

REVENUE DEPARTMENT[701]

Adopted and Filed

Rule making related to data center businesses and refund requests

The Revenue Department hereby amends Chapter 230, “Exemptions Primarily Benefiting Manufacturers and Other Persons Engaged in Processing,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 421.14.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 423.4.

Purpose and Summary

The Department is incorporating the sales and use tax refund request process for data center businesses into its new tax administration system. The prior rule implementing the refund for data center businesses required that an affidavit be filed by the business before the business can file a refund claim. The Department adopted this rule making to allow businesses to submit the refund claim form and the affidavit simultaneously, after which the Department will review the affidavit prior to reviewing the refund claim form. This change makes it easier for data center businesses to provide the information required to request a refund.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 16, 2021, as **ARC 5687C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on July 21, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—7.28(17A).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 15, 2021.

The following rule-making action is adopted:

Amend paragraph **230.13(7)“d,”** introductory paragraph, as follows:

d. Affidavit. In addition to completing and filing Form IA 843, Claim for Refund, the owner of a data center business seeking a refund as specified in this rule must also complete and file with the department an affidavit certifying that qualifications for the refund have been met. The affidavit must be ~~filed prior to any refund request and must be approved by the department before a refund claim can be filed reviewed.~~ filed reviewed. The following format must be used for the affidavit:

[Filed 7/21/21, effective 9/15/21]

[Published 8/11/21]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/11/21.