



# **Minnesota Lodging Tax**

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**Statute 469.190**

## 2016 Minnesota Statutes

### 469.190 LOCAL LODGING TAX.

**Subdivision 1. Authorization.** Notwithstanding section [477A.016](#) or any other law, a statutory or home rule charter city may by ordinance, and a town may by the affirmative vote of the electors at the annual town meeting, or at a special town meeting, impose a tax of up to three percent on the gross receipts from the furnishing for consideration of lodging at a hotel, motel, rooming house, tourist court, or resort, other than the renting or leasing of it for a continuous period of 30 days or more. A statutory or home rule charter city may by ordinance impose the tax authorized under this subdivision on the camping site receipts of a municipal campground.

**Subd. 2. Existing taxes.** No statutory or home rule charter city or town may impose a tax under this section upon transient lodging that, when combined with any tax authorized by special law or enacted prior to 1972, exceeds a rate of three percent.

**Subd. 3. Disposition of proceeds.** Ninety-five percent of the gross proceeds from any tax imposed under subdivision 1 shall be used by the statutory or home rule charter city or town to fund a local convention or tourism bureau for the purpose of marketing and promoting the city or town as a tourist or convention center. This subdivision shall not apply to any statutory or home rule charter city or town that has a lodging tax authorized by special law or enacted prior to 1972 at the time of enactment of this section.

**Subd. 4. Unorganized territories.** A county board acting as a town board with respect to an unorganized territory may impose a lodging tax within the unorganized territory according to this section if it determines by resolution that imposition of the tax is in the public interest.

**Subd. 5. Reverse referendum.** If the county board passes a resolution under subdivision 4 to impose the tax, the resolution must be published for two successive weeks in a newspaper of general circulation within the unorganized territory, together with a notice fixing a date for a public hearing on the proposed tax.

The hearing must be held not less than two weeks nor more than four weeks after the first publication of the notice. After the public hearing, the county board may determine to take no further action, or may adopt a resolution authorizing the tax as originally proposed or approving a lesser rate of tax. The resolution must be published in a newspaper of general circulation within the unorganized territory. The voters of the unorganized territory may request a referendum on the proposed tax by filing a petition with the county auditor within 30 days after the resolution is published. The petition must be signed by voters who reside in the unorganized territory. The number of signatures must equal at least five percent of the number of persons voting in the unorganized territory in the last general election. If such a petition is timely filed, the resolution is not effective until it has been submitted to the voters residing in the unorganized territory at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the referendum.

**Subd. 6. Joint powers agreements.** Any statutory or home rule charter city, town, or county when the county board is acting as a town board with respect to an unorganized territory, may enter into a joint exercise of powers agreement pursuant to section [471.59](#) for the purpose of imposing the tax and disposing of its proceeds pursuant to this section.

**Subd. 7. Collection.** The statutory or home rule charter city may agree with the commissioner of revenue that a tax imposed pursuant to this section shall be collected by the commissioner together with the tax imposed by chapter 297A, and subject to the same interest, penalties, and other rules and that its proceeds, less the cost of collection, shall be remitted to the city.

**History:** [1987 c 291 s 191](#); [1989 c 277 art 1 s 30](#); [1Sp1989 c 1 art 8 s 1-3](#); [1990 c 604 art 6 s 6-8](#)

# **Lodging Tax History**

**INFORMATION BRIEF**  
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## **Local Lodging Taxes in Minnesota**

Lodging taxes are imposed on short-term lodging by a number of local governments in Minnesota, mainly by cities and towns. All cities and towns, and counties on behalf of unorganized townships, may impose up to a 3 percent tax by statute, if 95 percent of the revenue raised is used for tourism promotion.

Lodging taxes imposed at a higher rate or for other purposes are generally imposed under special law, although a few enacted before 1972 were imposed by city charter.

This information brief provides a history of local lodging taxes in Minnesota. In addition to the history, a table at the end provides more detail on the local lodging taxes imposed by special law or city charter by individual local governments.

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### **Lodging Taxes Prior to 1972**

Prior to 1972, the state did not prohibit local governments from imposing local sales taxes on either general sales or sales of specific items, including lodging. Home rule charter cities could enact local lodging taxes if allowed under the charter. In 1969 a special law was passed that allowed Minneapolis to impose a 3 percent tax on admissions, transient lodging, and sales at restaurants and bars with live entertainment.

In 1970, Bloomington, Duluth, and St. Paul all passed 3 percent transient lodging taxes by ordinance and charter amendments. The Bloomington tax also applied to admissions to spectator events. In 1971, the city of Rochester also adopted a 3 percent local lodging tax by charter amendment and ordinance.

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## **Prohibition Against Most Local Taxes in 1971**

In 1971, as part of the “Minnesota Miracle” and as a tradeoff for more state aid to local governments, the legislature enacted a general prohibition against new or increased local sales and income taxes. The law states that “No county, city, town, or other taxing authority shall increase a present tax or impose a new tax on sales or income.”<sup>1</sup> This prohibition applies to lodging taxes as well as general sales taxes. The preexisting taxes, however, were allowed to continue.

Between 1972 and 1983 only two new lodging taxes were authorized under special law: a 3 percent tax in the city of St. Cloud (1979) and a Minneapolis tax (1979) in the downtown area to fund the Metrodome.<sup>2</sup>

## **General Statutory Authority for Lodging Taxes**

In 1983, notwithstanding the general prohibition against local sales taxes, the state authorized cities to impose a local sales tax of up to 3 percent on transient lodging of 30 days or less.<sup>3</sup> In 1985 the authority was expanded to towns and counties on behalf of unorganized territories in the county. The authority was also granted to any combination of cities, towns, and counties acting under a joint powers agreement. In addition, the 1985 law allowed cities to extend the lodging tax on camping site receipts in a municipal campground. Currently, about 100 jurisdictions impose a local lodging tax under this authority.

A city can impose the tax by ordinance, and a town can impose the tax by a vote of the electors at a general or special town meeting. To impose the tax in unorganized territories, the county board must pass a resolution to that effect, put a public notice in the newspaper, and hold a public hearing prior to passing a final resolution imposing the tax. If 5 percent of the voters in the unorganized territories petition for a vote within 30 days of the final resolution, the tax may not be imposed until approved by the voters in the unorganized territories at a general or special election.

Ninety-five percent of the revenues from a tax imposed under the general authority must be used for tourism and convention center promotion. In addition, the statute prohibits a local government that has a lodging tax imposed by a special law or charter provision to use the statutory authority to increase the combined lodging tax rate to more than 3 percent.

In 1987, as part of the recodification of the local lodging tax statute, a provision was added allowing a jurisdiction to negotiate with the Department of Revenue to collect the lodging tax. The department is allowed to retain from the collected revenues an amount to cover the costs of collection. Most local governments continue to collect the tax locally; the state only collects

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<sup>1</sup> Minn. Stat. § 477A.016.

<sup>2</sup> In addition, the city of Duluth was granted authority to impose a general 1 percent sales tax under 1973 special law on all taxable sales in the city, including lodging.

<sup>3</sup> Laws 1983, ch. 342, art. 13, originally codified in Minn. Stat. § 477A.018 and recodified in Minn. Stat. § 469.190 under Laws 1987, ch. 291, § 191.

lodging tax for the cities of Minneapolis, St. Paul, Rochester, and Biwabik. A 2011 law requires that any local lodging tax collected by the state to use the statutory definition of “lodging” in chapter 297A as the tax base. The current definition of lodging contained in Minnesota Statutes, section 469.190, differs slightly from the definition for sales tax purposes contained in Minnesota Statutes, section 297A.61, subdivision 3, paragraph (g), clause (2), as do the lodging definitions for lodging taxes imposed under some of the special laws.<sup>4</sup>

During the 1989 special session, the law was amended to increase the maximum local lodging tax rate imposed under the statute from 3 percent to 6 percent and to allow the local government to use the amount raised by the tax rate above 3 percent for general governmental purposes. This increase in authority was repealed in 1990, and the allowed rate of 3 percent and allowed use for tourism and convention promotion have not changed since 1990.

### **Use of Local Sales Tax Revenue for First Class Cities**

In Laws 2012, chapter 299, article 5, section 6, all cities of the first class were granted additional flexibility in the use of revenue derived from any local sales tax, including lodging taxes.<sup>5</sup> A city may divert any revenue not needed to fund the projects listed in the authorizing law for the local tax to fund construction, expansion, or renovation projects for a sports facility or convention center, if the project cost is at least \$40 million.

A summary of the lodging taxes imposed under special law, or by local charter prior to 1972, are listed in the following table.

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<sup>4</sup> The main difference lies with the inclusion of fees charged by online travel companies in the state’s definition of lodging for general sales tax purposes that was enacted in 2011. The complementary change was not made to the definition of lodging in the local lodging tax statute. Some special law lodging taxes treat other related services such as phone charges and room service differently from the definition in the general sales tax law.

<sup>5</sup> Minn. Stat. § 297A.9905.

**Local Lodging Taxes Authorized under Special Law or City Charter**

Taxing Jurisdiction/ Year First Authorized	Rate	Use of Revenues/Other Comments	Authorizing Legislation and Later Amendments
Minneapolis – 1969	3.0%  No limit—not imposed	<p>Any city purposes. Imposed as part of a general entertainment tax.</p> <p>Debt service on the Metrodome. The law allowed the city to enter into an agreement with the Metropolitan Sports Facility Commission to impose a temporary tax on lodging in the downtown taxing area if necessary. A 3.0% tax was imposed for the years 1979 to 1984. For purposes of this tax the city defined the downtown taxing area as the entire city. The 1994 law extended the tax to allow it to be used to finance a basketball and hockey arena (i.e., Target Center) but required revenues generated from a rate of 0.25% go to the Minneapolis Park and Recreation Board for youth sports; the extended tax was never imposed.</p> <p>The 2012 law abolishes the Metropolitan Sports Facility Commission and directs the commission to submit a technical bill to the 2013 Legislature containing conforming changes, which will likely include repeal of this tax authority.</p>	<p>Laws 1969, ch. 1092</p> <p>Laws 1979, ch. 203, § 11, as amended by Laws 1994, ch. 648, art. 1, § 11, and codified in Minn. Stat. § 473.592; Laws 2012, ch. 299, art. 1, § 24</p>
	3.0% (imposed at 2.625%)	<p>Pays for city convention center improvement, operations, and promotion. The 2012 law expanded the allowed uses of revenues to include neighborhood and downtown capital improvements, including sports arenas. The tax applies only to lodging facilities with 50 or more rooms and may be imposed at a rate up to 3.0% provided that the total sales and lodging taxes on these rooms does not exceed 13.0%. The 2012 law expanded the authorized use of the revenue to include funding the renovation, expansion, construction of the basketball arena and other capital projects in the city, and forbade the expiration of the tax prior to January 1, 2047.</p>	<p>Laws 1986, ch. 396, § 5, amended by Laws 2001, 1st Spec. Sess., ch. 5, art. 12, § 87, and Laws 2012, ch. 299, art. 3, § 3</p>
<b>Total imposed rate</b>	<b>3.0%</b> <b>5.625%</b>	<p><b>On facilities with fewer than 50 rooms</b></p> <p><b>On facilities with 50 or more rooms</b></p>	

<b>Local Lodging Taxes Authorized under Special Law or City Charter</b>			
<b>Taxing Jurisdiction/ Year First Authorized</b>	<b>Rate</b>	<b>Use of Revenues/Other Comments</b>	<b>Authorizing Legislation and Later Amendments</b>
<b>Bloomington – 1970</b>	3.0%	General fund and advertising and promotion of business and industry. The allowed uses were expanded in the 2008 law.	Approved by ordinance under the city charter in 1970
	2.0%	Improvements around the former Metropolitan Stadium site, south of the airport. The law allowed an additional tax rate of up to 5.0% but only 2.0% was imposed. The use was expanded in the 2008 law.	Laws 1986, ch. 391, § 4
	2.0%	Bloomington Convention Bureau for tourism promotion. The original law allowed a rate of only 1.0% and required revenues to be used for the metropolitan sports area. The 1991 law changed the revenue dedication, and the 2002 law increased the rate to 2.0%. The allowed uses were expanded in the 2008 law.	Laws 1990, ch. 604, art. 6, § 9, amended by Laws 1991, ch. 291, art. 8, § 25, and Laws 2002 ch. 377, art. 3, § 20
	1.0% (not imposed)	Mall of America Phase II improvements. Applies only to lodging facilities in an area made up of tax increment finance districts No. 1-C and 1-G. The tax may be impose at any rate up to 1.0%. Not yet imposed. The 2008 law also allows the city to use revenues from the lodging taxes authorized in 1991 for this new purpose provided that (1) the revenue derives from lodging facilities constructed after 2008 that are located in tax increment finance districts No. 1-C and 1-G; and (2) the revenues are not contractually pledged to another purpose.	Laws 2008, ch. 366, art. 5, § 28
<b>Total imposed rate</b>	<b>7.0%</b>		
<b>Duluth – 1970</b>	3.0%	Maintenance of the Duluth Arena-Auditorium	Approved by ordinance under the city charter in 1970
	1.0%	Tourism promotions and subsidize operating costs for the Duluth Arena-Auditorium and Spirit Mountain Recreation Area	Laws 1980, ch. 511, § 2
	1.5%	Repay debt for the Duluth Entertainment and Convention Center (DECC) and then for tourism and convention center promotion	Laws 1998, ch. 389, art. 8, § 26
<b>Total imposed rate</b>	<b>5.5%</b>		

<b>Local Lodging Taxes Authorized under Special Law or City Charter</b>				
<b>Taxing Jurisdiction/ Year First Authorized</b>	<b>Rate</b>	<b>Use of Revenues/Other Comments</b>	<b>Authorizing Legislation and Later Amendments</b>	
<b>Rochester – 1970</b>	3.0%	General fund and for tourism promotion	Approved by ordinance under the city charter in 1970  Laws 2002, ch. 377, art. 3, § 25 Laws 2010, ch. 389, art. 5, § 3	
	1.0%	Local tourism bureau		
	1.0% (not imposed)	Revenues to fund renovation and expansion of the Mayo Civic Center, including bond repayment provided that bonds for the project are issued by December 31, 2014. Not yet imposed.		
	<b>Total imposed rate</b>	<b>4.0%</b>		
<b>St. Paul – 1970</b>	3.0%	Originally the revenues went to the city general fund but the 1982 law that superseded the original ordinance required at least 25.0% of the revenue be used for debt service on bonds for civic center parking improvements.	Approved by ordinance under the city charter in 1970, superseded by Laws 1982, ch. 523, art. 25, § 1  Laws 1986, ch. 462, 31, amended by Laws 1991, ch. 291, art. 8, § 24, and Laws 2011, ch. 112, art. 4, § 31	
	3.0%	Tourism promotion. This tax only applies to facilities with 50 or more rooms. The tax was originally authorized at a rate of 2.0% but this was increased to 3.0% in 1991. The 2011 law updated the definition of “lodging” to match the definition in the 1982 law.		
	<b>Total imposed rate</b>	<b>3.0%</b> <b>6.0%</b>		<b>On facilities with fewer than 50 rooms</b> <b>On facilities with 50 or more rooms</b>
<b>St. Cloud – 1979</b>	3.0%	The law specified no required use.	Laws 1979, ch. 197  Laws 1986, ch. 379, § 2	
	2.0%	Promote, operate, and maintain the convention center and related facilities		
	<b>Total imposed rate</b>	<b>5.0%</b>		
<b>Towns of Tofte, Lutsen, and Schroeder – 1987</b>	<b>2.0%</b>	Construction, debt service, and maintenance of public recreational facilities located in the town. The tax is administered by Cook County but was approved by residents of the township.	Laws 1987, ch. 168, § 2	

<b>Local Lodging Taxes Authorized under Special Law or City Charter</b>			
<b>Taxing Jurisdiction/ Year First Authorized</b>	<b>Rate</b>	<b>Use of Revenues/Other Comments</b>	<b>Authorizing Legislation and Later Amendments</b>
<b>Winona – 1991</b>	<b>1.0%</b>	50% of proceeds used to pay debt on the Julius C. Wilke Steamboat Center with the remainder used for tourism and convention promotion. Originally when the center was paid off, the city could either reduce the tax to 0.5% or dedicate all proceeds to tourism and convention promotion. The 1995 law eliminated the reduction of the tax rate and allowed the city to use money revenues previously used for the Steamboat Center to fund improvements to the levee and adjacent areas, Prairie Island shoreline, and the city marina.	Laws 1991, ch. 291, art. 8, § 28, amended by Laws 1995, ch. 264, art. 3, § 38
<b>Roseville – 1992</b>	<b>2.0% (not imposed)</b>	Construction and maintenance of a multiuse speed skating facility. The law required the city to hold a referendum prior to imposing the tax but the referendum failed so the tax was never imposed. The rink was later built with state funds.	Laws 1992, ch. 511, art. 8, §27
<b>Two Harbors – 1994</b>	<b>1.0%</b>	Preserve and display the tugboat Edna G. The total combined lodging tax imposed under this law and Minn. Stat. § 469.190 may not exceed 3.0%.	Laws 1994, ch. 587, art. 9, § 11
<b>Central Cities – 1998</b>	<b>0.5% (not imposed)</b>	Costs related to the central Minnesota Events Center including operating costs for the first five years. The tax would have applied to lodging in the cities of St. Cloud, Sartell, Sauk Rapids, St. Joseph, and Waite Park. The tax was to be imposed by ordinance in each city but because a complementary general sales tax to fund the same project was not approved by local voters, no city imposed the lodging tax.	Laws 1998, ch. 389, art. 8, § 44
<b>Newport – 2003</b>	<b>4.0%</b>	Economic development. The tax only applies to facilities with 25 rooms or more. The total combined lodging tax imposed under this law and Minn. Stat. § 469.190 may not exceed 4.0%.	Laws 2003, ch. 127, art. 1, § 33
<b>Total imposed rate</b>	<b>4.0%</b> <b>0.0%</b>	<b>Facilities with 25 or more rooms</b> <b>Facilities with fewer than 25 rooms</b>	

<b>Local Lodging Taxes Authorized under Special Law or City Charter</b>			
<b>Taxing Jurisdiction/ Year First Authorized</b>	<b>Rate</b>	<b>Use of Revenues/Other Comments</b>	<b>Authorizing Legislation and Later Amendments</b>
<b>Itasca County – 2003</b>	–	This expands the authority that counties have to impose a lodging tax under Minn. Stat. § 469.190 in unorganized townships to all organized and unorganized townships in Itasca County only. Any township lodging taxes imposed at the time the countywide tax is imposed expire. All the other provisions of the statute apply.	Laws 2003, 1st Spec. Sess., ch. 21, art. 8, § 18
<b>Hubbard County – 2005</b>	–	This expands the authority that counties have to impose a lodging tax under Minn. Stat. § 469.190 in unorganized townships to all organized and unorganized townships in Hubbard County only. Any township lodging taxes imposed at the time the countywide tax is imposed expire. All the other provisions of the statute apply.	Laws 2005 1st Spec. Sess., ch. 3, art. 5, § 40
<b>Proctor – 2005</b>	–	The law allows the city to redirect up to 10% of the revenue from the existing local lodging tax imposed in the city under Minn. Stat. § 469.190 to preservation of a city-owned historic locomotive and airplane.	Laws 2005, 1st Spec. Sess., ch. 3, art. 5, § 41
<b>Giant’s Ridge Recreation Area – 2010 (Biwabik)</b>	<b>2.0%</b>	Construction, maintenance, and improvement of public recreational facilities within the Giant’s Ridge Recreation Area located in the city of Biwabik. The allowed tax rate was up to 5.0% but it was only imposed at a 2.0% rate. The Biwabik city council and the Iron Range Resource and Rehabilitation Board (IRRRB) both had to approve imposing the tax, and the revenues are administered by the IRRRB.	Laws 2010, ch. 389, art. 5, § 7
<b>Marshall – 2010</b>	<b>Up to 1.5% (not yet imposed)</b>	Costs related to the Minnesota Emergency Response and Industry Training (MERIT) Center and the Southwest Minnesota Regional Amateur Sports Center. To impose the tax the city had to get voter approval within two years of the passage of the law. The 2011 law extended the time for holding the required referendum to three years to allow the vote to occur with a vote on imposing a general local sales tax for the same purpose as authorized under the 2010 law.	Laws 2010, ch. 389, art. 5, § 6, as amended by Laws 2011, 1st Spec. Sess., ch. 7, art. 4, § 9

*For more information about local taxes, visit the sales tax area of our website, [www.house.mn/hrd/hrd.htm](http://www.house.mn/hrd/hrd.htm).*

**MN Department of Revenue:  
Tales Tax/Hotels & Lodging  
Facilities**

# Hotels and Lodging Facilities

## Sales Tax Fact Sheet 141

### What's New in 2017

We have clarified who is responsible for collecting sales tax on residential short-term rentals (vacation home rentals). See Residential Short-Term Rentals.

Starting July 1, 2017, the only taxable food sold through vending machines is prepared food, soft drinks, candy, and dietary supplements.

Lodging facilities must charge sales tax on short-term lodging and certain related services. This may also include local sales taxes or city lodging taxes. For more information, see fact sheets:

- 164, *Local Sales and Use Taxes*
- 164S, *Special Local Taxes*

Lodging is the rental of a room or rooms for a temporary place to stay or live. Charge sales tax on lodging and lodging-related services furnished for periods of:

- less than 30 days; and
- 30 days or more if there is no enforceable written lease agreement that requires the customer to give prior notice of their intention to terminate

Lodging facilities include (but are not limited to):

- bed and breakfasts
- hotels
- campgrounds
- motels
- resorts
- residential short-term rentals
- rooming houses
- trailer camps

## Lodging-related services

Charges for services provided within a guest room are taxable.

### Examples

- cots, cribs, refrigerators, roll-away beds, and exercise equipment
- food or liquor from mini-bars and refrigerators
- in-room safes
- laundry and dry cleaning services
- pay-per-view movies and video games
- room service or room delivery, including mandatory tips and gratuities
- telephone access charges in guest rooms

## Residential Short-Term Rentals

Residential short-term rentals include homes, a portion of a home, or any other property used for a temporary place to stay or live. Residential short-term rentals are a form of lodging and related services. Charges for the rentals are subject to general rate sales tax and any applicable local and lodging taxes. [See Sales – Lodging and Related Services.](#)

**Facilitating the sale**

Facilitating the sale of lodging includes “brokering, coordinating, or in any way arranging for purchase of or the right to use accommodations by a customer.” Facilitating the sale of lodging includes **both**:

- Collecting receipts from the customer of the lodging
- Transmitting the receipts to the owner of the residential property, whether the accommodations intermediary deducts or causes to be deducted any fees or other amounts from those receipts, either:
  - Directly by the accommodations intermediary or
  - Indirectly through agreements or arrangements with third parties

Facilitating the sale does not include only advertising the availability of the residential property for short-term rental, which directs the customer of the lodging to contact the owner of the property to reserve and purchase the lodging.

For all residential short-term rentals, who facilitates the sales transaction determines who is responsible for the tax. See the chart below for details.

<b>Residential short-term rental situations</b>	<b>Who’s responsible for the tax*</b>
The residential property is located in Minnesota and both conditions apply: <ul style="list-style-type: none"> <li>• The owner regularly furnishes lodging directly to a customer in the normal course of business (done for the purpose of profit or producing income)</li> <li>• The customer makes the reservation with and pays the owner for the lodging and related services</li> </ul>	The property owner must register as a retailer to collect, report, and remit taxes on the full sales price of lodging and related services.
The residential property is located in Minnesota and the owner uses the services of an accommodations intermediary to facilitate all sales of lodging at the owner’s property.	The accommodations intermediary must register as a retailer to collect, report, and remit taxes on the full sales price of lodging and related services.
The residential property is located in Minnesota and the rental of the business property by the owner is an isolated incident, not made in the normal course of business. See Isolated or occasional sales (page 3)	The property owner is not required to register or collect taxes on the sale.
The residential short-term rental is facilitated by <b>both</b> : <ul style="list-style-type: none"> <li>• the property owner in the normal course of business</li> <li>• an accommodations intermediary to facilitate short-term lodging</li> </ul>	Both the owner and the intermediary are responsible for sales tax. The sales tax is handled as follows: <ul style="list-style-type: none"> <li>• <b>The property owner</b> is required to collect, report, and remit taxes on the lodging and related services where they did not use the services of an accommodations intermediary.</li> <li>• <b>The accommodations intermediary</b> is required to collect, report, and remit taxes on the lodging and related services they facilitated.</li> </ul>

\*You must keep documentation to support who facilitated the sale and was responsible for remitting the applicable taxes on the lodging and related services.

For more information, see Revenue Notice 17-06, Lodging and Related Services – Residential Short-Term Rentals.

### **Isolated or occasional sales**

For sales tax, a sales tax exemption will apply to the short-term rental in Minnesota if the sale is isolated or occasional, and not made in the normal course of business of selling lodging and related services. An “isolated” sale happens once. An “occasional sale” is infrequent and does not reoccur with some degree of regularity. Normal course of business is defined as activities that demonstrate a commercial continuity or consistency of making sales or performing services for the purposes of attaining profit or producing income.

For income tax purposes, the Internal Revenue Code (IRC) provides an isolated sale exemption when you rent out for 14 days or less a year a property that you also use as your home. This is an exemption from income tax on that rental income. However, this exemption does not apply to sales tax. Unless a sales tax exemption applies you must collect sales tax on the short-term rental of your property.

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## **Complimentary services versus package deals**

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Supplies to provide complimentary services are taxed differently than supplies used to provide package deals.

### **Complimentary services**

Complimentary services (or items) are those given to the customer as a courtesy with no additional charge.

#### **Examples**

- Complimentary breakfast
- Free birthday dessert
- Free drink in response to a customer complaint
- Shampoo, conditioner, and soap

**Note:** A complimentary breakfast is when the customer has access to breakfast and the charge for their room is not affected if they eat the meal or not.

When complimentary services are provided, hotels and lodging facilities must pay sales tax when they buy inputs to those services. This includes disposable items such as plates, napkins, silverware, etc.

Hotels or lodging facilities providing complimentary items must pay sales tax on the purchase of those items.

### **Package deals**

A package deal is when the customer purchases a group of related products or services for one specified price.

#### **Examples**

- A “romance package” that might include a room, wine, dinner for two, and chocolate
- Free children’s meal
- Two-for-one drinks

When a package deal is purchased, the customer pays sales tax on the entire cost of that package. Hotels and lodging facilities may purchase inputs for these deals exempt for resale.

In this situation, disposable items can be purchased exempt because they are included in the taxable price that was paid by the customer.

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## **Other taxable charges**

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### **Admissions to recreational areas and fees to use recreational facilities**

Recreational facilities includes campgrounds, golf courses, mini golf courses, picnic grounds, playgrounds, tennis courts, health clubs, swimming beaches and pools.

For more information, see Fact Sheet 123, *Admissions and Amusement Devices*.

### **Copies**

Charges for copies are taxable, including coin-operated machines.

**Damage charges**

Charges for damage to tangible items, such as equipment or boats, are taxable.

Charges for damage to real property, such as a hotel room or building, are not taxable.

If the charge is a combination of tangible items and real property; the entire charge is taxable if the nontaxable portion is not separately stated.

**Equipment sales**

Sales of surplus or used equipment or other items may be subject to sales tax.

For more information, see Fact Sheet 132, *Isolated and Occasional Sales*.

**Fax charges**

Charges to send a fax are taxable.

**Food and liquor sales**

Lodging facilities that have a restaurant, bar, or eating establishment must charge tax on those sales.

For more information, see Fact Sheet 137, *Restaurants and Bars*.

**Gift shop sales**

Most gift shop sales are taxable, except for food, clothing, and drugs

For more information, see:

- Fact Sheets 102A through E, *Food and Food Ingredients, Candy, Soft Drinks and Other Beverages, Prepared Food, and Dietary Supplements*
- Fact Sheet 105, *Clothing*
- Fact Sheets 117A through F, *Drugs, Grooming and Hygiene Products, Durable Medical Equipment, Mobility Enhancing Equipment, Prosthetic Devices, and Health Product Exemptions*

Newspapers and tabloids are not taxable. Magazines or periodicals sold over the counter or through vending machines are taxable.

**Jukebox, pool table, and electronic games**

Charges to use these devices are taxable.

**'No show' charges**

'No show' charges are when the room was held for the customer, but the customer did not arrive and failed to cancel the reservation. These charges are taxable because a sale was made.

**Parking fees**

Parking fees are taxable, including charges for valet parking and car washing.

**Rental of equipment**

If charges to rent equipment are billed separately from a nontaxable meeting room, they are taxable.

This includes equipment such as audio-visual equipment, computers, public address systems, tables, chairs, flowers and decorations.

**Rental of games and recreational equipment**

Rental of games and recreational equipment is taxable, including the rental of games, athletic equipment, boats, paddle boats, canoes, and pontoons.

**Sales to schools and nonprofits**

Lodging is taxable when sold to schools, school districts and nonprofit organizations, even when billed directly to the school or nonprofit organization.

**Note:** Form ST3, *Certificate of Exemption*, cannot be used to purchase lodging exempt from sales tax.

### **Telephone**

Charges to guests for the actual cost of telephone calls they make are not taxable if the charge is separately stated on the guest's bill because the charge from the phone company to the hotel includes the sales tax.

Charges to guests for making the telephone service available to them are taxable. For example, if a hotel charges 50 cents per local call, it is an access charge and is taxable.

### **Telephone call accounting systems**

Many hotels use "call accounting systems" to track and determine the amount to charge guests for long distance telephone calls. When using these systems, hotel personnel don't know how much the actual telephone service costs until they receive their next bill from the telephone company.

In this situation, the hotel must charge sales tax on the total amount billed to their guests for long distance telephone service. The hotel must also continue to pay sales tax to the telephone company for all telephone services.

When the hotel can distinguish between telephone calls billed to guests and their own administrative costs for telephone service, the hotel is allowed to adjust the taxable amount reported on the sales tax return. This is done by subtracting the amount they are billed for the actual costs of long distance phone calls made by guests.

### **Tips and service charges**

Tips left voluntarily by a customer are not taxable. This includes tips voluntarily added to a credit card slip.

A tip or service charge is taxable when added to the bill by the seller, even if the amount is separately stated or distributed directly to employees.

### **Vending machines, coin-operated devices, or self-service honor systems**

Starting July 1, 2017, the only taxable food sold through vending machines is prepared food, soft drinks, candy, and dietary supplements. Previously, all food sold through vending machines was taxable.

Nontaxable items sold through vending machines include clothing (swimsuits, pantyhose, etc.), feminine hygiene products, aspirin and other drugs, postage stamps, and newspapers.

Generally, the person responsible for removing money from the vending machine or other coin-operated device is responsible for reporting and paying the sales tax.

For more information, see Fact Sheet 158, *Vending Machines and Other Coin-Operated Devices*.

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## **Nontaxable sales**

Examples of services sold by lodging facilities that are not subject to sales tax include:

- Coat check
- Gift certificates
- Meeting room or banquet hall rental
- Messenger service
- Rented space for vendors (except sales tax is due on the portion of the rent that is attributable to use of the equipment, phones, furniture, parking spaces, etc.)

### **Cancellation charges**

Cancellation charges are not taxable because the room was cancelled, no sale occurred and no sales tax is due.

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## **Sales to governments**

### **Federal government**

Lodging billed directly to and paid for by the federal government and its agencies are not taxable. However, lodging billed to an employee who is reimbursed by the federal government is taxable.

### **Federal credit cards**

Federal employees sometimes use government credit cards to make purchases. There are four types of cards.

- Fleet Cards – for purchasing fuel and supplies for government vehicles
- Purchase Cards – for purchasing general supplies and services
- Travel Cards – for paying expenses related to official government travel (airline, hotel, meals, incidentals)
- Integrated Cards – that combine two or more of the above functions into one card

### **How are federal credit cards identified?**

The following 4-digit prefixes identify credit cards issued by the federal government. The prefix is the first group of numbers on the card.

- Visa – 4486, 4614, or 4716 (fleet only)
- MasterCard – 5565 or 5568
- Voyager (fleet only) – 8699
- Wright Express (fleet only) – 5565

### **When to charge tax on federal credit card purchases**

To determine if a purchase is taxable, sellers must consider the type of federal credit card and, in some cases, what is being purchased.

- Travel Card – look at the sixth digit of the card; if the sixth digit is:
  - 1, 2, 3, or 4, you must charge sales tax
  - 6,7,8,9, or 0, do not charge sales tax
- Integrated Card – follow the above guidelines for fleet, general, and travel purchases, depending on what is being purchased

### **Tribal governments and members**

All short-term lodging of tribal officials on the reservation is exempt if:

- it is for tribal officials acting in their government capacity; and
- they are billed to and paid for by a tribal government

Off-reservation short-term lodging and related services for tribal officials are exempt only if the tribal government has a tax agreement with the Minnesota Department of Revenue that exempts purchases off the reservation by the tribal government solely for its own use. All Minnesota tribal governments have such an agreement, except for the Prairie Island Mdewakanton Community.

**Note:** This exemption does not apply to rooms rented by the tribal government to be used by others as part of a promotional package or for a similar business use.

### **State government**

Lodging sold to state government agencies is taxable. This includes the state of Minnesota and all other states. State agencies must pay state and any applicable local taxes.

**Note:** Minnesota state agencies cannot use their direct pay authorization to buy lodging exempt from sales tax.

### **Local government**

Lodging sold to local government agencies is taxable. Local governments include Minnesota and non-Minnesota counties, cities, municipalities, townships, political subdivisions, commissions, special districts, and government boards.

Local governments must pay state sales and use tax, but are not required to pay local general sales and use taxes. However, local governments are required to pay other special local taxes such as lodging, restaurant, and liquor taxes imposed by local governments.

For more information, see Fact Sheet 164S, *Special Local Taxes*.

### **Foreign Officials**

The U.S. Department of State's Office of Foreign Missions and the American Institute of Taiwan issue tax exemption cards to eligible foreign missions, their accredited members, and dependents.

There are restrictions on the use of these cards for hotel stays.

- If an individual is using a personal tax exemption card, the room must be in their name.
- When using a mission tax exemption card, hotel stays may not be for leisure, tourism, or medical treatment.

Ask to see the consular official's ID card. Make sure the purchase qualifies for the exemption by checking the information on the card. For example, some cards will state that the official must pay sales tax on charges for hotel rooms or on purchases under a certain amount.

If the official qualifies for the exemption, write the individual tax exemption number found on the card on the billing or sales invoice. Keep this in your file as proof of exemption.

## Taxable purchases

Equipment used to provide lodging accommodations is taxable. If the seller does not collect Minnesota sales tax, you must report the use tax when you file your return.

*Examples:*

- beds and mattresses
- building cleaning and maintenance services including carpet, drapery, and upholstery cleaning
- cleaning products and supplies
- draperies and bedspreads
- exercise equipment
- furniture and pictures
- kitchen appliances and coffee makers
- laundry and dry cleaning services including cleaning of linens and uniforms
- lawn care and landscaping supplies
- lawn care services
- linens and towels
- office supplies and forms
- paper cups, tissue, and supplies
- pool supplies and chemicals
- postcards, stationery, envelopes, and pens
- security services
- snow removal equipment
- soap, shampoo, and complimentary personal items
- specialty advertising materials
- telephones, radios, TVs, VCRs, and DVD players
- utilities

Supplies to repair or redecorate are taxable when they are purchased without installation.

### Examples

- air conditioning units
- carpet
- electrical supplies
- fabric
- light fixtures
- lumber and hardware
- paint
- plumbing fixtures and supplies
- wallpaper

## Nontaxable purchases

### Items for resale

Items may be purchased exempt if:

- you resell or held exclusively for lease or rental to the customer, and
- bill separately from the lodging accommodations, may be purchased exempt from tax.

To purchase items exempt for resale, give your seller a completed Form ST3, *Certificate of Exemption*.

Examples of items that can be purchased exempt for resale or rental include:

- guest laundry services
- paper cups, napkins, etc. sold as part of a meal or drink
- pop, candy, and other items that will be sold over the counter or in vending machines

- recreational equipment to be rented separately

### **Coin-operated entertainment and amusement devices**

Starting July 1, 2014, retailers may buy these devices exempt from tax if they sell admissions to or use of amusement devices.

Examples of coin-operated entertainment and amusement devices include fortune-telling machines, pool tables, batting cages, and jukeboxes. Vending machines, lottery devices, or gaming devices do not qualify for this exemption.

For more information, see Minnesota Statutes 297A.61, subd. 3(g)(1).

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## **Miscellaneous**

### **Coupons**

When customers use a coupon for a discount or free lodging, charge sales tax only on the amount the customer actually pays, unless the facility will be reimbursed by a third party.

For more information, see Fact Sheet 167, *Coupons, Discounts, and Other Forms of Payment*.

### **Direct Pay authorization**

Businesses that have Direct Pay authorization numbers cannot use them to buy lodging, meals, or other services exempt from tax.

### **Use Tax**

Generally, you pay sales tax at the time of purchase. But if the seller does not charge Minnesota sales tax on equipment, supplies, or other taxable items for your business, you owe use tax on the purchase price.

Report state and local tax when you file your sales and use tax return. For more information, see Fact Sheet 146, *Use Tax for Businesses*.

### **Local Sales and Use Taxes**

If you are located in an area with a local tax, local sales or use tax may also be due.

For more information, see Fact Sheet 164, *Local Sales and Use Taxes*.

Several cities impose special local taxes on sales of specific items such as food, liquor, lodging, and entertainment which the Department of Revenue administers.

For more information, see:

- Fact Sheet 164S, *Special Local Taxes*
- Revenue Notice 05-11: Local Lodging, Restaurant and Liquor Taxes.

### **Other lodging taxes**

Some cities and localities administer their own lodging tax. For more information on these taxes, contact each city directly.

### **How to report sales and use taxes**

You can report state, local, and use taxes electronically at [www.revenue.state.mn.us](http://www.revenue.state.mn.us). If you do not have Internet access, you can file by phone at 1-800-570-3329. For more information on how to file:

1. Go to our website
2. Click **Sales and Use Tax**
3. Under “I need to file Sales and Use Tax...”, click **Electronically** or **Phone**.

**Legal references**

Minnesota Statutes 297A.61, Definitions:  
    subd. 3(g)(2), Lodging  
    subd. 7, Sales price  
    subd. 34, Taxable food sold through vending machines  
Minnesota Statutes 297A.68, Business Exemptions:  
    subd. 3a, Coin-operated entertainment and amusement devices  
Minnesota Statutes 297A.70, Exemptions for governments and nonprofit groups:  
    subd. 2(b)(4), Sales to government  
    subd. 4(b)(3), Sales to nonprofit groups  
Minnesota Statutes 469.190, Local lodging tax

**Revenue Notices**

05-11, Local Lodging, Restaurant and Liquor Taxes  
17-06, Lodging and Related Services – Residential Short-Term Rentals

**Other Fact Sheets**

102A, *Food and Food Ingredients*  
102B, *Candy*  
102C, *Soft Drinks and Other Beverages*  
102D, *Prepared Food*

**Other Fact Sheets (continued)**

102E, *Dietary Supplements*  
105, *Clothing*  
117A, *Drugs*  
117B, *Durable Medical Equipment*  
117C, *Mobility Enhancing Equipment*  
117D, *Prosthetic Devices*  
117E, *Health Product Exemptions*  
117F, *Grooming and Hygiene Products*  
123, *Admissions and Amusement Devices*  
132, *Isolated and Occasional Sales*  
137, *Restaurants and Bars*  
142, *Sales to Governments*  
146, *Use Tax for Businesses*  
158, *Vending Machines and Other Coin-Operated Devices*  
164, *Local Sales and Use Taxes*  
164M, *Minneapolis Special Local Taxes*  
167, *Coupons, Discounts, and Other Forms of Payment*

# **ATTORNEY GENERAL OPINIONS**

**Mn Association of Convention and Visitor Bureaus**

**Annual Meeting**

**Winona, MN**

**November 15, 2016**

**CITIES: POWERS: LODGING TAXES: DISPOSITION OF PROCEEDS.**  
The City of Winona has no authority to use ninety-five percent of city lodging tax revenues to finance capital expenditures such as a cross-country ski trail. Minn. Stat. § 477A.018, subd. 3 (1983).

January 30, 1985

Mr. Richard F. Blahnik  
City Attorney, City of Winona  
Winona City Hall  
4th and Lafayette Streets  
Winona, Minnesota 55987

59a-44  
(Cr. Ref. 59a-22,  
476b-2)

Dear Mr. Blahnik:

In your letter to Attorney General Hubert H. Humphrey, III, you present substantially the following:

**FACTS**

The City of Winona's Tourist Bureau would like to use the funds it receives from the hotel and motel lodging tax imposed under Minn. Stat. § 477A.018, subd. 1 (1983) to finance capital expenditures such as building a cross-country ski trail.

You then ask substantially the following:

**QUESTION**

Does Minn. Stat. § 477A.018, subd. 3 (1983) authorize the City of Winona tourist bureau to expend revenues it receives from the city lodging tax to finance capital expenditures such as building a cross-country ski trail?

**OPINION**

We answer your question in the negative. Minn. Stat. § 477A.018, subd. 3, reads as follows:

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Disposition of proceeds. Ninety-five percent of the gross proceeds from any tax imposed under subdivision 1 shall be used by the statutory or home rule charter city to fund a local convention or tourism bureau for the purpose of marketing and promoting the city as a tourist or convention center. . . .

The plain language of Minn. Stat. § 477A.018, subd. 3, empowers cities such as Winona to establish local convention or tourism bureaus using ninety-five percent (95%) of the funds generated by city lodging taxes. The statute limits the further use of these tax revenues to "the purpose of marketing and promoting the city as a tourist or convention center. . . ." The question then becomes what expenditures will be considered to meet the specific purpose stated in the statute.

The legislative directive in Minn. Stat. § 477A.018, subd. 3, clearly contemplates expenditures for advertising or similar types of marketing or promotion of a city as a tourist or convention center. While it could be argued that building a cross-country ski trail or undertaking other capital expenditures are for the purpose of marketing and promotion because tourists would thereby be attracted to the city, we do not believe that this is what the legislature intended for the following reasons.

It is an established principle that cities have only the powers granted to them by the legislature, e.g., Kronshnabel v. City of St. Paul, 272 Minn. 256, 137 N.W.2d 200(1965). The

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language of Minn. Stat. § 477A.018, subd. 3, does not mention capital expenditures. Other statutes unambiguously give cities authority to use their general revenues for parks and recreation. See Minn. Stat. § 471.15 et. seq; Cf. Minn. Stat. § 85.44. If the legislature had intended that revenues generated by city lodging taxes be spent in this way it would have so stated.

Among the factors to be considered in construing a statute are the legislative history, the consequences of a particular interpretation, and the legislature's intent that the entire statute be effective and certain. Minn. Stat. §§ 645.16(6) and 645.17(2).

Our examination of the legislative history of Minn. Stat. § 477A.018, subd. 3, indicates that the legislature did not intend to authorize the use of city lodging tax revenues for capital expenditures. An amendment to the House Bill, H.F. 680, which would have authorized construction of a civic or convention center and would have broadly stated that the tax revenues could be used "to otherwise promote tourism" was defeated in committee. The final bill had much more restrictive language concerning how the funds were to be spent. Also, some of the bills considered by the legislature on this subject matter provided that only fifty percent of the tax revenues be spent on promotion of tourism. The fact that the legislature had to decide how much of

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the tax revenues must be spent in accordance with the restrictions in the statute, demonstrates that the legislature was aware that those tax revenues the expenditure of which was not governed by Minn. Stat. § 477A.018, subd. 3, could be used by cities for many other municipal purposes. Since the legislature enacted a bill which earmarked ninety-five percent of the tax revenues for tourism promotion, it made a choice that the vast majority of the money be spent strictly for that purpose.

Regarding the other factors to be considered in ascertaining legislative intent, if the statute were to be interpreted as allowing the use of lodging tax revenues for capital expenditures, then the statute could be interpreted to include virtually any expenditure which arguably enhances the attractiveness of the city. It would be difficult to see where any distinction could be drawn between what use of funds would be authorized or not. To construe Minn. Stat. § 477A.018, subd. 3, as authorizing capital expenditures would effectively remove the limitation on spending, namely tourism promotion, which the legislature imposed, and would render a significant portion of the statute ineffective and useless.

Minn. Stat. § 477A.018, subd. 3, is silent as to how the remaining five percent of city lodging tax revenues may be

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spent. Absent legislative restriction, we believe these monies can be spent for any authorized public purpose.

Based on the foregoing, it is our opinion that the City of Winona is not authorized to use ninety-five percent of the revenues generated by its city lodging tax to build a cross-country ski trail. The city will have to independently consider how it wishes to utilize the remaining five percent of the tax revenues.

Very truly yours,

**HUBERT H. HUMPHREY, III**  
**Attorney General**

**MICHELE M. OWEN**  
**Special Assistant**  
**Attorney General**

MMO/bw



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December 7, 1988

Alan R. Felix  
City Attorney  
City of Bemidji  
Bemidji, Minnesota 56601

Dear Mr. Felix:

As the attorney for the City of Bemidji, you have presented several questions regarding the use of the proceeds of the lodging tax authorized by Minn. Stat. § 477A.018, as amended by Minn. Laws 1988, ch. 414, § 1.

The City of Bemidji has elected to contract with the local Chamber of Commerce, a private entity, as a method of funding a local convention or tourism bureau as authorized by Minn. Stat. § 477A.018, subd. 3 (1985). Under the terms of the contract, the Chamber of Commerce (Chamber) must establish a separate council known as the Bemidji Visitors and Convention Bureau (Bureau). The contract also requires that all funds received by the Chamber from the City must be administered and expended by the Bureau for the purposes of marketing and promoting the City as a tourist and convention center. This is the same authorization which the statute grants to the City. Minn. Stat. § 477A.018, subd. 3.

The Jehovah Witnesses have indicated an interest in holding a convention in Bemidji. The organization has requested financial assistance from the Bureau to reduce the rent otherwise charged by one of the sites which the organization intends to use for functions and activities associated with its convention.

Your first question is whether the lodging tax proceeds transferred from the City to the Chamber under the terms of the contract lose their character as "public" funds and become "private" in nature. Minn. Stat. § 477A.018, subd. 3 (1986) provides in pertinent part that:

Ninety-five percent of the gross proceeds from any tax imposed under subdivision 1 shall be used by the statutory or home rule charter city or town to fund a local convention or tourism bureau for the purpose of marketing and promoting the city or town as a tourist or convention center.

AN EQUAL OPPORTUNITY EMPLOYER



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Although the City has chosen to provide by contract for "a local convention or tourism bureau," nothing in the statute compels that choice. By its language, subdivision 3 allows the City to fund and operate its own convention or tourism bureau as part of City government. The City has contracted with the Chamber to do exactly what the City is authorized by the statute to do -- "fund a local convention or tourism bureau for the purpose of marketing and promoting the city . . . as a tourist or convention center." The fact that a private entity will make the actual expenditures neither expands the statutory authority for the expenditures nor does it remove restrictions which would apply to the City if it made the expenditures itself. The City cannot accomplish indirectly by contract what it cannot do directly. Op. Atty. Gen. 733, March 19, 1974. Based upon the foregoing, it is reasonable to conclude that the funds in question are subject to the same restrictions whether expended by the City directly or by the City indirectly through the Bureau.

Such a result is reinforced by case law addressing the application of the Establishment Clause of the United States Constitution, an area specifically raised by your third question. In Wardle v. Bell, 598 F. Supp. 1356 (W.D. Mo. 1984), aff. dism., 472 U.S. 933, 105 S.Ct. 3549 (1985), the federal district court addressed the Establishment Clause issues raised by the implementation of a federally funded education program. In that particular case, the federal government contracted with a private, independent contractor to provide the services authorized by the federal program. Notwithstanding the use of the private, independent contractor, the federal district court analyzed the private contractor's activities using the Establishment Clause standards which have regularly been applied by the United States Supreme Court to public agencies. Id. Inasmuch as the Bureau has been limited by contract to those expenditures which the City itself could make, it would "exalt form over substance" if this distinction would treat the proceeds as "private" rather than "public" in nature. See Wolman v. Walter, 433 U.S. 229, 250, 97 S.Ct. 2593, 2606 (1977) (despite a technical change in a program, it was found unconstitutional under the Establishment Clause because the program in substance was the same as that previously found unconstitutional).

Your second question is whether use of the proceeds of the lodging tax to reduce site rental costs for conventions is authorized by section 477A.018, subdivision 3. In other words, does the use of the tax proceeds to reduce site rental costs for a convention constitute "marketing and promoting the city" within the meaning of the statute?

At the outset, we note that there are some restrictions on the expenditure of the lodging tax proceeds. In Op. Atty. Gen. 59A-44, Jan. 30, 1985, this office ruled that the city lodging tax

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proceeds could not be used for capital expenditures for a city. The ruling was in response to a specific example. It was determined that the lodging tax could not be used to build a city-owned cross-county ski trail.

Despite this restriction, it is nevertheless appropriate to construe the words "promoting" and "marketing" according to their common and approved usage since they were not defined by the Legislature for the purposes of section 477A.018. Minn. Stat. § 645.08(1) (1986). A dictionary definition of the word "promote" is:

To further the popularity, sales, etc. of by publicizing and advertising . . . .

Webster's New World Dictionary 1137 (Second Edition 1970). We do not believe, however, that the Legislature intended that the authorization to promote and market the City is limited to advertising. In determining legislative intent, it is appropriate to examine laws on the same or similar subjects. Minn. Stat. § 645.16(5) (1986). In that regard, the Legislature has previously authorized cities to expend funds for advertising. See, e.g., Minn. Stat. §§ 465.55 and 465.56 which were repealed by Minn. Laws 1987, ch. 291, § 244, but substantially reenacted as Minn. Stat. §§ 469.186-469.189 (Supp. 1987). Since the Legislature has previously authorized cities to expend funds to advertise, it would be unreasonable to restrict the use of the lodging tax proceeds to advertising.

Assuming that the word "promoting" as used in section 477A.018, subdivision 3, is intended to mean more than advertising, other definitions of the word are relevant. "Promote" may also mean:

[T]o contribute to the growth, enlargement or prosperity of; to forward; encourage; advance; to further. It sometimes is used in the sense of aid, assistance, help, or advancement . . . .

73 C.J.S. Promote 151 (1983). The word "market" "conveys the idea of selling, and it assumes the existence of trade and implies competition . . . ." Lilac Variety, Inc. v. Dallas Texas Co., 383 So.2d 193, 196 (Tex. Civ. App. 1964). See also 55 C.J.S. Market 784 (1948).

Section 477A.018, subdivision 3 states in part that the City may use the lodging tax proceeds to promote and market the city as a tourist or convention center. When the definitions of the two words are linked, it is reasonable to conclude that the City has the authority to decide to expend the proceeds of the tax in a manner reasonably designed to encourage the use of the City as a

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convention center. As applied to the specific situation you present, the Bureau on behalf of the City must determine that the site rental reduction is appropriate to "sell" the City and that it is in the City's best interest to compete with other locations in that manner. In doing so, the Bureau on behalf of the City must examine all of the relevant facts in arriving at a decision, recognizing among other things, the limited budget available. Whether a specific decision is reasonable is a question of fact which we do not undertake to address. Op. Atty. Gen. 629-a, May 9, 1975.

Subject to the foregoing, the language of Minn. Stat § 477A.018, subd. 3 permits the lodging tax proceeds to be used to reduce convention site rental costs to encourage and assist organizations to hold their convention in the City.

Your third question is whether financial assistance from the lodging tax to the Jehovah's Witnesses for their convention in the form of payment of rental fees for a building to house a meeting site of convention members would violate the Establishment Clause of the First Amendment to the United States Constitution.

In analyzing decisions which have applied the Establishment Clause, it is readily apparent that the specific facts of each case are critical to the result. Compare Mueller v. Allen, 463 U.S. 388, 103 S.Ct. 3062 (1983) (upholding tax deductions for, inter alia, expenses incurred by taxpayers in providing for the education of their children in public and parochial schools) with Committee for Public Education v. Nyquist, 413 U.S. 756, 93 S.Ct. 2955 (1973) (striking down certain tax benefits to taxpayers which were related to parochial school education).

The City's request for our assistance does not contain sufficient facts to enable us to provide it with an absolute answer to the third question. For example, the City has not indicated whether it has a policy of providing financial assistance to all groups, regardless of whether they are religiously affiliated, which would hold a convention in the City. Nor have we been provided with facts concerning either the purpose of the convention itself or the specific use to which the subsidized facilities are intended to be put during the convention. A complete knowledge of all of the facts is necessary to determine which ones are critical to an analysis under the First Amendment. As stated by the Supreme Court:

Rather than mechanically invalidating all governmental conduct or statutes that confer benefits or give special recognition to religion in general or to one faith -- as an absolutist approach would dictate -- the Court has scrutinized challenged legislation or official conduct to

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determine whether, in reality, it establishes a religious faith, or tends to do so.

Lynch v. Donnelly, 465 U.S. 668, 678, 104 S.Ct. 1355, 1361-62. (1984).

In the event that an examination of all of the facts indicates that it is appropriate to conduct an analysis under the Establishment Clause, the Supreme Court has established a three-part test to be used:

Under the Lemon [v. Kurtzman], 403 U.S. 602, 91 S.Ct. 2105 (1971)] standard, which guides '[t]he general nature of our inquiry in this area' (citation omitted), a court may invalidate a statute only if it is motivated wholly by an impermissible purpose (citation omitted), if its primary effect is the advancement of religion (citation omitted), or if it requires excessive entanglement between church and state (citation omitted).

Bowen v. Kendrick, \_\_\_ U.S. \_\_\_, 108 S.Ct. 2562, 2570 (1988). Bowen, the most recent Supreme Court decision conducting an in depth analysis under the Establishment Clause, emphasizes the importance of the facts in the determination of whether proposed action violates the Establishment Clause. As restated by the Court:

'[R]eligious institutions need not be quarantined from public benefits that are neutrally available to all.'

Bowen v. Kendrick, 108 S.Ct. at 2574, citing Roemer v. Maryland Board of Public Works, 426 U.S. 736, 746, 96 S.Ct. 2337, 2344 (1976). The Bowen decision references a number of prior decisions approving public benefits when they have been made equally available to both public and private school children (Board of Education v. Allen, 392 U.S. 236, 88 S.Ct. 1923 (1968)); Everson v. Board of Education, 330 U.S. 1, 67 S.Ct. 504 (1947)) or when grants have been made to all colleges and universities regardless of any affiliation with a religious body (Hunt v. McNair, 413 U.S. 734, 93 S.Ct. 2868 (1973); Tilton v. Richardson, 403 U.S. 672, 91 S.Ct. 2091 (1971)). Bowen v. Kendrick, *supra* at 2574.

As the Supreme Court has noted, however, an analysis under the Establishment Clause does not always result in a favorable constitutional review of proposed programs. As stated by the Court in Bowen:

Of course, even when the challenged statute appears to be neutral on its face, we have always been careful to ensure that direct government aid to religiously affiliated

institutions does not have the primary effect of advancing religion.

Bowen v. Kendrick, *supra* at 2574. Grand Rapids School District v. Ball, 473 U.S. 373, 105 S.Ct. 3216 (1985) is a case in which direct government aid, even though designated for a specific secular purpose, was found to advance the pervasively sectarian school's "religious mission."

Although your specific inquiry focuses on the issue of the application of the Establishment Clause, the City's analysis following a review of all of the facts should not ignore the application of other clauses of the First Amendment. For example, in Widmar v. Vincent, 454 U.S. 263, 102 S.Ct. 269 (1981), a public university denied access to its facilities to a religiously-oriented student group. The university argued that allowing religious groups to share the limited public forum established by the university would have the "primary effect" of advancing religion. *Id.* at 272, 102 S.Ct. at 275-76. The Supreme Court rejected the university's argument stating:

The question is not whether the creation of a religious forum would violate the Establishment Clause. The University has opened its facilities for use by student groups, and the question is whether it can now exclude groups because of the content of their speech.

*Id.* at 273, 102 S.Ct. at 276 (emphasis added). The Court went on to state that:

We are not oblivious to the range of an open forum's likely effects. It is possible - perhaps even foreseeable - that religious groups will benefit from access to University facilities. But this Court has explained that a religious organization's enjoyment of merely 'incidental' benefits does not violate the prohibition against the 'primary advancement' of religion.

*Id.* (citation omitted). The Court recognized two facts which were especially relevant in arriving at its conclusion that any religious benefit would be "incidental:"

First, an open forum in a public university does not confer any imprimatur of state approval on religious sects or practices. As the Court of Appeals quite aptly stated, such a policy 'would no more commit the University . . . to religious goals' than it is 'now committed to the goals of the Students for a Democratic Society, the Young Socialist Alliance,' or any other group eligible to use its facilities. . . .

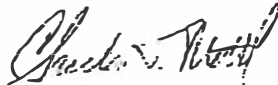
Alan R. Felix  
December 7, 1988  
Page 7

Second, the forum is available to a broad class of nonreligious as well as religious speakers . . . . The provision of benefits to so broad a spectrum of groups is an important index of secular effect.

Id. at 274, 102 S.Ct. at 276-77 (citations omitted).

Based upon the foregoing, the City must identify and examine all of the facts relating to its proposed financial assistance to the Jehovah Witnesses' convention. While the focus of the City's inquiry in its request is on the Establishment Clause, its analysis should not exclude consideration of constitutional rights relating to speech and association.

Very truly yours,



CHARLES T. MOTTL  
Assistant Attorney General

Telephone: (612) 296-3854

CTM/smo



# STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY III  
ATTORNEY GENERAL

February 24, 1993

525 PARK STREET  
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TELEPHONE: (612) 297-1050  
FACSIMILE: (612) 297-1235

Representative Dave Battaglia  
517 State Office Building  
St. Paul, MN 55155

Dear Representative Battaglia:

You have sought our analysis of the scope of permitted expenditures of proceeds of local lodging taxes authorized pursuant to Minn. Stat. § 469.190, subd. 3 in the context of four particular examples, i.e.:

1. To pay for high school band uniforms;
2. To pay for fireworks to be used at a 4th of July celebration;
3. To subsidize a county fair;
4. To subsidize local "festivals" for local sports events, such as hockey, baseball or fishing tournaments.

We apologize for the long delay in providing you with a response.

Minn. Stat. § 469.190, subd. 3 provides:

Subd. 3. **Disposition of proceeds.** Ninety-five percent of the gross proceeds from any tax imposed under subdivision 1 shall be used by the statutory or home rule charter city or town to fund a local convention or tourism bureau for the purpose of marketing and promoting the city or town as a tourist or convention center. This subdivision shall not apply to any statutory or home rule charter city or town that has a lodging tax authorized by special law or enacted prior to 1972 at the time of enactment of this section.

Your question is directed to the 95 percent of the proceeds that must be used to fund a "convention or tourism bureau for the purpose of marketing and promoting the city or town as a tourist or convention center." (Emphasis added.) Thus, the authority of the use of the 95 percent portion of these revenues by the local bureau for the purposes specified would depend upon whether those uses could ever be seen as "marketing" or promoting the city "as a tourist or convention center."

In Op. Atty. Gen. 59a-44, January 30, 1985 (copy enclosed), we concluded that Minn. Stat. § 477A.018, subd. 3 (1983) did not authorize the City of Winona to spend portions of the

95 percent of the revenues generated by its city lodging tax to build a cross-country ski trail. This opinion was based on a review of the legislative history which demonstrated that the legislature did not intend to authorize unrestricted use of lodging tax funds and more particularly did not intend that they be used for capital expenditures. We further reasoned that the restrictive language then in section 477A.018 could not be interpreted so broadly as to include any and all expenditures which would arguably enhance the attractiveness of the city.<sup>1</sup> Thus while that opinion dealt with the use of funds for capital expenditures, I do not believe that was intended to imply that capital expenditures for city improvements are the only uses for which lodging tax expenditures might be unauthorized. For example, expenditures for maintaining and grooming the ski trails would present the same difficulty perceived in constructing the trails.

On December 7, 1988, we again addressed the scope of authority to expend lodging tax proceeds in the context of a proposal to use funds to underwrite a rent reduction for facilities to be used by an organization in holding a convention. See letter dated December 7, 1988, to Alan R. Felix, Bemidji City Attorney (copy enclosed). In that letter we concluded that the "promoting" and "marketing" authorized was not necessarily limited to advertising alone but could include other activities which are reasonably designed to encourage the use of the city as a tourist or convention center. In that regard, we indicated that a city could determine that a convention facility rental subsidy would be an appropriate way to attract a group to hold its convention in that city. Thus we have been of the view that "marketing and promoting" the city for purposes of lodging tax expenditures includes activities directly related to providing information concerning tourist or convention assets of the city to persons outside the immediate area or in directly seeking to attract such persons to the city, but does not generally include creation of such assets or the support of community betterment in general. In light of the fact that the revenue in question is raised by taxation of hotels, motels and like tourist facilities, it is likely that the legislature intended that the restricted 95 percent be used in ways calculated to directly attract persons likely to patronize such facilities as opposed to uses which generally benefit the city as a whole.

In the context of your inquiry, each of the proposed uses would have to be evaluated based on all relevant facts to determine whether the use would "market" or "promote" the city, and whether it would be in the City's best interest to compete with other municipalities in that manner, given the City's budget constraints. City officials would be in the most advantageous position to conduct such an analysis. See Op. Atty. Gen. 629-a, May 9, 1975. We can informally discuss the expenditures you propose in light of the principles mentioned above. However, the ultimate determination whether any of such expenditures would actually market or promote the city for tourism or convention business in a particular circumstance would likely be heavily dependent upon the facts of each given case.

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1. Minn. Stat. § 477A.018, subd. 3 was repealed in 1989 Minn. Laws, ch. 277, art. 1, § 35. However, Minn. Stat. § 469.190, subd. 3 (1992) contains the same operative language.

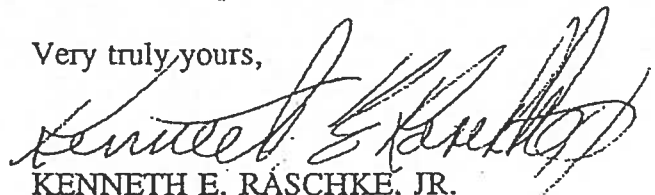
1. Purchase of school band uniforms. It is frankly difficult to see how the purchase of band uniforms could be perceived as marketing or promoting the city as a tourist or convention center. While new uniforms could enhance the appearance of the band and the image it may convey when performing outside the community, it is not clear how the uniforms in themselves would convey any sort of message about any tourist or convention resources the city may have or result in the increase of tourism or convention business.

2. Purchase of fireworks. Qualification of this expenditure would seem heavily dependent upon the circumstances of each case. If the fireworks were to make a significant contribution to a city's effort to attract tourists or convention business, especially if the display was advertised outside the city for that purpose, it could be determined to be related to promotion and marketing for those purposes. On the other hand, if the display were essentially a local event for residents of the city and surrounding area it may not qualify.

3. The same might also be said for expenditures to subsidize a county fair or local sports event. The matter would, I believe, turn on whether the particular expenditure is reasonably related to a specific activity for attracting tourists or convention business. Certainly advertising or similar efforts to make tourists or convention planners from outside the area aware of local events such as the fair or sporting events would appear to be legitimate marketing or promotion. If, on the other hand, the result of the expenditures is simply to assist the event in general or in some way that would not reasonably be seen as calculated to attract additional people for tourism or convention business, they would not likely qualify. For example, subsidy for a statewide sporting event such as the Star of the North games to be held in the city would appear far more appropriate than underwriting an event essentially for local teams and their supporters.

I am sorry that I cannot be more definite, but I hope these thoughts are helpful to you. Again, we apologize for the delay. Please contact us if we can provide more assistance.

Very truly yours,



KENNETH E. RASCHKE, JR.  
Assistant Attorney General

(612) 297-1141

KER:gpp

Enclosures



# STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

MIKE HATCH  
ATTORNEY GENERAL

October 15, 2002

525 PARK STREET  
SUITE 200  
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TELEPHONE: (651) 297-2040

Mr. John H. Bray  
CLURE EATON LAW FIRM  
222 West Superior Street  
Skywalk Level, Suite 200  
Duluth, MN 55802-1907

**Re: The Use of Lodging Tax Proceeds/City of Proctor**

Dear Mr. Bray:

Thank you for your letter of August 19, 2002. On behalf of the City of Proctor you ask whether certain proposed expenditures of lodging tax proceeds are permitted by law.

## BACKGROUND

Minn. Stat. § 469.190, subd. 1 (2000) authorizes cities and towns to impose a tax of up to three percent upon receipts for lodging at hotels, motels, rooming houses, tourist courts, and resorts. Minn. Stat. § 469.190, subd. 3 (2000) provides in part:

Subd. 3. **Disposition of Proceeds.** Ninety-five percent of the gross proceeds from any tax imposed under subdivision 1 shall be used by the statutory or home rule charter city or town to fund a local convention or tourism bureau for the purpose of marketing and promoting the city or town as a tourist or convention center.

Thus, five percent of the lodging tax proceeds is unrestricted as to use. However, the remaining 95 percent of these revenues may be used only to fund of a tourism bureau, local bureau for sole purposes of "marketing" or promoting the city "as a tourist or convention center." For purposes of this opinion this allocation will be referred to as the "95 percent category."

There appear no court decisions addressing the permissible uses for those funds. However this Office has previously considered the scope of expenditure authority.

In Op. Atty. Gen. 59a-44, January 30, 1985 (copy enclosed), this Office concluded that this language, then codified as Minn. Stat. § 477A.018, subd. 3 (1983), did not authorize the City of Winona to spend portions of the "95 percent category" on construction of a cross-country ski trail. That opinion was based on a review of the legislative history which indicated that the legislature did not intend to authorize use of lodging tax funds for general city purposes, and more particularly did not intend that they be used for capital expenditures of general benefit to the City. That opinion further reasoned that the restrictive statutory language could not be

interpreted so broadly as to include any and all expenditures that would arguably enhance the attractiveness of the city, because to do so would effectively negate the restrictions.

On December 7, 1988, this Office issued an opinion in the context of a proposal to use the "95 percent category" funds to underwrite a rent reduction for facilities to be used by an organization in holding a convention. See opinion dated December 7, 1988, to Alan R. Felix, Bemidji City Attorney (copy enclosed). That opinion concluded that the "promoting" and "marketing" authorized by the statute was not necessarily limited to advertising alone but could include other activities that are reasonably designed to encourage the use of the city as a tourist or convention center. In that regard, a city could determine that a convention facility rental subsidy would be an appropriate way to attract a group to hold its convention in that city.

Each of the proposed uses of proceeds set forth in your letter would need to be evaluated based on all relevant facts to determine whether the expenditure would "market" or "promote" the city "as a tourist or convention center." The ultimate determination whether any of such expenditures would actually market or promote the city for tourism or convention business in a particular circumstance would be dependent upon the facts of each given case. City officials rather than this Office are in the best position to conduct such a factual analysis. See, e.g., Op. Atty. Gen. 629-a, May 9, 1975. However, I can informally discuss the expenditures you propose in light of the principles mentioned above.

1. **May lodging tax proceeds be used for the painting and maintenance of tourist attractions owned by the City, in this case, a steam locomotive engine (Proctor has historically been associated with trains) and a mounted fighter jet?**

The use of proceeds for the painting and maintenance would seem analogous to the ski trail expenditure discussed in the 1985 opinion. While such a use could serve to enhance or preserve assets of the city, it is difficult to see how that action in itself would market or promote the city's tourism or convention resources. Rather, expenditures for dissemination of information *about* such attractions to potential visitors would seem more in keeping with the statutes' intent.

2. **May lodging tax proceeds be used for seasonal decorations and decorative lighting?**

The same reasoning set forth in response to your first question would also apply to your questions about using the tax proceeds for decorative lighting or "seasonal decorations" that would generally beautify the city's "main thoroughfare."

3. **May lodging tax proceeds be used to develop and maintain welcome signs?**

The authority to expend lodging tax proceeds for welcome signs would be dependent upon the particulars of each sign. For example, a sign placed at the city limits merely saying, "Welcome to Proctor, population 2852" would not appear to have any particular marketing or

John H. Bray  
October 15, 2002  
Page 3

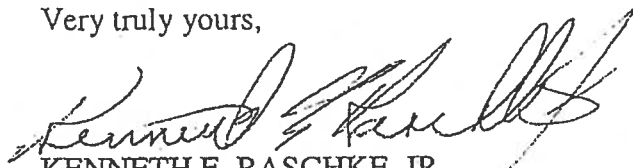
promotional effect. On the other hand, a sign placed on a major highway notifying passersby of notable local attractions, or activities that would be of interest to tourists or convention planners would seem to be permitted.

4. Are lodging tax proceeds predominantly meant to promote tourism to a city, or to encourage visitors to stay in local hotels?

It would seem that the above two goals are complementary, rather than mutually exclusive. Section 469.190, subd. 3 (2000) speaks generally of using the proceeds to promote tourism and convention business. It does not limit its coverage to encouraging people to stay at local hotels, although the permissible uses of the tax are ones calculated to attract to the city people who are likely to patronize such facilities. Thus, a promotional campaign funded with lodging tax dollars would not necessarily be required to mention local hotels at all. On the other hand, there is no question that the nature and availability of local lodging facilities is an important consideration for tourists and essential information for convention planners. Indeed, in some circumstances, hotels may themselves be tourist attractions or convention centers. Therefore, creation and distribution of materials that publicize the features of local hotels would seem to be a permissible expenditure.

As noted above, the extent to which specific lodging tax expenditures will actually market or promote the tourism or convention features of the city is a factual determination to be made by the city on a case-by-case basis. I hope the foregoing discussion is helpful to that process.

Very truly yours,



KENNETH E. RASCHKE, JR.  
Assistant Attorney General

(651) 297-1141

Enclosure

AG: #728066-v1



# STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

MIKE HATCH  
ATTORNEY GENERAL

April 17, 2003

525 PARK STREET  
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TELEPHONE: (651) 297-2040

John H. Bray  
CLURE EATON LAW FIRM  
222 West Superior Street  
Skyway Level, Suite 200  
Duluth, MN 55802-1907

**Re: The Use of Lodging Tax Proceeds/City of Proctor**

Dear Mr. Bray:

Thank you for your letter of April 4, 2003, concerning permissible expenditures of lodging tax proceeds.<sup>1</sup>

You state that your letter is an "amended request" for an opinion from this Office asking two questions in addition to other ones you posed in an August 19, 2002 letter, and which were addressed in my October 15, 2002 letter to you (copy enclosed):<sup>2</sup>

1. May lodging tax proceeds be used to purchase fireworks associated with an annual city festival?
2. May lodging tax proceeds be used to assist in funding a local festival?

As noted in my previous letter, the answers to your questions on this topic are dependent on a determination of whether a particular expenditure would actually aid in marketing or promoting the city for tourism or convention business. Such fact-specific determinations are beyond the scope of opinions of this Office and are best evaluated by local officials.

As with expenditures addressed in my previous letter, the permissibility of using lodging tax proceeds for expenses associated with a "local festival" would depend upon whether the expenditure is for an activity related to attracting tourist and convention business. For example, advertising or similar efforts to make tourists and convention planners aware of local events such as festivals would seem clearly to fall within the class of permissible uses. In addition, a

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<sup>1</sup> Pursuant to Minn. Stat. § 469.190, subd. 3 (2002) ninety-five percent of the proceeds of a lodging tax must be used "for the purpose of marketing and promoting the city as a tourist or convention center." My analysis has been limited to that portion of the proceeds. The remaining five percent may be spent for any authorized city purposes.

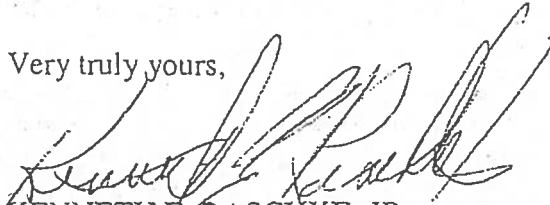
<sup>2</sup> Upon review of the relevant statute and other current authorities, I have nothing to add to my earlier response to those questions.

John H. Bray  
April 17, 2003  
Page 2

statewide or national competition or a recreational or entertainment event of such stature that it would, in itself, bring potential tourists or convention planners to the community would likely qualify. An event of interest only to residents of the immediate area, however, would not appear to be a permissible expenditure.

I regret that I am not able to provide more specific answers, but I hope these comments are helpful to you.

Very truly yours,



KENNETH E. RASCHKE, JR.  
Assistant Attorney General

(651) 297-1141

AG: #833897-v1



# STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

MIKE HATCH  
ATTORNEY GENERAL

June 20, 2003

525 PARK STREET  
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TELEPHONE: (651) 297-2040

Dennis Breamer  
Executive Director  
Minnesota Association of Innkeepers  
4900 Place  
4900 North Highway 169, Suite 105  
New Hope, MN 55428

Dear Mr. Breamer:

Thank you for your letter of June 5, 2003.

You state that the Minnesota Association of Innkeepers does not believe it would be lawful for the City of Proctor to use ten percent of the City's lodging tax proceeds for upkeep of certain City display items. You cite a January 30, 1985, opinion of Attorney General Humphrey, as support for your position that such expenditures are not authorized by Minn. Stat. § 477A.018, subd. 3.<sup>1</sup>

The Attorney General's Office has limited authority under Minnesota law. For instance, it has jurisdiction to provide legal opinions to state agencies and attorneys for local units of government. However, it does not have jurisdiction to represent, or provide opinions to, private citizens or organizations. Nor is it authorized to investigate or direct the actions of municipalities which are governed by independently elected officials and are therefore largely autonomous. Notwithstanding these limitations, I can provide the following comments, which I hope you will find helpful.

First, I am enclosing for your information, copies of letters concerning various proposed uses of lodging tax proceeds which I sent to Proctor City Attorney, John Bray, on October 15, 2002, and April 17, 2003. The 2002 letter discusses the issue you have raised.

Second, if you believe lodging tax proceeds are being misused, you may wish to contact the Office of the State Auditor, which has authority to audit city financial transactions to ensure that a city's financial matters are conducted in accordance with state laws. The Auditor's Office may be contacted at:

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<sup>1</sup> Minn. Stat. § 477A.018 was repealed in 1989. The lodging tax provision is now contained in Minn. Stat. § 469.190 (2002).

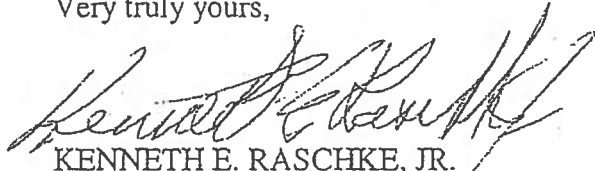
Dennis Breamer  
June 20, 2003  
Page 2

State Auditor Patricia Awada  
525 Park Street, Suite 400  
St. Paul, MN 55103  
Telephone (651) 296-2551

Third, your association may wish to consult its own attorney to determine whether any of its members' rights have been violated and whether it has any claims which could be against the City.

I thank you again for writing and hope this information is helpful to you.

Very truly yours,



KENNETH E. RASCHKE, JR.  
Assistant Attorney General

(651) 297-1141

Enclosures  
AG: #868437-v1