

701—17.24(422) Nonprofit private museums. For sales occurring on or after July 1, 1990, the gross receipts of all sales of goods, wares, merchandise, or services used for educational, scientific, historic preservation, or aesthetic purpose to a nonprofit private museum are exempt from tax. A “museum” is an institution organized for educational, scientific, historical preservation, or aesthetic purposes which is predominately devoted to the care and exhibition of a collection of objects in a room, building, or locale. This collection must be open to the public on a regular basis, and its staff must be available to answer questions regarding the collection. See the example at the end of the rule for a characterization of the phrase “open to the public on a regular basis.”

Words contained in exemption statutes are strictly construed; all doubt regarding their meaning is resolved in favor of taxation and against exemption. *Ballstadt v. Iowa Department of Revenue*, 368 N.W.2d 147 (Iowa 1985) and *Iowa Movers and Warehousemen’s Association v. Briggs*, 237 N.W.2d 759 (Iowa 1976). Furthermore, an institution is not a “museum” unless it can be included in the “ordinary and usual public concept” of a museum, regardless of the abstract definition of the term within which the institution might fit. See *Sorg v. Department of Revenue*, 269 N.W.2d 129 (Iowa 1978). Using the above principles, the department excludes from its definition of “museum” the following: aquariums, arboretums, botanical gardens, nature centers, planetariums, and zoos. Included within the meaning of “museum” are: art galleries, historical museums, museums of natural history, and museums devoted to one particular subject or one person.

EXAMPLE: The Blank County History Museum is open every Tuesday afternoon from 1 p.m. to 4:30 p.m., other than on national holidays. The museum is open periodically or at fixed intervals, so it is open “on a regular basis,” even though, each week, it is open only briefly.

This rule is intended to implement Iowa Code section 422.45(43).