

MAR 7 1999
WAYS AND MEANS

HOUSE FILE 439
BY FOEGE

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

A BILL FOR

1 An Act relating to the retroactivity of the state sales and use
2 tax exemption of sales and rentals of property used for or in
3 aquaculture, and including an effective date and retroactive
4 applicability provision.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HF 439

1 Section 1. 1997 Iowa Acts, chapter 158, is amended by
2 adding the following new section:

3 NEW SECTION. SEC. 54. RETROACTIVE APPLICABILITY.

4 Sections 14, 18, and 19 of this Act, amending sections 422.42,
5 422.45, subsection 39, and 422.47, relating to aquaculture
6 production, apply retroactively to April 1, 1987.

7 Sec. 2. Refunds of taxes, interests, or penalties which
8 arise from claims resulting from the enactment of the
9 amendment to 1997 Iowa Acts, chapter 158, in this Act, for
10 sales and rentals occurring between April 1, 1987, and June
11 30, 1997, shall be limited to twenty-five thousand dollars in
12 the aggregate and shall not be allowed unless refund claims
13 are filed prior to October 1, 1999, notwithstanding any other
14 provision of law. If the amount of claims totals more than
15 twenty-five thousand dollars in the aggregate, the department
16 of revenue and finance shall prorate the twenty-five thousand
17 dollars among all claimants in relation to the amounts of the
18 claimants' valid claims.

19 Sec. 3. This Act, being deemed of immediate importance,
20 takes effect upon enactment and applies retroactively to July
21 1, 1997.

22 EXPLANATION

23 The general assembly enacted during the 1997 Session an
24 exemption to the state sales and use tax, effective July 1,
25 1997, for products purchased for use in aquaculture and
26 expanded the definition of agricultural production to include
27 production from aquaculture for purposes of the sales and use
28 taxes.

29 This bill makes the previously enacted legislation
30 retroactive to April 1, 1987, but limits the total aggregate
31 claims for refunds of taxes, interest, and penalties as a
32 result of this retroactivity in the bill to \$25,000. If such
33 refunds exceed \$25,000, each refund will receive a pro rata
34 amount. To claim a refund, the claim must be filed by October
35 1, 1999.

