

REVENUE DEPARTMENT[701]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 421.14 and 422.68, the Department of Revenue hereby adopts amendments to Chapter 42, “Adjustments to Computed Tax and Tax Credits,” Chapter 43, “Assessments and Refunds,” Chapter 52, “Filing Returns, Payment of Tax, Penalty and Interest, and Tax Credits,” and Chapter 58, “Filing Returns, Payment of Tax, Penalty and Interest, and Tax Credits,” Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXXIV, No. 7, p. 493, on October 5, 2011, as **ARC 9796B**.

Items 1, 2 and 3 amend subrules 42.19(1) and 42.19(3) and the implementation clause for rule 701—42.19(404A,422) to provide for changes to the types of properties and rehabilitation costs eligible for the historic preservation and cultural and entertainment district tax credit for Iowa individual income tax.

Items 4 and 5 amend rule 701—42.24(15E,422) to provide for changes in the aggregate amount of endow Iowa tax credits available for 2011 and subsequent calendar years for Iowa individual income tax.

Items 6 and 7 amend subrule 42.27(1) and the implementation clause for rule 701—42.27(422,476B) to provide for changes in the maximum amount of nameplate capacity eligible for the wind energy production tax credit for Iowa individual income tax.

Item 8 amends subrule 42.28(1) to provide for changes in both the maximum amount of nameplate capacity and the placed-in-service date for facilities eligible for the renewable energy tax credit for Iowa individual income tax.

Item 9 amends subrule 42.28(2) to provide that renewable energy used for on-site consumption by the producer is eligible for the renewable energy tax credit for Iowa individual income tax.

Item 10 amends the implementation clause for rule 701—42.28(422,476C).

Items 11 and 12 amend subrule 42.32(4) and the implementation clause for rule 701—42.32(422) to provide for changes in the aggregate amount of school tuition organization tax credits available for 2012 and subsequent calendar years for Iowa individual income tax.

Items 13 and 14 amend subrule 42.41(1) and the implementation clause for rule 701—42.41(15,422) to provide for changes in the aggregate amount of redevelopment tax credits available for fiscal years beginning on or after July 1, 2011, for Iowa individual income tax.

Item 15 amends rule 701—42.44(422) to update the listing regarding the sequence of tax credits to be deducted for Iowa individual income tax.

Item 16 rescinds subrule 43.4(3), which is an obsolete rule regarding the domestic abuse services checkoff for individual income tax that has not been on an Iowa tax return since 1999.

Items 17, 18 and 19 amend subrules 43.4(4), 43.4(10) and 43.4(11) to reflect the corrected name of the State Fair Foundation Fund tax checkoff for Iowa individual income tax.

Item 20 amends rule 701—52.12(422) to update the listing regarding the sequence of tax credits to be deducted for Iowa corporation income tax.

Items 21 to 24 amend rule 701—52.18(422) to provide for changes to the types of property and rehabilitation costs eligible for the historic preservation and cultural and entertainment district tax credit for Iowa corporation income tax. This change is similar to the changes in Items 1, 2 and 3.

Items 25 to 27 amend rule 701—52.23(15E) to provide for changes in the aggregate amount of endow Iowa tax credits available for 2011 and subsequent calendar years for Iowa corporation income tax. This change is similar to the change in Item 4.

Items 28 and 29 amend subrule 52.26(1) and the implementation clause for rule 701—52.26(422,476B) to provide for changes in the maximum amount of nameplate capacity eligible for the wind energy production tax credit for Iowa corporation income tax. This change is similar to the changes in Items 6 and 7.

Item 30 amends subrule 52.27(1) to provide for changes in both the maximum amount of nameplate capacity and the placed-in-service date for facilities eligible for the renewable energy tax credit for Iowa corporation income tax. This change is similar to the change in Item 8.

Item 31 amends subrule 52.27(2) to provide that renewable energy used for on-site consumption by the producer is eligible for the renewable energy tax credit for Iowa corporation income tax. This change is similar to the change in Item 9.

Item 32 amends the implementation clause for rule 701—52.27(422,476C).

Items 33 and 34 amend subrule 52.38(1) and the implementation clause for rule 701—52.38(422) to provide for changes in the aggregate amount of school tuition organization tax credits available for 2012 and subsequent calendar years for Iowa corporation income tax. This change is similar to the change in Item 11.

Items 35 and 36 amend subrule 52.39(1) and the implementation clause for rule 701—52.39(15,422) to provide for changes in the aggregate amount of redevelopment tax credits available for fiscal years beginning on or after July 1, 2011, for Iowa corporation income tax. This change is similar to the change in Item 13.

Items 37 to 39 amend rule 701—58.13(15E) to provide for changes in the aggregate amount of endow Iowa tax credits available for 2011 and subsequent calendar years for Iowa franchise income tax. This change is similar to the changes in Items 4 and 26.

These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no adverse impact on jobs has been found. The tax credits may positively impact job and economic growth for businesses in the state of Iowa.

These amendments will become effective January 4, 2012, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

These amendments are intended to implement Iowa Code section 15E.305 as amended by 2011 Iowa Acts, Senate File 302; section 422.12D as amended by 2011 Iowa Acts, Senate File 361; section 15.293A as amended by 2011 Iowa Acts, Senate File 514; sections 404A.1 through 404A.4 as amended by 2011 Iowa Acts, Senate Files 517 and 521; section 422.11S as amended by 2011 Iowa Acts, Senate File 533; and sections 476B.5 and 476C.1 through 476C.5 as amended by 2011 Iowa Acts, House File 672.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 42, 43, 52, 58] is being omitted. These amendments are identical to those published under Notice as **ARC 9796B**, IAB 10/5/11.

[Filed 11/9/11, effective 1/4/12]

[Published 11/30/11]

[For replacement pages for IAC, see IAC Supplement 11/30/11.]