

REVENUE DEPARTMENT[701]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code chapter 17A and section 421.14, the Department of Revenue hereby gives Notice of Intended Action to amend Chapter 86, "Inheritance Tax," and Chapter 87, "Estate Tax," Iowa Administrative Code.

The proposed amendments are as follows:

- Item 1 amends Chapter 86 to create new rule 701—86.15(450).
- Item 2 renumbers subrules 87.1(1) and 87.1(2) as 87.1(2) and 87.1(3).
- Item 3 creates new subrule 87.1(1).
- Item 4 amends rule 701—87.6(451) to revise applicability dates.

These amendments are intended to implement 2008 Iowa Acts, Senate File 2350, section 37, which repeals Iowa Code chapter 451, Iowa Estate Tax.

The proposed amendments will not necessitate additional expenditures by political subdivisions or agencies and entities which contract with political subdivisions.

Any person who believes that the application of the discretionary provisions of these amendments would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

The Department has determined that these proposed amendments will not have an impact on small business. The Department has considered the factors listed in Iowa Code section 17A.4A. The Department will issue a regulatory analysis as provided in Iowa Code section 17A.4A if a written request is filed by delivery or by mailing postmarked no later than December 8, 2008, to the Policy Section, Taxpayer Services and Policy Division, Department of Revenue, Hoover State Office Building, P.O. Box 10457, Des Moines, Iowa 50306. The request may be made by the Administrative Rules Review Committee, the Administrative Rules Coordinator, at least 25 persons signing that request who each qualify as a small business or an organization representing at least 25 such persons.

Any interested person may make written suggestions or comments on these proposed amendments on or before November 25, 2008. Such written comments should be directed to the Policy Section, Taxpayer Services and Policy Division, Department of Revenue, Hoover State Office Building, P.O. Box 10457, Des Moines, Iowa 50306.

Persons who want to convey their views orally should contact the Policy Section, Taxpayer Services and Policy Division, Department of Revenue, at (515)281-8036 or at the Department of Revenue offices on the fourth floor of the Hoover State Office Building.

Requests for a public hearing must be received by November 26, 2008.

These amendments are intended to implement 2008 Iowa Acts, Senate File 2350, section 37.

The following amendments are proposed.

ITEM 1. Adopt the following **new** rule 701—86.15(450):

701—86.15(450) Applicability. Any references made within Chapter 86 of these rules to Iowa Code chapter 451, Iowa Estate Tax; and to Chapter 87 of these rules, Iowa Estate Tax; are applicable only for deaths that occurred prior to July 1, 2008.

This rule is intended to implement 2008 Iowa Acts, Senate File 2350, section 37.

ITEM 2. Renumber subrules **87.1(1)** and **87.1(2)** as **87.1(2)** and **87.1(3)**.

ITEM 3. Adopt the following **new** subrule 87.1(1):

87.1(1) *Applicability.* This chapter is applicable only for dates of death occurring prior to July 1, 2008.

ITEM 4. Amend rule 701—87.6(451) as follows:

701—87.6(451) *Applicable rules.* Unless otherwise provided in this chapter, the rules found in 701—Chapter 86 apply to the administration of estate tax including, but not limited to, rules regarding statutes of limitations provided, however, that the estate tax is applicable only to deaths occurring prior to July 1, 2008.

This rule is intended to implement Iowa Code chapter 17A, ~~and sections~~ section 450.94 ~~and 451.12~~ and 2008 Iowa Acts, Senate File 2350, section 37.