

House Amendment 1665

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1 1 Amend Senate File 466, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 10, by inserting after line 13 the
1 4 following:
1 5 <DIVISION ____
1 6 NONPROFIT YOUTH ATHLETIC GROUPS
1 7 Sec. ____ Section 423.3, subsection 78, Code 2009,
1 8 is amended to read as follows:
1 9 78. a. The sales price from sales or rental of
1 10 tangible personal property, or services rendered by
1 11 any entity where the profits from the sales or rental
1 12 of the tangible personal property, or services
1 13 rendered, are used by or donated to a nonprofit entity
1 14 ~~which that~~ is exempt from federal income taxation
1 15 pursuant to section 501(c)(3) of the Internal Revenue
1 16 Code, a government entity, or a nonprofit private
1 17 educational institution, and where the entire proceeds
1 18 from the sales, rental, or services are expended for
1 19 any of the following purposes:
1 20 ~~a.~~ (1) Educational.
1 21 ~~b.~~ (2) Religious.
1 22 ~~c.~~ (3) Charitable. A charitable act is an act
1 23 done out of goodwill, benevolence, and a desire to add
1 24 to or to improve the good of humankind in general or
1 25 any class or portion of humankind, with no pecuniary
1 26 profit inuring to the person performing the service or
1 27 giving the gift.
1 28 b. For purposes of this exemption, an organization
1 29 that meets the requirements of paragraph "a" and which
1 30 is created for the sole or primary purpose of
1 31 providing athletic activities to youth shall be
1 32 considered created for an educational purpose.
1 33 c. This exemption does not apply to the sales
1 34 price from games of skill, games of chance, raffles,
1 35 and bingo games as defined in chapter 99B. This
1 36 exemption is disallowed on the amount of the sales
1 37 price only to the extent the profits from the sales,
1 38 rental, or services are not used by or donated to the
1 39 appropriate entity and expended for educational,
1 40 religious, or charitable purposes.
1 41 Sec. ____ REFUNDS. Refunds of taxes, interest, or
1 42 penalties which arise from claims resulting from the
1 43 provisions of this division of this Act enacting
1 44 section 423.3, subsection 78, new paragraph "b", for
1 45 the sales price from sales or rental of tangible
1 46 personal property, or services occurring between July
1 47 1, 1998, and the effective date of section 423.3,
1 48 subsection 78, new paragraph "b", shall be limited to
1 49 fifty thousand dollars in the aggregate and shall not
1 50 be allowed unless refund claims are filed prior to
2 1 October 1, 2009, notwithstanding any other provision
2 2 of law. If the amount of claims totals more than
2 3 fifty thousand dollars in the aggregate, the
2 4 department of revenue shall prorate the fifty thousand
2 5 dollars among all claimants in relation to the amounts
2 6 of the claimants' valid claims.
2 7 Sec. ____ EFFECTIVE AND RETROACTIVE APPLICABILITY
2 8 DATES. The section of this division of this Act
2 9 amending section 423.3, subsection 78, being deemed of
2 10 immediate importance, takes effect upon enactment and
2 11 applies retroactively to July 1, 1998.>
2 12 #2. Title page, line 2, by inserting after the
2 13 word <tax,> the following: <the sales tax,>.
2 14 #3. By renumbering as necessary.
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2 18 COWNIE of Polk
2 19 SF 466.704 83
2 20 tw/mg:sc/24543