

House Study Bill 187 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
REVENUE BILL)

A BILL FOR

1 An Act relating to state and local finance and the
2 administration of the tax and related laws by the department
3 of revenue, and including effective date, applicability, and
4 retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

IOWA EDUCATIONAL SAVINGS PLAN AND FIRST-TIME HOMEBUYERS DUE DATES

Section 1. Section 422.7, subsection 22, paragraph a, Code 2023, is amended to read as follows:

a. Subtract the maximum contribution that may be deducted for Iowa income tax purposes as a participant in the Iowa educational savings plan trust pursuant to section 12D.3, subsection 1. For purposes of this paragraph, a participant who makes a contribution on or before the date prescribed in section 422.21 for making and filing an individual income tax return, excluding extensions, or the date for making and filing an individual income tax return determined by the director pursuant to an order issued under section 421.17, subsection 30, may elect to be deemed to have made the contribution on the last day of the preceding calendar year. The director, after consultation with the treasurer of state, shall prescribe by rule the manner and method by which a participant may make an election authorized by the preceding sentence.

Sec. 2. Section 541B.3, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. ~~Beginning January 1, 2018, an~~ An individual may open an interest-bearing savings account with a financial institution and designate the entire account as a first-time homebuyer savings account for the purpose of paying or reimbursing a designated beneficiary's eligible home costs in connection with a qualified home purchase. The first-time homebuyer savings account designation shall be made ~~no later than April 30 of the year following the tax year during which the account is opened,~~ on forms provided by the department and shall be submitted on or before the date prescribed in section 422.21 for making and filing an individual income tax return, excluding extensions, or the date for making and filing an individual income tax return determined by the director pursuant to an order issued under section 421.17, subsection 30, applicable to the tax year

1 in which the account is opened.

2 Sec. 3. Section 541B.3, subsection 2, paragraph a, Code
3 2023, is amended to read as follows:

4 a. The account holder shall designate one individual as
5 beneficiary of the first-time homebuyer savings account. The
6 designation shall be made on forms provided by the department
7 ~~and no later than April 30 of the year following the tax year~~
8 ~~during which the account is opened~~ and shall be submitted on
9 or before the date prescribed in section 422.21 for making and
10 filing an individual income tax return, excluding extensions,
11 or the date for making and filing an individual income tax
12 return determined by the director pursuant to an order issued
13 under section 421.17, subsection 30, applicable to the tax
14 year in which the designation is made. The account holder may
15 change the designated beneficiary of the first-time homebuyer
16 savings account at any time.

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DIVISION II

18 BONUS DEPRECIATION AND INCREASED EXPENSING — APPLICABILITY

19 Sec. 4. 2018 Iowa Acts, chapter 1161, section 134, is
20 amended to read as follows:

21 SEC. 134. APPLICABILITY.

22 1. This division of this Act applies to tax years beginning
23 on or after the effective date of this division of this Act.

24 2. The repeal of section 422.7, subsections 39, 39B, 43,
25 and 53, and section 422.35, subsections 19, 19B, 20, and
26 24, relating to bonus depreciation under section 168 of the
27 Internal Revenue Code or increased expensing under section 179
28 of the Internal Revenue Code, applies to property placed in
29 service on or after the effective date of this division of this
30 Act.

31 Sec. 5. EFFECTIVE DATE. This division of this Act, being
32 deemed of immediate importance, takes effect upon enactment.

33 Sec. 6. RETROACTIVE APPLICABILITY. This division of this
34 Act applies retroactively to January 1, 2023, for tax years
35 beginning on or after that date.

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DIVISION III

TAX FILING STATUS MODIFICATIONS

Sec. 7. Section 422.5, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 12. For tax years beginning on or after January 1, 2023, a taxpayer shall use the same filing status for Iowa income tax purposes as the taxpayer used for federal income tax purposes.

Sec. 8. Section 422.7, subsection 4, Code 2023, is amended to read as follows:

4. Individual taxpayers and married taxpayers who file a ~~joint federal income tax return and who elect to file a joint~~ return or separate returns for Iowa income tax purposes may avail themselves of the disability income exclusion and shall compute the amount of the disability income exclusion subject to the limitations for joint federal income tax return filers provided by section 105(d) of the Internal Revenue Code. The disability income exclusion provided in section 105(d) of the Internal Revenue Code, as amended up to and including December 31, 1982, continues to apply for state income tax purposes for tax years beginning on or after January 1, 1984.

Sec. 9. Section 422.7, subsection 5, paragraph a, Code 2023, is amended to read as follows:

a. For tax years beginning in the 2023 calendar year, subtract the amount of federal income taxes paid during the tax year to the extent payment is for a tax year beginning prior to January 1, 2023, and add any federal income tax refunds received during the tax year to the extent the federal income tax was deducted for a tax year beginning prior to January 1, 2023. ~~Where married persons who have filed a joint federal income tax return file separately for state tax purposes, such total shall be divided between them according to the portion of the total paid by each.~~ Federal income taxes paid for a tax year in which an Iowa return was not required to be filed shall not be subtracted.

1 Sec. 10. Section 422.12B, subsection 2, Code 2023, is
2 amended to read as follows:

3 2. ~~Married taxpayers electing to file separate returns may~~
4 ~~avail themselves of the earned income credit by allocating the~~
5 ~~earned income credit to each spouse in the proportion that each~~
6 ~~spouse's respective earned income bears to the total combined~~
7 ~~earned income.~~ Taxpayers affected by the allocation provisions
8 of [section 422.8](#) shall be permitted a deduction for the credit
9 only in the amount fairly and equitably allocable to Iowa under
10 rules prescribed by the director.

11 Sec. 11. Section 422.12C, subsection 4, Code 2023, is
12 amended to read as follows:

13 4. ~~Married taxpayers who have filed joint federal returns~~
14 ~~electing to file separate returns must determine the child and~~
15 ~~dependent care credit under [subsection 1](#) or the early childhood~~
16 ~~development tax credit under [subsection 2](#) based upon their~~
17 ~~combined net income and allocate the total credit amount to~~
18 ~~each spouse in the proportion that each spouse's respective net~~
19 ~~income bears to the total combined net income.~~ Nonresidents
20 or part-year residents of Iowa must determine their Iowa child
21 and dependent care credit in the ratio of their Iowa source
22 net income to their all source net income. ~~Nonresidents or~~
23 ~~part-year residents who are married and elect to file separate~~
24 ~~returns must allocate the Iowa child and dependent care credit~~
25 ~~between the spouses in the ratio of each spouse's Iowa source~~
26 ~~net income to the combined Iowa source net income of the~~
27 ~~taxpayers.~~

28 Sec. 12. RETROACTIVE APPLICABILITY. This division of this
29 Act applies retroactively to January 1, 2023, for tax years
30 beginning on or after that date.

31 DIVISION IV

32 WITHHOLDING

33 Sec. 13. Section 99B.8, Code 2023, is amended to read as
34 follows:

35 **99B.8 Tax on prizes.**

1 All prizes awarded pursuant to a gambling activity under
2 this chapter are Iowa earned income and are subject to state
3 and federal income tax laws. A person conducting a game of
4 skill, game of chance, bingo, or a raffle shall deduct state
5 income taxes, pursuant to section 422.16, subsection \pm 2, from
6 a cash prize awarded to an individual. An amount deducted from
7 the prize for payment of a state tax shall be remitted to the
8 department of revenue on behalf of the prize winner.

9 Sec. 14. Section 99D.16, Code 2023, is amended to read as
10 follows:

11 **99D.16 Withholding tax on winnings.**

12 All winnings provided in [section 99D.11](#) are Iowa earned
13 income and are subject to state and federal income tax laws.
14 An amount deducted from winnings for payment of the state tax,
15 pursuant to section 422.16, subsection \pm 2, shall be remitted
16 to the department of revenue on behalf of the individual who
17 won the wager.

18 Sec. 15. Section 99F.18, Code 2023, is amended to read as
19 follows:

20 **99F.18 Tax on winnings.**

21 All winnings derived from slot machines operated pursuant to
22 this chapter are Iowa earned income and are subject to state
23 and federal income tax laws. An amount deducted from winnings
24 for payment of the state tax, pursuant to section 422.16,
25 subsection \pm 2, shall be remitted to the department of revenue
26 on behalf of the winner.

27 Sec. 16. Section 99G.31, subsection 3, paragraph i, Code
28 2023, is amended to read as follows:

29 *i.* The proceeds of any lottery prize shall be subject to
30 state and federal income tax laws. An amount deducted from the
31 prize for payment of a state tax, pursuant to section 422.16,
32 subsection \pm 2, shall be transferred by the authority to the
33 department of revenue on behalf of the prize winner.

34 Sec. 17. Section 422.16, Code 2023, is amended by striking
35 the section and inserting in lieu thereof the following:

1 **422.16 Withholding of income tax at source — penalties —**
2 **interest — declaration of estimated tax — bond.**

3 1. As used in this section, unless the context otherwise
4 requires, "*withholding agent*" means any individual, fiduciary,
5 estate, trust, corporation, partnership or association in
6 whatever capacity acting and including all officers and
7 employees of the state of Iowa, or any municipal corporation
8 of the state of Iowa and of any school district or school
9 board of the state, or of any political subdivision of the
10 state of Iowa, or any tax-supported unit of government that is
11 obligated to pay or has control of paying or does pay to any
12 resident or nonresident of the state of Iowa or the resident's
13 or nonresident's agent any wages that are subject to the Iowa
14 income tax in the hands of such resident or nonresident, or
15 any of the above-designated entities making payment or having
16 control of making such payment of any taxable Iowa income
17 to any nonresident. The term "*withholding agent*" shall also
18 include an officer or employee of a corporation or association,
19 or a member or employee of a partnership, who as such officer,
20 employee, or member has the responsibility to perform an act
21 under this section and who subsequently knowingly violates the
22 provisions of this section. The term "*withholding agent*" shall
23 also include every employer as defined in this subchapter and
24 further defined in the Internal Revenue Code.

25 2. a. (1) Every withholding agent paying wages to an
26 Iowa resident, or nonresident working in Iowa, shall deduct
27 and withhold from the wages an amount which will approximate
28 the annual tax liability of the person on a calendar year
29 basis, calculated on the basis of tables to be prepared by the
30 department and schedules or percentage rates, based on the
31 wages, to be prescribed by the department.

32 (2) Every employee or other person shall declare to the
33 withholding agent the amount of the employee's or other
34 person's withholding allowance to be used in applying the
35 tables and schedules or percentage rates. However, the amount

1 of withholding allowance declared shall not exceed the amount
2 to which the employee or other person is entitled except
3 as allowed under sections 3402(m)(1) and 3402(m)(3) of the
4 Internal Revenue Code and as allowed by rules prescribed by the
5 director. The claiming of an amount of withholding allowance
6 in excess of entitlement is a serious misdemeanor.

7 *b.* (1) In the case of a nonresident having income subject
8 to taxation by Iowa, but not subject to withholding of such
9 tax under this subsection or subject to the provisions of
10 section 422.16B, a withholding agent shall withhold from such
11 income at the same rate as provided in this subsection. A
12 withholding agent and nonresident shall be subject to the
13 provisions of this section, according to the context, except
14 that a withholding agent may be absolved of the requirement to
15 withhold taxes from the income of a nonresident upon receipt of
16 a certificate from the department issued in accordance with the
17 provisions of section 422.17.

18 (2) In the case of a nonresident having income from a trade
19 or business carried on by the nonresident in whole or in part
20 within the state of Iowa, the nonresident shall be considered
21 to be subject to the provisions of this paragraph unless
22 such trade or business is of such nature that the business
23 entity itself, as a withholding agent, is required to and does
24 withhold Iowa income tax from the distributions made to such
25 nonresident from such trade or business.

26 *c.* For the purposes of this subsection, state income tax
27 shall be withheld, at a rate to be specified by the department
28 by rule, from pensions, annuities, other similar periodic
29 payments, and other income payments under sections 3402(o),
30 3402(p), 3402(s), 3405(a), 3405(b), and 3405(c) of the Internal
31 Revenue Code made to Iowa residents if those payments are
32 subject to Iowa income tax.

33 *d.* For the purposes of this subsection, state income tax
34 shall be withheld on winnings in excess of six hundred dollars
35 derived from gambling activities authorized under chapter

1 99B or 99G. State income tax shall be withheld on winnings
2 in excess of one thousand dollars from gambling activities
3 authorized under chapter 99D. State income tax shall be
4 withheld on winnings in excess of one thousand two hundred
5 dollars derived from slot machines authorized under chapter
6 99F.

7 *e.* For the purposes of this subsection, state income tax
8 shall be withheld at the highest rate described in section
9 422.5A from supplemental wages of an employee in those
10 circumstances in which the employer treats the supplemental
11 wages as wholly separate from regular wages for purposes
12 of withholding and federal income tax is withheld from the
13 supplemental wages under section 3402(g) of the Internal
14 Revenue Code.

15 3. *a.* A withholding agent is not required to withhold
16 state income tax from payments subject to taxation made
17 to a nonresident for commodity credit certificates, grain,
18 livestock, domestic fowl, or other agricultural commodities
19 or products sold to a withholding agent by a nonresident or
20 the nonresident's representative, if the withholding agent
21 provides on forms prescribed by the department information
22 relating to the sales required by the department to determine
23 the state income tax liabilities of a nonresident. However,
24 a withholding agent may elect to make estimated tax payments
25 on behalf of a nonresident on the basis of the net income of
26 the nonresident from the agricultural commodities or products,
27 if the estimated tax payments are made on or before the last
28 day of the first month after the end of the tax years of the
29 nonresident.

30 *b.* Nonresidents engaged in any facet of feature film,
31 television, or educational production using the film or
32 videotape disciplines in the state are not subject to Iowa
33 withholding if the employer has applied to the department for
34 exemption from the withholding requirement and the department
35 has determined that any nonresident receiving wages would be

1 entitled to a credit against Iowa income taxes paid.

2 *c.* Individuals described in section 29C.24 are not subject
3 to withholding, as provided in that section.

4 4. *a.* A withholding agent required to deduct and withhold
5 tax under subsection 2 shall file a return on or before the
6 last day of the month following the quarterly period on forms
7 prescribed by the director and remit to the department the
8 amount of tax due at the following frequencies:

9 (1) A withholding agent shall remit income tax withheld on
10 a quarterly basis if the withholding agent withholds less than
11 six thousand dollars annually and no more than five hundred
12 dollars in any one month. Payment shall be due on the same day
13 as the quarterly return.

14 (2) A withholding agent shall remit income tax withheld on
15 a monthly basis if the withholding agent withholds more than
16 five hundred dollars in any one month and not more than five
17 thousand dollars in a semimonthly period. Payment shall be
18 made on or before the fifteenth day of the month following
19 the month of withholding, except that a deposit for the third
20 month in a calendar quarter shall be due on the same day as the
21 quarterly return.

22 (3) A withholding agent shall remit income tax withheld on
23 a semimonthly basis if the withholding agent withholds more
24 than five thousand dollars in a semimonthly period. The first
25 semimonthly deposit for the period from the first of the month
26 through the fifteenth of the month is due on the twenty-fifth
27 day of the month in which the withholding occurs. The second
28 monthly deposit for the period from the sixteenth of the month
29 through the end of the month is due on the tenth day of the
30 month following the month in which the withholding occurs.

31 (4) A withholding agent may elect to remit on an annual
32 basis if the withholding agent employs not more than two
33 employees and expects to employ the employees for the full
34 calendar year. The electing withholding agent shall remit the
35 full amount of income taxes required to be withheld from the

1 wages of the employees for the full calendar year with the
2 quarterly return for the first calendar quarter. The amount
3 to be paid shall be computed as if the employees were employed
4 for the full calendar year for the same wages and with the
5 same pay periods as prevailed during the first quarter of the
6 year with respect to such employees. The electing withholding
7 agent shall only remit the lump sum payment with the written
8 consent of all employees involved. The withholding agent shall
9 be entitled to recover from the employee any part of the lump
10 sum payment that represents an advance to the employee. If
11 a withholding agent pays a lump sum with the first quarterly
12 return, the withholding agent shall be excused from filing
13 further quarterly returns for the calendar year involved unless
14 the withholding agent hires other or additional employees.

15 *b.* Every withholding agent on or before February 15
16 following the close of the calendar year in which the
17 withholding occurs shall send to the department copies of
18 income statements required by subsection 8. At the discretion
19 of the director, the withholding agent shall not be required to
20 send income statements if the information is available from the
21 internal revenue service or other state or federal agencies.

22 *c.* If the director has reason to believe that the collection
23 of the tax provided for in subsection 2 is in jeopardy, the
24 director may require the withholding agent to file a return
25 as required in paragraph "a", and pay the tax at any time, in
26 accordance with section 422.30. The director may authorize
27 incorporated banks, trust companies, or other depositories
28 authorized by law which are depositories or financial agents of
29 the United States or of this state, to receive any tax imposed
30 under this chapter, in the manner, at the times, and under the
31 conditions the director prescribes. The director shall also
32 prescribe the manner, times, and conditions under which the
33 receipt of the tax by those depositories is to be treated as
34 payment of the tax to the department.

35 *d.* The director, in cooperation with the department of

1 management, may periodically change the filing and remittance
2 thresholds by administrative rule if in the best interest of
3 the state and the taxpayer.

4 5. Every withholding agent who fails to withhold or pay to
5 the department any sums required by this chapter to be withheld
6 and paid, shall be personally, individually, and corporately
7 liable to the state of Iowa, and any sum withheld in accordance
8 with the provisions of subsection 2, shall be deemed to be
9 held in trust for the state of Iowa. Notwithstanding section
10 489.304, this subsection applies to a member or manager of a
11 limited liability company.

12 6. In the event a withholding agent fails to withhold and
13 pay over to the department any amount required to be withheld
14 under subsection 2, such amount may be assessed against
15 such withholding agent in the same manner as prescribed for
16 the assessment of income tax under the provisions of this
17 subchapter and subchapter VI.

18 7. Whenever the director determines that any withholding
19 agent has failed to withhold or pay over to the department sums
20 required to be withheld under subsection 2, the unpaid amount
21 shall be a lien as described in section 422.26, shall attach
22 to the property of that withholding agent, and in all other
23 respects the procedure with respect to such lien shall apply
24 as set forth in section 422.26.

25 8. a. Every withholding agent required to deduct and
26 withhold tax under subsection 2 shall furnish to each employee,
27 nonresident, or other person with respect to the income
28 paid by the employer or withholding agent to each employee,
29 nonresident, or other person during the calendar year, on or
30 before January 31 of the succeeding year, or, in the case of
31 an employee, if the employment of the employee is terminated
32 before the close of the calendar year, within thirty days from
33 the day on which the last payment of wages or other taxable
34 income is made, if requested by the employee, but not later
35 than January 31 of the following year, an income statement

1 showing all of the following:

2 (1) The name and address of the employer or withholding
3 agent, and the taxpayer identification number of the employer
4 or withholding agent.

5 (2) The name of the employee, nonresident, or other person
6 and the taxpayer identification number of that employee,
7 nonresident, or other person, together with the last known
8 address of the employee, nonresident, or other person to whom
9 wages or other taxable income has been paid during the period.

10 (3) The gross amount of wages or other taxable income paid
11 to the employee, nonresident, or other person.

12 (4) The total amount deducted and withheld as tax under the
13 provisions of subsection 2.

14 (5) The total amount of federal income tax withheld.

15 *b.* An income statement required to be furnished by this
16 subsection with respect to any wages or other taxable Iowa
17 income or any additional information required to be displayed
18 on the income statement shall be in such form or forms as the
19 director may prescribe by rule.

20 9. A withholding agent shall be liable for the payment of
21 the tax required to be deducted and withheld or the amount
22 actually deducted, whichever is greater, under subsection
23 2. Any amount deducted and withheld as tax under subsection
24 2 during any calendar year upon the wages of any employee,
25 nonresident, or other person shall be allowed as a credit to
26 the employee, nonresident, or other person against the tax
27 imposed by section 422.5 for the tax year in which it was
28 withheld, irrespective of whether or not such tax has been, or
29 will be, paid by the withholding agent to the department as
30 provided by this chapter.

31 10. *a.* If the amount of income tax withheld by the
32 withholding agent on behalf of an employee, nonresident, or
33 other person after complying with this section is more than the
34 income tax liability of said employee, nonresident, or other
35 person as determined under the provisions of this subchapter,

1 the overpayment of tax may first be credited against any income
2 tax or installment payment then due the state of Iowa by
3 the employee, nonresident, or other person for the tax year,
4 and any balance of one dollar or more shall be refunded to
5 the employee, nonresident, or other person with interest in
6 accordance with section 421.60, subsection 2, paragraph "e".

7 *b.* Amounts less than one dollar shall be refunded to the
8 taxpayer, nonresident, or other person only upon written
9 application, in accordance with section 422.73, and only if the
10 application is filed within twelve months after the due date
11 of the return.

12 *c.* Refunds in the amount of one dollar or more provided
13 for by this subsection shall be paid by the treasurer of
14 state by warrants drawn by the director of the department of
15 administrative services, or an authorized employee of the
16 department of administrative services, and the taxpayer's
17 return of income shall constitute a claim for refund for this
18 purpose, except in respect to amounts of less than one dollar.
19 There is appropriated, out of any funds in the state treasury
20 not otherwise appropriated, a sum sufficient to carry out the
21 provisions of this subsection.

22 11. *a.* In addition to any other penalty provided by law,
23 a withholding agent required to furnish or file an income
24 statement required by this chapter is subject to a civil
25 penalty of five hundred dollars for each occurrence of the
26 following:

27 (1) Willful failure to furnish an employee, nonresident, or
28 other person with an income statement.

29 (2) Willfully furnishing an employee, nonresident, or other
30 person with a false or fraudulent income statement.

31 (3) Willful failure to file an income statement with the
32 department.

33 (4) Willfully filing a false or fraudulent income statement
34 with the department.

35 *b.* A withholding agent is subject to the penalty as provided

1 in section 421.27. Any penalty assessed under section 421.27
2 shall be in addition to the tax or additional tax due under
3 this section. The taxpayer shall also pay interest on the tax
4 or additional tax at the rate in effect under section 421.7,
5 for each month counting each fraction of a month as an entire
6 month, computed from the date the semimonthly, monthly, or
7 quarterly deposit form was required to be filed. The penalty
8 and interest become a part of the tax due from the withholding
9 agent.

10 *c.* If any withholding agent, being a domestic or foreign
11 corporation, required under the provisions of this section
12 to withhold on wages or other taxable Iowa income subject to
13 this chapter, fails to withhold the amounts required to be
14 withheld, make the required returns or remit to the department
15 the amounts withheld, the director may, having exhausted
16 all other means of enforcement of the provisions of this
17 chapter, certify such fact or facts to the secretary of state,
18 who shall thereupon cancel the articles of incorporation or
19 foreign registration statement, as the case may be, of such
20 corporation, and the rights of such corporation to carry on
21 business in the state of Iowa shall cease. The secretary of
22 state shall immediately notify by registered mail such domestic
23 or foreign corporation of the action taken by the secretary of
24 state. The provisions of section 422.40, subsection 3, shall
25 be applicable.

26 *d.* The department shall, upon request of any fiduciary,
27 furnish said fiduciary with a certificate of acquittance
28 showing that no liability as a withholding agent exists with
29 respect to the estate or trust for which said fiduciary acts,
30 provided the department has determined that there is no such
31 liability.

32 12. *a.* (1) Taxpayers filing a return shall make estimated
33 tax payments if their Iowa income tax liability can reasonably
34 be expected to amount to two hundred dollars or more for the
35 year.

1 (2) In the cases of farmers and fishermen, the exceptions
2 provided in the Internal Revenue Code with respect to making
3 estimated payments apply.

4 *b.* (1) The estimated tax shall be paid in quarterly
5 installments. The first installment shall be paid on or before
6 the last day of the fourth month of the taxpayer's tax year for
7 which the estimated payments apply. The other installments
8 shall be paid on or before the last day of the sixth month of
9 the tax year, the last day of the ninth month of the tax year,
10 and the last day of the first month after the tax year. A
11 taxpayer may elect to pay an installment prior to the due date.

12 (2) If a taxpayer filing a return has reason to believe that
13 the taxpayer's Iowa income tax may increase or decrease, either
14 for purposes of meeting the requirement to make estimated
15 tax payments or for the purpose of increasing or decreasing
16 estimated tax payments, the taxpayer shall increase or decrease
17 any subsequent estimated tax payments accordingly.

18 (3) Any tax still payable after applying credits for taxes
19 paid through withholding, estimated tax, and composite return
20 tax, is due and payable on or before the end of the fourth month
21 following the close of the tax year.

22 *c.* If a taxpayer is unable to make the taxpayer's estimated
23 tax payments, the payments may be made by a duly authorized
24 agent, or by the guardian or other person charged with the care
25 of the person or property of the taxpayer.

26 *d.* (1) Estimated tax paid is a credit against the amount
27 of tax found payable on a final, completed return, as provided
28 in subsection 10, relating to the credit for the tax withheld
29 against the tax found payable on a return properly and
30 correctly prepared under sections 422.5 through 422.25.

31 (2) Any overpayment of one dollar or more shall be refunded
32 to the taxpayer and the return constitutes a claim for refund
33 for this purpose. Amounts less than one dollar shall not be
34 refunded.

35 (3) The method provided by section 6654 of the Internal

1 Revenue Code for determining what is applicable to the addition
2 to tax for underpayment of the tax payable applies to persons
3 required to make payments of estimated tax under this section
4 except the amount to be added to the tax for underpayment of
5 estimated tax is an amount determined at the rate in effect
6 under section 421.7. This addition to tax specified for
7 underpayment of the tax payable is not subject to waiver
8 provisions relating to reasonable cause, except as provided in
9 the Internal Revenue Code. Underpayment of estimated tax shall
10 be determined in the same manner as provided under the Internal
11 Revenue Code and the exceptions in the Internal Revenue Code
12 also apply.

13 *e.* In lieu of claiming a refund, the taxpayer may elect to
14 have the overpayment shown on the taxpayer's final, completed
15 return for the taxable year credited to the taxpayer's tax
16 liability for the following taxable year.

17 13. The director shall enter into an agreement with the
18 secretary of the treasury of the United States with respect to
19 withholding of income tax as provided by this chapter, pursuant
20 to an Act of Congress, section 1207 of the Tax Reform Act of
21 1976, Pub. L. No. 94-455, amending 5 U.S.C. §5517.

22 14. *a.* The director may, when necessary and advisable
23 in order to secure the collection of the tax required to
24 be deducted and withheld or the amount actually deducted,
25 whichever is greater, require a withholding agent to file with
26 the director a bond, issued by a surety company authorized to
27 conduct business in this state and approved by the insurance
28 commissioner as to solvency and responsibility, in an amount
29 as the director may fix, to secure the payment of the tax and
30 penalty due or which may become due. In lieu of the bond,
31 securities shall be kept in the custody of the department and
32 may be sold by the director at public or private sale, without
33 notice to the depositor, if it becomes necessary to do so in
34 order to recover any tax and penalty due. Upon a sale, any
35 surplus above the amounts due under this section shall be

1 returned to the withholding agent who deposited the securities.

2 *b.* If the withholding agent fails to file the bond as
3 requested by the director to secure collection of the tax, the
4 withholding agent is subject to penalty for failure to file the
5 bond. The penalty is equal to fifteen percent of the tax the
6 withholding agent is required to withhold on an annual basis.
7 However, the penalty shall not exceed five thousand dollars.

8 15. The director may allow additional time for filing
9 documents required under this section with the department in
10 the case of illness, disability, absence, or if good cause is
11 shown.

12 Sec. 18. Section 422.16B, subsection 7, Code 2023, is
13 amended to read as follows:

14 7. All powers of the director and requirements of the
15 director apply to returns filed under [this section](#) including
16 but not limited to the provisions of [this subchapter](#) and
17 subchapter VI. The provisions of section 422.16, subsection ~~2~~
18 4, paragraph "c", and subsections ~~6, 10~~ 7, 11, and 14, applying
19 to withholding agents, shall apply in the same manner to
20 pass-through entities under [this section](#).

21 Sec. 19. Section 422.17, Code 2023, is amended to read as
22 follows:

23 **422.17 Certificate issued by department to make payments**
24 **without withholding.**

25 Any nonresident whose Iowa income is not subject to section
26 422.16, subsection ~~± 2~~, paragraph "a", "c", "d", or "e", in
27 whole or in part, and who elects to be governed by section
28 422.16, subsection ~~±2~~ 2, paragraph "b", to the extent that the
29 nonresident pays the entire amount of tax properly estimated on
30 or before the last day of the fourth month of the nonresident's
31 tax year, for the year, may for the year of the election
32 and payment, be granted a certificate from the department
33 authorizing each withholding agent, the income from whom the
34 nonresident has considered in the payment of estimated tax and
35 to the extent the income is included in the estimate, to make

1 payments of income to the nonresident without withholding tax
2 from those payments. Withholding agents, if payments exceed
3 the tax liability estimated by the nonresident as indicated
4 upon the certificate, shall withhold tax in accordance with
5 section 422.16, subsection ~~12~~ 2, paragraph "b".

6 DIVISION V

7 FUTURE CORRESPONDING CHANGE

8 Sec. 20. Section 422.16, subsection 2, paragraph e, Code
9 2023, as amended in this Act, is amended to read as follows:

10 e. For the purposes of this subsection, state income tax
11 shall be withheld at the ~~highest~~ rate described in section
12 ~~422.5A~~ 422.5 from supplemental wages of an employee in those
13 circumstances in which the employer treats the supplemental
14 wages as wholly separate from regular wages for purposes
15 of withholding and federal income tax is withheld from the
16 supplemental wages under section 3402(g) of the Internal
17 Revenue Code.

18 Sec. 21. EFFECTIVE DATE. This division of this Act takes
19 effect January 1, 2026.

20 DIVISION VI

21 SETTLEMENT AUTHORITY — NOTICE OF ASSESSMENT — ESTIMATION OF
22 TAX

23 Sec. 22. Section 421.5, Code 2023, is amended by striking
24 the section and inserting in lieu thereof the following:

25 **421.5 Settling claims for taxes, penalties, and interest —**
26 **abatement.**

27 1. As used in this section:

28 a. "Department" means the department of revenue.

29 b. "Settle" or "settlement" includes any compromise or
30 abatement of any taxes, penalties, or interest.

31 2. In addition to the authority granted to the department
32 pursuant to section 17A.10 and notwithstanding section 7D.9,
33 the department may, in its sole discretion, settle any taxes,
34 penalties, or interest.

35 3. The department may enter into a settlement in the

1 case of doubtful liability, doubtful collectability, severe
2 economic hardship, or to promote effective tax administration,
3 regardless of whether the amount was the subject of a timely
4 filed appeal or return.

5 4. Whenever a settlement is made, the department shall
6 make a complete record of the case showing the tax assessed or
7 claimed due, tax refund claimed, recommendations, reports, and
8 audits of departmental personnel if any, the taxpayer's grounds
9 for dispute or contest together with all of the evidence, and
10 the amounts, conditions, and settlement of the same.

11 5. A taxpayer shall not have the right to a settlement of
12 any tax, penalty, or interest liability under this section.
13 Any determination by the department regarding the settlement
14 shall be discretionary and shall be final and conclusive except
15 in the case of fraud, mutual mistake of material fact, or as
16 otherwise stated in a written settlement agreement between the
17 taxpayer and the department.

18 6. The department may require an application for relief
19 under this section.

20 7. The department shall adopt rules to administer this
21 section.

22 Sec. 23. Section 421.10, Code 2023, is amended to read as
23 follows:

24 **421.10 Appeal period — applicability.**

25 The appeal period for revision of assessment of tax,
26 interest, and penalties set out under [section 422.28](#), [423.37](#),
27 [437A.9](#), [437A.22](#), [437B.5](#), [437B.18](#), [452A.64](#), [453A.29](#), or [453A.46](#)
28 applies to appeals to notices from the department denying
29 changes in filing methods, denying refund claims, and denying
30 portions of refund claims for the tax covered by that section,
31 and notices of any adverse department action directed to a
32 specific taxpayer, other than licensing, which involves a
33 calculation.

34 Sec. 24. Section 421.60, subsection 2, paragraphs i and m,
35 Code 2023, are amended by striking the paragraphs.

1 Sec. 25. Section 421B.11, subsection 3, Code 2023, is
2 amended to read as follows:

3 3. Judicial review of the actions of the director may be
4 sought in accordance with section 422.29 and chapter 17A and
5 section 423.38.

6 Sec. 26. Section 422.25, subsection 1, paragraph c, Code
7 2023, is amended to read as follows:

8 c. (1) The period for examination and determination of the
9 correct amount of tax is unlimited in the case of a false or
10 fraudulent return made with the intent to evade tax or in the
11 case of a failure to file a return.

12 (2) If a person required to file a return with the
13 department fails to file the return with the department, the
14 department may, at any time, estimate the tax due based upon
15 information or knowledge the department is able to obtain.

16 (3) If the department estimates an amount of tax under
17 subparagraph (2), the following shall apply:

18 (a) The department shall issue a notice of assessment
19 to the person for which the tax is estimated in accordance
20 with section 421.60. The notice of assessment shall not be
21 appealable pursuant to section 422.28 or 422.29, except to
22 appeal the determination that the person is required to file a
23 return.

24 (b) The department shall include a statement with the
25 notice that if the person files a return within three years
26 from the date on the notice of assessment, the department
27 may replace the assessment with the amount shown due on the
28 person's return, plus any applicable penalty and interest,
29 and the department may examine that return and determine the
30 tax, penalty, and interest within the period provided in this
31 section.

32 (c) If the person fails to file a return within three years
33 from the date on the notice of assessment, the person may pay
34 the tax, penalty, and interest and file a refund claim within
35 the time period provided in section 422.73, or may request

1 relief under section 421.5.

2 Sec. 27. Section 422.75, Code 2023, is amended to read as
3 follows:

4 **422.75 Statistics — publication.**

5 The department shall prepare and publish an annual report
6 which shall include statistics reasonably available, with
7 respect to the operation of **this chapter**, including amounts
8 collected, classification of taxpayers, and such other facts
9 as are deemed pertinent and valuable. The annual report shall
10 also include the reports and information required pursuant to
11 section 421.60, subsection 2, ~~paragraphs "i" and~~ paragraph "l".

12 Sec. 28. Section 423.33, subsection 1, paragraphs a and b,
13 Code 2023, are amended to read as follows:

14 a. If a purchaser fails to pay sales tax to the retailer
15 required to collect the tax, then in addition to all of the
16 rights, obligations, and remedies provided, a use tax is
17 payable by the purchaser directly to the department, and
18 sections 423.31, **423.37**, ~~423.38~~, **423.39**, **423.40**, **423.41**, and
19 **423.42** apply to the purchaser.

20 b. For failure to pay the sales or use tax as described
21 in paragraph "a", the retailer and purchaser are jointly
22 liable, unless the circumstances described in section 29C.24,
23 subsection 3, paragraph "a", subparagraph (2), ~~section 421.60,~~
24 ~~subsection 2, paragraph "m",~~ **section 423.34A**, or section
25 **423.45**, subsection 4, paragraph "b" or "e", or **subsection 5**,
26 paragraph "c" or "e", are applicable.

27 Sec. 29. Section 423.33, subsection 3, Code 2023, is amended
28 to read as follows:

29 3. *Event sponsor's liability for sales or use tax.* A person
30 sponsoring a flea market or a craft, antique, coin, or stamp
31 show or similar event shall obtain from every retailer selling
32 tangible personal property, specified digital products, or
33 taxable services at the event proof that the retailer possesses
34 a valid sales or use tax permit or secure from the retailer
35 a statement, taken in good faith, that tangible personal

1 property, specified digital products, or services offered for
 2 sale are not subject to sales tax. Failure to do so renders
 3 a sponsor of the event liable for payment of any sales tax,
 4 interest, and penalty due and owing from any retailer selling
 5 property or services at the event. Sections 423.31, 423.37,
 6 ~~423.38~~, 423.39, 423.40, 423.41, and 423.42 apply to the
 7 sponsors. For purposes of this subsection, a "person sponsoring
 8 a flea market or a craft, antique, coin, or stamp show or similar
 9 event" does not include a marketplace facilitator as defined in
 10 section 423.14A, subsection 1, an organization which sponsors
 11 an event determined to qualify as an event involving casual
 12 sales pursuant to section 423.3, subsection 39, or the state
 13 fair or a fair as defined in section 174.1.

14 Sec. 30. Section 423.37, subsection 1, Code 2023, is amended
 15 to read as follows:

16 1. a. As soon as practicable after a return is filed and
 17 ~~in any event~~ within three years after the return is filed,
 18 the department ~~shall~~ may examine ~~it~~ the return, assess and
 19 determine the tax due if the return is found to be incorrect,
 20 and give notice to the person liable for the tax of the
 21 assessment and determination as provided in ~~subsection 2~~
 22 paragraph "b". If a return, when filed, is incorrect or
 23 insufficient, the department shall determine the amount of
 24 tax due from information or knowledge the department is able
 25 to obtain. The determination may be made using any generally
 26 recognized valid and reliable sampling technique, whether or
 27 not the person being audited has complete records, and if
 28 mutually agreed upon by the department and the person being
 29 audited. The period for the examination and determination of
 30 the correct amount of tax is unlimited in the case of a false or
 31 fraudulent return made with the intent to evade tax ~~or in the~~
 32 ~~case of a failure to file a return.~~

33 b. The department shall issue a notice of assessment in
 34 accordance with section 421.60. The notice shall be appealable
 35 pursuant to sections 422.28 and 422.29. If the person fails to

1 appeal the notice of assessment, the person may pay the tax,
2 penalty, and interest and file a refund claim within the time
3 period provided in section 422.73, or may request relief under
4 section 421.5.

5 Sec. 31. Section 423.37, subsection 2, Code 2023, is amended
6 by striking the subsection and inserting in lieu thereof the
7 following:

8 2. *a.* If a return required by this subchapter is not filed,
9 the period for examination and determination of the correct
10 amount of tax is unlimited. The department may, at any time,
11 estimate the tax due from the information or knowledge the
12 department is able to obtain.

13 *b.* If the department estimates an amount of tax under this
14 subsection, the following shall apply:

15 (1) The department shall issue a notice of assessment
16 to the person for which the tax is estimated in accordance
17 with section 421.60. The notice of assessment shall not be
18 appealable pursuant to sections 422.28 and 422.29, except to
19 appeal the determination that the person is required to file
20 the return.

21 (2) The department shall include a statement with the
22 notice that if the person files a return within three years
23 from the date on the notice of assessment, the department
24 may replace the assessment with the amount shown due on the
25 person's return, plus any applicable penalty and interest,
26 and the department may examine that return and determine the
27 tax, penalty, and interest within the period provided in this
28 section.

29 (3) If the person fails to file a return within three years
30 from the date on the notice of assessment, the person may pay
31 the tax, penalty, and interest and file a refund claim within
32 the time period provided in section 422.73, or may request
33 relief under section 421.5.

34 Sec. 32. Section 423.45, subsection 4, paragraph b, Code
35 2023, is amended to read as follows:

1 *b.* The sales tax liability for all sales of tangible
2 personal property and specified digital products and all sales
3 of services is upon the seller and the purchaser unless the
4 seller takes from the purchaser a valid exemption certificate
5 stating under penalty of perjury that the purchase is for a
6 nontaxable purpose and is not a retail sale as defined in
7 section 423.1, or the seller is not obligated to collect tax
8 due, or unless the seller takes a fuel exemption certificate
9 pursuant to [subsection 5](#). If the tangible personal property,
10 specified digital products, or services are purchased tax free
11 pursuant to a valid exemption certificate and the tangible
12 personal property, specified digital products, or services are
13 used or disposed of by the purchaser in a nonexempt manner, the
14 purchaser is solely liable for the taxes and shall remit the
15 taxes directly to the department and [sections 423.31, 423.37,](#)
16 ~~[423.38,](#)~~ [423.39, 423.40, 423.41, and 423.42](#) shall apply to the
17 purchaser.

18 Sec. 33. Section 423.45, subsection 5, paragraphs c and d,
19 Code 2023, are amended to read as follows:

20 *c.* The seller may accept a completed fuel exemption
21 certificate, as prepared by the purchaser, for three
22 years unless the purchaser files a new completed exemption
23 certificate. If the fuel is purchased tax free pursuant to a
24 fuel exemption certificate which is taken by the seller, and
25 the fuel is used or disposed of by the purchaser in a nonexempt
26 manner, the purchaser is solely liable for the taxes, and shall
27 remit the taxes directly to the department and [sections 423.31,](#)
28 [423.37, ~~423.38,~~ 423.39, 423.40, 423.41, and 423.42](#) shall apply
29 to the purchaser.

30 *d.* The purchaser may apply to the department for its
31 review of the fuel exemption certificate. In this event, the
32 department shall review the fuel exemption certificate within
33 twelve months from the date of application and determine the
34 correct amount of the exemption. If the amount determined
35 by the department is different than the amount that the

1 purchaser claims is exempt, the department shall promptly
 2 notify the purchaser of the determination. Failure of the
 3 department to make a determination within twelve months from
 4 the date of application shall constitute a determination that
 5 the fuel exemption certificate is correct as submitted. A
 6 determination of exemption by the department is final unless
 7 the purchaser appeals to the director for a revision of the
 8 determination within sixty days after the date of the notice
 9 of determination. The director shall grant a hearing, and
 10 upon the hearing, the director shall determine the correct
 11 exemption and notify the purchaser of the decision by mail.
 12 The decision of the director is final unless the purchaser
 13 seeks judicial review of the director's decision under section
 14 ~~423.38~~ 422.29 within sixty days after the date of the notice
 15 of the director's decision. Unless there is a substantial
 16 change, the department shall not impose penalties pursuant
 17 to [section 423.40](#) both retroactively to purchases made after
 18 the date of application and prospectively until the department
 19 gives notice to the purchaser that a tax or additional tax is
 20 due, for failure to remit any tax due which is in excess of a
 21 determination made under [this section](#). A determination made by
 22 the department pursuant to [this subsection](#) does not constitute
 23 an audit for purposes of [section 423.37](#).

24 Sec. 34. Section 423.57, Code 2023, is amended to read as
 25 follows:

26 **423.57 Statutes applicable.**

27 The director shall administer [this subchapter](#) as it relates
 28 to the taxes imposed in [this chapter](#) in the same manner and
 29 subject to all the provisions of, and all of the powers,
 30 duties, authority, and restrictions contained in sections
 31 423.14, [423.14A](#), [423.14B](#), [423.15](#), [423.16](#), [423.17](#), [423.19](#),
 32 [423.20](#), [423.21](#), [423.22](#), [423.23](#), [423.24](#), [423.25](#), [423.29](#), [423.31](#),
 33 [423.33](#), [423.34](#), [423.34A](#), [423.35](#), [423.37](#), ~~[423.38](#)~~, [423.39](#),
 34 [423.40](#), [423.41](#), and [423.42](#), [section 423.43](#), [subsection 1](#), and
 35 [sections 423.45](#), [423.46](#), and [423.47](#).

1 Sec. 35. Section 452A.66, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. The appropriate state agency shall administer the taxes
4 imposed by this chapter in the same manner as and subject to
5 section 422.25, subsection 4, and section 423.35, and section
6 423.37, subsections 1 and 2.

7 Sec. 36. Section 453A.28, subsection 1, Code 2023, is
8 amended to read as follows:

9 1. a. If after any audit, examination of records, or
10 other investigation the department finds that any person has
11 sold cigarettes without stamps affixed or that any person
12 responsible for paying the tax has not done so as required by
13 this subchapter, the department shall fix and determine the
14 amount of tax due, and shall assess the tax against the person,
15 together with a penalty as provided in section 421.27. The
16 taxpayer shall pay interest on the tax or additional tax at the
17 rate determined under section 421.7 counting each fraction of
18 a month as an entire month, computed from the date the tax was
19 due. If any person fails to furnish evidence satisfactory to
20 the director showing purchases of sufficient stamps to stamp
21 unstamped cigarettes purchased by the person, the presumption
22 shall be that the cigarettes were sold without the proper
23 stamps affixed. Within three years after the report is filed
24 or within three years after the report became due, whichever is
25 later, the department shall examine the report and determine
26 the correct amount of tax. The period for examination and
27 determination of the correct amount of tax is unlimited in the
28 case of a false or fraudulent report made with the intent to
29 evade tax, or in the case of a failure to file a report, or if a
30 person purchases or is in possession of unstamped cigarettes.

31 b. If the department issues an estimated assessment due to
32 failure to file a report, the procedures described in section
33 423.37, subsections 1 and 2, shall apply to taxes, fees, and
34 interest imposed under this subchapter in the same manner and
35 with the same effect as the provisions apply to the taxes

1 imposed under chapter 423.

2 Sec. 37. Section 453A.46, subsection 1, paragraph a, Code
3 2023, is amended to read as follows:

4 a. (1) On or before the twentieth day of each calendar
5 month every distributor with a place of business in this state
6 shall file a return with the director showing for the preceding
7 calendar month the quantity and wholesale sales price of each
8 tobacco product brought, or caused to be brought, into this
9 state for sale; made, manufactured, or fabricated in this state
10 for sale in this state; and any other information the director
11 may require. Every licensed distributor outside this state
12 shall in like manner file a return with the director showing
13 for the preceding calendar month the quantity and wholesale
14 sales price of each tobacco product shipped or transported to
15 retailers in this state to be sold by those retailers and any
16 other information the director may require. Returns shall
17 be made upon forms furnished or made available in electronic
18 form and prescribed by the director and shall contain other
19 information as the director may require. Each return shall be
20 accompanied by a remittance for the full tax liability shown
21 on the return, less a discount as fixed by the director not to
22 exceed five percent of the tax. Within three years after the
23 return is filed or within three years after the return became
24 due, whichever is later, the department shall examine it,
25 determine the correct amount of tax, and assess the tax against
26 the taxpayer for any deficiency. The period for examination
27 and determination of the correct amount of tax is unlimited in
28 the case of a false or fraudulent return made with the intent
29 to evade tax, or in the case of a failure to file a return.

30 (2) If the department issues an estimated assessment due to
31 failure to file a return, the procedures described in section
32 423.37, subsections 1 and 2, shall apply to taxes, fees, and
33 interest imposed under this subchapter in the same manner and
34 with the same effect as the provisions apply to the taxes
35 imposed under chapter 423.

1 Sec. 38. REPEAL. Section 423.38, Code 2023, is repealed.

2 Sec. 39. EFFECTIVE DATE. This division of this Act takes
3 effect January 1, 2024.

4 DIVISION VII

5 TAX RETURN PREPARERS AND PERSONS AUTHORIZED TO ACT FOR
6 TAXPAYERS

7 Sec. 40. Section 421.59, subsections 1 and 2, Code 2023, are
8 amended to read as follows:

9 1. *a.* A taxpayer may authorize an individual to act on
10 behalf of the taxpayer by filing a power of attorney with
11 the department, on a form prescribed by the department. The
12 department may prescribe a separate form or integrate the
13 requirements of the form into a return when feasible.

14 *b.* A taxpayer may at any time revoke a power of attorney
15 filed with the department pursuant to [this subsection](#). Upon
16 processing of the taxpayer's revocation of a power of attorney,
17 the department shall cease honoring the power of attorney.

18 2. Unless otherwise prohibited by law, the department may
19 authorize the following persons to act and receive information
20 on behalf of and exercise all of the rights of a taxpayer, and
21 may establish by rule the documentation required to verify
22 authorization to act, regardless of whether a power of attorney
23 has been filed pursuant to [subsection 1](#):

24 *a.* A guardian, conservator, or custodian appointed by a
25 court, if a taxpayer has been deemed legally incompetent by a
26 court. The authority of the appointee to act on behalf of the
27 taxpayer shall be limited to the extent specifically stated in
28 the order of appointment.

29 ~~{1} Upon request, a guardian, conservator, or custodian of~~
30 ~~a taxpayer shall submit to the department a copy of the court~~
31 ~~order appointing the guardian, conservator, or custodian.~~

32 ~~{2}~~ The department has standing to petition the court that
33 appointed the guardian, conservator, or custodian to verify the
34 appointment or to determine the scope of the appointment.

35 *b.* A receiver appointed pursuant to [chapter 680](#). An

1 appointed receiver shall be limited to act on behalf of the
2 taxpayer by the authority stated in the order of appointment.

3 ~~(1) Upon the request of the department, a receiver shall~~
4 ~~submit to the department a copy of the court order appointing~~
5 ~~the receiver.~~

6 (2) The department has standing to petition the court
7 that appointed the receiver to verify the appointment or to
8 determine the scope of the appointment.

9 ~~c. An individual who has been named as an authorized~~
10 ~~representative on a fiduciary return of income filed under~~
11 ~~section 422.14 or a tax return filed under chapter 450.~~

12 ~~d. c.~~ An individual holding the following title or position
13 within a corporation, association, partnership, or other
14 business entity:

15 (1) An officer or employee of the corporation or association
16 who is authorized to act on behalf of the corporation or
17 association in tax matters.

18 (2) A designated partner or employee of the partnership
19 who is authorized to act on behalf of the partnership in tax
20 matters.

21 (3) A person authorized to act on behalf of the limited
22 liability company in tax matters pursuant to a valid statement
23 of authority or employee of the company who is authorized to
24 act on behalf of the company in tax matters.

25 ~~e. d.~~ A licensed attorney who has appeared on behalf of
26 the taxpayer or the probate estate in a court proceeding.
27 Authorization under this paragraph is limited to those matters
28 within the scope of the representation.

29 ~~f. e.~~ A parent or guardian of a taxpayer who has not
30 reached the age of majority ~~where the same parent or guardian~~
31 ~~has signed the taxpayer's return on behalf of the taxpayer.~~
32 ~~Authorization under this paragraph is limited to those matters~~
33 ~~relating to the return signed by the parent or guardian.~~
34 Authorization under this paragraph automatically terminates
35 when the taxpayer reaches the age of majority pursuant to

1 section 599.1.

2 ~~g. f.~~ A representative of a government entity. An
3 ~~individual seeking to act on behalf of a government entity~~
4 ~~pursuant to this paragraph shall affirm the authority of~~
5 ~~the individual to act on behalf of the government entity in~~
6 ~~a manner designated by the department. The department may~~
7 ~~require evidence to demonstrate the individual has authority to~~
8 ~~act on behalf of the government entity.~~

9 ~~h. g.~~ An executor or personal representative of an estate.

10 (1) ~~Upon request, the executor or personal representative~~
11 ~~shall submit to the department a copy of the will or court~~
12 ~~order appointing the executor or personal representative.~~

13 (2) The department has standing to petition the court that
14 appointed the executor or personal representative to verify the
15 appointment or to determine the scope of the appointment.

16 ~~i. h.~~ A trustee.

17 (1) ~~Upon request a trustee shall submit a certification of~~
18 ~~trust, or in the absence of a certification of trust a copy of~~
19 ~~the court order appointing the trustee if one has been issued,~~
20 ~~or a copy of the trust.~~

21 (2) The department has standing to petition the court that
22 appointed the trustee to verify the appointment or to determine
23 the scope of the appointment.

24 ~~j. i.~~ A person named as an agent in a general or durable
25 power of attorney document that is currently in force and such
26 document has not been prescribed by the department of revenue.

27 ~~k. j.~~ A successor as defined in section 633.356, subsection
28 2, of a very small estate.

29 Sec. 41. Section 421.62, subsection 2, Code 2023, is amended
30 by adding the following new paragraph:

31 NEW PARAGRAPH. *c.* Notwithstanding subsection 1, paragraph
32 "d", subparagraph (2), for purposes of this subsection, "tax
33 return preparer" includes any of the following:

34 (1) An individual licensed as a certified public accountant
35 or a licensed public accountant under chapter 542 or a similar

1 law of another state.

2 (2) An individual admitted to practice law in this state or
3 another state.

4 (3) An enrolled agent enrolled to practice before the
5 federal internal revenue service pursuant to 31 C.F.R. §10.4.

6 DIVISION VIII

7 SETOFF

8 Sec. 42. 2020 Iowa Acts, chapter 1064, section 16,
9 subsection 6, is amended to read as follows:

10 6. *Fees.* The department ~~shall~~ may establish fees for use of
11 the setoff system to be paid by participating public agencies
12 to the department.

13 Sec. 43. CONTINGENT EFFECTIVE DATE. This division of this
14 Act takes effect on the effective date of the rules adopted by
15 the department of revenue pursuant to chapter 17A implementing
16 2020 Iowa Acts, chapter 1064, other than transitional rules.

17 DIVISION IX

18 HOMESTEAD PROPERTY TAX CREDIT

19 Sec. 44. Section 425.11, subsection 1, paragraph e, Code
20 2023, is amended by striking the paragraph and inserting in
21 lieu thereof the following:

22 e. (1) "Owner" means the person who holds the fee simple
23 title to the homestead. "Owner" also includes the following:

24 (a) The person occupying as a surviving spouse.

25 (b) The person occupying under a contract of purchase which
26 contract has been recorded in the office of the county recorder
27 of the county in which the property is located.

28 (c) The person occupying the homestead under devise or by
29 operation of the inheritance laws where the whole interest
30 passes or where the divided interest is shared only by persons
31 related or formerly related to each other by blood, marriage,
32 or adoption.

33 (d) The person occupying the homestead is a shareholder of a
34 family farm corporation that owns the property.

35 (e) The person occupying the homestead under a deed which

1 conveys a divided interest where the divided interest is shared
2 only by persons related or formerly related to each other by
3 blood, marriage, or adoption.

4 (f) Where the person occupying the homestead holds a
5 life estate with the reversion interest held by a nonprofit
6 corporation organized under chapter 504, provided that the
7 holder of the life estate is liable for and pays property tax
8 on the homestead.

9 (g) Where the person occupying the homestead holds an
10 interest in a horizontal property regime under chapter
11 499B, regardless of whether the underlying land committed to
12 the horizontal property regime is in fee or as a leasehold
13 interest, provided that the holder of the interest in the
14 horizontal property regime is liable for and pays property tax
15 on the homestead.

16 (h) Where the person occupying the homestead is a member
17 of a community land trust as defined in 42 U.S.C. §12773,
18 regardless of whether the underlying land is in fee or as a
19 leasehold interest, provided that the member of the community
20 land trust is occupying the homestead and is liable for and
21 pays property tax on the homestead.

22 (i) The person occupying the homestead regardless of
23 whether the underlying land is in fee or as a leasehold
24 interest, provided that the person is occupying the homestead
25 and is liable for and pays property tax on the homestead.

26 (2) For the purpose of this subchapter, the word "owner"
27 shall be construed to mean a bona fide owner and not one for
28 the purpose only of availing the person of the benefits of this
29 subchapter. In order to qualify for the homestead tax credit,
30 evidence of ownership shall be on file in the office of the
31 clerk of the district court or recorded in the office of the
32 county recorder at the time the owner files with the assessor
33 a verified statement of the homestead claimed by the owner as
34 provided in section 425.2.

35 Sec. 45. EFFECTIVE DATE. This division of this Act, being

1 deemed of immediate importance, takes effect upon enactment.

2 Sec. 46. APPLICABILITY. This division of this Act applies
3 to claims under chapter 425, subchapter I, for credits against
4 property taxes due and payable in fiscal years beginning on or
5 after July 1, 2024.

6 DIVISION X

7 PROPERTY TAX CREDITS AND RENT REIMBURSEMENT

8 Sec. 47. Section 425.17, subsection 7, Code 2023, is amended
9 to read as follows:

10 7. "Income" means the sum of Iowa net income as defined
11 in [section 422.7](#), plus all of the following to the extent not
12 already included in Iowa net income: capital gains~~;~~i; alimony~~;~~i;
13 child support money~~;~~i; cash public assistance and relief,
14 except property tax relief granted under [this subchapter](#)~~;~~i;
15 amount of in-kind assistance for housing expenses, ~~the gross~~
16 ~~amount of any pension or annuity, including but not limited~~
17 ~~to;~~ total amounts received from a governmental or other
18 pension or retirement plan, including defined benefit or
19 defined contribution plans; annuities; individual retirement
20 accounts; plans maintained or contributed to by an employer,
21 or maintained or contributed to by a self-employed person
22 as an employer; deferred compensation plans or any earnings
23 attributable to the deferred compensation plans; income
24 received pursuant to a farm tenancy agreement covering real
25 property; railroad retirement benefits~~;~~i; payments received
26 under the federal Social Security Act, except child insurance
27 benefits received by a member of the claimant's household; ~~and~~
28 ~~all~~ military retirement and veterans' disability pensions~~;~~i;
29 interest received from ~~the~~ a state or federal government
30 or any of its instrumentalities~~;~~i; workers' compensation;
31 and the gross amount of disability income or "loss of time"
32 insurance. "Income" does not include gifts from nongovernmental
33 sources, or surplus foods or other relief in kind supplied by
34 a governmental agency. In determining income, net operating
35 losses and net capital losses shall not be considered.

1 Sec. 48. EFFECTIVE DATE. This division of this Act, being
2 deemed of immediate importance, takes effect upon enactment.

3 Sec. 49. APPLICABILITY.

4 1. This division of this Act applies to claims under chapter
5 425, subchapter II, for credits against property taxes due and
6 payable in fiscal years beginning on or after July 1, 2024.

7 2. This division of this Act applies to claims under chapter
8 425, subchapter II, for reimbursement for rent constituting
9 property taxes paid in base years beginning on or after January
10 1, 2023.

11 3. This division of this Act applies to claims under section
12 435.22 for a credit for manufactured and mobile home taxes due
13 and payable in fiscal years beginning on or after July 1, 2024.

14 DIVISION XI

15 ELECTRONIC COMMUNICATIONS — RULES

16 Sec. 50. Section 421.60, subsection 11, paragraph c,
17 subparagraph (1), Code 2023, is amended to read as follows:

18 (1) Notwithstanding any provision of law to the contrary,
19 when an electronic communication is posted to the department's
20 electronic portal for a person who has made such an election,
21 the posting of the electronic communication shall satisfy any
22 requirement of mailing or personal service in [this title](#),
23 [chapter 17A](#), [chapter 272D](#), or [sections 321.105A](#) and [533.329](#).

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill relates to state and local finance and the
28 administration of the tax and related laws by the department
29 of revenue (department).

30 DIVISION I — IOWA EDUCATIONAL SAVINGS PLAN AND FIRST-TIME
31 HOMEBUYERS DUE DATES. The bill makes changes to the Iowa
32 educational plan trust (529 plans) and the first-time home
33 buyer savings account program.

34 The bill provides that if the director of revenue (director)
35 extends the date for making and filing an individual income

1 tax return in the case of a natural disaster as is currently
2 permitted in Code section 421.17(30), the taxpayer may elect
3 that a contribution made to a 529 plan during the extended time
4 to file such a return may be deemed to have been made for the
5 prior calendar year.

6 The bill provides that the first-time homebuyers savings
7 account designations must be provided to the department on
8 or before the date to file an individual income tax return,
9 excluding extensions, or on or before the extended filing date
10 if the director extends the date for making and filing an
11 individual income tax return in the case of a natural disaster.

12 DIVISION II — BONUS DEPRECIATION AND INCREASED EXPENSING
13 — APPLICABILITY. The “trigger” (2018 Iowa Acts, chapter
14 1161, sections 99 through 134) went into effect on January 1,
15 2023. The bill provides that the repeal of bonus depreciation
16 and increased expensing provisions in the trigger applies to
17 tax years beginning on or after January 1, 2023, for property
18 placed in service on or after January 1, 2023.

19 DIVISION III — TAX FILING STATUS MODIFICATIONS. For tax
20 years beginning on or after January 1, 2023, the bill requires
21 a taxpayer to use the same filing status for Iowa individual
22 income tax purposes as the taxpayer used for federal individual
23 income tax purposes. The bill also strikes provisions implying
24 that a taxpayer may elect to use a different tax filing status
25 on the taxpayer’s Iowa and federal income tax returns.

26 The division applies to tax years beginning on or after
27 January 1, 2023.

28 DIVISION IV — WITHHOLDING. The bill rewrites Code section
29 422.16 relating to withholding agents withholding Iowa tax from
30 the wages or other income of a resident or nonresident. The
31 bill defines “withholding agent” similarly to the definition
32 in Code section 422.4.

33 Under current law, most retirement income is no longer
34 subject to Iowa income tax. The bill strikes provisions
35 requiring the withholding of state income tax from retirement

1 income made to Iowa residents if the retirement income is no
2 longer subject to Iowa income tax.

3 The bill excludes some pass-through entity income for
4 purposes of calculating whether a taxpayer is required to make
5 estimated tax payments.

6 DIVISION V — FUTURE CORRESPONDING CHANGE. Commencing with
7 tax years beginning on or after January 1, 2026, the highest
8 individual Iowa income tax rate becomes a flat tax rate and the
9 individual income tax rate is moved from Code section 422.5A
10 to Code section 422.5. The bill strikes a reference to the
11 highest individual income tax rate in Code section 422.5A and
12 replaces that reference with Code section 422.5.

13 The division takes effect January 1, 2026.

14 DIVISION VI — SETTLEMENT AUTHORITY — NOTICE OF ASSESSMENT
15 — ESTIMATION OF TAX. Under current law, the director may
16 compromise and settle doubtful claims for taxes or refunds.
17 The bill defines "settle" or "settlement" to include any
18 compromise or abatement of tax, penalties, and interest. The
19 bill specifies that the department may settle any taxes,
20 penalties, and interest in the case of doubtful liability,
21 doubtful collectability, economic hardship, or to promote
22 effective tax administration. The bill requires the department
23 to make a complete record of the settlement. A taxpayer shall
24 not have the right to a settlement under the bill, and any
25 determination by the department regarding a settlement shall be
26 discretionary and final, except in the case of fraud, mutual
27 mistake, or stated in a written settlement agreement. The
28 bill strikes Code section 421.60(2)(i) and (m) which relate to
29 the settlement of taxes owed the state and makes conforming
30 changes.

31 The bill amends Code section 421.10 relating to the appeal
32 period for the revision of the assessment of tax. The bill
33 specifies that the appeal period provisions apply to notices
34 from the department involving adverse department actions
35 directed at a specific taxpayer, other than licensing, which

1 involves a calculation. Under current law, the appeal period
2 provisions relate to all agency actions regardless if the
3 action is adverse, if any department action is directed at
4 a specific taxpayer, other than licensing, and involves a
5 calculation.

6 The bill amends Code section 422.25 to specify that if a
7 taxpayer required to file a return with the department fails
8 to file the return or files a false or fraudulent return, the
9 department may, at any time, estimate the tax due based upon
10 information or knowledge the department is able to obtain. If
11 the department estimates the tax due, the bill requires the
12 department to issue a notice of assessment to the taxpayer
13 and creates procedures for the department to follow if the
14 taxpayer files a return within three years from the date of
15 the assessment, and creates procedures if the taxpayer fails
16 to file such a return within three years from the date of the
17 assessment.

18 The bill amends Code section 423.37(1) (sales and use tax)
19 to specify that the department may examine a sales tax return
20 within three years after the return is filed. Under current
21 law, the department is required to examine such a return
22 within three years. The bill establishes procedures for when
23 a sales tax return is incorrect or insufficient when filed.
24 The bill requires the department to determine the amount of
25 tax due from information or knowledge the department is able
26 to obtain including using any generally recognizable sampling
27 technique to determine the tax owed, if the sampling technique
28 is mutually agreed upon by the department and the person
29 being audited. The bill requires the department to issue a
30 notice of assessment if the return is found to be incorrect,
31 and establishes procedures for the taxpayer to appeal the
32 assessment, or pay the tax, penalty, and interest, and file a
33 refund claim on the estimated tax if necessary.

34 The bill amends Code section 423.37(2) establishing the
35 procedures for when a sales or use tax return is not filed. The

1 bill states the period for examination and determination of the
2 correct amount of tax is unlimited, and allows the department
3 to estimate the amount of tax due. The bill requires the
4 department to issue a notice of assessment, and establishes
5 procedures for the taxpayer to appeal the assessment, or pay
6 the tax, penalty, and interest, and file a refund claim on the
7 estimated tax if necessary.

8 The bill specifies that the procedures for estimating taxes
9 in Code section 423.37(1) and (2), as amended by the bill, also
10 apply to Code chapters 452A (motor fuel and special fuel taxes)
11 and 453A (cigarette and tobacco taxes).

12 The bill repeals Code section 423.38 relating to provisions
13 that are applicable to the judicial review of the actions
14 of the department involving sales and use taxes, and makes
15 conforming changes.

16 The division takes effect January 1, 2024.

17 DIVISION VII — TAX RETURN PREPARERS AND PERSONS AUTHORIZED
18 TO ACT FOR TAXPAYERS. The bill requires additional tax return
19 preparers to include the preparer's personal identification
20 number on any return prepared by the preparer and filed with
21 the department if the preparer is licensed as a certified
22 public accountant or a licensed public accountant under Code
23 chapter 542 or a similar law of another state, if the preparer
24 is admitted to practice law in this state, or if the preparer
25 is an enrolled agent enrolled to practice before the Internal
26 Revenue Service.

27 The bill modifies provisions relating to the authority
28 of a person to act on behalf of a taxpayer in Code section
29 421.59, including striking the authority of an individual to
30 act on behalf of a taxpayer who has been named as an authorized
31 representative on a fiduciary return or an inheritance tax
32 return.

33 DIVISION VIII — SETOFF. The bill allows but does not
34 require the department to establish a fee for use of the setoff
35 system. Currently, the department is required to charge a

1 fee for use of the setoff system. The setoff system is a
2 centralized system designed to collect debt owed to public
3 agencies. The setoff system operated by the department is
4 currently not operational until the department adopts rules.

5 DIVISION IX — HOMESTEAD PROPERTY TAX CREDIT. The bill
6 amends Code section 425.11 relating to the homestead credit.
7 The bill expands the definition of "owner" to allow a person
8 occupying a homestead to receive the homestead credit
9 regardless of whether the underlying land is held in fee or as
10 a leasehold interest, provided that the person is occupying
11 the homestead and is liable for and pays property tax on the
12 homestead.

13 The division takes effect upon enactment and applies to
14 claims under Code chapter 425, subchapter I, for credits
15 against property taxes due and payable in fiscal years
16 beginning on or after July 1, 2024.

17 DIVISION X — PROPERTY TAX CREDITS AND RENT REIMBURSEMENT.
18 The bill modifies the definition of "income" to include
19 certain retirement, deferred, or rental income for purposes of
20 calculating eligibility for the elderly and disabled property
21 tax credit or for reimbursement of rent constituting property
22 taxes paid under Code chapter 425, subchapter II.

23 The division applies to claims under Code chapter 425
24 for credits due and payable in fiscal years beginning on or
25 after July 1, 2024, and for rent reimbursement in base years
26 beginning on or after January 1, 2023. The division also
27 applies to claims for a credit for manufactured and mobile home
28 taxes due in fiscal years beginning on or after July 1, 2024.

29 DIVISION XI — ELECTRONIC COMMUNICATION — RULES. The
30 bill provides that if the department posts a rule to the
31 department's electronic portal, the posting of the electronic
32 communication shall satisfy any requirement of mailing or
33 personal service for purposes of Code chapter 17A (Iowa
34 administrative procedure Act).