

CORPORATE FRANCHISE TAX INDIVIDUAL INCOME TAX R&D Credit: Alternate Simplified Credit Option

March 10, 2021

	Yes	No
DOR Administrative		
Costs/Savings	X	

Department of Revenue

Analysis of H.F. 277 (Robbins) / S.F. 930 (Nelson)

	Fund Impact			
	F.Y. 2022	F.Y. 2023	F.Y. 2024	F.Y. 2025
	(000's)			
Corporate Franchise Tax	(\$22,000)	(\$17,500)	(\$19,800)	(\$26,400)
Individual Income Tax	(\$200)	(\$200)	(\$300)	(\$300)
General Fund	(\$22,200)	(\$17,700)	(\$20,100)	(\$26,700)

Effective beginning tax year 2021.

EXPLANATION OF THE BILL

Current Law: Minnesota law requires the research tax credit to be computed using a method similar to the regular method under federal law. Current-year research and development (R&D) expenditures conducted in Minnesota qualify for the tax credit if they are greater than the base amount. The base amount is the larger of the following two calculations:

- (1) 50% of current-year Minnesota research and development expenditures, or
- (2) Average Minnesota gross receipts over the prior four years multiplied by the fixed-base percentage*.

The base amount used by the overwhelming majority of taxpayers is 50% of current-year Minnesota R&D expenditures. As a result, the amount of dollars eligible for credit, "creditable dollars" is 50% of current-year Minnesota R&D expenditures (i.e., current-year Minnesota R&D minus the base amount of 50% of current-year Minnesota R&D.) The tax credit is "creditable dollars" times the tax credit rates. The first-tier tax credit rate of 10% applies to the first \$2 million of creditable dollars. A second-tier tax credit rate of 4% applies to creditable dollars greater than \$2 million.

Proposed Law: The bill allows another option to compute the research credit. A similar option is available under federal law, called the alternative simplified credit (ASC.) Under this option, current-year Minnesota R&D expenditures minus 50% of average Minnesota R&D expenditures during the past three years equals creditable dollars. A single tax credit rate of 6% would apply to the ASC calculation of creditable dollars. Unlike federal law, there is no reduced tax credit rate for start-up companies.

If the taxpayer revokes the election to use the ASC option, the taxpayer cannot elect to use it for the next five years.

^{*}The fixed-base percentage is R&D during 1984 through 1988 divided by total Minnesota gross receipts for the same years. The fixed-base percentage is capped at 16%.

Department of Revenue Analysis of H.F. 277 (Robbins) / S.F. 930 (Nelson) Page 2

REVENUE ANALYSIS DETAIL

- A database of schedule R&D information from corporate taxpayers for tax years 2009-2012 was used to estimate this proposal.
- The ASC option changes both the amount of creditable dollars and the tax credit rates applied to those dollars.
- For most taxpayers the amount of creditable dollars would remain about the same under the ASC method at 50% of current year R&D expenditures.
- There are same notable exceptions to the general rule mentioned above. Overall, the total creditable dollars under the ASC option are 24% higher than those under current law.
- Few taxpayers having 100% of their creditable dollars subject to the 10% first tier credit under current law would have a higher tax credit under the ASC option. In order for these taxpayers to have a larger tax credit under the bill, their creditable dollars need to increase by more than 67% to offset the impact of the lower 6% ASC tax credit rate. For most taxpayers, there is little increase from current law in the amount of creditable dollars.
- As a general rule, the current law calculation produces a larger credit than the ASC if creditable dollars are \$6.0 million or less.
- It is assumed that taxpayers with more than \$6.0 million in creditable dollars will generally switch to the ASC option. Under current law, as creditable dollars increase above \$6.0 million, the average effective tax credit rate starts to fall below 6% and evenly approaches 4%. Under the ASC method, the average effective tax credit rate is a steady 6%.
- For about 2/3 of taxpayers, the ASC option produces a smaller tax credit than under current law. These taxpayers accounted for 15% of all current-year R&D expenditures.
- For about 1/3 of taxpayers, the ASC option produces a larger tax credit than under current law. These taxpayers accounted for 85% of all current-year R&D expenditures. For these taxpayers the overall ratio of tax credit to current-year R&D expenditure increases by 75%, from 2.0% to 3.5%.
- Because the credit continues to be non-refundable, research credit dollars are assumed to grow at 3% per year.
- Results from the analysis of database of schedule R&D information show that about 40% of the
 increase in tax credit dollars would be used to reduce current-year tax liabilities. The other 60%
 of the increase in tax credit dollars would be carried forward to reduce tax liability in future
 years.
- The revenue impact of the carryover from additional credits created by the ASC option will be
 delayed. In fiscal year 2024 only a small portion of the revenue loss is from the use of carryover
 credits. In fiscal years in and after fiscal year 2025, carryforwards will substantially increase the
 revenue loss.
- Due to a retroactive effective date, all the tax year 2021 revenue loss is allocated to FY 2022. Losses from other tax years are allocated 30/70 to fiscal years.

March 10, 2021

REVENUE ANALYSIS DETAIL (Cont.)

Number of Taxpayers: In the first year, the law change will increase the R&D credit for about 50 corporate taxpayers, about 10% of the corporate taxpayers claiming the credit. The number of corporate taxpayers benefiting from the ASC option is projected to grow to about 200. It is assumed that the additional carryover credits created by the ASC option will be used against tax in future years.

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March 10, 2021

Individual Income Tax

- It is assumed that very few individuals would choose the ASC option to calculate their R&D credit because a relatively small share of their creditable dollars is subject to the second-tier tax credit rate.
- Because the credit continues to be non-refundable, the total research credit amounts are assumed to grow at 3% per year.
- Tax year losses are allocated to the following fiscal year.

Number of Taxpayers: In the beginning, the law change will increase the R&D credit for about 50 corporate taxpayers, about 10% of the corporate taxpayers claiming the credit. The number of corporate taxpayers benefiting from the ASC option is projected to grow to about 200. It is assumed that the additional carryover credits created by the ASC option will be used against tax in future years.

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