

CHAPTER 1226

TEMPORARY TAX EXEMPTIONS FOR ECOLOGY INSTALLATIONS

S. F. 321

AN ACT to provide a limited exemption from property taxation for property used to control air or water pollution, and to provide a property tax exemption for certain property used for water impoundments.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred twenty-seven point one (427.1),
2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. Pollution-control property as defined in this
4 subsection shall be exempt from taxation for the periods and to the
5 extent provided in this subsection, upon compliance with the provi-
6 sions of this subsection.

7 This exemption shall apply to new installations of pollution-control
8 property for a period of ten years beginning on January first after
9 the construction or installation of the property is completed. This
10 exemption shall apply for a period of ten years beginning on January
11 1, 1975, to existing pollution-control property if its construction or in-
12 stallation was completed after September 23, 1970. This exemption
13 shall apply with respect to each of the ten annual assessments within
14 the ten-year exemption period and the property taxes payable on the
15 basis of each of such ten annual assessments. This exemption for
16 existing pollution-control property shall begin with respect to the
17 assessment as of January 1, 1975, and the taxes payable on the basis
18 of this assessment during the fiscal year beginning July 1, 1976.

19 This exemption shall be limited to the market value, as defined in
20 section four hundred forty-one point twenty-one (441.21) of the Code,
21 of the pollution-control property. If the pollution-control property is
22 assessed with other property as a unit, this exemption shall be lim-
23 ited to the net market value added by the pollution-control property,
24 determined as of the assessment date.

25 Application for this exemption shall be filed with the assessing
26 authority not later than the first of February of the year for which
27 the exemption is requested, on forms provided by the department of
28 revenue. The application shall describe and locate the specific pollu-
29 tion-control property to be exempted.

30 The first annual application for any specific pollution-control prop-
31 erty shall be accompanied by a certificate of the executive director of
32 the department of environmental quality stating that the air quality
33 commission or the water quality commission has directed the depart-
34 ment of environmental quality to certify that the primary use of the
35 pollution-control property is to control or abate pollution of any air
36 or water of this state or to enhance the quality of any air or water of
37 this state.

38 A taxpayer may appeal a determination of the air quality commis-
39 sion or the water quality commission in accordance with the provi-
40 sions of sections four hundred fifty-five B point nineteen (455B.19)
41 and four hundred fifty-five B point thirty-nine (455B.39) of the Code.

42 The air quality commission and the water quality commission of
43 the department of environmental quality shall adopt rules relating to
44 certification under this Act and information to be submitted for evalu-
45 ating pollution-control property for which a certificate is requested.

46 The revenue department shall adopt any rules necessary to implement
47 this Act, including rules on identification and valuation of pollution-
48 control property. All rules adopted shall be subject to the provisions
49 of the statutes on departmental rules.

50 For the purposes of this subsection "pollution-control property"
51 means personal property or improvements to real property, or any
52 portion thereof, used primarily to control or abate pollution of any
53 air or water of this state or used primarily to enhance the quality of
54 any air or water of this state. In the event such property shall also
55 serve other purposes or uses of productive benefit to the owner of the
56 property, only such portion of the assessed valuation thereof as may
57 reasonably be calculated to be necessary for and devoted to the con-
58 trol or abatement of pollution or to the enhancement of the quality
59 of the air or water of this state shall be exempt from taxation under
60 this subsection.

61 For the purposes of this subsection "pollution" means air pollution
62 as defined in section four hundred fifty-five B point ten (455B.10) of
63 the Code or water pollution as defined in section four hundred fifty-
64 five B point thirty (455B.30) of the Code. "Water of the state"
65 means the water of the state as defined in section four hundred fifty-
66 five B point thirty (455B.30) of the Code. "Enhance the quality"
67 means to diminish the level of pollutants below the air or water qual-
68 ity standards established by the water quality commission or the air
69 quality commission of the department of environmental quality.

1 SEC. 2. Section four hundred twenty-seven point one (427.1),
2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. The impoundment structure and any land un-
4 derlying an impoundment located outside any incorporated city or
5 town, which are not developed or used directly or indirectly for non-
6 agricultural income-producing purposes and which are maintained
7 in a condition satisfactory to the soil conservation district commis-
8 sioners of the county in which the impoundment structure and the
9 impoundment are located. Any person owning land which qualifies
10 for a property tax exemption under this subsection shall apply to the
11 county assessor each year before the first of July for the exemption.
12 The application shall be made on forms prescribed by the department
13 of revenue. The first application shall be accompanied by a copy of
14 the water storage permit approved by the water commissioner of the
15 Iowa natural resources council and a copy of the plan for the con-
16 struction of the impoundment structure and the impoundment. The
17 construction plan shall be used to determine the total acre-feet of the
18 impoundment and the amount of land which is eligible for the prop-
19 erty tax exemption status. The county assessor shall annually review
20 each application for the property tax exemption under this subsec-
21 tion and submit it, with the recommendation of the soil conservation
22 district commissioners, to the board of supervisors for approval or
23 denial. Any applicant for a property tax exemption under this sub-
24 section may appeal the decision of the board of supervisors to the dis-
25 trict court. As used in this subsection, "impoundment" means any
26 reservoir or pond which has a storage capacity of at least eighteen
27 acre-feet of water or sediment at the time of construction; "storage
28 capacity" means the total area below the crest elevation of the princi-
29 pal spillway including the volume of any excavation in such area; and

30 "impoundment structure" means any dam, earthfill, or other structure
 31 used to create an impoundment.

Approved June 3, 1974

CHAPTER 1227

MILITARY SERVICE EXEMPTIONS

S. F. 393

AN ACT relating to the military service tax exemption.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred twenty-seven point four (427.4),
 2 subsections one (1) and two (2), Code 1973, are amended to read as
 3 follows:

4 1. The wife, or widow spouse, or surviving spouse remaining unmar-
 5 ried, of any such soldier, sailor, marine, or nurse, where they are living
 6 together or were living together at the time of the death of such person.

7 2. The widowed mother, remaining parent whose spouse is deceased
 8 and who remains unmarried, of any such soldier, sailor, marine, or
 9 nurse, whether living or deceased, where such widowed mother parent
 10 is, or was at the time of death of the soldier, sailor, marine, or nurse,
 11 dependent on such person for support.

Approved March 29, 1974

CHAPTER 1228

REAL PROPERTY TAXATION

S. F. 1318

AN ACT to define property which is assessed and taxed as real property.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred twenty-seven A point one
 2 (427A.1), Code 1973, is amended by striking the section and insert-
 3 ing in lieu thereof the following:

4 1. All tangible property except that which is assessed and taxed as
 5 real property is subject to the personal property tax credits provided
 6 in this chapter, unless the property is taxed, licensed, or exempt from
 7 taxation under other provisions of law. For the purposes of prop-
 8 erty taxation only, the following shall be assessed and taxed, unless
 9 otherwise qualified for exemption, as real property:

10 a. Land and water rights.

11 b. Substances contained in or growing upon the land, before sever-
 12 ance from the land, and rights to such substances. However, growing