

Way 71

Senate File 512

WAYS AND MEANS. Bruner, Chair, Hoiden and Boswell

SENATE FILE 512
BY HUSAK

FILED APR 27 1987

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to exempt from taxes transactions entered into or
2 consummated on the Meskwaki Indian settlement in Tama county,
3 Iowa.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 512

1 Section 1. NEW SECTION. 422.120 MESKWAKI SETTLEMENT TAX
2 EXEMPTION.

3 The state shall not assess or collect any tax imposed by
4 this chapter or chapter 98 upon any transaction entered into
5 or consummated on the Meskwaki Indian settlement in Tama
6 county, Iowa, in which one of the parties involved is the
7 Indian tribe, a member of the Indian tribe, or a tribal
8 controlled business.

9 Sec. 2. NEW SECTION. 422.121 AGREEMENTS WITH INDIANS.

10 1. In order to implement the United States supreme court
11 decision in the case of Bryan v. County of Itasca, 96 S. Ct.
12 2102, relating to the jurisdiction of a state to impose taxes
13 on the Indian residents of reservations, the director of
14 revenue and finance may enter into agreements with the
15 Meskwaki governing council.

16 2. The director may enter into tax collection agreements
17 with the governing body of the Meskwaki Indian settlement.
18 These agreements may provide for the collection by the
19 department of revenue and finance of any settlement-imposed
20 excise tax if imposed at the same rate as comparable state
21 taxes and for the retention by the department of an agreed
22 upon percentage of the gross revenue as an administrative fee.

23 3. The director may enter into a tax refund agreement with
24 the governing body of the Meskwaki Indian settlement in lieu
25 of a tax collection agreement. The agreement may provide for
26 a refund to the governing body of the settlement of any excise
27 tax paid by the Indian residents of the settlement into the
28 state treasury after the effective date of this Act,
29 notwithstanding any other law which limits the refund of
30 taxes.

31 4. A tax collection or refund agreement between the
32 director and the governing body of the Meskwaki Indian
33 settlement may provide that an amount determined by a mutually
34 agreed upon formula shall be remitted to the governing body in
35 lieu of the exact amount of revenue collected.

1 5. There is appropriated from the general fund of the
2 state to the director of revenue and finance the amount
3 necessary to make the distributions required under this
4 section.

5 EXPLANATION

6 The bill exempts transactions from taxes levied under
7 chapter 98 and 422 if one of the parties to the transaction is
8 an Indian tribe, a member of the Indian tribe, or a business
9 controlled by the tribe. The bill also allows the director of
10 revenue and finance to enter collection and refund agreements
11 with the governing body of the Meskwaki Indian settlement.

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