



**Annual Submission of Rulemaking Docket and Official Rulemaking Record**

Reporting Period: January 2023 – December 2023

January 16, 2024

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Minnesota Department of Revenue

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*Upon request, this material will be made available in an alternative format such as large print, Braille or audio recording. Printed on recycled paper.*

January 16, 2024

The Honorable Tim Walz  
Governor of Minnesota  
130 State Capitol

Ryan Inman  
Revisor of Statutes  
700 State Office Building

The Honorable Bobby Joe Champion  
Chair, Legislative Coordinating Commission  
3401 Minnesota Senate Building

The Honorable Melissa Hortman  
Vice Chair, Legislative Coordinating Commission  
463 State Office Building

The Honorable Liz Olson  
Chair, House Ways and Means Committee  
479 State Office Building

The Honorable Ann H. Rest  
Chair, Senate Taxes Committee  
328 Capitol

The Honorable Pat Garofalo  
Minority Lead, House Ways and Means Committee  
295 State Office Building

The Honorable Bill Weber  
Minority Lead, Senate Taxes Committee  
2211 Minnesota Senate Building

The Honorable Ginny Klevorn  
Chair, House State and Local Government Finance  
and Policy Committee  
581 State Office Building

The Honorable John Marty  
Chair, Senate Finance Committee  
3235 Minnesota Senate Building

The Honorable Jim Nash  
Minority Lead, House State and Local Government  
Finance and Policy Committee  
349 State Office Building

The Honorable Eric Pratt  
Minority Lead, Senate Finance Committee  
2217 Minnesota Senate Building

The Honorable Aisha Gomez  
Chair, House Taxes Committee  
453 State Office Building

The Honorable Erin P. Murphy  
Chair, Senate State and Local Government and  
Veterans Committee  
3211 Minnesota Senate Building

The Honorable Greg Davids  
Minority Lead, House Taxes Committee  
283 State Office Building

The Honorable Bruce D. Anderson  
Minority Lead, Senate State and Local Government  
and Veterans Committee  
2209 Minnesota Senate Building

The Honorable Dave Lislegard  
Chair, House Property Tax Division  
451 State Office Building

The Honorable Duane Quam  
Minority Lead, House Property Tax Division  
247 State Office Building

Dear Committee Members:

In 2012, the Legislature amended Minnesota Statutes, section 14.116, to include this requirement:

“(a) By January 15 each year, each agency must submit its rulemaking docket maintained under section 14.366 and the official rulemaking record required under section 14.365 for any rule adopted during the preceding calendar year, to the chairs and ranking minority members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rule.”

Accordingly, the department submits the following:

#### ***Adopted Rules***

The Department of Revenue adopted one rule amendment in 2023.

#### **Residency Factors [R-04772](#)**

Amending Minnesota Rules, part 8001.0300, subpart 3 to incorporate specific changes set forth in Minnesota Statutes, section 290.01, subdivision 7. Revenue moved to amend these rules under the good cause exemption procedures outlined in Minnesota Statutes, section 14.388.

On April 7, 2023, the Commissioner of Revenue signed the order adopting the rule amendment. The Office of Administrative Hearings approved the order adopting the rule amendment on March 2, 2023, and the final rule amendment was published in the State Register on July 3, 2023.

#### ***Rulemaking in Progress***

The Department of Revenue had two active rulemaking projects at the end of 2023. These rule projects are on [our website](#).

#### **Sales and Use Tax Computer Software [R-04459](#)**

A potential amendment to Minnesota Rules 8130.9910 to “update the scope of the computer software rule to better align with statutory changes made by the Legislature to conform with the Streamlined Sales Tax Agreement, recent court interpretation of the statutory changes, and new technological advances for computer software.”

Revenue issued a request for comment in the State Register on December 26, 2017. The comment period closed on February 26, 2018. Revenue then appointed an advisory committee of software and sales tax industry experts. Revenue concluded that the better course was to amend the rule. Through 2023, Revenue updated the Statement of Need and Reasonableness for this rule to reflect revisions to the structure of the rule’s draft after implementing feedback from the Revisor. In 2024, Revenue plans to withdraw the current version of this rule and reintroduce it as a good cause exempt rule.

### **Board of Assessors [R-04779](#)**

A potential amendment to Minnesota Rules 1950 to reflect recommendations by Department of Revenue staff in the Property Tax Division. The recommended changes affect Board of Assessors rules for assessor licensing, education, and conduct.

Revenue issued a request for comment in the State Register on November 20, 2023. The comment period closed on December 22, 2023. There were no public comments and no requests for hearing during the comment period. After Revenue receives approval from the Governor's office, the rule can go to the Office of Administrative Hearings for approval by an Administrative Law Judge. After that, the rule can be published in the State Register and fully adopted.

### **Access to Key Documents**

You have access to key documents for any agency rulemaking at the Revisor's website. You can search the state rulemaking documents by agency, keyword, rule type, dates, or statutory authority. You can open documents related to an adopted rule or the documents already made public for a rule still being adopted.

### **Cost of Report**

In compliance with Minnesota Statutes, section 3.197, the cost of preparing this report is \$325.00, which consists of staff time to prepare and review this report.

Please contact Phillip Aitken if you have any questions regarding this report or if we can provide further assistance.

Sincerely,

*Phillip Aitken*

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Rules Co-Coordinator  
Appeals, Legal Services, and Disclosure Division  
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c: Terese Mitchell, Director  
Paul Marquart, Commissioner  
Joanna Bayers, Legislative Director