

February 11, 2019

	Yes	No
DOR Administrative Costs/Savings		x

Department of Revenue
Analysis of H.F. 779 (Swedzinski)

	Fund Impact			
	<u>F.Y. 2020</u>	<u>F.Y. 2021</u>	<u>F.Y. 20202</u>	<u>F.Y. 2023</u>
	(000's)			
General Fund	(\$27,300)	(\$28,100)	(\$28,900)	(\$29,800)
Natural Resources and Arts Funds	<u>(\$1,600)</u>	<u>(\$1,600)</u>	<u>(\$1,700)</u>	<u>(\$1,700)</u>
Total – All Funds	(\$28,900)	(\$29,700)	(\$30,600)	(\$31,500)

Effective for sales and purchases made after June 30, 2019.

EXPLANATION OF THE BILL

Current Law: Construction materials and supplies are generally taxable in Minnesota. Sales tax-exempt entities such as cities, counties, townships, school districts, special districts, state institutions of higher education, public libraries, most hospitals and nursing homes, and most charitable, educational, and religious organizations may purchase construction materials directly without paying the tax, with certain exceptions. However, building, construction, and reconstruction materials purchased by a contractor or subcontractor as part of a lump-sum or similar type of contract with a guaranteed maximum price covering both labor and materials are taxable, even if the project owner is exempt from sales tax.

There is an administrative rule under which an exempt entity may designate a construction contractor as its purchasing agent so that the contractor can acquire the construction materials exempt from tax under specific conditions.

Proposed Law: The bill would provide a sales and use tax exemption for building, construction, or reconstruction materials, supplies, and equipment purchased by a contractor and used or consumed or incorporated into buildings or facilities used principally by cities, counties, townships, public school districts, special districts, nonprofit hospitals and nursing homes, public libraries, nonprofit groups, and nonprofit hospitals and outpatient surgical centers. The bill also exempts materials, supplies, and equipment used in the construction, reconstruction, repair, maintenance, or improvement of public infrastructure of any kind by a school district or local government. Contractors, subcontractors, and builders would pay the tax at the time materials are purchased, and the local governments and nonprofits would submit a tax refund claim to the Department of Revenue.

REVENUE ANALYSIS DETAIL

- The estimates are based on the U.S. Census publication *Value of Construction Put in Place*. The applicable Census reports are for state and local government construction and private construction. National amounts for 2016 and 2017 were averaged for a state fiscal year 2017 estimating base.
- The national amounts were apportioned to Minnesota at 1.97%, the share of state and local government construction according to the 2016 *Annual Survey of State and Local Governments*. The local government portion, including school districts, was estimated.
- The portion of construction materials that a contractor may currently acquire exempt under Rule 8130.1200, Subpart 3, was estimated and subtracted.
- It was estimated that 42% of the value of qualifying construction was attributable to normally taxable building and construction materials.
- Growth rates for governmental entities published by IHS Global Insight, Inc. (*U.S Economic Outlook*) were used to forecast spending.
- Annual growth for nonprofit organizations, hospitals, nursing homes, etc., was estimated at 2.5%.
- The timing and processing of refund claims are expected to affect the estimates.

Source: Minnesota Department of Revenue
Tax Research Division
[www.revenue.state.mn.us/research_stats/Pages/
Revenue-Analyses.aspx](http://www.revenue.state.mn.us/research_stats/Pages/Revenue-Analyses.aspx)