expenditures to establish, maintain, or increase the circulation of a newspaper, magazine, or other periodical. This treatment is restricted to certain types of expenditures, and the election is binding for the current year and to similar expenditures in subsequent years. This provision is a tax expenditure because, in general, expenses incurred in creating or developing an asset must be capitalized.

Section 173 of the Internal Revenue Code was enacted in 1950 and was last changed in 1984.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**1.46 EXPENSING OF EXPLORATION AND DEVELOPMENT COSTS**

Internal Revenue Code, Sections 56, 57(2), 263, 291, 616, 617, and 1254  
Minnesota Statutes, Section 290.01, Subd. 19

Generally, amounts paid for permanent improvements or betterments to income-producing property are not deductible as current year expenses but are capitalized and recovered through depreciation or depletion. However, current-year expensing is allowed for items such as labor, fuel, repairs, and site preparation costs incurred in the exploration and development of oil, gas, other fuel, and non-fuel mineral deposits. Expensing is allowed only for domestic properties.

Expensing of development costs for oil and gas has been allowed federally since 1916. Expensing of development costs for other minerals and of exploration costs for all minerals, including oil and gas, was first allowed in 1951.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

**1.47 CASH ACCOUNTING AND EXPENSING FOR AGRICULTURE**

Internal Revenue Code, Sections 162, 175, 180, 446, 447, 448, 461, 464, and 465  
Minnesota Statutes, Section 290.01, Subd. 19

Farmers are allowed to use cash accounting rather than the accrual system for income tax purposes. Therefore, costs attributable to goods not yet sold may be deducted in the current year.

A taxpayer engaged in the business of farming may deduct certain expenditures made during the tax year rather than capitalize them. Qualifying expenditures include soil and water conservation expenses, the purchase and application of fertilizer, and costs associated with raising dairy and breeding cattle.

Farmers have been allowed to use the cash accounting system for tax purposes since 1933. Minnesota began allowing the expensing of capital outlays in 1955. In 1986 the expensing provision was eliminated for land clearing and was restricted for soil and water conservation expenditures.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$2,700,000	\$2,600,000	\$2,500,000	\$2,400,000

**1.48 EXPENSING OF MULTIPERIOD TIMBER GROWING COSTS**

Internal Revenue Code, Section 263A(c)(5)  
Minnesota Statutes, Section 290.01, Subd. 19

Timber growers are allowed to deduct in the current year costs associated with maintaining a timber stand after it is established. The costs include disease and pest control, brush clearing, and property taxes. This exception to the capitalization rules applies to the costs incurred in raising, growing, or harvesting trees other than trees bearing fruit, nuts, or other crops, or ornamental trees.

These costs have always been allowed to be expensed. When the uniform capitalization rules were adopted as part of the Tax Reform Act of 1986, an exception was allowed for timber.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

**1.49 SPECIAL RULES FOR MINING RECLAMATION RESERVES**

Internal Revenue Code, Section 468  
Minnesota Statutes, Section 290.01, Subd. 19

In general, expenses that will be incurred in the future may not be claimed as a current deduction. An exception is provided for mining and solid waste disposal site reclamation costs which are incurred in order to comply with a federal, state, or local law, as specified. A deduction may be taken in the current year for the estimated future reclamation or closing costs attributable to production or mining activity during the taxable year. A bookkeeping reserve must be maintained for tax purposes so that, when reclamation or closing costs are actually incurred, they can be compared to the deductions taken. Any excess of the reserve, including interest, over actual costs must be included in income at that time.

Section 468 was enacted in 1984 and was last changed in 1986.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**1.50 CASH ACCOUNTING OTHER THAN AGRICULTURE**

Internal Revenue Code, Sections 446 and 448  
Minnesota Statutes, Section 290.01, Subd. 19

Section 446 of the Internal Revenue Code allows a taxpayer to choose the cash method of accounting instead of the accrual method. The accrual method is considered a better measure of current-year income and expenses because it takes into account the income of receivables. This tax expenditure is the difference in net income measured by accrual accounting and cash accounting. Accrual accounting is required for businesses that maintain inventories.

Cash accounting has been permitted since 1933. The Tax Reform Act of 1986 placed some restrictions on the use of cash accounting by partnerships.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$4,700,000	\$5,100,000	\$5,500,000	\$5,900,000

### 1.51 INSTALLMENT SALES

Internal Revenue Code, Sections 453 and 453A  
Minnesota Statutes, Section 290.01, Subd. 19

In general, the gain or loss from the sale of property is recognized in the year of the sale. An exception is the installment method which may be used to report gains if at least one payment is received in a tax year later than the year of sale. The installment method can be used only by taxpayers who do not regularly deal in the property being sold, and gross profit is prorated over the period in which payments are received. The tax expenditure is the difference between what tax liability would be under year-of-sale reporting and installment reporting.

The installment method was first enacted in 1933. In 1986 the installment method was eliminated for revolving credit sales of personal property and sales of property regularly traded on an established market, such as stocks or securities. In 1987 the installment method was repealed for dealer sales of both real and personal property. In 1999 the use of installment sales was restricted, but that restriction was retroactively repealed in 2000.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$5,500,000	\$2,800,000	\$2,300,000	\$2,000,000

### 1.52 COMPLETED CONTRACT RULES

Internal Revenue Code, Section 460  
Minnesota Statutes, Section 290.01, Subd. 19

Some taxpayers with contracts extending for more than one year are allowed to report some or all of the profit on the contracts under special accounting rules. Income from a long-term contract is reported only when the contract is completed, and costs allocable to the contract are deducted at that time. However, many indirect costs may be deducted in the year paid or incurred. Without these special rules, indirect costs could be deducted only when the income is reported.

The completed contract method is allowed for home construction contracts and for other construction contracts if they are no longer than two years in duration and if the taxpayer's average annual gross receipts for the three preceding years do not exceed \$10 million.

The completed contract method was first allowed federally in 1918 and by Minnesota in 1933. The rules for long-term contracts were codified in the federal Tax Reform Act of 1986, and restrictions were placed on their use. This provision was last changed in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

### 1.53 EMPLOYEE STOCK OWNERSHIP PLANS

Internal Revenue Code, Sections 401(a)(28), 404(a)(9), 415(c), and 1042  
Minnesota Statutes, Section 290.01, Subd. 19

An employee stock ownership plan (ESOP) is a qualified stock bonus plan or a combination of a stock bonus and a money purchase pension plan under which a tax-exempt trust holds employer stock for the benefit of the employees. The stock may be acquired through direct employer contributions or with the proceeds of a loan to the trust.

Employees are not taxed on employer contributions to an ESOP or the earnings on invested funds until they are distributed. A stockholder in a closely-held company may defer recognition of the gain from the sale of stock to an ESOP if the ESOP owns at least 30% of the company's stock after the sale and the seller reinvests the proceeds in a U.S. company.

The formation of ESOPs was first authorized in 1974. These provisions were last changed in 2001.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,800,000	\$1,800,000	\$1,800,000	\$1,900,000

### 1.54 INDIVIDUAL RETIREMENT ACCOUNTS

Internal Revenue Code, Sections 219, 408, and 408A  
Minnesota Statutes, Section 290.01, Subd. 19

An individual may make a contribution to an individual retirement account (IRA) of up to \$4,000 per year or an amount equal to earned income, whichever is less. If the individual has more than one account, the total contribution to all accounts cannot exceed the lesser of \$4,000 or earned income. Up to \$4,000 can also be contributed for a nonworking spouse if the couple's combined contribution does not exceed their combined earned income. The maximum contribution is \$4,000 for tax years 2005 through 2007 and \$5,000 thereafter for federal tax purposes. For Minnesota tax purposes, the maximum contribution is \$2,000 for tax years after 2010.

The contribution may be made to either a deductible IRA or a nondeductible IRA, referred to as a Roth IRA. For both types of IRAs, earnings on the account are excluded from income until the funds are distributed. For a deductible IRA, a deduction is taken when the contribution is made, and the distribution is taxable. If a distribution from a Roth IRA qualifies, the entire distribution is exempt from tax.

For a deductible IRA, if the taxpayer is a participant in an employer plan, the full deduction is allowed if adjusted gross income for tax year 2007 is \$50,000 or less for a single person or \$80,000 for a married-joint return. The maximum deduction is phased out over a range of \$10,000 of income. Starting with tax year 2007, the phase-out range for married-joint returns is increased to \$20,000.

Individual Income Tax  
Federal Deductions

The spouse of an active participant in an employer plan may take a deduction for contributions to an IRA, but the deduction is phased out for taxpayers with adjusted gross income between \$150,000 and \$160,000. If neither the taxpayer nor the spouse is an active participant in an employer plan, no maximum income limit applies.

For a nondeductible IRA, the maximum contribution is phased out for joint filers with income between \$150,00 and \$160,000 and between \$95,000 and \$110,000 for other filers. Distributions are not subject to tax if made more than five years after the IRA has been established and if the distribution qualifies. Distributions qualify if made after age 59-1/2, upon the death or disability of the individual, or for first-time homebuyer expenses.

The tax expenditure estimates for a given year measure the deduction for contributions and the exclusion of earnings, net of distributions included in taxable income that year.

The federal IRA provisions were enacted in 1974. In 1997 the income limits were increased for deductible IRAs, and provisions for nondeductible IRAs were replaced by the Roth IRA. In 2001 the contribution limit was increased, with the increase to expire after 2010. In 2006 the increase was made permanent for federal tax purposes, but Minnesota has not adopted the 2006 change. In 2007, indexing the income limits was adopted for federal tax purposes, but Minnesota has not adopted this provision.

A deduction for IRA contributions was taken on 68,000 Minnesota returns in 2005.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$115,100,000	\$125,200,000	\$135,400,000	\$146,900,000

**1.55 KEOGH PLANS**

Internal Revenue Code, Sections 401-405 and 408-415  
Minnesota Statutes, Section 290.01, Subd. 19

A self-employed person may take a deduction for contributions made to a Keogh retirement plan equal to the lesser of 25% of self-employment income (net of any Keogh contributions) or \$45,000 for tax year 2007. Earnings are not included in the recipient's income until they are withdrawn from the fund. A Keogh plan must also cover any eligible employees. The deduction for contributions made on behalf of employees is considered a normal business expense and not a tax expenditure.

Disbursements from a Keogh plan are included in the recipient's income. The Keogh provisions are deferrals, measured for a fiscal year as the exclusion of earnings and the deduction for contributions, net of disbursements included in income that year.

This provision was originally enacted in 1962. From 1982 to 1984 the Minnesota deduction was more restrictive than the federal deduction. The provision was last changed in 1986.

Approximately 26,000 Minnesota taxpayers took this deduction for tax year 2005.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$52,700,000	\$58,800,000	\$63,800,000	\$70,200,000



**1.56 HEALTH SAVINGS ACCOUNTS**

Internal Revenue Code, Section 223  
Minnesota Statutes, Section 290.01, Subd. 19

An eligible individual with a high-deductible health plan is allowed to make contributions to a health savings account. An employer may also make contributions to the individual's account. The individual is allowed a deduction from gross income for contributions to the account, the employer contribution is excluded from the employee's income, interest on the account accumulates tax free, and withdrawals are not taxable if they are used for medical expenses.

For calendar year 2007, a health plan qualifies as a high-deductible plan if the annual deductible is at least \$1,100 for self-only coverage (\$2,200 for family coverage) and the sum of the annual deductible and other out-of-pocket expenses does not exceed \$5,500 for self-only coverage (\$11,000 for family coverage). The maximum annual deduction is the lesser of the annual deductible or \$2,850 for self-only coverage (\$5,650 for family coverage). For a person age 55 or older, the maximum deductible contribution is higher and is increased by \$800 in 2007.

Tax-free health savings accounts were enacted federally in 2003 and adopted by Minnesota in 2005, effective retroactive to tax year 2004. Minnesota has not adopted the changes to health savings accounts that were enacted federally in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$3,500,000	\$5,300,000	\$7,100,000	\$8,900,000

**1.57 SELF-EMPLOYED HEALTH INSURANCE**

Internal Revenue Code, Section 162(l)  
Minnesota Statutes, Sections 290.01, Subd. 19

A self-employed individual may deduct the amount paid for health insurance premiums for the taxpayer, spouse, and dependents. The deduction cannot exceed the taxpayer's net earned income from the trade or business. The deduction is not allowed if the taxpayer is eligible to participate in a health plan maintained by the employer of the taxpayer or the taxpayer's spouse.

The federal deduction was enacted in 1986 and was last changed in 1998. Prior to tax year 2003, only a specified percentage of the premiums could be deducted in arriving at federal adjusted gross income, and remaining premiums could be taken as an itemized medical deduction. A Minnesota provision enacted in 1992 allowed the subtraction of any premiums not deducted federally. The Minnesota subtraction was repealed in 2003.

Approximately 98,000 taxpayers are estimated to benefit from this deduction in tax year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$34,200,000	\$36,400,000	\$38,400,000	\$40,900,000

**1.58 INTEREST ON STUDENT LOANS**

Internal Revenue Code, Section 221  
Minnesota Statutes, Section 290.01, Subd. 19

A deduction is allowed for interest paid on qualified loans used to pay higher education expenses for the taxpayer, spouse, or dependents. A person claimed as a dependent on someone else's return cannot take the deduction. The maximum deduction is \$2,500. The deduction is phased out for taxpayers with modified adjusted gross income over \$55,000 (\$110,000 for joint returns) for tax year 2007. The income thresholds are adjusted annually for inflation.

This deduction was enacted in 1997. In 2001 the income limits were increased, and limiting the deduction to the interest paid during the first sixty months of required payments was removed.

An estimated 219,000 returns benefit from this provision in tax year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$7,600,000	\$7,700,000	\$7,800,000	\$8,000,000

**1.59 PER DIEM AMOUNTS PAID TO STATE LEGISLATORS**

Internal Revenue Code, Section 162(h)  
Minnesota Statutes, Sections 290.01, Subd. 19

State legislators who reside more than fifty miles from the state capitol building are allowed a deduction for per diem allowances received for days that the Legislature is in session and for committee meetings that the legislator is required to attend.

Minnesota enacted a deduction for all per diem allowances for all legislators in 1959, and the full deduction was allowed until the provision was repealed in 1987. The federal deduction became effective in 1976, and the fifty-mile restriction was added in 1981. Minnesota has conformed to the federal deduction since 1987.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

**FEDERAL PERSONAL DEDUCTIONS**

**1.60 ADDITIONAL STANDARD DEDUCTION FOR THE ELDERLY AND BLIND**

Internal Revenue Code, Section 63(c) and (f)  
Minnesota Statutes, Section 290.01, Subd. 19

A taxpayer or spouse who is age 65 or over or blind is allowed an additional standard deduction. For tax year 2007, the additional amount for married couples is \$1,050 for each person who is elderly or blind (\$2,100 if elderly and blind). The additional amount for a single person or head of household is \$1,300 for a taxpayer who is elderly or blind (\$2,600 if elderly and blind). The amounts are indexed annually for inflation.

The basic standard deduction available to all taxpayers is not considered a tax expenditure because equal amounts are allowed to similarly-situated taxpayers.

From 1951 through 1986, Minnesota allowed to the elderly and the blind an additional personal credit against the tax. Prior to tax year 1987, an additional personal exemption was allowed to the elderly and the blind on the federal return. The additional standard deduction was enacted federally in 1986 and was adopted by Minnesota in 1987.

An estimated 168,000 returns benefit from this provision for tax year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$15,600,000	\$15,800,000	\$16,600,000	\$17,100,000

**1.61 MEDICAL EXPENSES**

Internal Revenue Code, Sections 63(d) and 213  
Minnesota Statutes, Section 290.01, Subd. 19

An itemized deduction is allowed for unreimbursed medical expenses to the extent they exceed 7.5% of adjusted gross income. Deductible expenses must be for the taxpayer, spouse, or dependent and include health insurance premiums, medical care, dental care, prescription drugs, insulin, necessary transportation, and medical aids, such as eyeglasses, hearing aids, crutches, and wheelchairs.

A deduction for medical expenses has been allowed by Minnesota since 1933. The state adopted the federal provisions in 1981. In 1996 the deduction was expanded to include insurance premiums and expenses for long-term care.

An estimated 143,500 returns benefit from this provision for tax year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$51,200,000	\$56,800,000	\$61,200,000	\$67,200,000

**1.62 REAL ESTATE TAXES**

Internal Revenue Code, Sections 63(d) and 164  
Minnesota Statutes, Section 290.01, Subd. 19

An itemized deduction is allowed for real estate taxes paid on an owner-occupied residence. The deduction is reduced by any Minnesota property tax refund received. Special assessments are not considered real estate taxes and cannot be deducted. This deduction is one of several deductions subject to the limitation of itemized deductions for higher-income taxpayers.

Minnesota has allowed this deduction since 1933. The limitation of certain itemized deductions was made permanent in 1993, and in 2001 the limitation was phased out from tax year 2006 through 2010. Starting with tax year 2011, the limitation is reinstated.

An estimated 796,000 returns benefit from this deduction in tax year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$156,000,000	\$176,000,000	\$191,000,000	\$208,600,000

**1.63 OTHER TAXES**

Internal Revenue Code, Sections 63(d) and 164  
Minnesota Statutes, Section 290.01, Subd. 19

An itemized deduction is allowed for specified taxes besides the real estate tax on owner-occupied housing, including personal property taxes paid to state and local governments and foreign income taxes. The ad valorem portion of the motor vehicle registration tax (Chapter 15) is deductible under these provisions and accounts for most of the deduction. Also deductible are the personal property taxes paid on a mobile home owned by the taxpayer but located on a rented lot. This deduction is one of several deductions subject to the limitation of itemized deductions for higher-income taxpayers.

This deduction was enacted in 1933 and changed in 1983. The limitation of certain itemized deductions was made permanent in 1993, and in 2001 the limitation was phased out from tax year 2006 through 2010. Starting with tax year 2011, the limitation is reinstated.

An estimated 637,000 returns benefit from this provision for tax year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$12,200,000	\$13,300,000	\$14,300,000	\$15,600,000

**1.64 HOME MORTGAGE INTEREST**

Internal Revenue Code, Sections 63(d) and 163(h)  
Minnesota Statutes, Section 290.01, Subd. 19

A taxpayer may take an itemized deduction for interest paid on debt secured by a principal or second residence. Although some restrictions apply, most taxpayers can deduct the full amount of their mortgage interest. This deduction is one of several deductions subject to the limitation of itemized deductions for higher-income taxpayers.

Mortgage interest is deductible on up to \$1 million of debt used to buy, build, or improve a principal or second residence. If the debt is used for any other purpose, the limitation is \$100,000 of debt. If more than one home is involved, the limitations apply to the total amount.

Home mortgage interest was deductible without limitation until the current restrictions were enacted in 1987. The limitation of certain itemized deductions was made permanent in 1993, and in 2001 the limitation was phased out from tax year 2006 through 2010. Starting with tax year 2011, the limitation is reinstated.

This deduction reduces the state income tax on an estimated 765,500 returns in tax year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$400,900,000	\$448,600,000	\$495,300,000	\$543,900,000

**1.65 CHARITABLE CONTRIBUTIONS**

Internal Revenue Code, Sections 63(d), 170, and 642(c)  
Minnesota Statutes, Section 290.01, Subd. 19

An itemized deduction is allowed for contributions to organizations that are religious, charitable, educational, scientific, or literary in purpose. The deduction is limited to a maximum of 50% of federal adjusted gross income, although other limitations apply to specific types of contributions. Excess contributions may be carried forward for up to five years. This deduction is one of several deductions subject to the limitation of itemized deductions for higher-income taxpayers.

A deduction for charitable contributions has been allowed since the Minnesota income tax was enacted in 1933. Until 1985, the Minnesota deduction differed from the federal deduction, mainly in regard to the maximum deduction and carry forward provision. The limitation of certain itemized deductions was made permanent in 1993, and in 2001 the limitation was phased out from tax year 2006 through 2010. Starting with tax year 2011, the limitation is reinstated.

An estimated 759,500 returns benefit from this deduction in tax year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$208,500,000	\$229,800,000	\$246,200,000	\$269,600,000

**1.66 CASUALTY AND THEFT LOSSES**

Internal Revenue Code, Sections 63(d) and 165  
Minnesota Statutes, Section 290.01, Subd. 19

An itemized deduction is allowed for unreimbursed nonbusiness losses caused by theft, vandalism, fire, storm, and car, boat, and other accidents. The deduction is allowed only to the extent that each separate casualty or theft loss exceeds \$100 and the total of all net losses during the year exceeds 10% of federal adjusted gross income. If the loss is covered by insurance, a timely insurance claim must be filed.

A deduction for casualty or theft loss was first authorized for the federal income tax in 1913 and for the state tax in 1933. The \$100 floor on the deduction was added in 1964, and in 1982 the deduction was restricted to losses exceeding 10% of adjusted gross income. The requirement for filing a timely insurance claim was added in 1986.

An estimated 1,800 returns benefit from this provision in tax year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,400,000	\$1,500,000	\$1,600,000	\$1,700,000

**MINNESOTA SUBTRACTIONS**

**1.67 K-12 EDUCATION EXPENSES**

Minnesota Statutes, Section 290.01, Subd. 19b(3)

A subtraction from federal taxable income is allowed for certain education expenses paid for a qualifying child in kindergarten through twelfth grade. The maximum subtraction is \$1,625 per child in kindergarten through sixth grade and \$2,500 per child in seventh through twelfth grade.

Qualifying expenses include amounts paid to others for tuition, transportation, nonreligious textbooks, and instructional materials and equipment required for regular school classes. Fees or tuition for instruction outside the regular school day and school year also qualify, such as tutoring and educational summer camps. Amounts paid for computer hardware and educational software can be subtracted, subject to a limit of \$200 per family. The amount that can be subtracted is reduced by any expenses used to claim the K-12 education credit (Item 1.82).

An education deduction was first enacted in 1955. In 1997 the deduction was expanded, beginning with tax year 1998. This provision was last changed in 2001.

An estimated 230,000 returns benefit from this provision in 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$18,400,000	\$18,600,000	\$18,800,000	\$19,100,000

**1.68 CHARITABLE CONTRIBUTIONS FOR NONITEMIZERS**

Minnesota Statutes, Section 290.01, Subd. 19b(6)

A taxpayer who does not itemize deductions on the federal return may subtract from federal taxable income 50% of charitable contributions made in excess of \$500. The contributions must meet the requirements for deductible contributions under the Internal Revenue Code.

This subtraction was enacted in 1999.

An estimated 168,000 returns benefit from this provision in tax year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$7,100,000	\$7,700,000	\$8,300,000	\$9,100,000

**1.69 INCOME OF THE ELDERLY OR DISABLED**

Minnesota Statutes, Sections 290.01, Subd. 19b(4), and 290.0802

A subtraction from federal taxable income is allowed for persons who are age 65 or over or totally disabled. The subtraction benefits low-income taxpayers who have more of their income from taxable sources such as pensions and interest than from nontaxable sources such as social security. The subtraction is allowed against any type of taxable income, not just pensions, and is computed as follows for a married couple who both qualify and file a joint return: \$12,000 minus nontaxable retirement and nontaxable social security benefits minus one-half of federal adjusted gross income over \$18,000. The \$12,000 and \$18,000 amounts are different for the other filer types.

Public pensions were exempt from the Minnesota income tax from 1933 through 1977. From 1978 through 1986, a subtraction for pension income was allowed, limited to a maximum amount with qualifying offsets. The elderly or disabled subtraction was enacted in 1988, and in 1994 the base amounts and income thresholds were increased by 20%.

An estimated 8,000 taxpayers will benefit from this provision in tax year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,000,000	\$800,000	\$700,000	\$500,000

**1.70 ACTIVE DUTY MILITARY SERVICE OUTSIDE MINNESOTA**

Minnesota Statutes, Section 290.01, Subd. 19b(12)

A subtraction from federal taxable income is allowed for compensation paid for active military duty performed outside Minnesota to Minnesota residents who are members of the armed forces of the United States or United Nations.

This subtraction was enacted in 2005. It replaced a provision enacted in 2001 which allowed a Minnesota resident to be considered a nonresident for the period of time that they are on active duty stationed outside Minnesota in the armed forces of the United States or the United Nations.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$4,300,000	\$4,300,000	\$4,300,000	\$4,300,000

**1.71 NATIONAL GUARD ACTIVE SERVICE IN MINNESOTA**

Minnesota Statutes, Section 290.01, Subd. 19b(11)

A subtraction from federal taxable income is allowed to members of the Minnesota National Guard or other reserve components of the United States military for active service performed in Minnesota. Active service includes natural disaster emergency response, missing person searches, and airport security duty. It does not include training, drill, or summer camp pay.

This provision was enacted in 2005.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**1.72 EXPENSES OF LIVING ORGAN DONORS**

Minnesota Statutes, Section 290.01, Subd. 19b(13)

A subtraction from federal taxable income is allowed for certain expenses if, while living, the taxpayer, spouse (if filing a joint return), or a dependent donated a human organ to another person for transplantation. Expenses related to the donation that can be subtracted are for travel, lodging, and lost wages net of sick pay. The maximum subtraction is \$10,000. The term “organ” means all or part of an individual’s liver, pancreas, kidney, intestine, lung, or bone marrow.

This provision was enacted in 2005.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*



**1.73 JOB OPPORTUNITY BUILDING ZONE INCOME**

Minnesota Statutes, Sections 290.01, Subd. 19b(10), and 469.316

A subtraction from federal taxable income is allowed for net income from the operation of a qualified business in a designated Job Opportunity Building Zone. A subtraction is also allowed for net income from renting real or tangible personal property used by a qualified business and located in a zone and for net gain from the sale or exchange of real or tangible personal property used by a qualified business in a zone.

Ten Job Opportunity Building Zones have been designated by the Commissioner of Employment and Economic Development, effective January 1, 2004. The maximum duration of a zone is twelve years, but the duration is extended for three years for an ethanol producer if the business subsidy agreement was executed after April 30, 2006. Zones must be outside the seven-county metropolitan area, and each zone may contain up to 5,000 acres and can be divided into separate noncontiguous subzones. Also included in the program are up to five Agricultural Processing Facility Zones.

These provisions were enacted in 2003 and were last modified in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$3,200,000	\$4,000,000	\$4,800,000	\$5,700,000

**1.74 DISPOSITION OF FARM PROPERTY**

Minnesota Statutes, Section 290.491

A taxpayer is allowed a subtraction from federal taxable income for the amount of income realized on a sale or exchange of farm property if the taxpayer is insolvent at the time of the sale and the proceeds are used solely to discharge indebtedness of the property sold. The amount of the subtraction is limited to the excess of the taxpayer's liabilities over total assets and the amount of any debt forgiveness excluded from income under Section 108 of the Internal Revenue Code.

This provision was enacted in 1985. It was repealed in 1987 but was re-enacted in 1988, retroactive to tax year 1987.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**1.75 SMALL ETHANOL PRODUCERS**

Minnesota Statutes, Section 290.01, Subd. 19b(7)

A subtraction from federal taxable income is allowed for the amount of the federal small ethanol producer credit which is included in gross income. The federal credit is equal to 10¢ per gallon of ethanol produced, used, or sold as a transportation fuel. A small producer, defined as having production capacity under 60 million gallons, may claim the federal credit for a maximum of 15 million gallons per year. Federal law requires that the credit be added to gross income.

This subtraction was enacted in 2000 and expires after tax year 2007. The definition of a small producer was changed federally in 2005.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$800,000	\$0	\$0	\$0

**PREFERENTIAL COMPUTATION**

**1.76 FIVE-YEAR AVERAGING OF LUMP SUM DISTRIBUTIONS**

Internal Revenue Code, Section 402(e)  
Minnesota Statutes, Section 290.032

A lump sum distribution from a qualified pension, profit-sharing, or stock bonus plan is eligible for the special five-year averaging provision. A separate tax is computed on the lump sum distribution in isolation of other income.

Several restrictions apply to using lump sum averaging, including age and reason for distribution. The Minnesota provisions for lump sum averaging are the same as the federal except that Minnesota does not allow the option of ten-year averaging, and any capital gains are treated as ordinary income.

A ten-year averaging provision was adopted by Minnesota in 1975. In 1987 Minnesota adopted five-year averaging and most of the federal changes enacted in 1986 that placed restrictions on the use of lump sum averaging. In 1997 Minnesota adopted the federal repeal of five-year averaging, beginning with tax year 2000. The transition rules from the Tax Reform Act of 1986 were not repealed. Therefore, taxpayers covered under the transition rules can continue to use the averaging provision.

Lump-sum averaging was used on about 1,100 returns for tax year 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

**CREDITS**

**1.77 MARRIAGE CREDIT**

Minnesota Statutes, Section 290.0675

A nonrefundable credit is allowed against the individual income tax for a married couple filing a joint return if both spouses have earned income or taxable pension or taxable social security income and their income situation results in a “marriage penalty” due to the size of the state income tax brackets. The credit compensates for the extent to which the income tax is higher due to the tax brackets for a joint return compared to the two spouses filing as single persons.

The credit is based on two variables: the joint taxable income of the couple and the earned income (including taxable pension and social security income) of the lesser-earning spouse. For 2007, the credit does not apply unless taxable income is at least \$32,000 and the earned income of the lesser-earning spouse is at least \$19,000. The maximum credit for tax year 2007 is \$325.

This credit was enacted in 1999 and was last modified in 2003.

Approximately 383,000 returns claimed the credit for tax year 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$58,600,000	\$61,500,000	\$64,600,000	\$68,700,000

**1.78 CREDIT FOR LONG-TERM CARE INSURANCE PREMIUMS**

Minnesota Statutes, Section 290.0672

A nonrefundable credit is allowed against the individual income tax for premiums paid for long-term care insurance. A taxpayer may claim a credit for each beneficiary (taxpayer or spouse) equal to 25% of premiums paid to the extent not taken as a federal itemized deduction. The maximum credit is \$200 for married couples filing joint returns and \$100 for all other filers. The long-term care insurance policy must meet the requirements under specified sections of the Internal Revenue Code and have a lifetime benefit of at least \$100,000.

This credit was enacted in 1997, effective with tax year 1999, and was last changed in 2000.

This credit was taken on about 56,000 returns for tax year 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$7,300,000	\$7,400,000	\$7,500,000	\$7,700,000

**1.79 EMPLOYER TRANSIT PASS CREDIT**

Minnesota Statutes, Section 290.06, Subd. 28

A nonrefundable credit is allowed against the individual income tax equal to 30% of the expense incurred by the taxpayer to provide transit passes to the taxpayer's employees. The transit pass must be for use in Minnesota. If the employer purchases the transit passes from the transit system and resells them to the employees, the expenses used for the credit are the difference between the amount the employer paid for passes and the amount charged to employees.

This credit was enacted in 2000.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**1.80 CHILD AND DEPENDENT CARE CREDIT**

Internal Revenue Code, Section 21  
Minnesota Statutes, Section 290.067

A refundable income tax credit is allowed for a portion of dependent care expenses provided that those expenses were necessary in order to hold or look for a job. A dependent is defined as a child under age 13 or a dependent of any age or spouse who is disabled. The determination of the credit starts with the federal child and dependent care credit, which is equal to eligible expenses up to \$3,000 for one dependent and \$6,000 for two or more dependents multiplied by a percentage ranging from 35% to 20%, with the percentage decreasing as income increases.

The maximum state credit is \$720 for one child and \$1,440 for two or more children and is reduced as income increases. For tax year 2007 the maximum amounts were reduced for taxpayers with total household income over \$21,880, so that a taxpayer with total household income over \$35,530 received no credit. The income level at which the maximum credit is reduced is indexed each year for inflation.

The state credit is allowed in two situations where child care expenses are not incurred. An operator of a family day care home may claim the credit if they care for their own child under age six, based on a deemed amount of expenses. A married couple with a child less than one year of age and filing a joint return is deemed to have \$3,000 of expenses for that child.

The credit was enacted in 1977. In 1989 the income thresholds were changed and indexed. The credit was extended in 1991 to operators of licensed family day care homes and in 1994 to married couples with a child under age one. The 2001 federal changes which increased the amount of the credit were adopted in 2001 and expire after tax year 2010.

This credit was claimed on approximately 35,500 returns filed for tax year 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$13,900,000	\$13,900,000	\$13,900,000	\$13,900,000

## 1.81 WORKING FAMILY CREDIT

Internal Revenue Code, Section 32  
Minnesota Statutes, Section 290.0671

The Minnesota working family credit is a refundable credit against the individual income tax allowed to taxpayers who are eligible for the federal earned income credit. To qualify, the taxpayer (or spouse) must have income from wages or self employment, and total earned income (or adjusted gross income, whichever is larger) cannot exceed a maximum amount. A taxpayer is not eligible if investment income exceeds a specified amount, which is indexed for inflation and is \$2,900 for tax year 2007.

Although the Minnesota working family credit uses the same eligibility requirements and definitions as the federal earned income credit, the calculation of the state credit is separate. All the dollar amounts in the calculation are indexed annually for inflation. The following calculations apply to tax year 2007.

- For a taxpayer with no children, 1.9125% of the first \$5,600 of earned income, reduced by 1.9125% of earned income or adjusted gross income, whichever is greater, in excess of \$7,000. The maximum credit is \$107. The credit is phased out by income of \$12,590.
- For a taxpayer with one child, 8.5% of the first \$8,390 of earned income, plus 8.5% of earned income over \$14,650 but less than \$16,310, reduced by 5.73% of earned income or adjusted gross income, whichever is greater, in excess of \$18,290. The maximum credit is \$854. The credit is phased out by income of \$33,241.
- For a taxpayer with two or more children, 10% of the first \$11,790 of earned income, plus 20% of earned income over \$18,020 but less than \$20,380, reduced by 10.3% of earned income or adjusted gross income, whichever is greater, in excess of \$21,700. The maximum credit is \$1,651. The credit is phased out by income of \$37,783.

In tax years 2005 through 2007, the beginning and ending of the phase-out range is increased by \$2,000 for married-joint returns. The increase is \$3,000 for tax year 2008, and the \$3,000 is indexed for tax years 2009 and 2010. The increased phase-out range expires after 2010.

The working family credit was first enacted in 1991 and was equal to 10% of the federal earned income credit. The credit was increased several times, and federal changes were adopted. In 1998 the credit was changed from a percentage of the federal credit to a separate calculation. The credit was last changed in 2001 when 2001 federal changes were adopted, including a higher phase-out range for married-joint returns, which expires after 2010.

The working family credit was claimed on about 265,000 returns for tax year 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$153,000,000	\$160,100,000	\$163,400,000	\$166,700,000

**1.82 CREDIT FOR K-12 EDUCATION EXPENSES**

Minnesota Statutes, Section 290.0674

A refundable credit is allowed equal to 75% of eligible education expenses for a qualifying child in kindergarten through grade 12. The maximum credit of \$1,000 times the number of children in kindergarten through grade 12 is allowed to taxpayers with total household income of \$33,500 or less. For taxpayers with one or two children, the maximum credit is phased out for household income between \$33,500 and \$37,500. For taxpayers with more than two children, the phase-out range for the maximum credit is increased by \$2,000 for each additional child.

Eligible expenses include fees or tuition for instruction outside the regular school day or school year, such as tutoring and educational summer camps. Also eligible are costs required for the regular school day for textbooks, instructional materials, and transportation costs paid to others. Private school tuition does not qualify for the credit, although it does qualify for the subtraction (Item 1.67). Eligible expenses also include personal computer hardware and educational software, limited to a maximum of \$200 per family.

This credit was enacted in 1997, effective beginning with tax year 1998. The phaseout of the maximum credit was enacted in 1999. In 2001 the credit was reduced from 100% to 75% of expenses. In 2005 the maximum credit and phase-out range were increased for taxpayers with more than two children.

This credit was claimed on about 55,000 returns for tax year 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$14,000,000	\$13,600,000	\$13,100,000	\$12,700,000

**1.83 CREDIT FOR MILITARY SERVICE IN A COMBAT ZONE**

Minnesota Statutes, Section 290.0677

A refundable income tax credit is allowed to a Minnesota resident equal to \$59 for each month or portion thereof for military service in a designated combat zone or other designated hazardous duty area.

This credit was enacted in 2006, retroactive to September 12, 2001.

An estimated 2,660 individuals benefit from this credit each year.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,100,000	\$1,100,000	\$1,100,000	\$1,100,000

**1.84 JOB OPPORTUNITY BUILDING ZONE JOBS CREDIT**

Minnesota Statutes, Sections 290.06, Subd. 29, and 469.318

A refundable credit is allowed against the individual income tax for a qualified business located in a Job Opportunity Building Zone. The credit is 7% of the increase in payroll since designation of the zone for jobs paying more than \$30,000. Starting in tax year 2005, the \$30,000 is adjusted annually for inflation and is \$32,880 for 2007.

See Item 1.73 for a description of the Job Opportunity Building Zone program.

This credit was enacted in 2003 and was last modified in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$800,000	\$900,000	\$1,000,000	\$1,000,000

**1.85 ENTERPRISE ZONE EMPLOYER TAX CREDITS**

Minnesota Statutes, Section 469.171, Subd. 1(2) and Subd. 6(1)

Two refundable credits against the income tax are available to employers in designated enterprise zones. A credit of up to \$3,000 annually is allowed for each additional worker employed in a designated enterprise zone, other than workers employed in construction, and a credit of up to \$1,500 annually is allowed for each worker employed in the zone who does not qualify for the \$3,000 credit.

This provision was enacted in 1983 and was scheduled to expire on December 31, 1996. However, a 1996 law change allowed border city enterprise zones to remain in existence until terminated by resolution adopted by the city. Zones other than border city zones expired at the end of 1996.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

Individual Income Tax  
Credits

**1.86 CREDIT FOR BOVINE TUBERCULOSIS TESTING**

Minnesota Statutes, Section 290.06, Subd. 33

A refundable income tax credit is allowed to an owner of cattle in Minnesota equal to one-half of the expenses incurred to conduct tuberculosis testing on those cattle.

This credit was enacted in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	*	*



## CHAPTER 2: CORPORATE FRANCHISE TAX

### Collections and History

For fiscal year 2007, net revenues from the corporate franchise tax were \$1.2 billion. The proceeds from the corporate franchise tax go into the State General Fund.

The Minnesota corporate income tax was enacted in 1933, at the same time and at the same rates as the individual income tax. Several changes have been made to the tax rate since 1933. At times it was a flat rate; at others, a graduated rate schedule applied. The current rate of 9.8% has been in effect since 1990. The bank excise tax was first enacted in 1941 at a rate of 8%. The bank excise tax was at a rate different from the corporate income tax until 1973.

In 1987 the corporate income and bank excise taxes were replaced by the corporate franchise tax, and a federal definition of income (federal taxable income) was adopted. Although the Minnesota tax base now conforms more closely to the federal, a number of modifications to federal taxable income still exist.

### Tax Base

For purposes of this study, the tax base for the corporate franchise tax is defined to be income from all sources less expenses that are reasonable and necessary to generate that income. Such reasonable and necessary expenses are, therefore, not considered to be tax expenditures.

A tax expenditure is created when a type of income is excluded or when a deduction is allowed for expenses other than those considered reasonable and necessary. For example, when depreciation measures the actual decline in the value of an asset during the tax year, it is a necessary business expense and not a tax expenditure. However, when accelerated depreciation or expensing is allowed, the tax benefit from deducting the portion that exceeds actual depreciation is a tax expenditure.

### Computation of the Tax

The computation of the corporate franchise tax for tax year 2008 is generally as follows:

	Income from all sources
minus:	federal exclusions
minus:	federal deductions
equals:	federal taxable income
plus:	Minnesota additions, including:
	- state, local, and foreign income taxes deducted federally
	- federally-exempt interest on government bonds
	- exempt-interest dividends excluded federally
	- net operating loss deducted federally
	- federal dividend received deduction
	- losses from mining subject to the occupation tax
	- federal capital loss deduction
	- federal percentage depletion deduction
	- deemed dividends from foreign operating corporations
	- federal deduction for U.S. production activities
	- exempt federal subsidies for prescription drug plans

## Corporate Franchise Tax Introduction

minus: Minnesota subtractions, including:

- foreign dividend gross up
- salary expenses disallowed federally due to claiming the federal jobs credit
- capital loss deduction with no carrybacks
- interest and expenses on income that is exempt federally but taxed by the state
- cost depletion for mines, oil and gas wells, other natural deposits, and timber
- 80% of foreign source royalties, fees, etc. received within unitary group
- income or gains from mining operations subject to the occupation tax
- research expenses disallowed federally due to claiming the federal credit, but only to the extent they exceed the state research credit

equals: net income

times: apportionment factor

equals: taxable net income

minus: Minnesota deductions

- net operating loss
- dividend received deduction

equals: Minnesota taxable income

times: tax rate of 9.8%

equals: gross tax

minus: nonrefundable credits

- research and development credit
- alternative minimum tax carryover credit

plus: alternative minimum tax

plus: minimum fee

equals: tax liability

minus: refundable credits, including

- jobs credit for Job Opportunity Building Zone businesses

equals: net corporate tax payable

For most multistate corporations, income is apportioned to Minnesota based on a weighted three-factor formula, which for tax year 2008 is 9.5% of the Minnesota property ratio, 9.5% of the Minnesota payroll ratio, and 81% of the Minnesota sales ratio. The weighting of the sales factor is increased by three percentage points each year and will be 100% in tax year 2014. Corresponding reductions are made to the weighting of the property and payroll factors.

Since 1981 Minnesota has used a domestic unitary method of taxation. A group of corporations is considered to be a unitary business when there is unity of ownership, operation, and use. Only domestic corporations, that is, those organized under United States federal or state law, are included in the unitary group. The Minnesota taxable income of a corporation that is part of a unitary group is determined by applying an apportionment formula to the combined net income of the unitary business.

An alternative minimum tax on tax preference income is imposed to the extent that it exceeds the regular liability. The alternative minimum tax is equal to 5.8% of Minnesota alternative minimum taxable income.

In addition to the regular and alternative minimum tax, a minimum fee is imposed, based on the sum of the corporation's Minnesota property, payroll, and sales, as follows:

<u>Property, Payroll, and Sales</u>	<u>Minimum Fee</u>
Less than \$500,000	\$ 0
\$500,000 - \$999,999	\$100
\$1,000,000 - \$4,999,999	\$300
\$5,000,000 - \$9,999,999	\$1,000
\$10,000,000 - \$19,999,999	\$2,000
\$20,000,000 or more	\$5,000

The unrelated business income of exempt organizations is subject to the Minnesota tax. The unrelated business income tax is based on the organization's federal taxable income, without the Minnesota additions to and subtractions from income which are applicable to other corporations.

### **Mining Occupation Tax**

The occupation tax on taconite and iron ore is similar to the corporate franchise tax, with these exceptions: the starting point is the mine value of iron ore or taconite concentrates mined or produced in Minnesota; deductions allowed include only those expenses necessary to convert raw iron ore or taconite concentrates to marketable quality; the unitary principle is not applicable; and percentage depletion is allowed. Total occupation tax collections in fiscal year 2007 were \$7.5 million. The tax expenditures for the occupation tax are not shown separately; they are included with the corporate franchise tax provisions. Because percentage depletion does not apply to other corporations, the fiscal impact for Item 2.09 applies only to occupation tax filers.

**EXEMPT ORGANIZATIONS**

**2.01 CREDIT UNIONS**

Internal Revenue Code, Section 501(c)(14)(A)  
Minnesota Statutes, Section 290.05, Subd. 2

Credit unions organized and operated for mutual purposes and without profit or capital stock are exempt from both state and federal income taxation. The estimates are based on the assumption that credit unions would be taxed the same as similar financial institutions.

Credit unions have never been subject to the federal income tax and have been specifically excluded from state income taxation since 1937. In 1981 Minnesota adopted the language found in Subchapter F of the Internal Revenue Code which exempts numerous organizations, including credit unions.

In 2006 there were 167 credit unions in Minnesota with approximately 1,590,000 members.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$9,200,000	\$9,500,000	\$9,900,000	\$10,300,000

**2.02 INSURANCE COMPANIES**

Minnesota Statutes, Section 290.05, Subd. 1(c)

Insurance companies are exempt from the corporate franchise tax.

The estimates assume that a credit would be allowed for Minnesota premiums tax paid because a premiums tax credit was allowed when the corporate franchise tax was imposed on insurance companies.

An exemption for all insurance companies was enacted in 2001. The broader exemption replaced exemptions enacted in 1989 for insurance companies domiciled in retaliatory states and for smaller mutual property and casualty companies.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$74,200,000	\$70,600,000	\$70,900,000	\$71,000,000

**FEDERAL EXCLUSIONS**

**2.03 PERMANENT EXEMPTIONS FROM IMPUTED INTEREST RULES**

Internal Revenue Code, Sections 483, 1274, and 1274A  
Minnesota Statutes, Section 290.01, Subd. 19

The Internal Revenue Code generally requires that debt instruments bear a market rate of interest at least equal to the average rate on outstanding Treasury securities of comparable maturity. If the instrument does not, a market rate is imputed to it for tax purposes. The imputed interest must be included in the income of the recipient and is deducted by the payer.

The exceptions to the imputed interest rules include debt associated with the sale of property when the total sales price does not exceed \$250,000. Debt instruments for amounts not exceeding \$2.8 million that are given in exchange for real property may not have imputed to them an interest rate exceeding 9%. The \$2.8 million maximum is indexed annually for inflation.

Imputed interest rules were enacted in 1984. Permanent exceptions to the rules were enacted in 1986 and were last changed in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**2.04 INVESTMENT INCOME ON LIFE INSURANCE AND ANNUITY CONTRACTS**

Internal Revenue Code, Sections 72, 101, 7702, and 7702A  
Minnesota Statutes, Section 290.01, Subd. 19

Investment income earned on life insurance and annuity contracts is not included in the recipient’s gross income as it accumulates. For a life insurance policy, the exclusion applies to what is commonly referred to as “inside build-up” of investment income. When the premiums paid by the policyholder exceed the cost of insurance, the excess premiums are invested by the company, and the investment income is credited to the policy.

If the policy is surrendered before the death of the policyholder, the excess of the cash surrender value over the premiums paid is included in income. In this situation, the income is deferred rather than excluded. Policy proceeds paid because of the death of the insured are excluded from the gross income of a beneficiary, and the investment income is never taxed.

An annuity is an investment contract in which the owner makes a deposit in either a lump sum or installment payments in exchange for regular payments for a lifetime or for a specified number of years. The income is not included in the gross income of the owner as it accumulates if the policyholder is a natural person. With certain exceptions, the deferral of investment income does not apply when an annuity is held by a corporation.

Corporate Franchise Tax  
Federal Exclusions

These exclusions have been in effect since 1933 and were last changed in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$7,300,000	\$7,500,000	\$7,700,000	\$7,800,000

**2.05 LIKE-KIND EXCHANGES**

Internal Revenue Code, Section 1031  
Minnesota Statutes, Section 290.01, Subd. 19

In general, the gain from the sale or exchange of property is recognized as income for tax purposes. However, the gain from a like-kind exchange is not recognized at the time of exchange if both the relinquished and the received property are held for productive use in a trade or business or for investment. The recognition of the gain is deferred until the received property is sold or otherwise disposed. In order for the gain to qualify for exclusion, the exchange must be concluded within specified time limits. This provision does not cover stock in trade or other property held primarily for sale, or stock, bonds, notes, or other securities.

Tax-free exchanges of like-kind property were allowed federally in 1921 and by Minnesota in 1933. These provisions were last amended in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$9,100,000	\$9,200,000	\$9,300,000	\$9,400,000

**2.06 SPECIAL RULES FOR MAGAZINE, PAPERBACK, AND RECORD RETURNS**

Internal Revenue Code, Section 458  
Minnesota Statutes, Section 290.01, Subd. 19

Generally, when goods are returned to the seller, the income of the seller is reduced in the year the items are returned. However, distributors and publishers of magazines, paperbacks, and sound recordings may elect to exclude from gross income for a tax year the income from the sale of goods that are returned after the close of the tax year. The taxpayer must have a legal obligation to provide a refund or credit for unsold copies. The exclusion applies to magazines returned within two months and fifteen days after the end of the tax year and to paperbacks and records returned within four months and fifteen days after the end of the tax year.

Section 458 of the Internal Revenue Code was enacted in 1978.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

**FEDERAL DEDUCTIONS**

**2.07 ACCELERATED DEPRECIATION**

Internal Revenue Code, Sections 167 and 168  
Minnesota Statutes, Section 290.01, Subd. 19, Subd. 19c(15), and Subd. 19d(19)

A corporate taxpayer is allowed a deduction for the depreciation of machinery, equipment, and structures used in a trade or business or held for the production of income equal to the deduction allowed federally under the modified accelerated cost recovery system (MACRS).

Under MACRS, machinery and equipment can be depreciated over three, five, seven, or ten years, and the 200% declining balance method is used. The 150% declining balance method applies to fifteen- and twenty-year property. Straight-line depreciation of 27.5 years is used for residential rental property, and 39 years is used for nonresidential real property.

Conceptually the tax expenditure is the extent to which depreciation for tax purposes exceeds the actual decline in value of the asset during the applicable tax year. For machinery and equipment, the tax expenditure is measured as the difference between the current law depreciation schedule and straight-line depreciation over the period defined by the midpoint of the asset depreciation range (ADR) system that was in effect from 1971 to 1981. For structures, it is measured as the difference between current law depreciation and straight-line depreciation over forty years.

For new equipment placed in service from September 11, 2001, to May 5, 2003, bonus depreciation equal to 30% of the cost was allowed in the first year. For property placed in service from May 6, 2003, to December 31, 2004, the bonus depreciation was 50%. The amount of the bonus depreciation, whether at 30% or 50%, is subtracted from the basis of the property in computing the depreciation deduction for all years. For Minnesota tax purposes, 80% of the bonus depreciation was added back to taxable income in the first year, with that amount subtracted in equal parts over the next five years.

A depreciation deduction was part of the original Minnesota corporate tax in 1933. Accelerated depreciation was first allowed through administrative practice by the federal government in 1946 and by law in 1954. Minnesota first enacted an accelerated depreciation provision in 1959. The current depreciation provisions were enacted in 1987. The 30% bonus depreciation option was enacted federally in 2002 for property placed in service for the 36 months beginning September 11, 2001. In 2003 the percentage of the bonus depreciation was increased to 50% for property placed in service from May 6, 2003, to December 31, 2004. Minnesota adopted the federal bonus depreciation provisions and, at the same time, enacted the addition for 80% of the bonus depreciation in the first year and the subtraction of that amount in equal parts over the following five years.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$90,700,000	\$94,400,000	\$79,800,000	\$68,800,000

**2.08 EXPENSING DEPRECIABLE BUSINESS PROPERTY**

Internal Revenue Code, Section 179

Minnesota Statutes, Section 290.01, Subd. 19, Subd. 19c(16), and Subd. 19d(20)

A corporation may elect to treat the cost of qualifying business property as an expense in the year the property is placed in service. For federal tax purposes, the maximum annual deduction is \$125,000 for tax years 2007 through 2010 and \$25,000 thereafter. If the corporation places more than \$500,000 of qualifying property in service during the year, the limitation is reduced by one dollar for each dollar that the cost exceeds \$500,000. After tax year 2010, the threshold is \$200,000 instead of \$500,000. The \$125,000 and \$500,000 are indexed for inflation.

For tax years 2006 through 2009, 80% of the temporary increase in expensing is added back to taxable income on the Minnesota return, with that amount subtracted in equal parts over the next five years. Minnesota has not taken action on the changes for 2010.

This provision was adopted in 1982. The maximum deduction was increased in 1993 and 1996. In 2003 the amount of allowable expensing was temporarily increased for tax years 2003 through 2005, and Minnesota adopted those changes. In 2004 the increase was extended to tax years 2006 and 2007, and in 2006 it was extended to 2008 and 2009. Minnesota adopted the extension of the increase for 2006 through 2009 and, at the same time, enacted the addition equal to 80% of the increase, with that amount subtracted in equal parts over the next five years. Minnesota has not adopted the changes enacted in 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$3,800,000	\$2,700,000	\$1,100,000	*

**2.09 EXCESS OF PERCENTAGE OVER COST DEPLETION  
(MINING OCCUPATION TAX)**

Internal Revenue Code, Sections 291, 611, 612, 613, and 613A

Minnesota Statutes, Section 298.01, Subd. 4c(a)(1)

Depletion allowances refer to the way in which investment costs are recovered for mining or other extractive operations and may be taken for almost all exhaustible natural resources. For the federal income tax, a corporation may choose either percentage depletion or cost depletion, but only cost depletion is allowed for the Minnesota corporate franchise tax. However, percentage depletion is allowed for the mining occupation tax on taconite and iron ore.

Cost depletion is based on the taxpayer's basis in the property and is similar to depreciation in its application. Percentage depletion is based on a percentage of the gross income received from the extractive operation and has little relationship to a taxpayer's basis. The excess of percentage depletion over cost depletion is considered a tax expenditure.

\*Less Than \$50,000



For the federal income tax, a deduction for cost depletion was first allowed in 1913, and percentage depletion was first allowed as an option in 1926. Percentage depletion has never been allowed for the Minnesota corporate franchise tax. In 1989 percentage depletion was enacted for the mining occupation tax and was last changed in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$3,600,000	\$3,600,000	\$3,600,000	\$3,600,000

## 2.10 AMORTIZATION OF ORGANIZATIONAL AND START-UP COSTS

Internal Revenue Code, Sections 195 and 248  
Minnesota Statutes, Section 290.01, Subd. 19

Corporations which incur certain expenses during their initial organizational or start-up phase may elect to amortize those costs over a period of not less than sixty months, beginning in the month in which the corporation commences operations. Without this special provision, corporate taxpayers would be required to capitalize the costs, adding them to their basis, and the costs would be recoverable only when the business is sold.

Minnesota first adopted the deduction for organizational expenses in 1955, and the deduction for start-up costs was added in 1980. The provisions were last amended in 1985.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

## 2.11 EXPENSING OF RESEARCH AND DEVELOPMENT COSTS

Internal Revenue Code, Section 174  
Minnesota Statutes, Section 290.01, Subd. 19 and Subd. 19d(13)

Generally, expenses incurred in creating or developing an asset must be capitalized, with recovery occurring over the life of the asset or at the time of sale. However, a corporation may elect to deduct as an expense in the current tax year all qualified research and development costs. If the asset resulting from the research or development expenditures has no determinable useful life (such as is the case with a process or a formula), then the taxpayer may alternatively elect to amortize the costs over not less than sixty months.

The deduction is reduced by the amount, if any, of the federal research credit. Minnesota allows a subtraction for the amount of research expenses disallowed due to claiming the federal credit, but only to the extent that the expenses exceed the Minnesota research credit (Item 2.32).

Section 174 was enacted in 1954 and was last changed in 1989.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$6,200,000	\$12,900,000	\$16,200,000	\$17,400,000

**2.12 EXPENSING OF MAGAZINE CIRCULATION EXPENDITURES**

Internal Revenue Code, Section 173  
Minnesota Statutes, Section 290.01, Subd. 19

A taxpayer may elect to deduct as an expense in the current year expenditures to establish, maintain, or increase the circulation of a newspaper, magazine, or other periodical. This treatment is restricted to certain types of expenditures, and the election is binding for the current year and to similar expenditures in subsequent years. The provision is a tax expenditure because, in general, expenses incurred in creating or developing an asset must be capitalized.

This provision was adopted by Minnesota in 1951 and was last amended in 1984.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**2.13 EXPENSING OF EXPLORATION AND DEVELOPMENT COSTS**

Internal Revenue Code, Sections 56, 57(2), 263, 291, 616, 617, and 1254  
Minnesota Statutes, Section 290.01, Subd. 19

Generally, amounts paid for permanent improvements or betterments to income-producing property are not deductible as current year expenses but are capitalized and recovered through depreciation or depletion. However, current-year expensing is allowed for items such as labor, fuel, repairs, and site preparation costs incurred in the exploration and development of oil, gas, other fuel, and non-fuel mineral deposits. Expensing is allowed only for domestic properties.

Expensing of exploration and development costs for all minerals was first allowed by Minnesota in 1967. Prior to 1987, Minnesota allowed this expensing deduction for minerals but not for oil and gas. In 1987 Minnesota conformed to the federal treatment for all the types of deposits mentioned by adopting federal taxable income as the starting point for the tax.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,300,000	\$1,000,000	\$900,000	\$900,000

**2.14 CASH ACCOUNTING AND EXPENSING FOR AGRICULTURE**

Internal Revenue Code, Sections 162, 175, 180, 446, 447, 448, 461, 464, and 465  
Minnesota Statutes, Section 290.01, Subd. 19

Family farm corporations are allowed to use cash accounting rather than the accrual system for income tax purposes if their annual gross receipts are \$25 million or less. Therefore, costs attributable to goods not yet sold may be deducted in the current year.

A farm corporation may deduct certain expenditures made during the tax year rather than capitalize them. Qualifying expenditures include soil and water conservation expenses, the purchase and application of fertilizer, or costs associated with raising dairy and breeding cattle.

Certain agricultural corporations have been allowed to use the cash accounting system for tax purposes since 1933. Minnesota began allowing the expensing of capital outlays in 1955. In 1987 cash accounting was repealed for farms with annual gross receipts over \$25 million.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**2.15 EXPENSING OF MULTIPERIOD TIMBER GROWING COSTS**

Internal Revenue Code, Section 263A(c)(5)  
Minnesota Statutes, Section 290.01, Subd. 19

Timber growers are allowed to deduct in the current year costs associated with maintaining a timber stand after it is established. The costs include disease and pest control, brush clearing, and property taxes. This exception to the capitalization rules applies to the costs incurred in raising, growing, or harvesting trees other than trees bearing fruit, nuts, or other crops, or ornamental trees.

These costs have always been allowed to be expensed. When the uniform capitalization rules were adopted as part of the Tax Reform Act of 1986, an exception was allowed for timber.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$800,000	\$800,000	\$800,000	\$800,000

**2.16 SPECIAL RULES FOR MINING RECLAMATION RESERVES**

Internal Revenue Code, Section 468  
Minnesota Statutes, Section 290.01, Subd. 19

In general, expenses that will be incurred in the future may not be claimed as a current deduction. An exception is provided for mining and solid waste disposal site reclamation costs which are incurred in order to comply with a federal, state, or local law, as specified. A deduction may be taken in the current year for the estimated future reclamation or closing costs attributable to production or mining activity during the taxable year. A bookkeeping reserve must be maintained for tax purposes so that, when reclamation or closing costs are actually incurred, they can be compared to the deductions taken. Any excess of the reserve, including interest, over actual costs must be included in income at that time.

Section 468 was enacted in 1984 and was last changed in 1986. Minnesota first adopted this provision for corporate tax purposes in 1987.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

**2.17 CASH ACCOUNTING OTHER THAN AGRICULTURE**

Internal Revenue Code, Sections 446 and 448  
Minnesota Statutes, Section 290.01, Subd. 19

Section 446 of the Internal Revenue Code allows a taxpayer to choose the cash method of accounting instead of the accrual method. The accrual method is considered a better measure of current-year income and expenses because it takes into account the income of receivables. This tax expenditure is the difference in net income measured by accrual accounting and cash accounting.

A corporation may use cash accounting only if it has average annual gross receipts of \$10 million or less or is a qualified personal service corporation. A qualified personal service corporation is an employee-owned service business in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts, or consulting.

Cash accounting has been permitted since 1933. Prior to the 1986 federal changes which were adopted by Minnesota in 1987, cash accounting could be used by any corporation that did not maintain an inventory.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

\*Less Than \$50,000

## 2.18 INSTALLMENT SALES

Internal Revenue Code, Sections 453 and 453A  
Minnesota Statutes, Section 290.01, Subd. 19

In general, the gain or loss from the sale of property is recognized in the year of the sale. An exception is the installment method which may be used to report gains if at least one payment is received in a tax year later than the year of sale. The installment method can be used only by taxpayers who do not regularly deal in the property being sold, and gross profit is prorated over the period in which payments are received. The tax expenditure is the difference between what tax liability would be under year-of-sale reporting and installment reporting.

The installment method was first enacted in 1933. In 1986 the installment method was eliminated for revolving credit sales of personal property and sales of property regularly traded on an established market, such as stocks or securities. In 1987 the installment method was repealed for dealer sales of both real and personal property. In 1999 the use of installment sales was restricted, but that restriction was repealed retroactively in 2000.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$4,800,000	\$2,500,000	\$2,200,000	\$2,800,000

## 2.19 COMPLETED CONTRACT RULES

Internal Revenue Code, Section 460  
Minnesota Statutes, Section 290.01, Subd. 19

Some taxpayers with contracts extending for more than one year are allowed to report some or all of the profit on the contracts under special accounting rules. Income from a long-term contract is reported only when the contract is completed, and costs allocable to the contract are deducted at that time. However, many indirect costs may be deducted in the year paid or incurred. Without these special rules, indirect costs could be deducted only when the income is reported.

The completed contract method is allowed for home construction contracts and for other construction contracts if they are no longer than two years in duration and if the taxpayer's average annual gross receipts for the three preceding years do not exceed \$10 million.

The completed contract method was first allowed federally in 1918 and by Minnesota in 1933. The rules for long-term contracts were codified in the federal Tax Reform Act of 1986, and restrictions were placed on their use. This provision was last changed in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,200,000	\$1,400,000	\$1,600,000	\$1,800,000

## 2.20 CHARITABLE CONTRIBUTIONS

Internal Revenue Code, Sections 170 and 642(c)  
Minnesota Statutes, Section 290.01, Subd. 19

A deduction is allowed for contributions made to organizations that are charitable, religious, scientific, literary, artistic, or educational in purpose. A corporation can deduct up to 10% of taxable income, with some adjustments. Excess contributions may be carried forward for up to five years.

Minnesota enacted a charitable deduction in 1933. In 2001 the Minnesota charitable contribution deduction was repealed, and the federal deduction was adopted.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$10,100,000	\$10,100,000	\$10,100,000	\$10,100,000

## 2.21 EMPLOYEE STOCK OWNERSHIP PLANS

Internal Revenue Code, Sections 401(a)(28), 404(a)(9) and (k), 415(c)(6), and 1042  
Minnesota Statutes, Section 290.01, Subd. 19

An employee stock ownership plan (ESOP) is a qualified stock bonus plan or a combination of a stock bonus and a money purchase pension plan under which a tax-exempt trust holds employer stock for the benefit of the employees. The stock may be acquired through direct employer contributions or with the proceeds of a loan to the trust.

Employer contributions to an ESOP are deductible. An employer is allowed to deduct dividends paid to an ESOP and dividends used to make payments on ESOP loans. The recognition of gain from the sale of qualified stock to an employee organization may be deferred if certain conditions are met. After the sale is completed, the ESOP must own at least 30% of the company stock.

The federal provisions were enacted in 1974 and were amended by the 1986 Tax Reform Act. Minnesota adopted the dividend deduction and the nonrecognition of gain on stock sales in 1984. These provision were last changed in 2001.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$2,500,000	\$2,800,000	\$3,100,000	\$3,400,000

**2.22 CAPITAL CONSTRUCTION FUNDS OF SHIPPING COMPANIES**

Internal Revenue Code, Section 7518  
Minnesota Statutes, Section 290.01, Subd. 19

Tax incentives are provided to shipping companies which own or lease vessels operating in the foreign or domestic commerce of the United States or in United States fisheries.

If the taxpayer enters into an agreement with the appropriate federal agency, deposits in a capital construction fund may be deducted from taxable income up to the portion of taxable income attributable to the operation of the vessel covered by the agreement. Earnings on the fund, which also may include nondeductible deposits, are exempt from taxation. Withdrawals from the fund are not taxable if they are used to acquire, construct, lease, or pay off the indebtedness on a qualifying vessel.

The special tax treatment began with the 1936 Merchant Marine Act and was expanded significantly in 1970. The provisions were modified and codified in the federal Tax Reform Act of 1986. Minnesota first adopted these provisions in 1987.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**APPORTIONMENT**

**2.23 WEIGHTED APPORTIONMENT**

Minnesota Statutes, Section 290.191

A multi-state corporation must use a three-factor formula to apportion its net income to Minnesota. Net income is apportioned to Minnesota based on a weighted formula which for tax year 2008 is the sum of 9.5% of the Minnesota property ratio, 9.5% of the payroll ratio, and 81% of the sales ratio. The weighting of the sales factor is increased by three percentage points each year and will be 100% in tax year 2014. The weighting of the property and payroll factors will be correspondingly decreased.

The fiscal impact of the tax expenditure is measured by comparing the weighted formula to the average of the Minnesota property, payroll, and sales ratios. Some corporations pay a lower tax under the weighted formula; others pay more. The estimates measure the net impact of the weighted formula compared to the average-ratio formula for all corporations. They show the extent to which the benefits of the weighted formula for some corporations exceed the benefits of the average-ratio formula for other corporations.

Corporate Franchise Tax  
Apportionment

In 1939 manufacturing firms were allowed the option of choosing between the weighted-ratio formula and the average-ratio formula, and the option was extended to all firms in 1953. The average-ratio option was repealed in 1987. The percentages in the weighted formula were 15% property, 15% payroll, and 70% sales until they were changed to 12.5%, 12.5%, and 75% in 1999, effective for tax years beginning after December 31, 2000. In 2005 the law was changed to increase the 75% sales factor to 100% over eight years, beginning in 2007, with corresponding decreases in the property and payroll factors

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$173,700,000	\$171,600,000	\$179,200,000	\$187,800,000

## 2.24 THROWBACK SALES

Minnesota Statutes, Section 290.191, Subd. 5

The sales factor in the three-factor apportionment formula is determined by the destination of the sales. If a corporation with property and payroll in Minnesota makes sales from Minnesota to a customer in a state in which it has no nexus and is therefore not taxable, the sales are not attributed anywhere. The Multistate Tax Compact and the tax laws of many states address this issue with a throwback rule. The throwback rule requires that a sale be thrown back to the state of origin if the selling corporation is not taxable in the state of the purchaser. Sales to the federal government are also thrown back to the state of origin due to the difficulty in determining the destination of the sales.

Minnesota has no throwback rule. Therefore, the apportionment factor and taxable income are lower for some corporations than would occur under a throwback rule. For example, a corporation with 100% of its property and payroll in Minnesota and 10% of its sales in Minnesota has an apportionment factor of 32.5% when the sales factor is weighted at 75% but would have a factor of 100% under the throwback rule. The other 67.5% of income is not apportioned anywhere. As the weighting of the sales factor increases from 75% to 100% from tax year 2007 to 2014, the impact of not having a throwback rule increases. In 2014, a corporation with 100% of its property and payroll in Minnesota and 10% of its sales in Minnesota will have an apportionment factor of 10%, with the other 90% not apportioned anywhere.

Prior to 1973 Minnesota used an origin-of-sale basis for corporate apportionment. In 1973, when Minnesota switched to a destination sale basis, throwback was not adopted. This provision was changed last in 1987. The weighting of the sales factor in the apportionment formula was increased from 70% to 75% in 1999, and in 2005 it was increased to 100% over eight years (Item 2.23).

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$32,400,000	\$31,300,000	\$32,500,000	\$33,600,000



**2.25 SINGLE-FACTOR APPORTIONMENT FOR MAIL ORDER COMPANIES**

Minnesota Statutes, Section 290.191, Subd. 4

A corporation which consists exclusively of selling tangible personal property and services at retail by mail, telephone, facsimile, or other electronic media and has at least 99% of its property and 99% of its payroll in Minnesota may apportion its income to Minnesota based only on the percentage of sales delivered in Minnesota. Without this provision, the business would use the weighted apportionment formula (Item 2.23). The property and payroll at a distribution center outside Minnesota are disregarded in meeting the 99% property and payroll requirements if the sole activity at the distribution center is filling orders and no solicitation of orders occurs there.

This provision was enacted in 1985 and was last changed in 2002.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

***MINNESOTA SUBTRACTIONS***

**2.26 DIVIDEND RECEIVED DEDUCTION**

Minnesota Statutes, Section 290.21, Subd. 4

In computing Minnesota taxable income, a corporation adds back the federal dividend received deduction and determines a separate Minnesota dividend received deduction which is subtracted after income is apportioned. The deduction is 80% of the dividends received from another corporation if the recipient owns 20% or more of the stock of the paying corporation, and it is 70% if the recipient owns less than 20%. Under certain circumstances, including reorganization, the deduction can be 100%. The dividends are deductible only to the extent they are included in Minnesota taxable net income which is after apportionment. Therefore, if income is apportioned, the dividends must also be apportioned.

The dividend received deduction is not allowed if the corporate stock is included in the inventory of the taxpayer corporation, the corporation holds the stock primarily for sale to customers in the ordinary course of business, or the business of the corporation consists mainly of holding the stocks and collecting income and gains from them.

The deduction of the deemed dividends from a foreign operating corporation is estimated separately in Item 2.28.

The dividend received deduction was enacted in 1947. Major changes were made to this provision in 1987 and 1988, and it was last changed in 1989.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$165,400,000	\$150,600,000	\$146,100,000	\$143,700,000

## 2.27 FOREIGN SOURCE ROYALTIES

Minnesota Statutes, Sections 290.01, Subd. 19d (10), and 290.191, Subd. 5(a)(6)

A subtraction from federal taxable income is allowed for 80% of royalties, fees, or other like income received from a foreign operating corporation or a foreign corporation which is part of the same unitary business as the receiving corporation.

A deduction for foreign source royalties was first enacted in 1984, and the current provisions were enacted in 1988. Qualifications for foreign operating corporations were modified in 2005.

Approximately 2,200 corporations take this subtraction.

	<u>Fiscal Year Impact</u>			
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
State General Fund	\$81,600,000	\$73,700,000	\$70,700,000	\$69,300,000

## 2.28 FOREIGN OPERATING CORPORATIONS

Minnesota Statutes, Sections 290.01, Subd. 6b and Subd. 19c(11), 290.17, Subd. 4(f)-(i), and 290.21, Subd. 4

A foreign operating corporation is a domestic corporation that is part of a unitary group having at least one member taxable in Minnesota, and either the average of its property and payroll percentages assigned outside the United States is 80% or more, or it has a valid election under Section 936 of the Internal Revenue Code. It must also have at least \$1 million of payroll and \$2 million of property located outside the United States.

The adjusted net income of a foreign operating corporation is deemed to be paid as a dividend to its shareholders in the unitary group, and the deemed dividend is eligible for the 80% dividend received deduction. Dividends actually paid by a foreign operating corporation to a corporate shareholder which is a member of the same unitary group are eliminated from the net income of the unitary business. A foreign operating corporation is not required to file a Minnesota return, and its apportionment factors are not included in the apportionment factors of the unitary business.

These provisions were enacted in 1988 and were last changed in 2005.

Approximately 1,200 corporations benefit from these provisions.

	<u>Fiscal Year Impact</u>			
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
State General Fund	\$113,900,000	\$107,100,000	\$106,200,000	\$107,500,000

**2.29 JOB OPPORTUNITY BUILDING ZONE INCOME**

Minnesota Statutes, Sections 290.01, Subd. 29, and 469.317

A subtraction from taxable net income (after apportionment) is allowed for net income from the operation of a qualified business in a designated Job Opportunity Building Zone.

Ten Job Opportunity Building Zones have been designated by the Commissioner of Employment and Economic Development, effective January 1, 2004. The maximum duration of a zone is twelve years, but the duration is extended for three years for an ethanol producer if the business subsidy agreement was executed after April 30, 2006. Zones must be outside the seven-county metropolitan area, and each zone may contain up to 5,000 acres and can be divided into separate noncontiguous subzones. Also included in the program are up to five Agricultural Processing Facility Zones.

These provisions were enacted in 2003 and were last modified in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$4,700,000	\$5,900,000	\$7,200,000	\$8,500,000

**2.30 DISPOSITION OF FARM PROPERTY**

Minnesota Statutes, Section 290.491

A taxpayer may subtract from federal taxable income the income realized on a sale or exchange of farm property if the taxpayer is insolvent at the time of the sale and the proceeds are used solely to discharge indebtedness of the property sold. The amount of the subtraction is limited to the excess of the taxpayer's liabilities over total assets and the amount of any debt forgiveness excluded from income under Section 108 of the Internal Revenue Code.

This provision was enacted in 1985. It was repealed in 1987 but was re-enacted in 1988, retroactive to tax year 1987.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

\*Less Than \$50,000

### 2.31 SMALL ETHANOL PRODUCERS

Minnesota Statutes, Section 290.01, Subd. 19d(16)

A subtraction from federal taxable income is allowed for the amount of the federal small ethanol producer credit which is included in gross income. The federal credit is equal to 10¢ per gallon of ethanol produced, used, or sold as a transportation fuel. A small producer, defined as having production capacity under 60 million gallons, may claim the federal credit for a maximum of 15 million gallons per year. Federal law requires that the credit be added to gross income.

This subtraction was enacted in 2000 and expires after tax year 2007. The federal definition of small ethanol producer was changed in 2005.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$600,000	\$0	\$0	\$0

### *CREDITS*

### 2.32 RESEARCH AND DEVELOPMENT CREDIT

Minnesota Statutes, Section 290.068

A corporation may claim a nonrefundable credit against the corporate franchise tax based on qualified expenditures for research and development performed solely within Minnesota. Expenditures include wages, costs of supplies, computer costs, 65% of contract costs paid to others for doing research, and certain contributions to nonprofit organizations engaged in research and development within Minnesota.

In most cases, the calculation of the credit starts with 50% of current-year research expenditures and is 5% of the first \$2 million of the expenditures and 2.5% of the excess over \$2 million. Under an alternative method, the credit is based on the excess of current-year research expenditures over a calculated base amount. Any credit that exceeds liability can be carried forward up to fifteen years.

The research and development credit was enacted in 1981 and was last changed in 2006.

The credit is claimed on about 200 returns per year.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$21,700,000	\$20,600,000	\$19,800,000	\$19,500,000

**2.33 EMPLOYER TRANSIT PASS CREDIT**

Minnesota Statutes, Section 290.06, Subd. 28

A nonrefundable credit is allowed against the corporate franchise tax equal to 30% of the expense incurred by the taxpayer to provide transit passes to the taxpayer's employees. The transit pass must be for use in Minnesota. If the employer purchases the transit passes from the transit system and resells them to the employees, the expenses used for the credit are the difference between the amount the employer paid for passes and the amount charged to employees.

This credit was enacted in 2000.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$400,000	\$400,000	\$400,000	\$400,000

**2.34 JOB OPPORTUNITY BUILDING ZONE JOBS CREDIT**

Minnesota Statutes, Sections 290.06, Subd. 29, and 469.318

A refundable credit is allowed against the corporate franchise tax for a qualified business located in a Job Opportunity Building Zone. The credit is 7% of the increase in payroll since designation of the zone for jobs paying more than \$30,000. Starting in tax year 2005, the \$30,000 is adjusted annually for inflation and is \$32,880 for 2007.

See Item 2.29 for a description of the Job Opportunity Building Zone program.

This credit was enacted in 2003 and was last modified in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,200,000	\$1,300,000	\$1,400,000	\$1,500,000

**2.35 ENTERPRISE ZONE EMPLOYER TAX CREDITS**

Minnesota Statutes, Section 469.171, Subd. 1(2) and Subd. 6(1)

Two refundable credits against the corporate franchise tax are available to employers in designated enterprise zones. A credit of up to \$3,000 annually is allowed for each additional worker employed in a designated enterprise zone, other than workers employed in construction, and a credit of up to \$1,500 annually is allowed for each worker employed in the zone who does not qualify for the \$3,000 credit.

These credits were enacted in 1983 and scheduled to expire on December 31, 1996. However, a 1996 law change allowed border city enterprise zones to remain in existence until terminated by resolution adopted by the city. Zones other than border city zones expired at the end of 1996.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$400,000	\$400,000	\$400,000	\$400,000

**2.36 CREDIT FOR BOVINE TUBERCULOSIS TESTING**

Minnesota Statutes, Section 290.06, Subd. 33

A refundable corporate franchise tax credit is allowed to an owner of cattle in Minnesota equal to one-half of the expenses incurred to conduct tuberculosis testing on those cattle.

This credit was enacted in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$600,000	\$600,000	*	*

## CHAPTER 3: ESTATE TAX

### Collections and History

Revenues from the Minnesota estate tax were \$108 million in fiscal year 2007. All revenues from this tax go into the State General Fund.

In 1905 a tax on the estates of decedents was first enacted in Minnesota in the form of an inheritance tax. Minnesota had an inheritance tax until 1979 when it was repealed and an estate tax was adopted. The inheritance tax was imposed on each individual who received property from an estate, and the amount of tax depended upon the amount of property received and the relationship of the recipient to the decedent. The estate tax is imposed on the taxable estate before it is distributed.

Minnesota had a gift tax from 1937 until it was repealed in 1979. Minnesota does not have a generation-skipping transfer tax.

In 1985 the computation of the Minnesota estate tax was changed to equal the Minnesota portion of the federal tax credit for state death taxes, known as the “pick-up tax”. Minnesota did not adopt the federal changes made to the estate tax in 2001. The state tax is equal to the maximum credit for state death taxes allowed under pre-2001 federal law.

### Tax Base

The tax base for the estate tax is defined for this study as the net estate transferred. It is gross estate less administrative costs and other necessary and reasonable expenses paid before the estate is distributed. Therefore, a tax expenditure is created when a certain component of the estate is exempted or excluded because of its source or when a distribution is deducted from taxable estate because of the identity of the recipient. Preferential valuations are also considered tax expenditures.

### Computation of the Tax

An estate tax return must be filed if the decedent’s federal gross estate exceeds \$1 million. The Minnesota estate tax is equal to the Minnesota portion of the maximum federal credit for state death taxes under pre-2001 federal law, which is computed as follows:

	Gross estate
minus:	federal exclusions
equals:	federal gross estate
minus:	federal exemptions and deductions
equals:	federal taxable estate
minus:	\$60,000
equals:	federal adjusted taxable estate
times:	graduated rates (0.8% to 16%)
equals:	maximum credit for state death taxes
times:	proportion of Minnesota gross estate to federal gross estate
equals:	Minnesota estate tax

**PREFERENTIAL VALUATION**

**3.01 SPECIAL USE VALUATION**

Internal Revenue Code, Section 2032A  
 Minnesota Statutes, Section 291.03

Property is generally included in an estate at its fair market value on the date of death. Fair market value is a property’s value based on its best possible use. However, real property which is used in a farm or other closely-held business may be valued at its farm or business use value, even though it is less than the market value. Specified conditions must be met in order to qualify for this treatment. The decrease in value cannot be more than a specified amount which is indexed for inflation and is \$960,000 for deaths in 2008. The estimates measure the difference between tax liability using the fair market value and the special use valuation.

The special use valuation option was included in Minnesota’s estate tax when it was enacted in 1979. In 1985 Minnesota adopted this provision through the federal pick-up tax.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

**EXCLUSIONS**

**3.02 LIFE INSURANCE PROCEEDS**

Internal Revenue Code, Section 2042  
 Minnesota Statutes, Section 291.03

In general, life insurance proceeds payable to an estate or to any beneficiaries are included in gross estate. However, the proceeds payable to a beneficiary may be excluded from gross estate if the decedent had forfeited the right to any benefit from or control over the policy. To qualify for the exclusion, the decedent must have possessed none of the incidents of ownership in the policy at the time of death. The incidents of ownership include the power to change the beneficiary, the power to cancel or surrender the policy, the power to obtain a loan against the policy or to use the policy as collateral, and the right to any of the policy’s economic benefits.

The estimates do not include death benefits paid to a spouse because such benefits would also come under the marital deduction (Item 3.05).

This provision was originally enacted in 1951 under the inheritance tax, and it was carried over to the estate tax in 1979. Minnesota adopted the federal provision in 1985.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$11,500,000	\$12,600,000	\$13,800,000	\$15,000,000



**3.03 ANNUITIES**

Internal Revenue Code, Section 2039  
 Minnesota Statutes, Section 291.03

Most annuities are included in gross estate. An exclusion is allowed only if one of these conditions is met: 1) on December 31, 1984, the decedent was both a participant in the plan and in pay status, and the decedent irrevocably elected the form of the benefit before July 18, 1984; or 2) the decedent separated from service before January 1, 1985, and did not change the form of benefit before death. Because these conditions are rarely met, most annuities cannot be excluded.

An exclusion for pensions and annuities was enacted in 1959 as part of the inheritance tax and was carried over to the estate tax in 1979. Federal changes enacted in 1984 eliminated the excludability for most pensions and annuities, and Minnesota fully adopted the changes in 1985 through the federal pick-up tax.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**3.04 SOCIAL SECURITY BENEFITS**

Revenue Rulings 57-87 and 67-277  
 Minnesota Statutes, Section 291.03

Social security lump sum death benefits which are paid to surviving spouses and dependents are exempt from the Minnesota estate tax. The amount of the lump sum benefit is fixed at \$255.

This exemption was enacted in 1963 under the inheritance tax laws and was carried over to the estate tax without change when the inheritance tax was repealed in 1979. In 1985 Minnesota adopted this provision through the federal pick-up tax.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**DEDUCTIONS**

**3.05 MARITAL DEDUCTION**

Internal Revenue Code, Section 2056  
 Minnesota Statutes, Section 291.03

The net value of all property passing from a decedent to a surviving spouse may be deducted from gross estate. The net value of the property is the gross value reduced by the amount of exemptions and deductions associated with the property being passed to the spouse.

A marital deduction was enacted in 1911 as a \$10,000 inheritance tax deduction. In 1979, when the inheritance tax was repealed, the marital deduction was continued for estate tax purposes, with a maximum deduction of \$250,000 or one-half the adjusted gross estate, whichever was greater. An unlimited marital deduction was enacted in 1981. In 1985 Minnesota adopted the federal provision.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$120,800,000	\$124,100,000	\$130,600,000	\$136,000,000

**3.06 CHARITABLE GIFTS**

Internal Revenue Code, Section 2055  
 Minnesota Statutes, Section 291.03

Charitable gifts to certain organizations may be deducted from gross estate. Qualifying recipients include charitable, scientific, literary, educational, and religious organizations and federal, state, and local governments.

An inheritance tax exemption for charitable gifts was enacted in 1911. In 1985 Minnesota adopted the federal deduction for charitable gifts.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$19,500,000	\$20,000,000	\$21,100,000	\$22,000,000

## **CHAPTER 4: GENERAL SALES AND USE TAX**

### **Collections and History**

Revenues from the general sales and use tax totaled \$4.5 billion in fiscal year 2007. All revenues from the general sales and use tax go into the State General Fund.

The Minnesota general sales and use tax was enacted in 1967 and became effective on August 1, 1967, at a rate of 3%. The rate was increased to 4% on November 1, 1971, 5% on July 1, 1981, and 6% on January 1, 1983. The rate has been 6.5% since July 1, 1991.

Originally, the general sales and use tax applied to motor vehicles, but in 1971 motor vehicles were exempted from the sales tax and made subject to the newly-enacted motor vehicle excise tax, now called the motor vehicle sales tax (Chapter 5). Although the purchase of a motor vehicle is subject to the motor vehicle sales tax, the lease of a motor vehicle comes under the general sales tax.

The tax base for the sales tax has been changed in nearly every legislative session, with exemptions added and others repealed. Exemptions were enacted for residential heating fuel in 1978, residential water in 1979, capital equipment in new or expanding industries in 1989, replacement capital equipment in 1997, farm machinery in 1998, and telecommunications equipment in 2001.

The exemption for state government purchases was repealed in 1987. The general exemption for local government purchases was repealed in 1992, although purchases by school districts and specified other purchases remain exempt. Other exemptions that were repealed include candy and soft drinks in 1982. The exemption of nonprescribed drugs and medicines was repealed in 1987 but was reinstated in 2005. The exemption for cigarettes was repealed in 1981. In 2005 cigarettes were exempted from the sales tax and made subject to an in-lieu tax at the wholesale level (Chapter 8).

### **Tax Base**

For purposes of this study, the tax base for the general sales and use tax is defined as the gross receipts from the sale of tangible personal property or services to the final user. Although services could be considered outside the tax base, they are included in the tax base for this study.

Items purchased for resale in the regular course of business are not included in the tax base because they are not a sale to the final user. In agricultural and industrial production, the sales of raw materials, component parts, and products consumed directly in the process are considered to be for resale, and therefore the exemption of these items is not a tax expenditure. However, for machinery, equipment, and tools used in agricultural or industrial production, the sale to the business is considered the final sale.

The exemption of motor vehicles from the sales tax is not considered a tax expenditure because motor vehicles are subject to an alternative tax, the motor vehicle sales tax (Chapter 5). Likewise, the exemption of cigarettes is not considered a tax expenditure because cigarettes are subject to in-lieu sales tax at the wholesale level (Chapter 8).

### **Computation of the Tax**

The sales tax is imposed on the gross receipts from taxable sales made by any person in Minnesota. The complementary use tax is imposed on the storage, use, distribution, or consumption in Minnesota of taxable personal property unless the Minnesota sales tax was paid on the sales price. The rate for both the sales tax and the use tax is 6.5%.

Generally, a retail sale is subject to the tax unless it is specifically exempted by law. Taxable sales also include: selling, leasing, or renting tangible personal property; the furnishing of meals or drinks for a consideration; the furnishing for a consideration of lodging for less than thirty days; the admission to places of amusement or athletic events; the furnishing for a consideration of electricity, gas, water, or steam; and telephone service.

The tax is imposed on the sales price of the item, which is defined as the total consideration valued in money, whether paid in money or otherwise. Exclusions from the sales price include property taken in trade for resale, cash discounts, and separately-stated interest, finance, or carrying charges.

The sales tax is paid by the purchaser to the seller; the seller collects and remits the tax to the state. The use tax is paid directly by the purchaser to the state.

***EXEMPTIONS - PARTICULAR GOODS AND SERVICES***

**4.01 FOOD PRODUCTS**

Minnesota Statutes, Sections 297A.67, Subd. 2

Food and food ingredients for human consumption are generally exempt from the sales tax. Included in the exemption are substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, which are consumed for their taste or nutritional value.

The exemption does not include candy, chewing gum, soft drinks, alcoholic beverages, tobacco, dietary supplements, or food sold through vending machines. The exemption does not apply to food and drinks served by a restaurant and prepared food. Prepared food is either food sold in a heated state or heated by the seller, two or more food ingredients mixed or combined by the seller for sale as a single item, or food sold with eating utensils provided by the seller. However, bakery items, ready-to-eat meat and seafood, and foods that require cooking are exempt.

The exemption for food products was included when the sales and use tax was enacted in 1967. Candy and soft drinks were included in the exemption until 1982. The provision was last changed in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$663,500,000	\$695,900,000	\$729,000,000	\$761,600,000

**4.02 CLOTHING AND WEARING APPAREL**

Minnesota Statutes, Section 297A.67, Subd. 8 and 27

Clothing for general use is exempt from the sales and use tax. The exemption includes inner and outer wear, footwear, headgear, gloves and mittens, neckwear, belts, hosiery, and similar items customarily worn for general use. Also exempted are fabrics, thread, buttons, zippers, and similar items which are to be directly incorporated into wearing apparel.

The exemption does not apply to jewelry, handbags, billfolds, sports clothing sold for exclusive use in a sporting activity, or work-related safety articles.

The exemption for clothing was included in the sales and use tax statutes enacted in 1967. It was last changed in 2001.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$361,900,000	\$378,700,000	\$396,100,000	\$413,200,000

General Sales and Use Tax  
Exemptions - Particular Goods and Services

**4.03 DRUGS AND MEDICINES**

Minnesota Statutes, Section 297A.67, Subd. 7

Drugs and medicine, insulin, and medical oxygen for human use are exempt from the sales and use tax. The exemption includes all prescription and over-the-counter drugs.

An exemption for all drugs and medicine was part of the original sales and use tax law enacted in 1967. In 1987 the exemption was limited to prescribed drugs and medicine and to insulin. In 1988 certain nonprescription analgesics were again exempted, and in 1997 the exemption was extended to all analgesics, effective July 1, 1999. In 2005 the exemption was once again extended to all over-the-counter drugs.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$228,200,000	\$243,200,000	\$261,000,000	\$280,500,000

**4.04 MEDICAL DEVICES**

Minnesota Statutes, Section 297A.67, Subd. 7

An exemption from the sales and use tax is allowed for durable medical equipment for home use, mobility enhancing equipment, and prosthetic devices.

This provision was enacted in 1967 and was last changed in 2005.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$9,900,000	\$10,300,000	\$10,600,000	\$11,000,000

**4.05 PRESCRIPTION EYEGLASSES**

Minnesota Statutes, Section 297A.67, Subd. 7

Prescription eyeglasses and contact lenses are exempt from the sales and use tax.

This provision was enacted in 1967.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$29,700,000	\$31,100,000	\$32,600,000	\$34,200,000

**4.06 BABY PRODUCTS**

Minnesota Statutes, Section 297A.67, Subd. 9

Baby bottles and nipples, pacifiers, teething rings, and infant syringes are exempt from the sales and use tax.

This exemption was enacted in 1967 and was last changed in 2005 when the exemption was restricted to the items listed.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$500,000	\$500,000	\$500,000	\$500,000

**4.07 FEMININE HYGIENE ITEMS**

Minnesota Statutes, Section 297A.67, Subd. 17

Consumer purchases of feminine hygiene items, including sanitary napkins, tampons, and similar products, are exempt from the sales and use tax.

This exemption was enacted in 1981.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$2,700,000	\$2,700,000	\$2,700,000	\$2,700,000

**4.08 CASKETS AND BURIAL VAULTS**

Minnesota Statutes, Section 297A.67, Subd. 10

Caskets and burial vaults for human burial are exempt from the sales and use tax.

This provision was enacted in 1967.

Approximately 37,100 deaths occurred in Minnesota in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$4,900,000	\$4,900,000	\$4,900,000	\$4,900,000

**4.09 PUBLICATIONS**

Minnesota Statutes, Section 297A.68, Subd. 10

Publications regularly issued at average intervals not exceeding three months are exempt from the sales and use tax. Included in this exemption are newspapers together with any supplements or enclosures, magazines, journals, and also items such as seasonal catalogs, shoppers' guides, advertising circulars, and loose leaf or similar type of service publications. However, magazines and periodicals sold over the counter are taxable.

This provision was enacted in 1967. All magazines were exempt until 1983 when the tax was imposed on magazines sold over the counter.

	<u>Fiscal Year Impact</u>			
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
State General Fund	\$61,300,000	\$63,200,000	\$65,200,000	\$67,300,000

**4.10 TEXTBOOKS REQUIRED FOR SCHOOL USE**

Minnesota Statutes, Section 297A.67, Subd. 13 and 13a

A sales tax exemption is allowed for sales of textbooks and other instructional materials required for a course of study at a public or private school, college, university, business school, or trade school if they are purchased by students enrolled at the institution. Qualifying instructional materials include interactive CDs, tapes, and computer software.

This provision was enacted in 1973 and was extended to instructional materials in 2002.

About 387,000 students attended post-secondary schools in Minnesota for the 2006-2007 academic year.

	<u>Fiscal Year Impact</u>			
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
State General Fund	\$14,600,000	\$16,000,000	\$17,500,000	\$19,100,000



**4.11 PERSONAL COMPUTERS REQUIRED FOR SCHOOL USE**

Minnesota Statutes, Section 297A.67, Subd. 14

Personal computers and related software which are sold to students by educational institutions are exempt if each student is required to purchase or possess such a personal computer and related software as a condition of enrollment.

The exemption applies only to sales by the school to its students, including a public or private school, college, university, business school, or trade school.

This exemption was enacted in 1994 and was last changed in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$700,000	\$700,000	\$700,000	\$800,000

**4.12 DE MINIMIS USE TAX EXEMPTION FOR INDIVIDUALS**

Minnesota Statutes, Section 297A.67, Subd. 21

Purchases that would otherwise be subject to the use tax are exempt if they are made by an individual for personal use, and total purchases subject to use tax do not exceed \$770 in the calendar year. If such purchases exceed \$770, the entire amount is subject to tax.

This exemption was enacted in 1996.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$8,700,000	\$9,300,000	\$10,100,000	\$11,000,000

**4.13 MOTOR FUELS**

Minnesota Statutes, Section 297A.68, Subd. 19(1)

Petroleum products taxed under the motor fuels excise taxes in Minnesota Statutes, Chapter 296A, are exempt from the sales and use tax. The exemption applies to gasoline and special fuel for highway, aviation, marine, snowmobile, or all-terrain vehicle use.

This exemption was enacted in 1967 and was last changed in 1987.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$600,100,000	\$606,800,000	\$609,800,000	\$613,500,000

General Sales and Use Tax  
Exemptions - Particular Goods and Services

**4.14 RESIDENTIAL HEATING FUELS**

Minnesota Statutes, Section 297A.67, Subd. 15

An exemption from the sales and use tax applies to all fuel oil, coal, wood, steam, hot water, propane gas, and liquefied petroleum gas sold to residential customers for residential use. Purchases of natural gas by residential customers who use natural gas for their primary source of residential heat are exempt for the six billing months of November through April. Likewise, the purchase of electricity is exempt for six months for customers using electricity as the primary source of residential heat.

This exemption was enacted in 1978 and was expanded in 1984 to include hot water.

	<u>Fiscal Year Impact</u>			
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
State General Fund	\$159,100,000	\$164,100,000	\$163,200,000	\$162,200,000

**4.15 RESIDENTIAL WATER SERVICES**

Minnesota Statutes, Section 297A.67, Subd. 16

The furnishing of water for residential use is exempt from the Minnesota sales and use tax.

This provision was enacted in 1979.

	<u>Fiscal Year Impact</u>			
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
State General Fund	\$9,600,000	\$10,000,000	\$10,400,000	\$10,900,000

**4.16 SEWER SERVICES**

Minnesota Statutes, Section 297A.61, Subd. 3

The furnishing of sewer services is exempt from the Minnesota sales and use tax.

Sewer service has never been subject to the sales and use tax.

	<u>Fiscal Year Impact</u>			
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
State General Fund	\$32,100,000	\$33,200,000	\$34,400,000	\$35,600,000

**4.17 USED MANUFACTURED HOMES**

Minnesota Statutes, Section 297A.67, Subd. 20

The sale of a manufactured home to be used as a residence is exempt from the sales and use tax unless it is the first retail sale of the home in Minnesota.

Generally, the first sale of a manufactured home for residential use in Minnesota is taxed at 65% of the dealer's cost (Item 4.83). The estimates measure the difference between the exemption and taxation at 65% of the dealer's cost.

This provision was enacted in 1984.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$600,000	\$600,000	\$600,000	\$600,000

**4.18 SELECTED SERVICES**

Minnesota Statutes, Section 297A.61, Subd. 3

The inclusion of services in the concept of the tax base for the sales tax is subject to debate. Although the primary focus of the sales tax has been tangible personal property, a number of services are taxable, and the sales tax has been extended to additional services since its enactment. The list of services on the next page is not intended to be all inclusive.

When the sales tax was enacted in 1967, some services were taxable, including local telephone service, gas and electric service, and preparing and serving meals. In 1987 the tax was extended to a number of services including: long distance telephone service; parking; laundry and dry cleaning; building and residential cleaning, maintenance and exterminating; detective and security services; pet grooming; and lawn and garden services. The tax was extended to pet boarding and private communication services in 1991. In 2001 the base was expanded to include nearly all telecommunications services.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$2,291,300,000	\$2,376,400,000	\$2,477,300,000	\$2,575,300,000

Detailed list is on the next page.

General Sales and Use Tax  
Exemptions - Particular Goods and Services

	Fiscal Year Impact			
	2008 (000's)	2009 (000's)	2010 (000's)	2011 (000's)
Legal	\$279,900	\$290,300	\$302,300	\$314,000
Accounting, Bookkeeping (including tax preparation)	153,800	159,300	165,900	172,200
Architectural and Engineering Specialized Design	170,600 26,300	174,700 27,100	179,900 28,200	185,000 29,100
Custom Computer Programming, Computer Systems Design, and Other Computer Related Services	294,900	309,000	326,100	342,800
Management, Environmental, and Technical Consulting	122,100	127,400	133,600	139,700
Scientific Research and Development	81,000	84,500	88,900	93,100
Advertising and Related Services	166,300	173,900	182,700	191,300
Office Administrative Services	57,000	59,200	61,900	64,500
Other Business Support Services, Including Employment Services, Facilities Support Services, and Technical Support Services	572,400	591,900	614,800	637,200
Automotive Repair and Maintenance	155,800	160,300	165,500	170,600
Electronic and Commercial Equipment Repair and Maintenance	65,200	67,300	69,700	72,000
Household Goods Repair and Maintenance	33,700	34,800	36,100	37,300
Personal Care (hair, nail, skin)	81,200	84,400	88,000	91,400
Funeral Services	18,400	19,100	19,900	20,700
Other Personal Services	12,700	13,200	13,800	14,400
<b>Grand Total</b>	<b>\$2,291,300</b>	<b>\$2,376,400</b>	<b>\$2,477,300</b>	<b>\$2,575,300</b>

**4.19 CAPITAL EQUIPMENT**

Minnesota Statutes, Sections 297A.68, Subd. 5

Certain capital equipment purchases are exempt from the sales and use tax. The sales or use tax is paid at the time of purchase, and the exemption is allowed upon the filing of a claim for refund by the purchaser. To qualify, the capital equipment must be used in Minnesota by the purchaser or lessee for manufacturing, fabricating, mining, or refining tangible personal property to be sold ultimately at retail. Capital equipment includes machinery and equipment that is essential to the integrated production process, including machinery and equipment used to operate or control the production equipment. Repair and replacement parts and accessories are included in the exemption. The exemption also applies to materials and supplies used to construct and install the equipment and to construct special purpose buildings used in the production process.

The exemption does not apply to motor vehicles subject to the motor vehicle sales tax, machinery or equipment used to receive or store raw materials, pollution control equipment, and other equipment used for nonproduction purposes. It also does not apply to machinery or equipment installed by a contractor as part of an improvement to real property.

The exemption for capital equipment in new or expanding industries was enacted in 1989 and replaced the reduced rate of 4% enacted in 1984. The exemption was extended to mining in 1990 and on-line data retrieval equipment in 1993. Replacement equipment and repair and replacement parts and accessories were fully taxable until 1994 when a phasedown of the tax rate over four years was enacted. In 1997 the reduced rate was changed to a complete exemption.

Between 2,000 and 2,500 refund claims are paid under these provisions each year.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$236,500,000	\$247,100,000	\$253,400,000	\$266,900,000

**4.20 ACCESSORY TOOLS**

Minnesota Statutes, Section 297A.68, Subd. 2(6)

This provision exempts from the sales and use tax accessory tools, equipment, and other items used in the production of personal property intended to be sold ultimately at retail. The exemption applies to detachable units with an ordinary useful life of less than twelve months that are used in producing a direct effect upon the product. Exempt items include drill bits, grinding and abrasive wheels, saw blades, printing plates, dies, jigs, taps, patterns, and molds.

This exemption was enacted in 1973.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$7,900,000	\$8,300,000	\$8,700,000	\$9,100,000

General Sales and Use Tax  
Exemptions - Particular Goods and Services

**4.21 SPECIAL TOOLING**

Minnesota Statutes, Sections 297A.68, Subd. 6

Special tooling is exempt from the sales and use tax. Special tooling is defined as tools, dies, jigs, patterns, gauges and other special tools which have value and use only for the buyer and for the use for which they are made. To qualify, items must be produced in accordance with buyer specifications. Items purchased from inventory or ordered from a catalog or other sales literature do not qualify. The estimates exclude items that also qualify for the accessory tools exemption in Item 4.20.

In 1994 the exemption for special tooling was enacted and replaced a reduced rate enacted in 1984.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$4,900,000	\$5,200,000	\$5,600,000	\$5,800,000

**4.22 TELECOMMUNICATIONS EQUIPMENT**

Minnesota Statutes, Section 297A.68, Subd. 35

An exemption from the sales and use tax is allowed for telecommunications equipment purchased or leased for use directly by a telecommunications service provider in providing telecommunications services that are ultimately sold at retail. The exemption applies regardless of whether purchases are made by the owner, a contractor, or a subcontractor.

The exemption includes machinery, equipment, and fixtures used in receiving, initiating, amplifying, processing, transmitting, retransmitting, recording, switching, or monitoring telecommunications services. It also includes repair and replacement parts and accessories for qualifying equipment. The exemption does not include wire, cable, fiber, poles, or conduit.

This exemption was enacted in 2001 and was last changed in 2005.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$24,200,000	\$25,500,000	\$26,700,000	\$28,100,000

**4.23 RESOURCE RECOVERY EQUIPMENT**

Minnesota Statutes, Section 297A.68, Subd. 24

Equipment used to process solid or hazardous waste at a resource recovery facility is exempt from the sales and use tax. The exemption includes pollution control equipment at a facility that burns refuse-derived fuel or mixed municipal solid waste as its primary fuel and also equipment of an electric generation facility that utilizes waste tires as its primary fuel.

This provision was enacted in 1984 and last changed in 1996.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$300,000	\$100,000	\$100,000	*

**4.24 USED MOTOR OIL**

Minnesota Statutes, Section 297A.67, Subd. 18

Sales of used motor oil are exempt from the sales and use tax.

This exemption was enacted in 1988.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$300,000	\$300,000	\$300,000	\$300,000

**4.25 TACONITE PRODUCTION MATERIALS**

Minnesota Statutes, Section 297A.68, Subd. 4

Sales of mill liners, grinding rods, and grinding balls to taconite mining companies are exempt from the sales and use tax. The items must be substantially consumed in the production of taconite. The estimates do not include items that would also qualify as accessory tools (Item 4.20).

This exemption was enacted in 1971.

Six taconite companies are located in Minnesota.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**4.26 WIND ENERGY CONVERSION SYSTEMS**

Minnesota Statutes, Sections 297A.68, Subd. 12

Wind energy conversion systems and the materials used to manufacture, install, construct, repair, or replace them are exempt from the sales and use tax if the systems are used as an electric power source. Wind energy conversion systems include any device which converts wind energy to a form of usable energy, such as a wind charger, windmill, or wind turbine. The estimates do not include purchases that would also qualify as capital equipment (Item 4.19).

This exemption was first enacted in 1992 and expired June 30, 1996. In 1997 it was re-enacted for one year. The exemption was made permanent in 1998.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,400,000	\$1,600,000	\$1,800,000	\$2,100,000

**4.27 AIR COOLING EQUIPMENT**

Minnesota Statutes, Sections 297A.68, Subd. 7

An exemption from the sales and use tax is allowed for air cooling equipment purchased for the conversion or replacement of an existing groundwater-based once-through cooling system as required under Minnesota Statutes, Section 103G.271, Subd. 5. These systems using in excess of five million gallons annually must be terminated and converted or replaced by the end of their design life but not later than the year 2010.

This exemption was enacted in 1992.

Ten systems are scheduled for conversion or replacement in fiscal years 2008 through 2011.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$300,000	*	\$300,000	\$700,000

\*Less Than \$50,000



**4.28 SOLAR ENERGY SYSTEMS**

Minnesota Statutes, Section 297A.67, Subd. 29

Solar energy systems are exempt from the sales and use tax. A solar energy system is defined as a set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.

This exemption was enacted in 2005.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

**4.29 AIRFLIGHT EQUIPMENT**

Minnesota Statutes, Section 297A.82, Subd. 4(d)

The sale of airflight equipment to airline companies is exempt from the sales and use tax. Airflight equipment includes airplanes, parts necessary for the repair and maintenance of such equipment, and flight simulators. The exemption applies to purchases made by companies engaged in the business of air commerce but does not include airplanes with a gross weight of less than 30,000 pounds that are used on intermittent or irregularly-timed flights.

This exemption was enacted in 1967 and was last changed in 1996.

This exemption benefits primarily the 38 airline companies subject to the airflight property tax.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$22,400,000	\$20,500,000	\$17,300,000	\$18,700,000

General Sales and Use Tax  
Exemptions - Particular Goods and Services

**4.30 LARGE SHIPS**

Minnesota Statutes, Section 297A.68, Subd. 17

Vessels with a gross registered tonnage of at least 3,000 tons are exempt from the sales and use tax.

This exemption was enacted in 1992.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

**4.31 REPAIR AND REPLACEMENT PARTS FOR SHIPS AND VESSELS**

Minnesota Statutes, Section 297A.68, Subd. 17

An exemption from the sales and use tax is allowed for lubricants and repair, replacement, and rebuilding parts and materials for ships and vessels used principally in interstate or foreign commerce.

This exemption was enacted in 1990 and was last changed in 1991.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$300,000	\$300,000	\$300,000	\$300,000

**4.32 LIGHT RAIL TRANSIT VEHICLES AND PARTS**

Minnesota Statutes, Section 297A.70, Subd. 2 (a)(4)

Sales to the Metropolitan Council of vehicles and repair parts used to equip the operation of light rail transit are exempt from the sales and use tax.

This exemption was enacted in 2001.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$300,000	\$200,000	\$100,000	\$100,000

**4.33 PETROLEUM PRODUCTS USED BY TRANSIT SYSTEMS**

Minnesota Statutes, Section 297A.68, Subd. 19(3)

An exemption from the sales and use tax is allowed for purchases of petroleum products by a transit system receiving financial assistance through the Metropolitan Council (seven-county metropolitan area) or the Public Transit Subsidy Program (outside the metropolitan area).

This provision was enacted in 1992.

This exemption applies to about 120 transit systems.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$2,600,000	\$2,700,000	\$2,800,000	\$2,900,000

**4.34 PETROLEUM PRODUCTS USED IN PASSENGER SNOWMOBILES**

Minnesota Statute, Section 297A.68, Subd. 19(5)

An exemption from the sales and use tax is allowed for petroleum products used in a passenger snowmobile for off-highway business use as part of the operation of a resort. The snowmobile must have an enclosed section seating four to twelve passengers.

This provision was enacted in 1993.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**4.35 SKI AREA EQUIPMENT**

Minnesota Statutes, Section 297A.68, Subd. 34

An exemption from the sales and use tax is allowed for tangible personal property used or consumed primarily and directly for tramways at ski areas or in snowmaking and snow grooming at ski hills, ski slopes, or ski trails. Included in the exemption are machinery, equipment, fuel, electricity, and water additives used in the production and maintenance of machine-made snow.

This exemption was enacted in 2000.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$300,000	\$300,000	\$300,000	\$300,000

\*Less Than \$50,000

#### 4.36 LOGGING EQUIPMENT

Minnesota Statutes, Section 297A.69, Subd. 4(2)

Equipment used for commercial logging is exempt from the sales and use tax.

A preferential rate for logging equipment was enacted in 1984 at 4% and was reduced to 2% in 1985. In 1991 the rate was increased to 2.5% when the general rate was increased by 0.5%. In 1998 the rate was phased out over two years, with the full exemption effective on July 1, 2000. The provision was last changed in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,400,000	\$1,400,000	\$1,500,000	\$1,500,000

#### 4.37 FARM MACHINERY

Minnesota Statutes, Sections 297A.69, Subd. 4

All farm machinery is exempt from the Minnesota sales and use tax. Qualifying farm machinery includes machinery, equipment, implements, and accessories used directly and principally in the production for sale of agricultural products, including livestock. Irrigation systems also qualify for exemption.

A reduced rate for farm machinery was first enacted in 1981 at 4% when the general rate was 5%. In 1985 the rate was reduced to 2%, and in 1991 it was increased to 2.5% when the general rate was increased by 0.5%. In 1998 the rate was phased out over two years, with the full exemption effective on July 1, 2000. Used farm machinery was exempted in 1994 as a temporary provision, and the exemption was made permanent in 1997. The definition of farm machinery eligible for exemption has been expanded several times and was last changed in 2006.

There are about 79,000 farms in Minnesota.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$34,200,000	\$33,900,000	\$33,500,000	\$33,900,000

**4.38 REPAIR AND REPLACEMENT PARTS FOR FARM MACHINERY**

Minnesota Statutes, Section 297A.69, Subd. 3

Repair and replacement parts, except tires, used for maintenance or repair of farm machinery and logging equipment are exempt from the sales and use tax. The part must replace a part assigned a specific or generic part number by the manufacturer of the machinery.

This exemption was enacted in 1985 and was last changed in 2003.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$9,000,000	\$8,900,000	\$8,800,000	\$8,900,000

**4.39 PETROLEUM PRODUCTS USED TO IMPROVE AGRICULTURAL LAND**

Minnesota Statutes, Section 297A.68, Subd. 19(2)

Petroleum products used to improve agricultural land are exempt from the sales and use tax. Qualifying products are those used in constructing, maintaining, and repairing drainage ditches, tile drainage systems, grass waterways, water impoundment, and other erosion control structures.

This provision was enacted in 1985.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**4.40 FARM CONSERVATION PROGRAMS**

Minnesota Statutes, Section 297A.69, Subd. 2(1)

Seeds, trees, fertilizers, and herbicides purchased by farmers for use in a federal or state conservation program are exempt from the sales and use tax. The set-aside acres are required to be planted with cover crops, and the farmers are reimbursed by the federal or state government for a portion of the costs. The programs include the federal Conservation Reserve Program and the state Reinvest in Minnesota Program.

This provision was enacted in 1991.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$400,000	\$400,000	\$400,000	\$400,000

\*Less Than \$50,000

General Sales and Use Tax  
Exemptions - Particular Goods and Services

**4.41 HORSES**

Minnesota Statutes, Section 297A.69, Subd. 6(a)

Horses are exempt from the sales and use tax.

This exemption was enacted in 1994 and was extended in 1995 to include racehorses. Racehorses had previously been exempt from 1984 to 1987.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,500,000	\$1,600,000	\$1,700,000	\$1,700,000

**4.42 PRIZES AT CARNIVALS AND FAIRS**

Minnesota Statutes, Section 297A.68, Subd. 29

An exemption from the sales and use tax is allowed for items which will be given as prizes to players in games of skill or chance conducted at events such as community festivals, fairs, and carnivals lasting fewer than six days. The exemption does not apply to property awarded as prizes in connection with the state lottery or lawful gambling (Chapter 11).

This exemption was enacted in 1999.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$200,000	\$200,000	\$200,000	\$200,000

**4.43 TELEVISION COMMERCIALS**

Minnesota Statutes, Section 297A.68, Subd. 30

An exemption from the sales and use tax applies to tangible personal property primarily used or consumed in the production of a television commercial, including preproduction and postproduction. The exemption includes the rental or lease of equipment used for preproduction or production of a television commercial. The sale of the commercial itself is also exempt, regardless of the medium in which it is transferred.

The exemption was enacted in 1999.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,300,000	\$1,400,000	\$1,400,000	\$1,400,000

**4.44 ADVERTISING MATERIALS**

Minnesota Statutes, Section 297A.68, Subd. 11

An exemption from the sales and use tax applies to the sale of advertising and promotional materials which are stored in Minnesota and subsequently shipped out of state by the purchaser for use outside Minnesota. Mailing and reply envelopes and cards used exclusively in connection with the advertising and promotional materials are included in the exemption.

This exemption was enacted in 1973 and was last changed in 1985.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$9,500,000	\$9,600,000	\$9,700,000	\$9,800,000

**4.45 COURT REPORTER DOCUMENTS**

Minnesota Statutes, Section 297A.68, Subd. 22

An exemption from the sales and use tax is allowed for transcripts or copies of transcripts of verbatim testimony produced and sold by court reporters. The exemption applies only to documents sold to parties to the legal proceedings or to the representatives of those parties.

This exemption was enacted in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$400,000	\$400,000	\$400,000	\$400,000

**4.46 PATENT, TRADEMARK, AND COPYRIGHT DRAWINGS**

Minnesota Statutes, Section 297A.68, Subd. 33

An exemption from the sales and use tax is allowed for a drawing, diagram, or similar document if produced and sold by a person who prepares illustrative documents required for intellectual property applications. The document must be for use in a patent, trademark, or copyright application to be filed with a government agency, an application to the federal Food and Drug Administration for approval of a medical device, or a judicial or quasi-judicial proceeding relating to the validity of or legal rights under a patent, trademark, or copyright.

This exemption was enacted in 2000.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$200,000	\$200,000	\$200,000	\$200,000

**4.47 PACKING MATERIALS**

Minnesota Statutes, Section 297A.68, Subd. 16

Packing materials used to pack and ship household goods are exempt from the sales and use tax. The ultimate destination of the goods must be outside Minnesota, and the goods must not be returned to Minnesota except in the course of interstate commerce.

This exemption was enacted in 1973.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**4.48 PROPERTY FOR BUSINESS USE OUTSIDE MINNESOTA**

Minnesota Statutes, Section 297A.68, Subd. 13

Tangible personal property is exempt from the sales and use tax if it is used in a trade or business and is shipped or transported outside Minnesota by the purchaser without intermediate use in Minnesota. The property either must not be subject to sales tax in the state or country to which it is transported or must be used as part of a maintenance contract.

This provision was enacted in 1967 and was last changed in 1988.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**4.49 AUTOMATIC FIRE-SAFETY SPRINKLER SYSTEMS**

Minnesota Statutes, Section 297A.68, Subd. 23

Automatic fire-safety sprinkler systems are exempt from the sales and use tax if installed in existing buildings, including multifamily residential property containing four or more units, hotels, motels, and lodging houses containing four or more units, and office buildings or mixed use commercial-residential buildings if at least one story capable of occupancy is at least 75 feet above the ground.

This provision was enacted in 1992 and was last changed in 1993.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$300,000	\$300,000	\$300,000	\$300,000



**4.50 FIREFIGHTER PERSONAL PROTECTIVE EQUIPMENT**

Minnesota Statutes, Section 297A.70, Subd. 3(a)(5) and (b)

An exemption from the sales and use tax is allowed for firefighter personal protective equipment purchased or authorized by an organized fire department, fire protection district, or fire company.

This exemption was enacted in 1994 and was amended in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$600,000	\$700,000	\$700,000	\$700,000

**4.51 BUILDING MATERIALS FOR RESIDENCES OF DISABLED VETERANS**

Minnesota Statutes, Section 297A.71, Subd. 11

Building materials used to construct or remodel the residence of a disabled veteran are exempt from the sales and use tax. The exemption applies if the project is financed in whole or in part by the U.S. Government in accordance with United States Code, Title 38, Sections 2101 to 2105.

This exemption was enacted in 1971.

Generally fewer than ten residences qualify under this provision each year.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**4.52 CHAIR LIFTS, RAMPS, AND ELEVATORS IN HOMESTEADS**

Minnesota Statutes, Section 297A.71, Subd. 12

Chair lifts, ramps, and elevators and the building materials used to install or construct them are exempt from the sales and use tax if they are authorized by a physician and installed in or attached to the owner's homestead. Chair lifts are also exempted under the medical devices exemption as mobility enhancing equipment and are not included in the estimates.

This exemption was enacted in 1989 and was last changed in 2005. In 2005 the exemption for medical devices was changed to include chair lifts.

Fewer than twenty homesteads benefit from this provision each year.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**4.53 PARTS AND ACCESSORIES TO MAKE MOTOR VEHICLES  
HANDICAPPED ACCESSIBLE**

Minnesota Statutes, Section 297A.67, Subd. 12

Parts, accessories, and labor charges used solely to modify a motor vehicle to make it handicapped accessible are exempt from the sales and use tax. This provision applies to modifications made after a vehicle is purchased. A provision in the motor vehicle sales tax (Item 5.18) applies to the purchase price of a vehicle that had previously been modified.

This exemption was enacted in 1993. Although installation labor was included in the original exemption, installation labor generally became taxable in 2001.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000

**4.54 MAINTENANCE OF CEMETERY GROUNDS**

Minnesota Statutes, Section 297A.67, Subd. 25

Lawn care and related services used in the maintenance of cemetery grounds are exempt from the sales and use tax. The estimates do not include purchases for cemeteries owned by churches or other religious organizations because they are covered under the nonprofit exemption (Item 4.57).

This exemption was enacted in 2000.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**4.55 TRADE-IN ALLOWANCE**

Minnesota Statutes, Section 297A.67, Subd. 26

The amount allowed as a credit against the sales price for tangible personal property taken in trade for resale is exempt from the sales tax.

This provision was enacted in 1967 and was last changed in 2001.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$7,900,000	\$8,100,000	\$8,400,000	\$8,700,000

***EXEMPTIONS - SALES TO PARTICULAR PURCHASERS***

**4.56 LOCAL GOVERNMENTS**

Minnesota Statutes, Sections 297A.70, Subd. 1, 2, and 3, and 297A.71, Subd. 3

A general sales tax exemption does not apply to purchases by local units of government, but several specific exemptions do apply. Exemptions are allowed for tangible personal property and utility services purchased by Minnesota school districts, public libraries, and hospitals and nursing homes owned and operated by political subdivisions.

Other exemptions for local governments include: the purchase and lease of fire trucks, ambulances, and marked police patrol cars; motor fuel used in these vehicles; medical supplies and equipment for ambulances; repair and replacement parts for emergency rescue vehicles and fire trucks; machinery and equipment used directly for collection and disposal of mixed municipal solid waste at a landfill; construction materials and supplies used to construct or improve a correctional facility by a county or city; and town road maintenance equipment.

A general exemption for all local governments was part of the original sales tax law enacted in 1967. In 1992 the general exemption was repealed, and the exemptions for school districts, hospitals, nursing homes, libraries, and medical supplies for ambulances were enacted. The exemptions were expanded in 1993, 1995, 1997, and 1998.

	<u>Fiscal Year Impact</u>			
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
School Districts	\$91,300,000	\$93,700,000	\$96,400,000	\$99,300,000
Hospitals and Nursing Homes	13,200,000	13,600,000	14,200,000	14,700,000
Libraries	4,400,000	4,500,000	4,600,000	4,800,000
Fire Trucks, Ambulances, Patrol Cars	4,200,000	4,300,000	4,500,000	4,700,000
Motor Fuel in These Vehicles	600,000	600,000	600,000	600,000
Ambulance Medical Supplies	100,000	100,000	100,000	200,000
Repairs Parts for Certain Vehicles	300,000	300,000	300,000	300,000
Landfill Machinery and Equipment	300,000	300,000	300,000	300,000
Correctional Facility Construction				
Materials	2,000,000	2,000,000	2,100,000	2,100,000
Town Road Maintenance Equipment	<u>2,100,000</u>	<u>2,200,000</u>	<u>2,200,000</u>	<u>2,200,000</u>
Total - State General Fund	<u>\$118,500,000</u>	<u>\$121,600,000</u>	<u>\$125,300,000</u>	<u>\$129,200,000</u>

**4.57 NONPROFIT ORGANIZATIONS**

Minnesota Statutes, Section 297A.70, Subd. 4

The sale of tangible personal property and utility services to charitable, religious, or educational organizations is exempt from the sales and use tax. The property must be used in the performance of the organization’s charitable, religious, or educational functions. Nonprofit senior citizens’ groups are also included in the exemption.

Nonprofit hospitals and surgical centers are estimated separately in Item 4.58.

This provision was enacted in 1967. In 1983 the exemption was extended to the purchase of utilities. In 1989 the leasing of motor vehicles was excluded from the exemption. The provision was last changed in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$82,600,000	\$85,100,000	\$87,700,000	\$90,600,000

**4.58 HOSPITALS AND OUTPATIENT SURGICAL CENTERS**

Minnesota Statutes, Section 297A.70, Subd. 7

An exemption from the sales and use tax is allowed for sales to hospitals and outpatient surgical centers if the purchases are used in providing hospital services or outpatient surgical services. The hospital or outpatient surgical center must be organized and operated for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and must be licensed under Minnesota Statutes, Chapter 144.

Hospitals were exempt under the provisions for nonprofit organizations when the sales tax was enacted in 1967. In 1997 a separate exemption for hospitals was enacted, and it was extended to outpatient surgical centers in 1999.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$57,200,000	\$60,800,000	\$64,300,000	\$68,300,000

**4.59 VETERANS' ORGANIZATIONS**

Minnesota Statutes, Section 297A.70, Subd. 5

Sales of tangible personal property to an organization of military service veterans or an auxiliary unit are exempt from the sales and use tax. The group must be organized in Minnesota and exempt from federal taxation under Section 501(c)(19) of the Internal Revenue Code. The property must be used for charitable, civic, educational, or nonprofit purposes and not for social, recreational, pleasure, or profit purposes.

This provision was enacted in 1980.

About 1,340 organizations qualify for this exemption.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$500,000	\$500,000	\$500,000	\$500,000

**4.60 CONSTRUCTION MATERIALS FOR LOW-INCOME HOUSING**

Minnesota Statutes, Section 297A.71, Subd. 23

Materials and supplies used or consumed in and equipment incorporated into the construction, improvement, or expansion of qualified low-income housing projects are exempt from the sales and use tax. The exemption applies regardless of whether the purchases are made by the owner of the facility or a contractor.

The owner of the project must be a public housing agency, a housing and redevelopment authority of a political subdivision, an entity exercising the powers of a housing and redevelopment authority, a qualifying nonprofit corporation, or an owner entity qualifying under specified federal regulations. The project must qualify under one of the specified state or federal low-income housing programs. If a portion of a project is for other than low-income housing, the exemption applies only for the portion used for low-income housing.

This exemption was enacted in 2001 and was changed in 2002.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$200,000	\$200,000	\$100,000	\$100,000

**4.61 PUBLIC SAFETY RADIO SYSTEMS**

Minnesota Statutes, Section 297A.70, Subd. 8

Products and services used for construction, operation, maintenance, and enhancement of the backbone system of the regionwide public safety radio communication system are exempt from the sales and use tax. The backbone system consists of a shared regionwide infrastructure network and the subsystems interconnected by the shared network. This exemption applies to the first and second phases of the project in the seven metropolitan counties plus Chisago and Isanti Counties and to the third phase of the system that is located in the Southeast District of the State Patrol and the counties of Benton, Sherburne, Stearns, and Wright.

An exemption of limited duration applicable to the seven metropolitan counties was enacted in 1997 and was extended in 2003. The current exemption was enacted in 2005.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$2,300,000	\$800,000	\$300,000	\$200,000

**4.62 BIOSOLIDS PROCESSING EQUIPMENT**

Minnesota Statutes, Section 297A.70, Subd. 3(a)(8)

An exemption from the sales and use tax is allowed for equipment designed to process, dewater, and recycle biosolids for wastewater treatment facilities of political subdivisions. Materials incidental to the installation of the equipment are included in the exemption.

The equipment exemption was enacted in 1998.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$600,000	\$600,000	\$600,000	\$600,000

**4.63 AMBULANCES LEASED TO LICENSED AMBULANCE SERVICES**

Minnesota Statutes, Section 297A.70, Subd. 6

The lease of a motor vehicle for use as an ambulance by a licensed ambulance service is exempt from the sales and use tax. The estimates include only leases by private ambulance services because leases by local governments are also exempt under another provision (Item 4.56).

This provision was enacted in 1990.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**4.64 CERTAIN PURCHASES BY AMBULANCE SERVICES**

Minnesota Statutes, Sections 297A.67, Subd. 28, and 297A.68, Subd. 19(4)

An exemption from the sales and use tax is allowed for purchases by a licensed ambulance service of supplies and equipment used to provide medical care, repair and replacement parts for ambulances, and petroleum products. Because purchases by municipal ambulance services are exempt under another provision (Item 4.56), the estimates include only purchases by private ambulance services.

These provisions were enacted in 2001.

There are about 55 private ambulance services in Minnesota.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

**4.65 JOB OPPORTUNITY BUILDING ZONES**

Minnesota Statutes, Section 297A.68, Subd. 37

Purchases of tangible personal property and taxable services by a qualified business are exempt from the sales and use tax if the property or services are primarily used or consumed in a Job Opportunity Building Zone. An exemption is also allowed for construction materials and supplies used or consumed in and equipment incorporated into the construction of improvements to real property in a Job Opportunity Building Zone if, upon completion, the property is used by a qualified zone business. The construction exemption applies regardless of whether the purchases are made by the business or a contractor.

Ten Job Opportunity Building Zones have been designated by the Commissioner of Employment and Economic Development, effective January 1, 2004. The maximum duration of a zone is twelve years, but the duration is extended for three years for an ethanol producer if the business subsidy agreement was executed after April 30, 2006. Zones must be outside the seven-county metropolitan area, and each zone may contain up to 5,000 acres and can be divided into separate noncontiguous subzones. Also included in the program are up to five Agricultural Processing Facility Zones.

These provisions were enacted in 2003 and were last modified in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$12,400,000	\$12,400,000	\$12,000,000	\$11,400,000

**4.66 ENTERPRISE ZONE CONSTRUCTION MATERIALS**

Minnesota Statutes, Section 297A.171, Subd. 1(1)

An exemption from the sales and use tax may be authorized by the Commissioner of Employment and Economic Development for purchases of construction materials or equipment for use in a designated enterprise zone. Restrictions apply to the type of facility eligible for the exemption.

This provision was enacted in 1983 and was scheduled to expire on December 31, 1996. However, a 1996 law change allowed border city enterprise zones to continue until terminated by resolution adopted by the city. Zones other than border city zones expired at the end of 1996.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

**4.67 WASTE RECOVERY FACILITIES**

Minnesota Statutes, Section 297A.71, Subd. 34

Materials and supplies used or consumed in and equipment incorporated into the construction, improvement, or expansion of a waste-to-energy resource recovery facility are exempt from the sales and use tax. To qualify, the facility must use biomass or mixed municipal solid waste as a primary fuel to generate steam or electricity.

The exemption was enacted in 2005.

Five facilities are expected to benefit from this exemption in fiscal years 2008 through 2011.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$4,800,000	\$2,600,000	\$100,000	\$100,000

**4.68 HYDROELECTRIC GENERATING FACILITY**

Minnesota Statutes, Section 297A.71, Subd. 39

Materials and supplies used or consumed in the construction of a 10.3 megawatt run-of-the-river hydroelectric generating facility are exempt from the sales and use tax. To qualify, the facility must utilize between 12 and 16 turbine generators at a dam site existing on March 31, 1994, be located on land within 3,000 feet of a 13.8 kilovolt distribution circuit, and be eligible to receive a renewable energy production incentive payment under Minnesota Statutes, Section 216C.41.

The exemption was enacted in 2006 and expires after December 31, 2009.

One facility is expected to benefit from this provision.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$0	\$0



**4.69 MINNESOTA TWINS BALLPARK**

Minnesota Statutes, Section 297A.71, Subd. 38

Materials and supplies used or consumed in and equipment incorporated into the construction or improvement of the Minnesota Twins Ballpark and related public infrastructure are exempt from the sales and use tax. For materials, supplies, and equipment used in the ballpark, the exemption expires one year after the date that the first major league baseball game is played in the ballpark. For materials, supplies, and equipment used in the public infrastructure, the exemption expires five years after the issuance of the first bonds.

This exemption was enacted in 2006.

One facility is the beneficiary of this provision.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$5,400,000	\$4,900,000	\$2,400,000	\$600,000

**4.70 UNIVERSITY OF MINNESOTA FOOTBALL STADIUM**

Minnesota Statutes, Section 297A.71, Subd. 37

Materials and supplies used or consumed in and equipment incorporated into the construction of a football stadium for the University of Minnesota are exempt from the sales and use tax. The exemption expires one year after substantial completion of the football stadium.

The exemption was enacted in 2006.

One facility is the beneficiary of this provision.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$2,400,000	\$3,300,000	\$300,000	\$0

**EXEMPTIONS - SALES BY PARTICULAR SELLERS**

**4.71 ISOLATED OR OCCASIONAL SALES**

Minnesota Statutes, Sections 297A.67, Subd. 23, and 297A.68, Subd. 25

Isolated or occasional sales made by persons not engaged in selling such property in the normal course of business are exempt from the sales and use tax. The isolated or occasional sale exemption does not apply to tangible personal property used in a trade or business unless certain conditions exist.

The isolated or occasional sale of property that was used in a trade or business is taxed unless the sale comes under one of these categories: farm auction sales; sale of substantially all of the assets of a trade or business; and sales not exceeding \$1,000 in a twelve-month period. Also exempt are sales that occur in transactions covered in several Internal Revenue Code sections, such as contributions to capital, certain liquidations, and involuntary conversions.

An exemption for all isolated or occasional sales was enacted in 1967. In 1991 property used in a trade or business was eliminated from the general exemption, except for transactions covered under specified Internal Revenue Code sections. In 1992 the exemption was reinstated for the exceptions listed above. This provision was last changed in 2001.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$41,500,000	\$42,700,000	\$44,100,000	\$45,400,000

**4.72 INSTITUTIONAL MEALS**

Minnesota Statutes, Section 297A.67, Subd. 4, 5, and 6

Although prepared meals and drinks are generally subject to the sales tax, the following are exempt:

1. Meals and drinks served to patients, residents, or inmates of hospitals, nursing homes, sanitariums, senior citizens' homes, and correctional, detention, and detoxification facilities.
2. Meals served at public and private elementary, middle, and secondary schools.
3. Meals served to students at colleges and universities under a board contract.
4. Congregate dining, home delivery of meals, and other qualifying programs which provide meals to senior citizens or the handicapped.

These provisions were enacted in 1967. In 2002 the exemption for colleges and universities was limited to meals covered under a board contract, and vending machines sales on school property were excluded from the exemption. These provisions were last changed in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$36,100,000	\$36,600,000	\$37,300,000	\$38,100,000

**4.73 FUNDRAISING SALES BY NONPROFIT ORGANIZATIONS**

Minnesota Statutes, Section 297A.70, Subd. 13(a)(1) and (2) and Subd. 14

An exemption from the sales tax applies to fundraising sales made by nonprofit organizations. The exemption applies to:

1. Fundraising sales by an organization that is an educational or social organization for people age eighteen and under or is a senior citizen group that is exempt from the sales tax and has gross annual receipts from fundraising that do not exceed \$10,000.
2. Sales, including personal property, admission charges, food, meals, and drinks at fundraising events sponsored by a nonprofit organization when the entire proceeds, except necessary expenses, go exclusively for charitable, religious, or educational purposes. This exemption does not apply to bingo or other gambling activities. The exemption is limited to no more than 24 days a year.

This provision was enacted in 1985 and was last changed in 2001.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$13,400,000	\$14,000,000	\$14,500,000	\$15,100,000

**4.74 ADMISSION TO ARTISTIC EVENTS**

Minnesota Statutes, Section 297A.70, Subd. 10(a)

Tickets or admissions to events sponsored by an organization that provides opportunities for participation in the creation, performance, or appreciation of the arts are exempt from the sales tax if the net proceeds from the event are used for this purpose. The organization must qualify as tax exempt under Section 501(c)(3) of the Internal Revenue Code and at least 5% of its annual revenues must be from voluntary contributions. The exemption also applies to a municipal board which promotes cultural events and to the University of Minnesota and a state or private nonprofit college or university, provided that the event is held at a facility owned by the institution.

This exemption was enacted in 1980, changed several times, and was last changed in 2005.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$4,700,000	\$4,800,000	\$4,900,000	\$5,000,000

**4.75 ADMISSION TO SCHOOL-SPONSORED EVENTS**

Minnesota Statutes, Section 297A.70, Subd. 11

Tickets or admissions to regular season school games, events, and activities of elementary and secondary schools are exempt from the sales tax. Also exempt are tickets or admissions to games, events, and activities sponsored by the Minnesota State High School League. The estimates do not include sales that would be exempt as admission to artistic events (Item 4.74) or as fundraising (Item 4.73).

This exemption was enacted in 1985 and was extended in 2006 to include events sponsored by the Minnesota State High School League.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,900,000	\$2,000,000	\$2,200,000	\$2,300,000

**4.76 ADMISSION TO THE MINNESOTA ZOO**

Minnesota Statutes, Section 297A.70, Subd. 10(b)

Admissions or tickets to the Minnesota Zoo are exempt from the sales tax. Also exempt are admissions or tickets to events or performances held on the premises if sponsored and conducted exclusively by the Minnesota Zoological Board or employees of the Minnesota Zoo.

This exemption was enacted in 2001.

There were about 420,000 paid admissions to the zoo in fiscal year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$300,000	\$300,000	\$300,000	\$300,000

**4.77 CROSS COUNTRY SKI PASSES FOR PUBLIC TRAILS**

Minnesota Statutes, Section 297A.67, Subd. 19

Cross-country ski passes issued by the Minnesota Department of Natural Resources for use of public trails are exempt from the sales and use tax.

This exemption was enacted in 1988.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**4.78 YMCA, YWCA, AND JCC MEMBERSHIP DUES**

Minnesota Statutes, Section 297A.70, Subd. 12

An exemption from the sales tax applies to one-time initiation fees and periodic membership dues to the YMCA and YWCA and also to the Jewish Community Centers of Greater Minneapolis and of Greater St. Paul. Separate charges made for using the sports and athletic facilities are not included in the exemption.

The exemption for the YMCA and YWCA was enacted in 1987 when the sales tax was first imposed on memberships to clubs providing sports and athletic facilities. It was extended to the Jewish Community Centers in 1996.

Approximately 300,000 people belong to these organizations.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$3,500,000	\$3,700,000	\$3,800,000	\$4,000,000

**4.79 MINNESOTA AMATEUR SPORTS COMMISSION EVENTS**

Minnesota Statutes, Section 297A.70, Subd. 15

An exemption from the sales tax applies to certain sales made by a nonprofit corporation designated by the Minnesota Amateur Sports Commission to conduct a series of statewide amateur athletic games and related events, workshops, and clinics. The exemption applies to the sale of tangible personal property, admission charges, and sales of food, meals, and drinks by the nonprofit corporation at fundraising events, athletic events, or athletic facilities. Purchases of tangible personal property made by the nonprofit corporation are also exempt.

This exemption was enacted in 1994.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**4.80 ADMISSION TO CHARITABLE GOLF TOURNAMENTS**

Minnesota Statutes, Section 297A.70, Subd. 13(a)(3)

Tickets or admissions to a golf tournament are exempt if the beneficiary of the tournament's net proceeds is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code.

This exemption was enacted in 1994.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**4.81 CANDY SALES BY CERTAIN ORGANIZATIONS**

Minnesota Statutes, Section 297A.70, Subd. 13 (a)(4)

Candy, candy products, and gum are exempt from the sales tax when sold for fundraising purposes by a nonprofit organization which provides educational and social activities primarily for young people age eighteen and under. The estimates do not include organizations which also qualify for the fundraising exemption (Item 4.73).

This exemption was enacted in 1984 and was last changed in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**4.82 SACRAMENTAL WINE SOLD BY RELIGIOUS ORGANIZATIONS**

Minnesota Statutes, Section 297A.70, Subd. 9

Wine used for sacramental purposes in a religious ceremony is exempt from the sales and use tax if it is purchased from a nonprofit religious organization or from a rabbi, priest, or minister of a church or other established religious organization.

This exemption was enacted in 1991.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**REDUCED SALES PRICE**

**4.83 NEW MANUFACTURED HOMES**

Minnesota Statutes, Section 297A.62, Subd. 3

The sale in Minnesota of a manufactured home used as a residence is taxed at 65% of the dealer's cost. The estimates measure the difference between application of the tax to 65% of the dealer's cost compared to the full sales price to the final customer.

Because an exemption applies to any subsequent sale (Item 4.17), this provision applies only to the first sale of a manufactured home in the state.

The base for the tax was changed from the full sales price to 65% of the sales price in 1984 and to 65% of the dealer's cost in 1998.

Approximately 1,100 manufactured homes were placed in Minnesota for residential use in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,700,000	\$1,600,000	\$1,400,000	\$1,300,000

## CHAPTER 5: MOTOR VEHICLE SALES TAX

### Collections and History

Total revenues from the motor vehicle sales tax were \$532 million in fiscal year 2007. Under a constitutional amendment adopted in 2006, the revenues from the tax are allocated as follows:

	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012 & After
State General Fund	36.25%	26.25%	16.25%	6.25%	0%
Highway User Tax Distribution Fund	38.25%	44.25%	50.25%	56.25%	60%
Transit Assistance Fund	25.50%	29.50%	33.50%	37.50%	40%

Motor vehicles were subject to the 3% general sales tax when it was enacted in 1967. The sales tax on motor vehicles was replaced by the motor vehicle excise tax in 1971. In 1994 the term used for this tax in statute was changed from excise tax to sales tax.

This tax went into effect on January 1, 1972, at the rate of 4%. The rate was increased to 5% on July 1, 1981, and to 6% on July 1, 1983. The rate has been 6.5% since July 1, 1991.

### Tax Base

The tax base for the motor vehicle sales tax is the purchase price of a motor vehicle when ownership is transferred and the motor vehicle is required to be registered under the laws of Minnesota. Regardless of the number of times a vehicle is sold, each transfer of ownership is in the tax base. The transfer of a motor vehicle to a dealer for resale in the regular course of business is not considered to be within the base. For a vehicle transferred by gift or for a nominal or no monetary consideration, the purchase price is deemed to be the average value of similar motor vehicles.

### Computation of the Tax

The motor vehicle sales tax is imposed when a motor vehicle required to be registered in Minnesota is purchased or acquired, either in or outside Minnesota. The 6.5% rate is applied to the purchase price, which is defined as the total consideration valued in money, whether paid in money or otherwise. When one motor vehicle is taken in trade on another vehicle, the trade-in value is deducted in arriving at the net purchase price.

This tax is different from the general sales and use tax in Chapter 4 in two respects: isolated and occasional sales are taxable transactions, and a transfer without monetary consideration is subject to tax based on the average value of similar vehicles.

The tax is paid to the motor vehicle registrar, and it must be paid before registration plates or a certificate of title can be issued.

**EXEMPTIONS**

**5.01 GIFTS BETWEEN INDIVIDUALS**

Minnesota Statutes, Section 297B.01, Subd. 7(c)(3)

The transfer of a vehicle in the form of a gift between individuals is exempt from the motor vehicle sales tax. To qualify, there must be no monetary or other consideration or expectation with the transfer, and the parties to the transfer must submit an affidavit to that effect. This exemption is a tax expenditure because in general, vehicles transferred without monetary consideration are taxed on the basis of the average value of similar vehicles.

An exemption for transfers between certain family members was enacted in 1971. In 2000 the exemption was expanded to include gifts between any individuals.

An estimated 93,000 vehicle transfers qualified for this exemption in fiscal year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$33,000,000	\$35,000,000	\$37,200,000	\$39,500,000

**5.02 VEHICLES ACQUIRED BY INHERITANCE**

Minnesota Statutes, Section 297B.01, Subd. 7(c)(1)

The acquisition of a motor vehicle by inheritance from or by bequest of a decedent who owned it is exempt from the motor vehicle sales tax. Without this exemption, the tax on the transfer of a motor vehicle without monetary consideration would be based on the average value of similar vehicles.

This provision was enacted in 1971.

An estimated 6,400 vehicle transfers qualified for this exemption in fiscal year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$3,200,000	\$3,300,000	\$3,400,000	\$3,500,000



**5.03 PERSONS MOVING INTO MINNESOTA**

Minnesota Statutes, Sections 297B.03(2) and 297B.06

A motor vehicle owned by a person who moves to Minnesota which was purchased and titled in another state more than sixty days prior to the move is exempt from the motor vehicle sales tax.

This provision was enacted in 1971.

An estimated 36,000 vehicles qualify for this exemption annually.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$8,100,000	\$8,300,000	\$8,500,000	\$8,600,000

**5.04 TRANSFERS BETWEEN JOINT OWNERS**

Minnesota Statutes, Section 297B.01, Subd. 7(c)(2)

The transfer of a motor vehicle is exempt from the motor vehicle sales tax if it was previously registered in the names of two or more joint owners and is subsequently transferred without monetary consideration to one or more of the joint owners.

This provision was enacted in 1971.

An estimated 13,000 vehicle transfers qualified for this exemption in fiscal year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$6,600,000	\$7,000,000	\$7,400,000	\$7,900,000

**5.05 TRANSFERS IN DIVORCE PROCEEDINGS**

Minnesota Statutes, Section 297B.01, Subd. 7(c)(4)

The transfer of a motor vehicle between husband and wife in a divorce proceeding is exempt from the motor vehicle sales tax, whether the transfer is voluntary or involuntary. Because transfers between joint owners are exempt under another provision (Item 5.04), the estimates include only transfers involving a vehicle previously registered to one person.

This provision was enacted in 1974.

An estimated 2,250 vehicle transfers qualified for this exemption in fiscal year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$1,300,000	\$1,300,000	\$1,300,000	\$1,300,000

**5.06 SALES TO DISABLED VETERANS**

Minnesota Statutes, Section 297B.03(1)

Motor vehicles purchased by disabled veterans with funds provided by the Veterans Administration are exempt from the motor vehicle sales tax.

This provision was enacted in 1971.

Fewer than thirty vehicles qualify under this exemption annually.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	*	*	*	*

**5.07 CORPORATE AND PARTNERSHIP TRANSFERS**

Minnesota Statutes, Section 297B.03(4)

When an individual transfers a vehicle to a corporation in exchange for stock or securities or to a partnership in exchange for an interest in the partnership, the transfer is exempt from the motor vehicle sales tax.

This provision was enacted in 1975.

An estimated 1,650 vehicle transfers qualified for this exemption in fiscal year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$1,200,000	\$1,300,000	\$1,300,000	\$1,300,000

**5.08 TRANSIT VEHICLES**

Minnesota Statutes, Sections 297B.03(12) and 473.448

The purchase of a motor vehicle for use by a transit provider exclusively to provide transit service is exempt from the motor vehicle sales tax if the provider receives financial assistance or reimbursement under Minnesota Statutes, Section 174.24 or 473.384 or operates under Minnesota Statutes, Section 174.29, 473.388, or 473.405. Vehicles purchased by the Metropolitan Council for the Metro Transit System and for Metro Mobility are also exempt.

Purchases of transit vehicles by the Metropolitan Council have never been taxed. The exemption was extended to other transit providers in 2001.

An estimated 465 vehicles qualifying for this exemption will be purchased in fiscal year 2008.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$3,600,000	\$3,700,000	\$3,900,000	\$4,000,000

**5.09 TOWN ROAD MAINTENANCE VEHICLES**

Minnesota Statutes, Section 297B.03(10)

Motor vehicles purchased by a town to be used exclusively for road maintenance are exempt from the motor vehicle sales tax. The exemption includes snowplows and dump trucks but does not apply to automobiles, pickup trucks, or vans.

This exemption was enacted in 1998.

An estimated average of 175 vehicles are purchased under this exemption annually.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$800,000	\$800,000	\$800,000	\$800,000

**5.10 BOOKMOBILES**

Minnesota Statutes, Section 297B.03(8)

The purchase of a motor vehicle by or for a public library for use as a bookmobile or a library delivery vehicle is exempt from the motor vehicle sales tax.

This exemption was enacted in 1994.

Fewer than five vehicles qualify under this exemption annually.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	*	*	*	*

Motor Vehicle Sales Tax

**5.11 PRIVATE AMBULANCE SERVICES**

Minnesota Statutes, Section 297B.03(7)

The purchase of a motor vehicle for use as an ambulance by a privately-owned licensed ambulance service is exempt from the motor vehicle sales tax. Ambulances purchased by local units of government are also exempt. However, they are not required to be registered and therefore are not in the defined tax base for the motor vehicle sales tax.

This provision was enacted in 1990

An average of 85 vehicles are estimated to qualify under this exemption annually.

	Fiscal Year Impact			
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
All Funds	\$600,000	\$600,000	\$600,000	\$700,000

**5.12 READY-MIXED CONCRETE TRUCKS**

Minnesota Statutes, Section 297B.03(9)

The purchase of a ready-mixed concrete truck is exempt from the motor vehicle sales tax.

This exemption was enacted in 1998.

The exemption applies to an estimated 130 vehicles annually.

	Fiscal Year Impact			
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
All Funds	\$800,000	\$800,000	\$900,000	\$900,000

**5.13 AUTOMOTIVE TRAINING PROGRAMS**

Minnesota Statutes, Section 297B.03(6)

The purchase or use of a motor vehicle by a public or a private nonprofit educational institution is exempt from the motor vehicle sales tax if the vehicle is used as an instructional aid in an automotive training program operated by the institution. Motor vehicle body and mechanical repair courses qualify for the exemption; driver education programs do not. The vehicles are usually donated to the institution.

This exemption was enacted in 1988 and was last changed in 1993. Prior to 1987, these vehicles were included in the general exemptions for local government units and nonprofit organizations.

An estimated 225 transfers qualified under this exemption in fiscal year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$100,000	\$100,000	\$100,000	\$100,000

**5.14 DONATIONS TO EXEMPT ORGANIZATIONS**

Minnesota Statutes, Section 297B.01, Subd. 7(c)(5)

The transfer of a motor vehicle in the form of a gift to an exempt organization is not subject to the motor vehicle sales tax. The organization must be exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code, and the motor vehicle must be used exclusively for religious, charitable, or educational purposes.

This exemption was enacted in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$200,000	\$200,000	\$200,000	\$200,000

**5.15 TRUCKS, BUSES, AND VANS PURCHASED BY CHARITIES**

Minnesota Statutes, Section 297B.03(11)

An exemption from the motor vehicle sales tax applies to the purchase or use of certain types of vehicles by a corporation, society, association, foundation, or institution organized exclusively for charitable, religious, or educational purposes. A public school, university, or library is not eligible for the exemption. The exemption applies to trucks and buses and also to passenger vehicles designed and used to carry more than nine persons including the driver. The vehicle must be used primarily to transport tangible personal property or individuals, other than employees, to whom the organization provides service.

This exemption was enacted in 2000 and was last changed in 2001.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$2,200,000	\$2,200,000	\$2,300,000	\$2,300,000

**5.16 JOB OPPORTUNITY BUILDING ZONES**

Minnesota Statutes, Section 297B.03(13)

An exemption from the motor vehicle sales tax is allowed for the purchase of a motor vehicle by a qualified business located in a Job Opportunity Building Zone. The exemption applies if the vehicle is principally garaged in the zone and is primarily used as part of or in direct support of the operations of the qualified business.

See Item 4.65 for a description of the Job Opportunity Building Zone program.

This exemption was enacted in 2003 and was last modified in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$200,000	\$200,000	\$300,000	\$300,000

**REDUCED PURCHASE PRICE**

**5.17 PRICE REDUCED BY VALUE OF TRADE IN**

Minnesota Statutes, Section 297B.01, Subd. 8

When a motor vehicle is taken in trade as part payment on another motor vehicle, the selling price is reduced by the amount of trade-in value allowed. The 6.5% motor vehicle sales tax is applied to the reduced price. This provision applies to both dealer sales and sales between individuals.

This provision was enacted in 1971.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$76,500,000	\$78,100,000	\$79,700,000	\$81,300,000

**5.18 HANDICAPPED-ACCESSIBLE MODIFICATIONS**

Minnesota Statutes, Sections 297B.01, Subd. 8(b)

The value of modifications necessary to make a motor vehicle handicapped accessible is excluded from the purchase price used for computing the motor vehicle sales tax. An exemption from the general sales tax applies to the parts and accessories used to modify a vehicle after it is purchased (Item 4.53).

This provision was enacted in 1992.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$200,000	\$200,000	\$200,000	\$200,000

**PREFERENTIAL COMPUTATIONS**

**5.19 FLAT TAXES ON OLDER CARS AND COLLECTOR VEHICLES**

Minnesota Statutes, Sections 297B.02, Subd. 2 and 3, and 297B.025

In lieu of the 6.5% motor vehicle sales tax, a flat tax of \$10 is imposed on the transfer of a passenger automobile that is in at least its tenth year of vehicle life and has a resale value of less than \$3,000.

The transfer of a passenger automobile that is registered and licensed as a collector vehicle (pioneer, classic, collector, street rod, collector military vehicle, or fire truck) is subject to a flat tax of \$90 instead of being taxed at 6.5% of the purchase price. In order to be registered as a collector vehicle, several requirements must be met, including the type and age of the vehicle. Also, the vehicle must be owned and operated solely as a collector's item and not used for general transportation purposes.

Compared to a tax of 6.5% of the purchase price, the \$10 flat tax is lower for an older car sold for more than \$153, and the \$90 tax is lower for a collector vehicle sold for more than \$1,385.

The \$10 flat tax on older cars was enacted in 1985. The \$90 flat tax on collector vehicles was enacted in 1988 and was last changed in 1995.

The tax on an estimated 380,000 vehicles is reduced by these provisions each year.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$38,900,000	\$40,500,000	\$42,100,000	\$43,800,000



## **CHAPTER 6: HIGHWAY FUELS EXCISE TAXES**

### **Collections and History**

The net revenues from the taxes on highway gasoline and special fuels were \$644 million in fiscal year 2007. All revenues from these taxes go into the Highway User Tax Distribution Fund.

Minnesota first imposed an excise tax on highway fuels in 1925 at a rate of 2¢ per gallon. Eleven rate increases have occurred since then. The current rate of 20¢ per gallon has been in effect since 1988.

An annual permit fee applied to vehicles using alternative fuels at various times from 1985 to 1995. In 1995 separate rates were enacted for liquefied petroleum gas, liquefied natural gas, and compressed natural gas.

### **Tax Base**

The tax base for the highway fuels excise taxes is motor fuel used in vehicles on Minnesota highways. Therefore, it is not considered a tax expenditure when the tax does not apply to off-road or to out-of-state usage.

### **Computation of the Tax**

The highway fuel tax rate is 20¢ per gallon and is imposed on gasoline and special fuels (diesel) used on Minnesota highways. Other rates apply to alternative fuels. Motor carriers based in states other than Minnesota pay the road tax which is 20¢ per gallon for special fuel purchased in another state and used on Minnesota highways.

**EXEMPTIONS**

**6.01 TRANSIT SYSTEMS**

Minnesota Statutes, Sections 296A.07, Subd. 4(1), and 296A.08, Subd. 3(1)

The highway fuels excise taxes are not imposed on gasoline or special fuel purchased by a transit system or transit provider that receives financial assistance from the Metropolitan Council or the Public Transit Subsidy Program. The exemption also applies to qualifying providers of medical transportation services.

An exemption for transit systems owned by local governments was enacted in 1977. In 1990 the exemption was extended to all systems receiving state financial assistance. This provision was last changed in 1994.

About 120 transit systems qualify for this exemption.

	Fiscal Year Impact			
	2008	2009	2010	2011
Highway User Tax Distribution Fund	\$3,100,000	\$3,200,000	\$3,200,000	\$3,300,000

**6.02 MOTOR VEHICLES NOT REQUIRING REGISTRATION (SPECIAL FUELS)**

Minnesota Statutes, Sections 296A.16, Subd. 2

The highway special fuels (diesel) tax is imposed on licensed motor vehicles, which are those requiring registration. Vehicles not requiring registration include municipal fire apparatus, police patrols, and ambulances, the appearance of which is unmistakable. Special fuel used in these vehicles is exempt from the excise tax.

This provision was enacted in 1951.

An estimated 3,100 vehicles qualify for this exemption.

	Fiscal Year Impact			
	2008	2009	2010	2011
Highway User Tax Distribution Fund	\$500,000	\$500,000	\$500,000	\$500,000

**6.03 AMBULANCE SERVICES**

Minnesota Statutes, Sections 296A.07, Subd. 4(2), 296A.08, Subd. 3(2), and 296A.09, Subd. 6

The purchase of gasoline or special fuel by a licensed ambulance service is exempt from the motor fuels excise tax. Purchases of diesel fuel for municipal ambulances are covered by another exemption (Item 6.02) and are not included in the estimates for this provision.

This exemption was enacted in 2001. In 2005 it was extended to include aviation gasoline and jet fuel used by licensed air ambulance services.

About 500 ambulances are covered by this exemption.

	Fiscal Year Impact			
	2008	2009	2010	2011
Highway User Tax Distribution Fund	\$200,000	\$200,000	\$200,000	\$200,000

**6.04 RECIPROCAL AGREEMENTS FOR OUT-OF-STATE PURCHASES**

Minnesota Statutes, Section 168D.02

In general, all gasoline and special fuels used in vehicles on Minnesota highways are subject to the Minnesota highway fuels excise taxes. Motor carriers based in states other than Minnesota pay the road tax for special fuel purchased in another state and used on Minnesota highways.

This provision authorizes the Commissioner of Public Safety to enter into a reciprocal agreement with officials in another state under which motor carriers based in that state are exempt from paying the Minnesota road tax if the other state exempts Minnesota-based motor carriers from paying that state’s road tax.

Currently Minnesota has limited agreements with North Dakota and Wisconsin.

This provision was enacted in 1961 and was last changed in 2002.

	Fiscal Year Impact			
	2008	2009	2010	2011
Highway User Tax Distribution Fund	*	*	*	*

\*Less Than \$50,000



## CHAPTER 7: ALCOHOLIC BEVERAGE TAXES

### Collections and History

In fiscal year 2007, the revenues from the alcoholic beverage taxes were \$52 million for distilled spirits, \$16 million for beer, and \$5 million for wine. All revenues from these taxes are deposited in the State General Fund.

An excise tax was first imposed on alcoholic beverages in Minnesota in 1934. The initial rates were: 60¢ per gallon for distilled spirits; \$1 per barrel for 3.2% beer and \$2 per barrel for strong beer; and wine rates ranging from 10¢ to 60¢ per gallon. The tax rates were increased (and occasionally decreased) at various times. The current rates have been in effect since 1987, with the exception of the separate rate for cider which was enacted in 1998.

### Tax Base

The tax base for the alcoholic beverages taxes is alcoholic beverages for human consumption which are manufactured, imported, sold, or possessed in Minnesota. Therefore, the exemptions for alcohol used for purposes other than human consumption are not tax expenditures, such as the exemption for alcohol used in industrial production.

### Computation of the Tax

The tax is paid by the wholesaler, distributor, or manufacturer upon acquisition for sale within Minnesota. The tax is based on volume, not price.

The tax rates are:

Beer: Alcohol by Weight	<u>Tax per Barrel of 31 Gallons</u>	
3.2% or less	\$2.40	
More than 3.2%	\$4.60	
	<u>Tax</u>	
	<u>Per Liter</u>	<u>Per Gallon</u>
Distilled Spirits	\$1.33	\$5.03
Wine: Alcohol by Volume		
14% or less	\$ .08	\$ .30
More than 14% to 21%	.25	.95
More than 21% to 24%	.48	1.82
More than 24%	.93	3.52
Sparkling Wine	.48	1.82
Cider: 0.5% to 7% alcohol	\$ .04	\$ .15

**EXEMPTIONS**

**7.01 CONSUMER PURCHASES MADE OUT OF STATE**

Minnesota Statutes, Sections 297G.07, Subd. 2

A person entering Minnesota from another state may have in possession one liter of distilled spirits or wine or 288 ounces of beer without paying the alcoholic beverage excise tax. A person entering Minnesota from a foreign country may have in possession four liters of distilled spirits or wine or 320 ounces of beer without paying the Minnesota excise tax. The alcoholic beverage must accompany the person into the state and cannot be sold or used commercially.

This provision was enacted in 1947 and was last changed in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

**7.02 HOME PRODUCTION AND USE**

Minnesota Statutes, Section 297G.07, Subd. 1(6)

Beer naturally brewed or fruit juices naturally fermented in the home for family use are exempt from the alcoholic beverage excise taxes.

This exemption was first authorized by statute in 1957 and was last changed in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**7.03 SALES TO FOOD PROCESSORS AND PHARMACEUTICAL FIRMS**

Minnesota Statutes, Section 297G.07, Subd. 1(8)

Alcoholic beverages sold to an authorized manufacturer of food products or to a pharmaceutical firm are exempt from the alcoholic beverage excise taxes. The alcoholic beverage must be used exclusively in the manufacture of food products or medicines.

This exemption was first codified in 1988 and was last changed in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**7.04 CONSUMPTION ON BREWERY PREMISES**

Minnesota Statutes, Section 297G.07, Subd. 1(4)

Beer that is served by a brewery at no charge for on-premise consumption or is distributed to brewery employees for on-premise consumption under a labor contract is exempt from the alcoholic beverage excise tax.

This provision was enacted in 1941 and was last changed in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**7.05 WINE FOR SACRAMENTAL PURPOSES**

Minnesota Statutes, Sections 297G.07, Subd. 1(7), and 340A.316

Sales of wine to a minister, rabbi, or priest of a church or other established religious organization exclusively for sacramental purposes are not subject to the alcoholic beverage excise tax.

This provision was adopted in 1937 and was last changed in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**7.06 SHIPMENTS OF WINE FOR PERSONAL USE**

Minnesota Statutes, Sections 297G.07, Subd. 1(5), and 340A.417

An exemption from the alcoholic beverage excise tax is allowed for wine shipped to a Minnesota resident from a winery licensed in Minnesota or another state. The wine must be for personal use, and no more than two cases of wine containing a maximum of nine liters per case can be shipped to any resident in a calendar year.

This exemption was enacted in 1993 and was last changed in 2005.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

Alcoholic Beverage Taxes

**CREDIT**

**7.07 CREDIT FOR SMALL BREWERS**

Minnesota Statutes, Section 297G.04, Subd. 2

A credit is allowed to a brewer who manufactures less than 100,000 barrels of beer in the calendar year preceding the year for which the credit is claimed. The credit is \$4.60 per barrel on 25,000 barrels sold in a fiscal year, with a maximum credit of the lesser of the brewer's tax liability or \$115,000.

The credit was enacted in 1985. A credit for beer produced and sold in Minnesota had been in effect from 1973 to 1985. It was last changed in 1997.

Fifty-two breweries qualified for this credit in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$600,000	\$600,000	\$600,000	\$600,000



## **CHAPTER 8: CIGARETTE AND TOBACCO TAXES**

### **Collections and History**

In fiscal year 2007, cigarette tax and fee revenues were \$417 million and tobacco products tax and fee revenues were \$37 million. The cigarette tax revenues from the excise tax of 48¢ per pack go to the State General Fund, after annual payments of \$22,250,000 to the Academic Health Center Special Revenue Fund and \$8,550,000 to the Medical Education and Research Costs Account in the Special Revenue Fund. The revenues from the 75¢ cigarette fee go to the Health Impact Fund. Revenues from the tobacco products tax go to the State General Fund, and revenues from the tobacco products fee go to the Health Impact Fund.

The cigarette tax was enacted in 1947 at a rate of 3¢ per pack. The tax rate was increased several times and has been 48¢ since 1992. Cigarettes were first subject to the general sales tax in 1982. In 2005 an additional fee of 75¢ per pack was enacted. Also, cigarettes were exempted from the sales tax and made subject to an in-lieu tax at the wholesale level. The rate is adjusted annually and is 26¢ per pack from 8/1/07 to 7/31/08.

The tobacco products tax was enacted in 1955 at a rate of 15% of the wholesale price. The rate was increased to 20% in 1959, to 25% in 1985, and it has been 35% since 1987. Tobacco products have been subject to the general sales tax since it was enacted in 1967. In 2005 an additional fee of 35% of wholesale price was enacted for other tobacco products.

### **Tax Base**

The tax base is essentially the same for the cigarette tax and fee and the tobacco products tax and fee. It is the sale of cigarettes or tobacco products in Minnesota. Also included in the tax base is the use or storage in Minnesota of cigarettes or tobacco products if the Minnesota tax and fee were not paid previously. Although the jurisdictional tax base is the same for both, the cigarette tax and fee are based on volume, and the tobacco tax and fee are based on wholesale price.

### **Computation of the Tax**

The total of the cigarette tax and fee is \$1.23 per pack of twenty cigarettes. The tax and fee are paid by the distributor by purchasing stamps that are affixed to the packages. A total use and storage tax/fee of \$1.23 per pack is imposed on cigarettes that are used or stored in Minnesota, on which the tax and fee had not previously been paid (unstamped packages). In addition, the in-lieu sales tax is imposed on each pack, which is adjusted annually and is currently 26¢ per pack.

The total of the tobacco products tax and fee is 70% of the wholesale price. The tax and fee are imposed on all tobacco products, except cigarettes, and include cigars, smoking tobacco, and chewing tobacco. The tax and fee are paid by the distributor. A total use and storage tax/fee of 70% of the cost is imposed on tobacco products that are used or stored in Minnesota, on which the tax and fee had not previously been paid.

**EXEMPTION**

**8.01 CONSUMER PURCHASES MADE OUT OF STATE**

Minnesota Statutes, Sections 297F.06, Subd. 3 and 4, and 256.9658, Subd. 6

Use and storage taxes and fees equal to the cigarette or tobacco products excise taxes and fees are imposed on consumers in possession of cigarettes or tobacco products if the Minnesota excise taxes and fees were not previously paid. Limited quantities in the possession of a consumer are exempt from the tax if brought into Minnesota by the consumer. The exemption applies to cigarettes if 200 or fewer are in the possession of the consumer. Cigars and other tobacco products in the possession of the consumer are exempt if the aggregate cost in any month is \$100 or less.

The exemption for cigarettes was enacted in 1949 and was last revised in 1973. The exemption for tobacco products was enacted in 1957 and last changed in 2003. The exemptions were extended to the newly-enacted fees in 2005.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$13,500,000	\$13,300,000	\$13,200,000	\$13,000,000

## **CHAPTER 9: MORTGAGE REGISTRY TAX**

### **Collections and History**

In fiscal year 2007, state revenues from the mortgage registry tax were \$150 million. The tax is collected by each county. Three percent of the proceeds of the tax are deposited in the County Revenue Fund, and 97% goes to the State General Fund.

Minnesota first enacted a mortgage registry tax in 1907 at a rate of 50¢ for each \$100 of principal debt secured by a mortgage of real property. In 1945 the rate was changed to 15¢ for each \$100 of such debt, and since 1987 the tax has been 23¢ for each \$100 of principal debt, although the rate is now restated as 0.23%. In 2001 the liability for the tax was changed from the mortgagee (lender) to the mortgagor (borrower)

### **Tax Base**

The tax base is the amount of principal debt secured by a mortgage of real property within Minnesota. Only registered mortgages are within the tax base. Although similar to a mortgage in some respects, a contract for deed is not a mortgage because the debt is not secured by real property.

### **Computation of the Tax**

The mortgage registry tax is 0.23% of principal debt which is secured by any mortgage of real property within Minnesota and which is recorded or registered. The liability for the tax is on the mortgagor. The tax is paid to the county treasurer at or before the time of filing the mortgage for record or registration.

**EXEMPTIONS**

**9.01 AGRICULTURAL LOANS**

Minnesota Statutes, Section 287.04(i)

An exemption from the mortgage registry tax is allowed for an agricultural mortgage if the proceeds are used to acquire or improve real property that is classified as agricultural for property tax purposes. The estimates exclude mortgages taken by federal agencies where federal law prohibits taxation by the state.

This exemption was enacted in 2001.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$1,000,000	\$1,000,000	\$1,000,000	\$1,100,000

**9.02 GOVERNMENT HOUSING PROGRAMS**

Minnesota Statutes, Section 287.04(f)

An exemption from the mortgage registry tax is allowed for a mortgage loan made under a low and moderate income or other affordable housing program if the mortgagee is a federal, state, or local government agency. The estimates exclude mortgages taken by federal agencies where federal law prohibits taxation by the state.

This exemption was enacted in 2001. Prior to that time, these mortgages were exempt under a general exemption for loans by government agencies.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$900,000	\$900,000	\$900,000	\$900,000

## **CHAPTER 10: DEED TRANSFER TAX**

### **Collections and History**

State revenues from the deed transfer tax were \$112 million in fiscal year 2007. Each county collects the tax, and 3% of the proceeds is deposited in the County Revenue Fund and 97% in the State General Fund.

Minnesota enacted a deed transfer tax in 1961 at a rate of \$1.10 for consideration of \$1,000 or less plus 55¢ for each \$500 in excess of \$1,000. In 1967 the rates were doubled to \$2.20 and \$1.10. Since 1987 the rate has been \$1.65 for consideration of \$500 or less plus \$1.65 for each additional \$500. If the consideration exceeds \$500, the tax is now restated as 0.33% of consideration.

### **Tax Base**

The tax base for the deed transfer tax is the granting, assigning, transferring, or otherwise conveying of real estate by deed or instrument.

### **Computation of the Tax**

When the consideration is in excess of \$500, the tax is 0.33% of consideration. The tax is a flat \$1.65 in several situations, including transfers made by instruments pursuant to mergers, consolidations, sales, or transfers of substantially all of the assets of entities pursuant to plans of reorganization; transfers made with no consideration; or transfers made with consideration of \$500 or less.

The person who grants, assigns, transfers, or conveys real estate is liable for the tax. The deed or instrument cannot be recorded or registered unless the tax is paid or unless the transaction is exempt. The tax is paid to the county at the time the deed or instrument is recorded.

**EXEMPTIONS**

**10.01 PROPERTY PARTITIONED BETWEEN CO-OWNERS**

Minnesota Statutes, Section 287.22(9)

A deed to or from a co-owner partitioning undivided interest in the same piece of property is exempt from the deed transfer tax.

This provision was enacted in 1984.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	*	*	*	*

**10.02 DISTRIBUTIONS BY PERSONAL REPRESENTATIVES**

Minnesota Statutes, Section 287.22(8)

A deed of distribution by a personal representative is exempt from the deed transfer tax.

This provision was enacted in 1975.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	*	*	*	*

**10.03 CEMETERY LOTS**

Minnesota Statutes, Section 287.22(7)

A deed transferring one or more cemetery lots is exempt from the deed transfer tax.

This provision was enacted in 1961.

An estimated 26,000 cemetery lots are sold each year.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$100,000	\$100,000	\$100,000	\$100,000

**10.04 EXCHANGE OF PERMANENT SCHOOL FUND LANDS**

Minnesota Statutes, Section 287.22(10)

A deed or other instrument issued pursuant to a permanent school fund land exchange is exempt from the deed transfer tax.

This exemption was enacted in 1991.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	*	*	*	*

**10.05 MORTGAGE OR LIEN FORECLOSURE SALES**

Minnesota Statutes, Section 287.22(11) and (12)

A referee's or sheriff's certificate of sale in a mortgage or lien foreclosure sale is exempt from the deed transfer tax. Also exempt is a referee's, sheriff's, or certificate holder's certificate of redemption from a mortgage or lien foreclosure sale issued to the redeeming mortgagor or lien holder.

These provisions were enacted in 1993.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$9,100,000	\$7,100,000	\$5,600,000	\$4,700,000

**10.06 DECREE OF MARRIAGE DISSOLUTION**

Minnesota Statutes, Section 287.22(14)

The transfer of one spouse's interest in real estate to the other spouse is exempt from the deed transfer tax if the transfer is by decree of marriage dissolution, or if the transfer is by deed or other instrument made pursuant to the decree.

This exemption was enacted in 1997.

	Fiscal Year Impact			
	2008	2009	2010	2011
All Funds	\$200,000	\$200,000	\$200,000	\$200,000





## CHAPTER 11: LAWFUL GAMBLING TAXES

### Collections and History

In fiscal year 2007, revenues from the lawful gambling taxes were \$22.8 million from the tax on pull-tabs and tipboards, \$1.8 million from the tax on bingo, raffles, and paddlewheels, and \$24.5 million from the combined receipts tax. The proceeds from these taxes are deposited in the State General Fund.

The lawful gambling tax was enacted in 1984 and covered bingo, raffles, paddlewheels, pull-tabs, and tipboards. Initially the tax was 10% of gross receipts less prizes for all types of lawful gambling. That tax now applies only to bingo, raffles, and paddlewheels. The rate was reduced to 9.5% in 1998, 9% in 1999, and 8.5% in 2000.

A separate tax on pull-tabs was enacted 1986, and that tax was extended to tipboards in 1988. In 1989 an additional tax was imposed on the combined receipts of an organization from pull-tabs and tipboards. The tax rates for both taxes were reduced in 1998, 1999, and 2000.

### Tax Base

The tax base is lawful gambling authorized by statute.

### Computation of the Tax

Lawful gambling is allowed only by qualifying organizations which are licensed by the Gambling Control Board or which are exempt from licensing by statute. The organization must be a fraternal, religious, veterans, or other nonprofit organization. Organizations which are exempt from licensing are also exempt from the tax. The profits from lawful gambling must be used for the purposes specified by statute.

The tax on bingo, raffles, and paddlewheels is 8.5% of gross receipts less prizes actually paid out.

The tax on pull-tabs and tipboards is 1.7% of the face resale value of all the pull-tabs or tipboards in each deal. A “deal” is defined as each separate package, or series of packages, consisting of one game of pull-tabs or tipboards. The tax is paid by the organization to the licensed distributor, and the distributor remits the tax to the state.

Organizations are subject to a tax on their gross receipts from pull-tabs and tipboards. The tax is imposed on the fiscal year combined receipts of the organization according to the following graduated rate schedule:

<u>Fiscal Year</u> <u>Combined Receipts</u>	<u>Tax Rate</u>
First \$500,000	0 %
\$500,001 - \$700,000	1.7 %
\$700,001 - \$900,000	3.4 %
Over \$900,000	5.1 %

**EXEMPTIONS**

**11.01 BINGO AT CERTAIN ORGANIZATIONS**

Minnesota Statutes, Sections 297E.02, Subd. 2, and 349.166, Subd. 1(b)

An exemption from the lawful gambling tax is allowed for bingo conducted within a nursing home or a senior citizen housing project or by a senior citizen organization if certain conditions are met. The prizes for a single bingo game can not exceed \$10, total prizes awarded at a single bingo occasion cannot exceed \$200, and no more than two bingo occasions are held each week.

This provision was enacted in 1985.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**11.02 BINGO AT FAIRS AND CIVIC CELEBRATIONS**

Minnesota Statutes, Sections 297E.02, Subd. 2, and 349.166, Subd. 1(a)(1)

The lawful gambling tax is not imposed on bingo conducted by an organization in connection with a county fair, the state fair, or a civic celebration. To qualify, the bingo cannot be conducted for more than twelve consecutive days and no more than four applications can be applied for and approved in a calendar year.

This exemption was enacted in 1984.

This exemption applies to about 60 organizations.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**11.03 INFREQUENT BINGO OCCASIONS**

Minnesota Statutes, Sections 297E.02, Subd. 2, and 349.166, Subd. 1(a)(2)

An exemption from the lawful gambling tax is allowed for bingo conducted by an organization which conducts four or fewer bingo occasions in a calendar year. This exemption does not apply if the organization holds a lawful gambling license. For example, if an organization holds a license for pull-tabs, it cannot conduct bingo under this exemption.

This exemption was enacted in 1984 and last changed in 2006.

About 230 organizations qualify for this exemption.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

**11.04 SMALLER RAFFLES**

Minnesota Statutes, Sections 297E.02, Subd. 2, and 349.166, Subd. 1(c)

If the value of all raffle prizes awarded by an organization in a calendar year does not exceed \$1,500, then the raffles of that organization are exempt from the lawful gambling tax.

This provision was enacted in 1984. In 2003 the prize limit was increased from \$750 to \$1,500.

About 1,000 organizations benefit from this provision.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$100,000	\$100,000	\$100,000	\$100,000

**11.05 RAFFLES BY CERTAIN ORGANIZATIONS**

Minnesota Statutes, Sections 297E.02, Subd. 2, and 349.166, Subd. 3

The lawful gambling tax does not apply to a raffle conducted by an organization that delivers health or social services and is exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code. The prizes awarded in the raffle must be donated real or personal property.

This exemption was enacted in 1984.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

Lawful Gambling Taxes

**11.06 LAWFUL GAMBLING UNDER CERTAIN CONDITIONS**

Minnesota Statutes, Sections 297E.02, Subd. 2, and 349.166, Subd. 2

All types of lawful gambling are exempt from the lawful gambling taxes if certain conditions are met. To qualify, the organization must conduct lawful gambling on no more than five days in a calendar year and cannot award more than \$50,000 in prizes for lawful gambling in a calendar year.

This exemption was enacted in 1986.

About 2,100 organizations benefit from this exemption.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$1,300,000	\$1,300,000	\$1,300,000	\$1,300,000

**CREDIT**

**11.07 CREDIT FOR CERTAIN RAFFLES**

Minnesota Statutes, Section 297E.02 Subd. 2a

An organization may claim a credit against the lawful gambling tax equal to the tax resulting from a raffle if the net proceeds have been used exclusively to relieve the effects of poverty, homelessness, or physical or mental disability for an individual or family.

This credit was enacted in 2000.

Fewer than thirty claims are filed annually for this credit.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	*	*	*	*

## **CHAPTER 12: INSURANCE PREMIUMS TAXES**

### **Collections and History**

In fiscal year 2007, the revenues from the insurance premiums taxes totaled \$328 million. The proceeds from the taxes on health maintenance organizations and nonprofit health service plan corporations are deposited in the Health Care Access Fund; the proceeds from the surcharge on fire safety premiums are deposited in the Fire Account in the Special Revenue Fund, and the proceeds from the other taxes are deposited in the State General Fund. Aids are paid to local fire and police departments based on the amount of tax from certain types of insurance.

A tax on insurance premiums was first enacted in Minnesota in 1868 at a rate of 2% of the premiums received by foreign (non-Minnesota) insurance companies. In 1872 the tax was extended to domestic (Minnesota) companies. The basic rate remains at 2%. In 2005 a phased-in reduction of the tax rate on life insurance was adopted.

In 1913 the fire marshal tax was enacted at a rate of 0.375%, and the rate was increased to 0.5% in 1937. In 2006 the fire marshal tax was repealed, and a 0.65% surcharge was enacted on homeowners', commercial fire, and commercial nonliability insurance policies. In 1934 a surcharge was enacted at a rate of 2% on fire, lightning, and sprinkler leakage premiums on property located in cities of the first class. The rate remains at 2%, and the surcharge is in addition to other taxes. A tax on surplus lines insurance premiums was enacted in 1963 at a rate of 2%, and the rate was increased to the current 3% rate in 1978. In 1992 a 1% premiums tax was imposed on previously-exempt health maintenance organizations and nonprofit health service plan corporations.

### **Tax Base**

For purposes of this study, the tax base is defined as gross premiums less return premiums received by domestic and foreign insurance companies on all direct business in Minnesota.

### **Computation of the Tax**

The 2% premiums tax is imposed on the gross premiums less return premiums received by domestic and foreign insurance companies on all direct business in Minnesota. A domestic company is one which is incorporated in Minnesota, and a foreign company is one which is incorporated in another state or country. The tax rate on life insurance is reduced from 2% to 1.5% from 2006 through 2009, and lower rates apply to smaller mutual property and casualty insurance companies.

Health maintenance organizations and nonprofit health service plan corporations are subject to a 1% tax on their gross premiums less return premiums received.

**EXEMPTIONS**

**12.01 FRATERNAL BENEFIT SOCIETIES**

Minnesota Statutes, Section 297I.15 Subd. 10

Fraternal benefit societies or associations are exempt from the Minnesota gross premiums tax. These societies are nonprofit, charitable organizations which provide life, sickness, and/or accident benefits for their members and their beneficiaries.

This exemption was enacted in 1907 and was last changed in 1985.

Thirty-nine fraternal benefit societies did business in Minnesota in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$4,500,000	\$4,600,000	\$4,700,000	\$4,800,000

**12.02 FARMERS' MUTUAL AND TOWNSHIP MUTUAL FIRE INSURANCE COMPANIES (SURCHARGE ON FIRE SAFETY PREMIUMS)**

Minnesota Statutes, Section 297I.06, Subd. 2(a)

Farmers' mutual insurance companies and township mutual insurance companies are exempt from the surcharge on fire safety premiums. All other insurance companies doing business in Minnesota are required to pay the surcharge which is 0.65% of premiums and assessments for homeowners' insurance policies, commercial fire policies, and commercial nonliability insurance policies.

This exemption was enacted in 2006 when the surcharge on fire safety premiums was enacted. It replaced the exemption from the fire marshal tax which had been enacted in 1915.

In 2006, 91 insurance companies qualified for this exemption.

	Fiscal Year Impact			
	2008	2009	2010	2011
Special Revenue Fund	\$300,000	\$300,000	\$300,000	\$300,000

**12.03 MINNESOTA COMPREHENSIVE HEALTH INSURANCE PLAN**

Minnesota Statutes, Section 297I.15, Subd. 8

The Minnesota Comprehensive Health Association (MCHA) was established by state law to provide health insurance coverage to high risk persons. Premiums received by the writing carrier for the MCHA plan are exempt from the gross premiums tax.

This exemption was enacted in 1976 as part of the MCHA legislation. The exemption was repealed in 1987 but was re-enacted in 1988.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$2,400,000	\$2,400,000	\$2,500,000	\$2,500,000

**REDUCED RATES****12.04 HEALTH MAINTENANCE ORGANIZATIONS AND NONPROFIT HEALTH SERVICE PLAN CORPORATIONS**

Minnesota Statutes, Section 297I.05, Subd. 5

Several sources of revenue fund Minnesota's health care access program, MinnesotaCare, including a 1% premiums tax which is imposed on health maintenance organizations and nonprofit health service plan corporations. The tax expenditure measures the difference between the 1% tax and the 2% tax that applies generally to insurance premiums.

Prior to legislation enacted in 1992, these entities were exempt from the premiums tax. An exemption from the premiums tax for nonprofit health service plan corporations was enacted in 1971, and an exemption for health maintenance organizations was enacted in 1973. A 1% premiums tax was enacted on these entities in 1992, effective January 1, 1996, and was imposed in 1996 and 1997. A series of law changes resulted in the tax not being imposed from 1998 through 2003. The provision was last changed in 2003 when exemptions were eliminated for premiums paid under medical assistance, general assistance medical care, and MinnesotaCare.

Ten health maintenance organizations and three nonprofit health service plan corporations do business in Minnesota.

	Fiscal Year Impact			
	2008	2009	2010	2011
Health Care Access Fund	\$74,300,000	\$79,400,000	\$85,100,000	\$91,000,000

**12.05 SMALLER MUTUAL PROPERTY AND CASUALTY INSURANCE COMPANIES**

Minnesota Statutes, Section 297I.05, Subd. 2, 3, and 4

A tax rate of 1% applies to the premiums of farmers’ mutual and township mutual insurance companies and to mutual property and casualty insurance companies with total assets of \$5 million or less. A tax rate of 1.26% applies to the premiums of other mutual property and casualty companies with total assets of \$1.6 billion or less on December 31, 1989. The tax expenditure measures the difference between these rates and the 2% rate that applies generally to insurance premiums.

From 1905 to 1987, mutual property and casualty insurance companies paid the 2% gross premiums tax on only their fire, lightning, and sprinkler leakage premiums and were exempt from paying the tax on all other types of premiums. In 1987 the exemption was repealed. In 1988 the rate of tax was phased down to 0.5% for 1992 and after. The current rates were adopted in 1995.

The reduced rates applied to 136 mutual insurance companies in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$10,100,000	\$10,200,000	\$10,500,000	\$10,800,000

**12.06 LIFE INSURANCE**

Minnesota Statutes, Section 297I.05, Subd. 14

The tax rate for life insurance premiums is phased down from 2% to 1.5% over four years. The tax rate is 1.875% for premiums received in 2006, 1.75% for 2007, 1.625% for 2008, and 1.5% for 2009 and thereafter. The tax expenditure measures the difference between the general rate of 2% and the lower rate applicable to that year.

This provision was enacted in 2005.

Approximately 350 life insurance companies benefit from this provision.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$5,200,000	\$7,200,000	\$8,500,000	\$8,800,000



**PREFERENTIAL COMPUTATION****12.07 SMALLER MUTUAL PROPERTY AND CASUALTY INSURANCE COMPANIES  
(SURCHARGE ON FIRE SAFETY PREMIUMS)**

Minnesota Statutes, Section 297I.06, Subd. 2(b)

Mutual property and casualty companies that qualify for a lower tax rate on their premiums (Item 12.05) have the option of paying the smaller of the 0.65% surcharge on fire safety premiums or the 0.5% fire marshal tax.

The 0.65% surcharge on fire safety premiums is imposed on gross premiums for homeowners' insurance policies, commercial fire policies, and commercial nonliability insurance policies. The 0.5% fire marshal tax was imposed on gross fire premiums. In 2006, the 0.5% fire marshal tax was repealed and replaced by the 0.65% surcharge on fire safety premiums. At the same time, smaller mutual property and casualty insurance companies were given the option of paying the smaller of the new surcharge or the equivalent of the fire marshal tax. The tax expenditure measures the benefit these companies realize by choosing to pay the lower of the two taxes. Other insurance companies must pay the new surcharge.

This provision was enacted in 2006, effective July 1, 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
Special Revenue Fund	\$100,000	\$100,000	\$100,000	\$100,000

**CREDIT****12.08 CREDIT FOR GUARANTY ASSOCIATION ASSESSMENTS**

Minnesota Statutes, Section 297I.20

An insurance company is allowed a credit against the premiums tax based on guaranty association assessments paid in one or more prior years.

When an insurance company becomes insolvent, any amounts that remain unpaid to its policyholders are paid through assessments that are imposed on solvent companies by a guaranty association. One guaranty association is authorized by Minnesota law to make assessments for property and casualty companies and another for life and health companies. When an insurance company pays an assessment to either of these associations, a credit equal to 20% of the assessment is allowed for each of the five subsequent years. If the credit exceeds the company's premiums tax for that year, the excess may be carried forward.

This credit was enacted in 1994.

	Fiscal Year Impact			
	2008	2009	2010	2011
State General Fund	\$200,000	\$200,000	\$300,000	\$400,000



## CHAPTER 13: LOCAL PROPERTY TAX

### Collections and History

Net local property tax collections were \$6.1 billion for property taxes payable in 2007. The property tax is collected by the counties and is distributed to the local units of government which impose the tax - counties, cities, townships, school districts, and special taxing districts.

In addition to the local tax, a state general property tax is levied on commercial, industrial, and seasonal recreational property. The tax is collected by the counties and remitted to the state. The tax expenditure provisions in this chapter pertain only to the local property tax.

The property tax was already in place when the first book of statutes was compiled for the Territory of Minnesota in 1851. The classification system was enacted in 1913 with four classes of property. In 1933 the number of classes was expanded to provide preferential treatment for homestead property.

In 1967 the state property tax levy was eliminated, and a portion of the revenues from the newly-enacted sales tax was distributed to local units of government. The state-paid homestead credit, the rent credit, and the senior citizen credit also were enacted in 1967.

Changes in the treatment of business personal property began in 1967 when livestock and farm machinery were exempted, and businesses were given the option to have either their inventories or their tools and machinery exempted. In 1971 the exemption for business property was expanded to include all inventories, tools, and machinery. Commercial and industrial equipment attached to and considered as real property, known as attached machinery, was exempted in 1973.

In 1971 levy limitations and local government aids were enacted which were important in determining the amount of the property tax levy. Modifications have been made to both of these programs since that time. Beginning with taxes payable in 1993, the general levy limit for county and city governments was repealed, and a "truth-in-taxation" system of reporting proposed levies to taxpayers and conducting levy hearings was established. Temporary levy limitations for counties and for cities with population over 2,500 were adopted for taxes payable in 2000, 2002, 2003, and 2004.

In 1988 several provisions were enacted that significantly altered features of the property tax system. Assessed value, calculated by multiplying classification percentages times estimated market value, was replaced by tax capacity. Tax capacities are based on class rates applied to market values, and local tax rates now are expressed as percentages of total tax capacity in a taxing area, rather than as mill rates.

A change enacted in 1991 specified that referendum levies are spread against market value instead of tax capacity, which is referred to as referendum market value. Since that time the market value against which referendum levies are spread has been reduced for certain agricultural and other property.

In 2001 the state-determined general education levy was eliminated, and a state general property tax was enacted and is imposed on only commercial, industrial, and seasonal recreational property.

## Local Property Tax

### **Tax Base**

The tax base for the local property tax is the market value of real property. Generally, market value is the estimated selling price of the property. Other approaches to determining market value are considered to be substitutes for selling price and, therefore, are not considered to be tax expenditures.

It should be noted that the impact of a property tax expenditure affects the distribution of the tax rather than the total yield of the tax. The fiscal year impact represents a shift in tax burden rather than a reduction in revenue. An exemption, class rate, or other preferential provision lowers the total tax capacity and results in a higher local tax rate applicable to all taxable property. Although the total yield from the tax is not affected, the tax is shifted from preferential to nonpreferential property.

### **Computation of the Tax**

The taxable amount (tax capacity, which is market value times the class rate, or referendum market value) is determined by statute. The total yield of the tax is determined by the unit of government which imposes the tax. The governing body of the local unit, such as the school board, the county board, or the city council, determines the amount of the levy and in so doing must take into account many factors, including the level of services provided, mandated programs, debt service, any levy limitations, and other sources of revenue such as local government aids. Specified state aids are subtracted from the levies certified by taxing districts to determine the final levy based on tax capacity.

The final levy based on tax capacity is divided by the total taxable tax capacity of the taxing district to determine the district's local tax rate. For each parcel, the tax capacity is multiplied by the aggregate local tax rate of the county, city or township, school district, and any special taxing districts to determine the gross tax.

The referendum levy is divided by referendum market value to determine the district's local referendum market value tax rate. For each parcel, the referendum market value is multiplied by the referendum tax rate for the school district and any other district applicable to that property. The referendum and tax capacity taxes are combined to obtain the total gross tax on the parcel.

Net tax is determined by subtracting from gross tax any applicable credits, including disaster credit, powerline credit, agricultural preserves credit, enterprise zone credit, disparity reduction credit, conservation tax credit, homestead and agricultural market value credits, taconite homestead credit, and supplemental homestead credit.

Additional tax relief is provided to qualifying homeowners and renters through the property tax refund. The property tax refund is a "circuit-breaker" program based on the net homestead tax or 19% of rent and on household income, with the amount of refund phasing out as income increases. Another refund is available to homeowners whose net property tax increases by more than 12% from the previous year. These refunds are paid directly to claimants by the state. They are listed on the expenditure side of the state budget and therefore are not included in this report.

**EXEMPTIONS****13.01 EXEMPT REAL PROPERTY**

Minnesota Statutes, Sections 272.02

Property that is exempt from the property tax by statute is included in the estimates below. The estimates do not include property that is exempt under either the Minnesota Constitution or federal law, including churches, academies, colleges, universities, and Indian reservations.

Since 1926, county assessors have been required to value exempt real property every six years. The most recent valuation of exempt property took place in 2004. The estimates are based on the 2004 values with growth assumed in the subsequent years. The class rate for commercial-industrial property of 2.0% was used. A statewide average tax capacity rate was computed or estimated for each year to arrive at the estimated net property tax figures shown below. In computing the estimates, the tax rates were adjusted to take into account the additional taxable value that would result if the property were not exempt.

The estimates include only real property because exempt personal property is not required to be valued. Most personal property is exempt, including household goods, commercial and industrial personal property (tools, machinery, inventories), farm machinery and livestock, agricultural products, and attached machinery.

Certain types of property have been exempt from taxation since at least 1851 when the first book of statutes was compiled for the Territory of Minnesota. The exempt property provisions were last changed in 2006.

Type of Property	Fiscal Year Impact			
	2008	2009	2010	2011
Elementary and Secondary				
Schools	\$327,200,000	\$356,100,000	\$381,000,000	\$407,700,000
Public Burying Grounds	6,000,000	6,600,000	7,000,000	7,500,000
Hospitals	91,100,000	99,100,000	106,100,000	113,500,000
Charitable Institutions	54,500,000	59,300,000	63,500,000	67,900,000
Federal and State Forests, Parks, and Wildlife Refuges	77,000,000	83,800,000	89,700,000	96,000,000
Public Property Used for Public Purposes	<u>583,600,000</u>	<u>635,200,000</u>	<u>679,600,000</u>	<u>727,200,000</u>
Total – Local Units of Government	\$1,139,400,000	\$1,240,100,000	\$1,326,900,000	\$1,419,800,000

**13.02 LIMITED MARKET VALUE**

Minnesota Statutes, Section 273.11, Subd. 1a

Annual increases in market value are limited in determining the property tax for property classified as residential homestead or nonhomestead, agricultural homestead or nonhomestead, timber, or noncommercial seasonal recreational residential. Value increases due to improvements are not subject to limitation. For assessment years 2004 through 2006, the amount of increase is limited to the greater of 15% of the value in the preceding year’s assessment or 25% of the difference between the current assessment and the preceding assessment. The 25% in the computation is increased to 33% for assessment year 2007 and to 50% for assessment year 2008. The program is eliminated after assessment year 2008.

In 1993 limited market value was enacted for assessment years 1993 through 1998. The duration of the program was shortened by one year in 1994 and then extended by four years in 1997. In 2001 limited market value was extended beyond assessment year 2001 by gradually phasing it out. In 2005 the phaseout was delayed by two years.

	Fiscal Year Impact			
	2008	2009	2010	2011
Local Units of Government	\$48,700,000	\$51,200,000	\$52,600,000	\$0

**13.03 IMPROVEMENTS TO OLDER HOMES**

Minnesota Statutes, Section 273.11, Subd. 16

Improvements to older homes may be fully or partially excluded from the value of property for up to ten years. The property must be a homestead at least 45 years old, and a building permit must have been issued for the improvement. The estimated market value of the house must be less than \$400,000, and the improvements must add at least \$5,000 to the value of the property. The exclusion applies to improvements made before January 2, 2003.

For a home at least 70 years old, the value added by the improvements is excluded, up to a maximum of \$50,000. For a home 45 to 70 years old, the exclusion is 50% of the added value, up to a maximum exclusion of \$25,000. The exclusion continues for ten years unless the property is sold or reclassified as nonhomestead. After termination, 20% of the excluded value is added back in each of the next five years.

This provision, known as “This Old House”, was enacted in 1993 and was last changed in 1999.

Approximately 44,000 properties benefited from this provision in 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
Local Units of Government	\$6,400,000	\$5,400,000	\$4,500,000	\$3,600,000

**13.04 JOB OPPORTUNITY BUILDING ZONE PROPERTY**

Minnesota Statutes, Section 272.02, Subd. 64

An exemption from the property tax is allowed for improvements to Class 3 commercial and industrial real and personal property that is in a Job Opportunity Building Zone if the occupant of the property is a qualified business. The exemption does not apply to the land, property that was in place before the business subsidy agreement was signed, or to certain debt service levies.

Ten Job Opportunity Building Zones have been designated by the Commissioner of Employment and Economic Development, effective January 1, 2004. The maximum duration of a zone is twelve years, but the duration is extended for three years for an ethanol producer if the business subsidy agreement was executed after April 30, 2006. Zones must be outside the seven-county metropolitan area, and each zone may contain up to 5,000 acres and can be divided into separate noncontiguous subzones. Also included in the program are up to five Agricultural Processing Facility Zones.

These provisions were enacted in 2003 and last changed in 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
Local Units of Government	\$3,900,000	\$6,000,000	\$7,100,000	\$8,300,000

***PREFERENTIAL VALUATIONS***

**13.05 CLASSIFICATION SYSTEM**

Minnesota Statutes, Section 273.13

Each parcel of taxable property is classified by type. The market value of the property is multiplied by the class rate(s) for that type of property.

Due to the classification system, some types of property are treated preferentially compared to other types of property. The classification system is considered a tax expenditure because properties with the same market value are not treated the same.

To illustrate the impact of the classification system, it was assumed that, instead of having many different class rates, all types of property would be subject to one rate. The estimates reflect the difference in tax that would result from uniform treatment. The sum of the increases and decreases does not equal zero due to lower tax increment finance levies and differences in the computation of credits.

## Local Property Tax

The positive dollar amounts are the tax expenditures, that is, the tax increases that would occur if one class rate applied to all types of property. The negative amounts show the other side of the shifts in tax burden; they are not tax expenditures.

The property tax classification system was enacted in 1913 and was last changed in 2006.

Type of Property	Fiscal Year Impact			
	2008	2009	2010	2011
Residential Homestead	\$335,000,000	\$369,000,000	\$369,000,000	\$369,000,000
Farm Homestead	96,000,000	104,000,000	104,000,000	104,000,000
Farm Nonhomestead	(6,000,000)	(6,000,000)	(6,000,000)	(6,000,000)
Timber	1,000,000	1,000,000	1,000,000	1,000,000
Seasonal Recreational Commercial	1,000,000	1,000,000	1,000,000	1,000,000
Subsidized Housing	10,000,000	11,000,000	11,000,000	11,000,000
Seasonal Recreational Residential	4,000,000	5,000,000	5,000,000	5,000,000
Residential Nonhomestead	17,000,000	25,000,000	25,000,000	25,000,000
Commercial/Industrial				
1st Tier	(8,000,000)	(8,000,000)	(8,000,000)	(8,000,000)
2nd Tier	(361,000,000)	(409,000,000)	(409,000,000)	(409,000,000)
Public Utility	(26,000,000)	(25,000,000)	(25,000,000)	(25,000,000)
Apartments	(16,000,000)	(15,000,000)	(15,000,000)	(15,000,000)
Railroad	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)
Personal	(36,000,000)	(35,000,000)	(35,000,000)	(35,000,000)

### 13.06 GREEN ACRES TREATMENT OF AGRICULTURAL LAND

Minnesota Statutes, Section 273.111

The Minnesota Agricultural Property Tax Law, known as “green acres”, provides for preferential and deferred assessment of qualifying agricultural land consisting of ten or more acres. A qualifying parcel is valued according to its agricultural use rather than a higher value that would result from nonagricultural use. When green acres property no longer qualifies as such or is sold, taxes are due equal to the amount by which the preferential valuation has reduced the property tax for the previous three years.

The fiscal impact measures the increase in net property tax that would result from valuing the green acres property at its highest and best use compared to its agricultural use.

This provision was enacted in 1967 and was last revised in 2006.

In 2007 approximately 3.7 million acres received green acres treatment.

	Fiscal Year Impact			
	2008	2009	2010	2011
Local Units of Government	\$56,100,000	\$62,300,000	\$69,100,000	\$76,700,000



**13.07 OPEN SPACE PROPERTY**

Minnesota Statutes, Section 273.112

Private recreational, social, open space, and park land is given preferential valuation and tax deferral as long as it meets certain criteria. For property tax purposes, the property is valued at its current use rather than at a higher value that would reflect its potential use. Qualifying property includes golf courses, ski areas, and archery and firearms ranges. When the open space property no longer qualifies for preferential valuation, taxes are due equal to the amount by which the preferential valuation reduced the tax for the previous seven years.

The Minnesota Open Space Property Tax Law was enacted in 1969. Several changes have been made since enactment, and this provision was last changed in 2005.

About 300 parcels of property receive preferential valuation under this provision.

	Fiscal Year Impact			
	2008	2009	2010	2011
Local Units of Government	\$8,600,000	\$9,300,000	\$10,000,000	\$10,800,000

**13.08 METROPOLITAN AGRICULTURAL PRESERVES LAND**

Minnesota Statutes, Section 473H.10

Agricultural land in the seven-county metropolitan area is eligible for preferential valuation if it is within an agricultural preserve. To qualify, the owner of land that is in long term agricultural use must receive approval from the local unit of government and must sign a covenant that the land will remain in agricultural use. Generally, the land must be at least forty acres and used in the production for sale of agricultural products. Wetlands, pasture, and woodlands accompanying such land also qualify.

Agricultural preserve land is valued solely according to its agricultural use, rather than at a higher value that would reflect its potential use. The preferential valuation continues indefinitely, even if ownership changes. A tax credit is also allowed (Item 13.13). The expiration of an agricultural preserve can not take place until at least eight years after notice is given by either the owner or the local unit of government. Previous tax reductions are not repaid.

The Metropolitan Preserves Act was adopted in 1980 and was last amended in 2003.

Preferential valuation under these provisions was given to approximately 183,000 acres in 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
Local Units of Government	\$5,200,000	\$5,700,000	\$6,300,000	\$6,900,000

**13.09 TAX INCREMENT FINANCING**

Minnesota Statutes, Sections 469.174 to 469.1799

Under tax increment financing, property taxes attributable to the increased value from a development project are used for development costs. The tax expenditure is equal to the levy that goes to the tax increment district rather than the general property tax.

A tax increment financing district can be established by an authorized entity, such as a municipality or a housing and redevelopment authority, to finance economic development, housing, redevelopment, or other types of projects. Bonds may be issued for specified costs of the project. In other cases, the local authority and the developer enter into a pay-as-you-go financing agreement in which the developer initially incurs all or a portion of the development costs, and the authority reimburses the developer over a period of years from the tax increments.

The original value of the property is certified when the district is established. An amount equal to the property tax on the current-year market value is imposed on the property, but only the portion based on its original value is used for the general property tax. The difference is the tax increment which is used to pay debt service on the bonds or to reimburse the developer. The duration of a district is limited, depending upon the type of project. After the project debt is paid or the district expires, whichever comes first, the property is subject to the regular tax on its total market value.

The preferential treatment was enacted in 1947 and was last amended in 2005.

For taxes payable in 2006, there were tax increment financing districts in 416 communities.

	Fiscal Year Impact			
	2008	2009	2010	2011
Local Units of Government	\$310,000,000	\$344,000,000	\$361,000,000	\$379,000,000

***PREFERENTIAL COMPUTATION***

**13.10 AUXILIARY FOREST TAX**

Minnesota Statutes, Sections 88.47 to 88.53

Forest land is taxed under the property tax unless it is taxed under the auxiliary forest tax. The estimates reflect the amount by which the property tax would exceed the auxiliary forest tax.

To be classified as an auxiliary forest, the property must be either a minimum of 35 acres suitable for forestation or a wood lot of from five to forty acres. Qualifying land was designated an auxiliary forest upon application by the owner and approval by the county board. A 1974 law prohibited new auxiliary forest contracts from being issued or existing contracts from being extended after June 30, 1974. The auxiliary forest tax applies for the duration of the contract. The auxiliary forest tax is 10¢ per acre of land plus a yield tax of from 40% to 10% of the value of the timber, the rate determined by the year of the harvest in relation to the contract period.

The auxiliary forest tax was enacted in 1927.

Approximately 30,000 acres were taxed under this program in 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
Local Units of Government	\$100,000	\$100,000	\$100,000	\$100,000

**CREDITS**

**13.11 TACONITE HOMESTEAD CREDIT**

Minnesota Statutes, Section 273.135

Homestead property within the taconite tax relief area receives a credit against the property tax. Within certain municipalities, the credit is 66% of the net tax, with a maximum credit of \$315.10. Elsewhere, it is 57% of the net tax, with a maximum credit of \$289.80.

Taconite mining companies pay the taconite production tax in lieu of the property tax. Most of the proceeds from the production tax are distributed as aid payments to local governments in the taconite tax relief area. The taconite homestead credit is also funded from the proceeds of the taconite production tax.

The taconite homestead credit was enacted in 1969 and was last changed in 2003.

Approximately 40,000 homesteads receive this credit.

	Fiscal Year Impact			
	2008	2009	2010	2011
Local Units of Government	\$11,500,000	\$11,700,000	\$12,000,000	\$12,200,000

**13.12 POWERLINE CREDIT**

Minnesota Statutes, Sections 273.42 and 273.425

The owner of land that is a homestead, agricultural land, residential rental property, or seasonal residential recreational property receives a property tax credit if the property is crossed by an electric transmission line of 200KV or more which was constructed after July 1, 1974. The credit is limited to 20% of the gross property tax for the parcel. If the parcel exceeds forty acres, the maximum credit is 20% of a portion of the tax.

The powerline credit was enacted in 1979 and was last changed in 2003.

About 1,630 parcels received this credit in 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
Local Units of Government	\$100,000	\$100,000	\$100,000	\$100,000

**13.13 METROPOLITAN AGRICULTURAL PRESERVES CREDIT**

Minnesota Statutes, Section 473H.10

A credit against the property tax is allowed for agricultural land and nonresidential buildings in the metropolitan agricultural preserves program. The credit is based on the difference in tax computed at the local tax rate and the tax computed at 105% of the previous year’s statewide average local tax rate for property in townships. The minimum credit is \$1.50 per acre.

Agricultural preserve land is also allowed preferential valuation. See Item 13.08, which includes a description of the agricultural preserves program.

The credit was enacted as part of the metropolitan agricultural preserves program in 1980. The \$1.50 minimum was enacted in 1993.

In 2007 the credit was allowed for approximately 183,000 acres.

	Fiscal Year Impact			
	2008	2009	2010	2011
Local Units of Government	\$300,000	\$300,000	\$300,000	\$300,000

**13.14 CONSERVATION TAX CREDIT**

Minnesota Statutes, Section 273.119

A credit of \$1.50 per acre is allowed against the property tax for land located in an agricultural preserve created under Minnesota Statutes, Chapter 40A. This program is for counties outside the seven-county metropolitan area.

This credit was enacted in 1986 and was last amended in 1990.

In 2007 the credit was allowed for 135,000 acres.

	Fiscal Year Impact			
	2008	2009	2010	2011
Local Units of Government	\$200,000	\$200,000	\$200,000	\$200,000

## **CHAPTER 14: AIRFLIGHT PROPERTY TAX**

### **Collections and History**

Revenues from the airflight property tax were \$8.4 million in fiscal year 2007. The proceeds from this tax go to the State Airports Fund.

The airflight property tax was enacted in 1945. Originally the assessment ratio was 40%, but it was reduced to 33 1/3% in 1953. In 1987 the one assessment ratio was replaced by a schedule of ratios, and the use of the statewide average property tax mill rate was replaced by a revenue yield for each year specified by statute and the tax rate determined therefrom. In 1992 the calculation of the tax rate was changed to yield the difference between the total state airports fund appropriation and the fund revenues from other sources.

### **Tax Base**

The tax base is the value of airflight property of airline companies engaged in air commerce.

Because the yield of the tax is a fixed amount for each year, the tax expenditure estimates represent a shift in tax rather than a revenue loss.

### **Computation of the Tax**

The property subject to the tax is the aircraft and flight equipment, including spare flight equipment, of airline companies. Airline companies are defined as those that engage in the business of air commerce, and air commerce is defined as the transportation by aircraft of persons or property for hire on flights by airline companies operating under authorization of the United States Department of Transportation. Privately-used aircraft are subject to the aircraft registration tax (Chapter 16).

The value of the airflight property is determined by the Department of Revenue. The value is apportioned to Minnesota by a three-factor formula. The apportioned value is multiplied by a tax capacity rate of 40% for quiet aircraft and 70% for other airflight property. All aircraft now qualify as quiet aircraft, so the 70% rate is no longer used. The rate is reduced by 50% for certain airlines.

The tax capacity is multiplied by a tax rate which is determined by dividing the revenue needed for the State Airports Fund by the total tax capacity. For taxes payable in 2007 the tax rate was approximately 2.3%.

The tax is paid by the airline company to the Department of Transportation.

Under a provision in the Minnesota Constitution, the airflight property tax is in lieu of other property taxes on airflight property. Therefore, airflight property is exempt from the local property tax. However, the property tax does apply to the other property of an airline company.

**PREFERENTIAL COMPUTATION**

**14.01 COMMUTER AIRLINES**

Minnesota Statutes, Sections 270.072, Subd. 2, and 360.521

Generally, commercial aircraft are taxed under the airflight property tax, and noncommercial aircraft are taxed under the aircraft registration tax. However, commuter airlines have the option of having their aircraft taxed under one tax or the other, whichever is lower. The tax expenditure estimates reflect the difference between the aircraft registration tax paid by commuter airlines and the amount they would pay under the airflight property tax.

This provision was enacted in 1969.

Currently two companies benefit from this provision.

	Fiscal Year Impact			
	2008	2009	2010	2011
State Airports Fund	\$100,000	\$100,000	\$100,000	\$100,000

**PREFERENTIAL VALUATION**

**14.02 CERTAIN AIRLINES**

Minnesota Statutes, Section 270.074, Subd. 3(b)

Quiet aircraft are assessed at 40% of market value. If the airflight property is owned by a qualifying airline, the tax capacity rate is 50% of the rate or 20%.

In order for an airline to qualify, the majority of the aircraft that it owns or leases must be turboprops, and the airline company must provide scheduled passenger service to three or more airports that serve cities or towns in Minnesota with a population of 100,000 or less outside the seven-county Minneapolis-St. Paul metropolitan area.

This provision was enacted in 1987.

Two airline companies currently qualify under this provision.

	Fiscal Year Impact			
	2008	2009	2010	2011
State Airports Fund	\$300,000	\$300,000	\$300,000	\$300,000

## **CHAPTER 15: MOTOR VEHICLE REGISTRATION TAX**

### **Collections and History**

In fiscal year 2007, a total of \$484 million in motor vehicle registration tax was collected. All the proceeds from this tax are deposited in the Highway User Tax Distribution Fund.

A motor vehicle registration tax was first enacted in 1911 at a rate of \$1.50 per vehicle. In 1921 a tax of 2% of value was enacted, with the minimum tax determined by the weight category of the passenger car or truck.

From 1921 to 1949 the tax was based primarily on value. In 1949 a tax based solely on weight was adopted, and for trucks the tax continues to be determined by weight. For passenger cars, however, a tax of \$10 plus 1.25% of the base value was adopted in 1971 and remains in effect. The depreciation schedule for passenger cars was changed significantly in 1989, and in 2000 the tax on passenger cars was limited to a maximum amount based on the renewal period.

### **Tax Base**

The tax base for the motor vehicle registration tax is motor vehicles that use the public streets and highways in Minnesota. Therefore, the exemptions for farm machinery and other off-road vehicles are not considered tax expenditures.

The tax on passenger cars is based on value, and the tax on trucks and buses is based on weight. Although arguments could be made for using either the weight system or the value system in the definition of the tax base, for purposes of this study one system is considered to be a replacement for the other.

### **Computation of the Tax**

The tax on passenger cars, pickup trucks, and vans is \$10 plus 1.25% of the base value. Base value is the manufacturer's suggested retail price, including destination charges but excluding separately-stated options. The percentage of base value used to compute the tax decreases with the age of the vehicle: 100% in the first and second years of vehicle life; 90% in the third and fourth years; 75% in the fifth and sixth years; 60% in the seventh year; 40% in the eighth; 30% in the ninth; and 10% in the tenth year.

The maximum tax is \$189 for the first renewal period and \$99 for subsequent renewal periods. The flat tax for vehicles over ten years old and the minimum tax for all vehicles are both \$35 (\$10 plus \$25 minimum additional tax).

The tax on trucks, tractors, and buses is based on the type, weight, and age of the vehicle. A minimum tax applies, the amount of which is determined by the type of vehicle.

The tax is paid when the vehicle is first registered and annually thereafter upon renewal.

Motor Vehicle Registration Tax

**EXEMPTIONS**

**15.01 LOCAL GOVERNMENT VEHICLES**

Minnesota Statutes, Section 168.012, Subd. 1, Subd. 6, and Subd. 10

Vehicles owned or leased by a political subdivision of the state are exempt from the motor vehicle registration tax. Exempt vehicles include ambulances, fire trucks, utility fleets, police vehicles, and buses owned by city transit companies. Publicly-owned school buses are estimated separately in Item 15.02.

The exemption for government vehicles was enacted in 1921 and was last changed in 1996.

An estimated 40,000 vehicles qualify for this exemption.

	Fiscal Year Impact			
	2008	2009	2010	2011
Highway User Tax Distribution Fund	\$7,500,000	\$7,600,000	\$7,700,000	\$7,900,000

**15.02 SCHOOL BUSES**

Minnesota Statutes, Section 168.012, Subd. 1(a)(2) and Subd. 10

Vehicles owned or leased and used by educational institutions for the sole purpose of transporting students to and from those institutions are exempt from the motor vehicle registration tax.

Government owned or leased buses other than school buses are included in the exemption for government vehicles (Item 15.01). School buses used exclusively for student transportation under contract with a school district are not exempted from the tax but are subject to a flat tax of \$25 instead of the regular tax (Item 15.10).

This exemption was enacted in 1933 and was extended to leased vehicles in 1982.

About 5,500 vehicles qualify for this exemption.

	Fiscal Year Impact			
	2008	2009	2010	2011
Highway User Tax Distribution Fund	\$500,000	\$500,000	\$500,000	\$500,000



**15.03 NONRESIDENT MILITARY PERSONNEL**

Minnesota Statutes, Section 168.04, Subd. 1

An exemption from the motor vehicle registration tax is allowed to a motor vehicle that is owned by a nonresident who is a member of the Armed Forces stationed in Minnesota if the following four conditions are met: the vehicle is properly registered in another state; the owner is a resident of the state in which the vehicle is registered; the vehicle is used only for the owner’s personal transportation; and the vehicle is subject to all other provisions of law applicable to vehicles owned by Minnesota residents.

This provision was enacted in 1967 and was last changed in 1981.

	Fiscal Year Impact			
	2008	2009	2010	2011
Highway User Tax Distribution Fund	\$100,000	\$100,000	\$100,000	\$100,000

**15.04 MEDAL OF HONOR RECIPIENTS AND FORMER PRISONERS OF WAR**

Minnesota Statutes, Sections 168.031, 168.124, and 168.125

Congressional medal of honor recipients may obtain special license plates with “Medal of Honor” on them, and former prisoners of war may obtain special license plates with “EX-POW” on them. In each case, the recipient is issued these plates, as well as all renewals, exempt from the motor vehicle registration tax.

The exemption for medal of honor recipients was enacted in 1983. The exemption for former prisoners of war was enacted in 1993.

Approximately 415 vehicles qualify for these exemptions.

	Fiscal Year Impact			
	2008	2009	2010	2011
Highway User Tax Distribution Fund	*	*	*	*

\*Less Than \$50,000

Motor Vehicle Registration Tax

**15.05 DISABLED VETERANS**

Minnesota Statutes, Section 168.031(b)

A motor vehicle which has been furnished free, in whole or in part, by the United States government to a disabled war veteran is exempt from the motor vehicle registration tax.

This provision was enacted in 1941 and was last changed in 1971.

Approximately 190 vehicles qualify for this exemption.

	Fiscal Year Impact			
	2008	2009	2010	2011
Highway User Tax Distribution Fund	*	*	*	*

**15.06 TRANSPORT OF DISABLED PERSONS BY NONPROFIT CHARITIES**

Minnesota Statutes, Section 168.012, Subd. 1(a)(4)

An exemption from the motor vehicle registration tax is provided for a motor vehicle owned by a nonprofit charity and used exclusively to transport disabled persons for charitable, religious, or educational purposes.

This exemption was enacted in 1987 and was changed in 2005 to include charitable and religious purposes in addition to educational purposes.

	Fiscal Year Impact			
	2008	2009	2010	2011
Highway User Tax Distribution Fund	*	*	*	*

**15.07 DRIVER EDUCATION PROGRAMS AT NONPUBLIC HIGH SCHOOLS**

Minnesota Statutes, Section 168.012, Subd. 1(a)(3)

Vehicles used solely in driver education programs at nonpublic high schools are exempt from the motor vehicle registration tax.

This provision was enacted in 1990.

Eighteen nonpublic high schools have approved driver education programs.

	Fiscal Year Impact			
	2008	2009	2010	2011
Highway User Tax Distribution Fund	*	*	*	*

**15.08 COMMERCIAL DRIVING SCHOOLS**

Minnesota Statutes, Section 168.012, Subd. 1(a)(6)

A vehicle owned by a licensed commercial driving school, or by an employee of the school, and used exclusively for driver education and training is exempt from the motor vehicle registration tax.

This exemption was enacted in 1999 and was last changed in 2000.

	Fiscal Year Impact			
	2008	2009	2010	2011
Highway User Tax Distribution Fund	\$100,000	\$100,000	\$100,000	\$100,000

## Motor Vehicle Registration Tax

### 15.09 PRIVATE AMBULANCE SERVICES

Minnesota Statutes, Section 168.012, Subd. 1(a)(6)

Ambulances owned by private ambulance services licensed under Minnesota Statutes, Section 144E.10, are exempt from the motor vehicle registration tax. To qualify, the appearance of the ambulance must be unmistakable.

This exemption was enacted in 1990. Ambulances owned by local units of government have been exempt since 1921 and are included in Item 15.01.

This exemption applies to about 500 ambulances.

	Fiscal Year Impact			
	2008	2009	2010	2011
Highway User Tax Distribution Fund	\$200,000	\$200,000	\$200,000	\$200,000

### *PREFERENTIAL COMPUTATION*

### 15.10 BUSES CONTRACTED FOR STUDENT TRANSPORTATION

Minnesota Statutes, Section 168.013, Subd. 18

An annual tax of \$25 applies to each school bus used exclusively for student transportation under contract with a school district or used for nonprofit educational institutions. The \$25 tax is lower than the regular tax on buses which is based on weight.

School buses owned by the educational institutions are exempt from the registration tax and are estimated separately in Item 15.02.

This provision was enacted in 1971.

Approximately 6,500 school buses qualified for this provision in 2006.

	Fiscal Year Impact			
	2008	2009	2010	2011
Highway User Tax Distribution Fund	\$400,000	\$400,000	\$400,000	\$400,000

## **CHAPTER 16: AIRCRAFT REGISTRATION TAX**

### **Collections and History**

In fiscal year 2007, revenues from the aircraft registration tax were \$4.9 million. All the proceeds from this tax go into the State Airports Fund.

The aircraft registration tax was enacted in 1945, and the basic structure and rate of the tax have remained the same since that time. In 1987 the minimum tax was increased from \$10 to \$50.

### **Tax Base**

The tax base for the aircraft registration tax is the value of noncommercial aircraft which regularly use the airspace over and the airports in Minnesota. Technically, the base applies to aircraft operating without a certificate of convenience and necessity issued by the United States Department of Transportation.

### **Computation of the Tax**

The aircraft registration tax is imposed upon aircraft which are used privately and which use the airspace over Minnesota or the airports in Minnesota.

The tax is 1% of value. The value used in the computation begins with the base price of the aircraft, which is the manufacturer's list price, or, if the list price is not available, the Commissioner of Transportation's estimate of such. After the first year, the base price is reduced for depreciation - 10% in the second year and 15% for the third and each succeeding year, subject to the minimum tax. The minimum tax is the greater of 25% of the tax computed on the original base price or \$50.

The tax is paid when the aircraft is first registered and annually thereafter.

***EXEMPTION***

**16.01 CIVIL AIR PATROL AIRCRAFT**

Minnesota Statutes, Section 360.55, Subd. 3

Aircraft owned and used solely in the transaction of official business by the Civil Air Patrol are exempt from the aircraft registration tax.

This exemption was enacted in 1957.

Eighteen aircraft currently are allowed an exemption under this provision.

	Fiscal Year Impact			
	2008	2009	2010	2011
State Airports Fund	*	*	*	*

***PREFERENTIAL COMPUTATION***

**16.02 MAXIMUM TAX FOR AGRICULTURAL AIRCRAFT**

Minnesota Statutes, Section 360.55, Subd. 8

The aircraft registration tax is a maximum of \$500 for aircraft registered with the Federal Aviation Administration as restricted category aircraft used for agricultural purposes. To qualify, the aircraft must be owned and operated solely for agricultural operations and purposes. The fiscal impact measures the difference between the \$500 and the tax that would otherwise be imposed.

This provision was enacted in 1999.

Thirty-seven aircraft received this tax benefit in fiscal year 2007.

	Fiscal Year Impact			
	2008	2009	2010	2011
State Airports Fund	*	*	*	*

## APPENDIX A: MINNESOTA STATUTE REQUIRING THE TAX EXPENDITURE BUDGET

### 270C.11 TAX EXPENDITURE BUDGET.

Subdivision 1. **Statement of purpose.** State governmental policy objectives are sought to be achieved both by direct expenditure of governmental funds and by the granting of special and selective tax relief or tax expenditures. Both direct expenditures of governmental funds and tax expenditures have an effect on the ability of the state and local governments to lower tax rates or to increase expenditures. As a result, tax expenditures should receive a regular and comprehensive review by the legislature as to (1) their total cost, (2) their effectiveness in achieving their objectives, (3) their effect on the fairness and equity of the distribution of the tax burden, and (4) the public and private cost of administering tax expenditure financed programs. This section is intended to facilitate a regular review of the state and local tax expenditure budget by the legislature by providing for the preparation of a regular biennial tax expenditure budget.

Subd. 2. **Preparation; submission.** The commissioner shall prepare a tax expenditure budget for the state. The tax expenditure budget report shall be submitted to the legislature by February 1 of each even-numbered year.

Subd. 3. **Period covered.** The report shall include estimates of annual tax expenditures for, at a minimum, a three-year period including the two-year period covered in the governor's budget submitted in the preceding January pursuant to section 16A.11.

Subd. 4. **Contents.** The report shall detail for each tax expenditure item the amount of tax revenue foregone, a citation of the statutory or other legal authority for the expenditure, and the year in which it was enacted or the tax year in which it became effective. The report may contain additional information which the commissioner considers relevant to the legislature's consideration and review of individual tax expenditure items. This may include, but is not limited to, statements of the intended purpose of the tax expenditure, analysis of whether the expenditure is achieving that objective, and the effect of the expenditure device on the distribution of the tax burden and administration of the tax system.

Subd. 5. **Revenue estimates; legislative bills.** Upon reasonable notice from the chair of the house or senate tax committee that a bill is scheduled for hearing, the commissioner shall prepare an estimate of the effect on the state's tax revenues which would result from the passage of a legislative bill establishing, extending, or restricting a tax expenditure. These revenue estimates shall contain the same information as provided in subdivision 4 for expenditure items contained in the tax expenditure budget, as appropriate.

Subd. 6. **Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "tax expenditure" means a tax provision which provides a gross income definition, deduction, exemption, credit, or rate for certain persons, types of income, transactions, or property that results in reduced tax revenue; and

(2) "tax" means any tax of statewide application or any tax authorized by state law to be levied by local governments generally. It does not include a special local tax levied pursuant to special law or to a special local tax levied pursuant to general authority that is no longer applicable to local governments generally.

**History:** 1983 c 301 s 176; 1986 c 444; 1Sp1989 c 1 art 17 s 1, 2; 1991 c 291 art 21 s 8, 9; 1996 c 471 art 13 s 5; 2005 c 151 art 1 s 13

