

Effective 7/1/2015

Superseded 5/10/2016

63N-2-505 Submission of written claim for convention incentive -- Disclosure of tax returns and other information -- Determination of claim.

- (1) The office may not pay any money from the incentive fund to a qualified hotel owner or host local government unless:
 - (a) the qualified hotel owner or host local government submits a claim and other required documentation, as provided in this section; and
 - (b) the office approves and certifies the claim, as provided in this section.
- (2) A qualified hotel owner or host local government that desires to qualify for a convention incentive shall submit to the office:
 - (a) a written claim for a convention incentive;
 - (b)
 - (i) for a claim submitted by a qualified hotel owner:
 - (A) a certification by the individual signing the claim that the individual is duly authorized to sign the claim on behalf of the qualified hotel owner;
 - (B) documentation of the new tax revenue previously generated, itemized by construction revenue, offsite revenue, onsite revenue, type of sales or use tax, and the location of the transaction generating the new tax revenue as determined under Sections 59-12-211, 59-12-211.1, 59-12-212, 59-12-213, 59-12-214, and 59-12-215;
 - (C) the identity of sellers collecting onsite revenue and the date the sellers will begin collecting onsite revenue;
 - (D) a document in which the qualified hotel owner expressly directs and authorizes the commission to disclose to the office the qualified hotel owner's tax returns and other information that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code;
 - (E) a document in which the qualified hotel's direct vendors, lessees, or subcontractors, as applicable, expressly direct and authorize the commission to disclose to the office the tax returns and other information of those vendors, lessees, or subcontractors that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code;
 - (F) a document in which a third-party seller expressly and voluntarily directs and authorizes the commission to disclose to the office the third-party seller's tax returns and other information that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code;
 - (G) documentation verifying that the qualified hotel owner is in compliance with the terms of the agreement; and
 - (H) any other documentation that the agreement or office requires; and
 - (ii) for an application submitted by a host local government, documentation of the new tax revenue generated during the preceding year;
 - (c) if the host local government intends to assign the convention incentive to a community development and renewal agency, a document signed by the governing body members of the community development and renewal agency that expressly directs and authorizes the commission to disclose to the office the agency's tax returns and other information that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code; and

- (d) an audit level attestation, or other level of review approved by the office, from an independent certified public accountant, hired by the claimant, attesting to the accuracy and validity of the amount of the state portion and the local portion being claimed by the claimant.
- (3)
 - (a) The office shall submit to the commission the documents described in Subsections (2)(b)(i) (C), (D), and (E) and (2)(c) authorizing disclosure of the tax returns and other information.
 - (b) Upon receipt of the documents described in Subsection (3)(a), the commission shall provide to the office the tax returns and other information described in those documents.
- (4) If the office determines that the tax returns and other information are inadequate to enable the office to approve and certify a claim, the office shall inform the claimant that the tax returns and other information were inadequate and request the tax credit applicant to submit additional documentation to validate the claim.
- (5) If the office determines that the returns and other information, including any additional documentation provided under Subsection (4), comply with applicable requirements and provide reasonable justification to approve and certify the claim, the office shall:
 - (a) approve and certify the claim;
 - (b) determine the amount of the certified claim; and
 - (c) disburse money from the incentive fund to pay the certified claim as provided in Subsection (6).
- (6) The office shall pay claims from available money in the incentive fund at least annually.
- (7) For each certified claim, the office shall provide the commission:
 - (a) for onsite revenue:
 - (i) the identity of sellers operating upon the hotel property;
 - (ii) the date that the commission is to begin depositing or transferring onsite revenue under Section 63N-2-503.5 for each seller operating upon the hotel property;
 - (iii) the date that the commission is to stop depositing or transferring onsite revenue to the incentive fund under Section 63N-2-503.5 for each seller operating upon the hotel property; and
 - (iv) the type of sales or use tax subject to the commission's deposit or transfer to the incentive fund under Section 63N-2-503.5;
 - (b) for construction revenue and offsite revenue:
 - (i) the amount of new tax revenue authorized under the agreement constituting construction revenue or offsite revenue;
 - (ii) the location of the transactions generating the construction revenue and offsite revenue, as determined under Sections 59-12-211, 59-12-211.1, 59-12-212, 59-12-213, 59-12-214, and 59-12-215; and
 - (iii) the type of sales or use tax that constitutes the construction revenue of offsite revenue described in Subsection (7)(b)(ii); and
 - (c) any other information the commission requires.