

Senate File 2407 - Enrolled

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AN ACT

MODIFYING THE REBATE OF SALES AND USE TAX TO THE OWNER OR
OPERATOR OF A RACEWAY FACILITY AND INCLUDING EFFECTIVE DATE
AND RETROACTIVE APPLICABILITY PROVISIONS.

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

Section 1. Section 423.2, subsection 11, paragraph b,
subparagraph (7), Code 2018, is amended to read as follows:

(7) Beginning the first day of the quarter following July
1, 2014, transfer to the raceway facility tax rebate fund
created in [section 423.4, subsection 11](#), paragraph "e", that
portion of the sales tax receipts collected and remitted upon
sales of tangible personal property or services furnished by
retailers at a raceway facility meeting the qualifications
of [section 423.4, subsection 11](#), that remains after the
transfers required in subparagraphs (1) through (6) of this

paragraph "b". This subparagraph is repealed June 30, 2025, or thirty days following the date on which an amount of total rebates specified in [section 423.4, subsection 11](#), paragraph "c", subparagraph ~~(4)~~ (3), subparagraph division ~~(a) or (b)~~, ~~whichever is applicable~~, has been provided or thirty days following the date on which rebates cease as provided in [section 423.4, subsection 11, paragraph "c"](#), subparagraph ~~(5)~~ (4), whichever is earliest.

Sec. 2. [Section 423.4, subsection 11, paragraphs b, c, d, e, and g, Code 2018](#), are amended to read as follows:

b. The owner or operator of a raceway facility may apply to the department for a rebate of the following:

~~(1) Sales~~ sales tax imposed and collected by retailers upon sales of tangible personal property or services furnished to purchasers at the raceway facility. Notwithstanding the state sales tax imposed in [section 423.2](#), a sales tax rebate issued pursuant to this subparagraph shall not exceed the amounts transferred to the raceway facility tax rebate fund pursuant to [section 423.2, subsection 11, paragraph "b"](#), subparagraph (7).

~~(2) (a) Sales or use tax upon the sales price of all tangible personal property, or from services furnished to a contractor, used in the fulfillment of a written contract with the owner or operator if the property becomes an integral part of the project under contract and at the completion of the project becomes part of the raceway facility.~~

~~(b) The rebate available under this subparagraph shall be limited to one project per raceway facility. If such a project is undertaken, the owner or operator of the raceway facility shall notify the department upon completion of the project.~~

~~(c) Notwithstanding the state sales tax imposed in [section 423.2](#), a sales tax rebate issued pursuant to this subparagraph shall not exceed the amounts remaining after the transfers required under [section 423.2, subsection 11, paragraph "b"](#), subparagraphs (1) through (6), have been made from the total amount of sales tax for which the rebate is requested.~~

~~(d) Notwithstanding the state use tax imposed in [section 423.5](#), a use tax rebate issued pursuant to this subparagraph shall not exceed the amounts remaining after the transfers~~

~~required under section 423.43, subsection 1, have been made from the total amount of use tax for which the rebate is requested.~~

c. The rebate may be obtained only in the following amounts and manner and only under the following conditions:

~~(1) For rebates pursuant to paragraph "b", subparagraph (1),~~
~~on On forms furnished by the department within the time period provided by the department by rule, which time period shall not be longer than quarterly in this subparagraph. As prescribed in subparagraph (3), subparagraph division (a), the amount of a rebate shall be limited by and calculated according to the amount of project costs incurred and paid by the owner or operator on or after the effective date of this Act. A rebate claim calculated according to an amount of project costs shall be considered timely only if the form upon which the rebate is requested is filed with the department within ninety days of the date the project cost is paid by the owner or operator.~~

~~(2) For rebates pursuant to paragraph "b", subparagraph (2),~~
~~on forms furnished by the department within the time period provided by the department by rule, but not more than one year after the final settlement has been made.~~

~~(3) (2) The owner or operator shall provide information as deemed necessary by the department, including but not limited to information to substantiate the project costs incurred and paid by the owner or operator.~~

~~(4) (3) The transactions described in paragraph "b" for which sales or use tax was collected and the rebate is sought occurred on or after January 1, 2015, but before January 1, 2025. However, the total amount of rebates provided pursuant to this subsection shall not exceed the lesser of the following amounts:~~

~~(a) Twenty-five percent of the project costs, as determined by the department, if such a project is undertaken by the owner or operator The amount of project costs incurred and paid by the owner or operator on or after the effective date of this Act. For purposes of this subparagraph division subsection, "project costs" means costs incurred and paid by the owner or operator in connection with the planning, design, construction, and installation of new property or of modifications to~~

~~existing property that becomes an integral part of the project under contract which project if such property upon completion of one or more projects becomes or remains part of the raceway facility, and other costs incurred by the owner or operator in connection with the project that are customarily associated with the and constitutes the renovation, remodeling, reconstruction, expansion, equipping, or improvement of real property that comprises the raceway facility. Project costs shall be determined after the department receives notification of completion of the project pursuant to paragraph "b", subparagraph (2), subparagraph division (b) "Project costs" does not include any amount of cost that is not substantiated to the department pursuant to subparagraphs (1) and (2) within ninety days of the date it is paid by the owner or operator. However, if rebates cease because of a change of control of the raceway facility as provided in paragraph "c", subparagraph (5), project costs shall be determined as of the date the change of control occurs.~~

(b) ~~Two~~ One million eight hundred thousand dollars.

~~(5)~~ (4) Notwithstanding subparagraph ~~(4)~~ (3), the rebate of sales ~~or~~ use tax shall cease for transactions occurring on or after the date of the change of control of the raceway facility.

~~(6)~~ (5) The raceway facility has not received or shall not receive any grants under the community attraction and tourism program pursuant to [chapter 15F, subchapter II](#), or the vision Iowa program pursuant to [chapter 15F, subchapter III](#).

d. To assist the department in determining the amount of the rebate, the following shall occur:

~~(1)~~ For rebates pursuant to paragraph "b", subparagraph ~~(1)~~, the owner or operator shall identify to the department retailers located at the raceway facility who will be collecting sales tax. The department shall verify such identity and ensure that all proper permits have been issued. For purposes of [this subsection](#), advance ticket and admissions sales shall be considered occurring at the raceway facility regardless of where the transactions actually occur.

~~(2)~~ For rebates pursuant to paragraph "b", subparagraph ~~(2)~~, the contractor shall state under oath, on forms provided by

~~the department, the amount of such sales of tangible personal property, or services furnished and used in the performance of a contract, and upon which sales or use tax has been paid, and shall file such forms with the owner or operator which has made any written contract for performance by the contractor. The forms shall be filed by the contractor with the owner or operator before final settlement is made. Any contractor who willfully makes a false report of tax paid under the provisions of [this subsection](#) is guilty of a simple misdemeanor and in addition shall be liable for the payment of the tax and any applicable penalty and interest.~~

e. There is established within the state treasury under the control of the department a raceway facility tax rebate fund consisting of the amount of state sales tax revenues transferred pursuant to [section 423.2, subsection 11](#), paragraph "b", subparagraph (7). An account is created within the fund for each raceway facility meeting the qualifications of [this subsection](#). Moneys in the fund shall only be used to provide rebates of state sales tax pursuant to paragraph "b", ~~subparagraph (1)~~. The total amount of rebates paid from the fund shall not exceed the amount specified in paragraph "c", ~~subparagraph (4)~~ (3), subparagraph division (a) or (b), whichever is applicable less. Any moneys in the fund which represent state sales tax revenue ~~for which the time period in paragraph "c" for receiving a rebate has expired, or which otherwise represent state sales tax revenue that has become ineligible for rebate pursuant to this subsection~~ shall immediately revert to the general fund of the state.

g. [This subsection](#) is repealed June 30, 2025, or thirty days following the date on which ~~an amount of total rebates specified in paragraph "c", subparagraph (4), subparagraph division (a) or (b), whichever is applicable, has~~ one million eight hundred thousand dollars in total rebates have been provided and no overpayment of rebates exists, or thirty days following the date on which rebates cease as provided in paragraph "c", subparagraph (5) (4), and no overpayment of rebates exists, whichever is earliest.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 4. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2015, for sales occurring on or after that date.

CHARLES SCHNEIDER
President of the Senate

LINDA UPMAYER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2407, Eighty-seventh General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2018

KIM REYNOLDS
Governor