

This Document can be made available
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **2559**

03/18/2019 Authored by Gomez
The bill was read for the first time and referred to the Committee on Taxes

1.1 A bill for an act
1.2 relating to taxation; income; including deferred foreign income in net income;
1.3 providing a subtraction for nonresident individuals; providing an addition for
1.4 certain deducted deferred foreign income; providing that deferred foreign income
1.5 is dividend income; amending Minnesota Statutes 2018, sections 290.01,
1.6 subdivision 19; 290.0132, by adding a subdivision; 290.0133, subdivision 6, by
1.7 adding a subdivision; 290.21, by adding a subdivision.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2018, section 290.01, subdivision 19, is amended to read:

1.10 Subd. 19. **Net income.** The term "net income" means the federal taxable income, as
1.11 defined in section 63 of the Internal Revenue Code of 1986, as amended through the date
1.12 named in this subdivision, incorporating the federal effective dates of changes to the Internal
1.13 Revenue Code and any elections made by the taxpayer in accordance with the Internal
1.14 Revenue Code in determining federal taxable income for federal income tax purposes, and
1.15 with the modifications provided in sections 290.0131 to 290.0136.

1.16 In the case of a regulated investment company or a fund thereof, as defined in section
1.17 851(a) or 851(g) of the Internal Revenue Code, federal taxable income means investment
1.18 company taxable income as defined in section 852(b)(2) of the Internal Revenue Code,
1.19 except that:

1.20 (1) the exclusion of net capital gain provided in section 852(b)(2)(A) of the Internal
1.21 Revenue Code does not apply;

1.22 (2) the deduction for dividends paid under section 852(b)(2)(D) of the Internal Revenue
1.23 Code must be applied by allowing a deduction for capital gain dividends and exempt-interest

2.1 dividends as defined in sections 852(b)(3)(C) and 852(b)(5) of the Internal Revenue Code;
 2.2 and

2.3 (3) the deduction for dividends paid must also be applied in the amount of any
 2.4 undistributed capital gains which the regulated investment company elects to have treated
 2.5 as provided in section 852(b)(3)(D) of the Internal Revenue Code.

2.6 The net income of a real estate investment trust as defined and limited by section 856(a),
 2.7 (b), and (c) of the Internal Revenue Code means the real estate investment trust taxable
 2.8 income as defined in section 857(b)(2) of the Internal Revenue Code.

2.9 The net income of a designated settlement fund as defined in section 468B(d) of the
 2.10 Internal Revenue Code means the gross income as defined in section 468B(b) of the Internal
 2.11 Revenue Code.

2.12 The Internal Revenue Code of 1986, as amended through December 16, 2016, shall be
 2.13 in effect for taxable years beginning after December 31, 1996, except that section 965 of
 2.14 the Internal Revenue Code of 1986, as amended through March 24, 2018, relating to the
 2.15 taxation of deferred foreign income is effective retroactively for taxable years beginning
 2.16 after December 31, 2018.

2.17 Except as otherwise provided, references to the Internal Revenue Code in this subdivision
 2.18 and sections 290.0131 to 290.0136 mean the code in effect for purposes of determining net
 2.19 income for the applicable year.

2.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.21 Sec. 2. Minnesota Statutes 2018, section 290.0132, is amended by adding a subdivision
 2.22 to read:

2.23 Subd. 27. **Deferred foreign income of nonresidents.** For a nonresident individual, the
 2.24 amount of deferred foreign income recognized under section 965 of the Internal Revenue
 2.25 Code of 1986, as amended through March 24, 2018, is a subtraction.

2.26 **EFFECTIVE DATE.** This section is effective retroactively for taxable years beginning
 2.27 after December 31, 2016.

2.28 Sec. 3. Minnesota Statutes 2018, section 290.0133, subdivision 6, is amended to read:

2.29 Subd. 6. **Special deductions.** The amount of any special deductions under sections 241
 2.30 to 247 ~~and 965~~ of the Internal Revenue Code is an addition.

3.1 **EFFECTIVE DATE.** This section is effective retroactively for taxable years beginning
3.2 after December 31, 2016.

3.3 Sec. 4. Minnesota Statutes 2018, section 290.0133, is amended by adding a subdivision
3.4 to read:

3.5 Subd. 15. **Deferred foreign income; participation exemption.** (a) The amount of the
3.6 deduction under section 965(c) of the Internal Revenue Code of 1986, as amended through
3.7 March 24, 2018, is an addition.

3.8 (b) For a taxpayer making a valid election under section 965(h) of the Internal Revenue
3.9 Code of 1986, as amended through March 24, 2018, the addition under paragraph (a) must
3.10 be applied ratably to the same tax periods in which the taxpayer includes deferred foreign
3.11 income in Minnesota net income pursuant to section 290.01, subdivision 19.

3.12 **EFFECTIVE DATE.** This section is effective retroactively for taxable years beginning
3.13 after December 31, 2016.

3.14 Sec. 5. Minnesota Statutes 2018, section 290.21, is amended by adding a subdivision to
3.15 read:

3.16 Subd. 9. **Controlled foreign corporations.** For the purposes of this chapter, the net
3.17 income of a domestic corporation that is included under sections 951 and 965 of the Internal
3.18 Revenue Code of 1986, as amended through March 24, 2018, is dividend income.

3.19 **EFFECTIVE DATE.** This section is effective retroactively for taxable years beginning
3.20 after December 31, 2016.