

## CHAPTER 40

**AN ACT** establishing a grant program to provide a rebate of sales and use tax paid for the purchase of certain materials and supplies used for the construction of certain off-track wagering facilities, supplementing P.L.1966, c.30 (C.54:32B-1 et seq.).

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

1. a. Notwithstanding the provisions of any law, rule or regulation to the contrary, an amount equal to the tax collected pursuant to the “Sales and Use Tax Act,” P.L.1966, c.30 (C.54:32B-1 et seq.) from the retail sale or use of construction materials and construction supplies used by a contractor of a person who is, as of January 1, 2012, a lessee of a racetrack owned by the New Jersey Sports and Exposition Authority or a contractor of a joint venture entered into between or among two or more persons who are lessees, or their affiliates, of the New Jersey Sports and Exposition Authority for the construction of an off-track wagering facility shall be credited by the Director of the Division of Taxation in the Department of the Treasury to a special non-lapsing account in the General Fund as shall be established by the State Treasurer for the purpose prescribed by subsection c. of this section.

b. A contractor purchasing construction materials and construction supplies for the construction of an off-track wagering facility shall complete a form or certification prescribed by the director. The contractor shall identify the type and location of the construction work and the construction materials, construction supplies, purchase price and New Jersey sales or use tax paid for the purchase of construction materials and construction supplies, and shall provide such other information and documentation as the director may require to verify that New Jersey sales or use tax was paid. The form or certifications shall be filed with the director on a quarterly basis as documentation for determining the amounts to be credited by the director to the special non-lapsing account and the grant that may be made pursuant to subsection c. of this section.

c. Upon certification by the New Jersey Sports and Exposition Authority of the completion of the construction of an off-track wagering facility, the amounts credited by the director to the special non-lapsing account in the General Fund pursuant to this section shall be paid by the State Treasurer in the form of a one-time grant to the lessee or joint venture to rebate to the lessee or joint venture the amounts credited in the account for the completed construction of that off-track wagering facility. A grant shall not be paid except as shall be appropriated by law. A lessee or joint venture shall not be allowed more than one grant for the construction of each off-track wagering facility. A grant shall not be paid for the construction of an off-track wagering facility that is completed after June 30, 2022.

d. For purposes of this section,

“Construction materials” means items of tangible personal property purchased by a contractor for incorporation into property as a physical component of such property.

“Construction supplies” means items of tangible personal property consumed in the fulfillment of a construction contract, which items do not become a physical component part of the property upon which work is performed.

“Off-track wagering facility” means a licensed off-track wagering facility at which parimutuel wagering is conducted in accordance with the “Off-Track and Account Wagering Act,” P.L.2001, c.199 (C.5:5-127 et seq.).

e. Notwithstanding any provision of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the director may adopt immediately upon filing with the Office of Administrative Law such regulations as the director deems necessary to effectuate the purposes of this section, which regulations shall be effective for a period of not

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more than 180 days following the effective date of P.L.2012, c.40 and may thereafter be amended, adopted or readopted by the director in accordance with P.L.1968, c.410 (C.52:14B-1 et seq.).

2. This act shall take effect immediately.

Approved August 7, 2012.