

*Do Pass 2/23/84  
(p 525)*

*Reprints 3/7*

FILED FEB 8 1984

SENATE FILE 2156

BY HUSAK

Passed Senate, Date 2-2-84 (p 614) Passed House, Date \_\_\_\_\_  
Vote: Ayes 41 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

- 1 An Act relating to the administration of the extraordinary
- 2 property tax credit or reimbursement.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2156

S-5180

- 1 Amend Senate File 2156 as follows:
- 2 1. Page 1, line 29, by inserting after the word
- 3 "collected" the words "and repay the amount to the
- 4 director upon collection".

S-5180 FILED  
FEBRUARY 28, 1984  
*Adopted 3/2 (p 619)*

BY EMIL J. HUSAK  
WM. W. DIELEMAN

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1 Section 1. Section 425.25, Code 1983, is amended to read  
2 as follows:

3 425.25 ADMINISTRATION. The director of revenue shall  
4 make available suitable forms with instructions for claimants.  
5 Each assessor and county treasurer shall make available the  
6 forms and instructions. The claim shall be in ~~such~~ a form  
7 as the director may prescribe. The director may also devise  
8 a tax credit or reimbursement table, with amounts rounded  
9 to the nearest even whole dollar. Reimbursements or credits  
10 in the amount of less than one dollar shall not be paid.

11 Sec. 2. Section 425.27, Code 1983, is amended to read  
12 as follows:

13 425.27 AUDIT OF CLAIM. If on the audit of any a claim  
14 for credit or reimbursement under this division, the director  
15 determines the amount of the claim to have been incorrectly  
16 calculated or that the claim is not allowable, the director  
17 shall recalculate the claim and notify the claimant of the  
18 recalculation or denial and the reasons for it. The director  
19 shall not adjust any a claim after three years from October  
20 31 of the year in which the claim was filed. If the claim  
21 for reimbursement has been paid, the amount may be recovered  
22 by assessment in the same manner that income taxes are assessed  
23 under sections 422.26 and 422.30. If the claim for credit  
24 has been paid, ~~the county treasurer shall repay the amount~~  
25 ~~to~~ the director and after shall give notification to the  
26 claimant and the county treasurer of the recalculation or  
27 denial of the claim, and the county treasurer shall proceed  
28 to collect the tax owed in the same manner as other property  
29 taxes due and payable are collected. The recalculation of  
30 the claim shall be final unless appealed as provided in section  
31 425.31. ~~The provisions of section~~ Section 422.70 ~~shall be~~  
32 is applicable with respect to this division.

33 EXPLANATION

34 The bill provides that the director of revenue shall round  
35 the tax credit or reimbursement to the nearest even whole

1 dollar in developing tax credit and reimbursement tables.  
2 The bill also removes the requirement that a county repay  
3 any disallowed credit or reimbursement. The bill takes effect  
4 July 1 following enactment.

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6317

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22 by assessment in the same manner that income taxes are assessed  
23 under sections 422.26 and 422.30. If the claim for credit  
24 has been paid, ~~the county treasurer shall repay the amount~~  
25 ~~to~~ the director ~~and after~~ shall give notification to the  
26 claimant and the county treasurer of the recalculation or  
27 denial of the claim; and the county treasurer shall proceed  
28 to collect the tax owed in the same manner as other property  
29 taxes due and payable are collected and repay the amount to  
30 the director upon collection. The recalculation of the claim  
31 shall be final unless appealed as provided in section 425.31.  
32 ~~The provisions of section~~ Section 422.70 ~~shall be~~ is applicable  
33 with respect to this division.

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SENATE FILE 2156

H-6371

Amend Senate File 2156, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by inserting before line 1 the following new section:

"Section 1. Section 425.17, subsections 5 and 9, Code 1983, are amended to read as follows:

5. "Claimant" means a person filing a claim for credit or reimbursement under this division who has attained the age of sixty-five years on or before December 31 of the base year or who is a surviving spouse having or an unmarried person who has been granted a dissolution of marriage under chapter 598 or has been granted a divorce or dissolution of marriage recognized in this state if the surviving spouse or the unmarried person has attained the age of fifty-five years on or before December 31 of the base year, or who is totally disabled and was totally disabled on or before December 31 of the base year, and was domiciled in this state during the entire base year and is domiciled in this state at the time the claim is filed or at the time of the person's death in the case of a claim filed by the executor or administrator of the claimant's estate. "Claimant" includes a vendee in possession under a contract for deed and may include one or more joint tenants or tenants in common. In the case of a claim for rent constituting property taxes paid, the claimant shall have rented the property during any part of the base year. If a homestead is occupied by two or more persons, and more than one person is able to qualify as a claimant, the persons may determine among them who will be the claimant. If they are unable to agree, the matter shall be referred to the director of revenue not later than October 31 of each year and the director's decision ~~shall-be~~ is final.

9. "Property taxes due" means property taxes including any special assessments, but exclusive of delinquent interest and charges for services, due on a claimant's homestead in this state, but includes only property taxes for which the claimant is liable and which will actually be paid by the claimant. However, if the claimant is a person whose property taxes have been suspended under sections 427.8 and 427.9, "property taxes due" means property taxes including any special assessments, but exclusive of delinquent interest and charges for services, due on a claimant's homestead in this state, but includes only property taxes for which the claimant is liable and which would have to be paid by the claimant if the payment of the taxes have not been suspended

H-6371

Page Two

1 pursuant to sections 427.8 and 427.9. "Property taxes  
2 due" shall be computed ~~with no~~ without a deduction  
3 for any credit under this division or for any homestead  
4 credit allowed under section 425.1. Each claim shall  
5 be based upon the taxes due during the fiscal year  
6 next following the base year. If a homestead is owned  
7 by two or more persons as joint tenants or tenants  
8 in common, and one or more of the persons are not  
9 ~~a member~~ members of claimant's household, "property  
10 taxes due" is that part of property taxes due on the  
11 homestead which equals the ownership percentage of  
12 the claimant and ~~his or her~~ the claimant's household.  
13 The county treasurer shall include with the tax receipt  
14 a statement that if the owner of the property is  
15 sixty-five years of age or over or is totally disabled,  
16 or is a surviving spouse ~~of such person who~~ or an  
17 unmarried person who has been granted a dissolution  
18 of marriage under chapter 598 or has been granted  
19 a divorce or dissolution of marriage recognized in  
20 this state and the surviving spouse or the unmarried  
21 person is over fifty-five years of age, the person  
22 may be eligible for the credit allowed under this  
23 division. If a homestead is an integral part of a  
24 farm, the claimant may use the total property taxes  
25 due for the larger unit. If a homestead is an integral  
26 part of a multidwelling or multipurpose building the  
27 property taxes due for the purpose of this subsection  
28 shall be prorated to reflect the portion which the  
29 value of the property that the household occupies  
30 as its homestead is to the value of the entire  
31 structure. For purposes of this subsection, "unit"  
32 refers to that parcel of property covered by a single  
33 tax statement of which the homestead is a part."

34 2. Page 1, by inserting after line 33 the following  
35 new section:

36 "Sec. \_\_\_\_ . Section 1 of this Act takes effect  
37 January 1 following enactment."

38 3. Renumber sections and correct internal  
39 references as necessary in accordance with this  
40 amendment.

STURGEON of Woodbury  
LLOYD-JONES of Johnson  
ROSENBERG of Story  
ARNOULD of Scott  
CONNOLLY of Dubuque  
PARKER of Jasper  
HALVORSON of Webster  
SCHNEKLOTH of Scott  
PONCY of Wapello  
COCHRAN of Webster  
CHAPMAN of Linn

BY O'KANE of Woodbury  
DODERER of Johnson  
BUHR of Polk  
VARN of Johnson  
SCHROEDER of Pottawattamie  
GROTH of Buena Vista  
JAY of Appanoose  
SHERZAN of Polk  
RENAUD of Polk  
SKOW of Guthrie  
MULLINS of Kossuth  
BRAMMER of Linn  
MILLER of Woodbury

H-6371 FILED APRIL 17, 1984

*Not germane 4/18 (p. 2125)*

SENATE FILE 2156

AN ACT

RELATING TO THE ADMINISTRATION OF THE EXTRAORDINARY PROPERTY TAX CREDIT OR REIMBURSEMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 425.25, Code 1983, is amended to read as follows:

425.25 ADMINISTRATION. The director of revenue shall make available suitable forms with instructions for claimants. Each assessor and county treasurer shall make available the forms and instructions. The claim shall be in ~~such a~~ form as the director may prescribe. The director may also devise a tax credit or reimbursement table, with amounts rounded to the nearest ~~even~~ whole dollar. Reimbursements or credits in the amount of less than one dollar shall not be paid.

Sec. 2. Section 425.27, Code 1983, is amended to read as follows:

425.27 AUDIT OF CLAIM. If on the audit of ~~any a~~ claim for credit or reimbursement under this division, the director determines the amount of the claim to have been incorrectly calculated or that the claim is not allowable, the director shall recalculate the claim and notify the claimant of the recalculation or denial and the reasons for it. The director shall not adjust ~~any a~~ claim after three years from October 31 of the year in which the claim was filed. If the claim for reimbursement has been paid, the amount may be recovered by assessment in the same manner that income taxes are assessed under sections 422.26 and 422.30. If the claim for credit has been paid, ~~the county treasurer shall repay the amount to the director and after shall give~~ notification to the claimant and the county treasurer of the recalculation or denial of the claim, and the county treasurer shall proceed to collect the tax owed in the same manner as other property

taxes due and payable are collected and repay the amount to the director upon collection. The recalculation of the claim shall be final unless appealed as provided in section 425.31. ~~The provisions of section~~ Section 422.70 ~~shall be~~ is applicable with respect to this division.

\_\_\_\_\_  
CHARLES P. MILLER  
President Pro Tempore of the  
Senate

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2156, Seventieth General Assembly.

\_\_\_\_\_  
K. MARIE THAYER  
Secretary of the Senate

Approved *May 4*, 1984

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TERRY E. BRANSTAD  
Governor