

Sen. Ways and Means 5/17, Pass 5/28/76

APR 27 1976

HOUSE FILE 1564

WAYS & MEANS CALENDAR

By COMMITTEE ON WAYS AND MEANS

Passed House, Date 5-12-76 (2636) Passed Senate, Date 5-28-76 (p.2436)

Vote: Ayes 89 Nays 6 Vote: Ayes 40 Nays 4

Approved June 28, 1976

Repassed Senate per House amendment
5-28-76 (p.3314)
76-0

A BILL FOR

1 An Act relating to equalization and assessment procedures
 2 by providing for the assessment of property every two
 3 years, providing that the equalized values be included
 4 in the assessments for the following year, providing
 5 for use of other appraisal methods to be used to deter-
 6 mine value of property when market value cannot be
 7 determined, providing for appeal by assessors to state
 8 board of tax review on final equalization orders, and
 9 adjusting the dates relating to the completion of the
 10 assessment and delivery of the abstracts of assessments,
 11 notification of taxpayers of adjusted values, the filing
 12 of protests, and the sessions of the local boards of
 13 review.

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

H-6621

Amend House File 1564 as follows:

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

"Section 1. Section four hundred twenty-five point twenty-eight (425.28), Code 1975, is amended by adding the following unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Upon request from any city or county assessor or county treasurer, the department of revenue may release the names of claimants who received reimbursement warrants to the assessor or treasurer. This information shall be held confidential by the assessor or treasurer except if used to notify such claimants by mail or in person that they may be eligible for future reimbursements, or to mail reimbursement forms or filing information to such claimants."

H-6621 FILED, RULED NOT
GERMANE (p.2631)

BY SVOBODA of Iowa
MENNENGA of Clinton

1 Section 1. Section four hundred twenty-eight point four
2 (428.4), unnumbered paragraph one (1), Code 1975, is amended
3 to read as follows:

4 Property shall be ~~taxed~~ assessed for taxation each year.
5 Personal property shall be listed and assessed each year in
6 the name of the owner of the personal property on the first
7 day of January and the assessment made shall be the value
8 of the personal property as of January first of the year of
9 the assessment. Real estate shall be listed and ~~valued-in~~
10 ~~1974~~ assessed in 1978 and every ~~four~~ two years thereafter.

11 The assessment of real estate shall be the value of the real
12 estate as of January first of the year of the assessment.

13 The year 1978 and each even-numbered year thereafter shall
14 be a reassessment year. In any year, after the year in which
15 an assessment has been made of all the real estate in any
16 assessing jurisdiction, it shall be the duty of the assessor
17 to value and assess or revalue and reassess, as the case may
18 require, any real estate that he finds was incorrectly valued
19 or assessed, or was not listed, valued and assessed, in the
20 real estate assessment year immediately preceding, also any
21 real estate he finds has changed in value subsequent to January
22 ~~4~~ first of the preceding real estate assessment year. The
23 assessor shall determine the actual value and compute the
24 taxable value thereof as of January first of the year of the
25 reevaluation and reassessment. The assessment shall be
26 completed as specified in section 441.28, but no reduction
27 or increase in actual value shall be made for prior years.
28 If an assessor makes a change in the valuation of the real
29 estate as provided for herein, the provisions of sections
30 441.23, 441.37, 441.38 and 441.39 shall apply.

31 Sec. 2. Section four hundred forty-one point twenty-one
32 (441.21), subsection one (1), unnumbered paragraph nine (9),
33 Code 1975, as amended by Acts of the Sixty-sixth General
34 Assembly, 1975 Session, chapter two hundred five (205), section
35 two (2), is amended to read as follows:

1 In the event market value of the property being assessed
2 cannot be readily established in the foregoing manner, then
3 the assessor may ~~consider~~ determine the value of the property
4 using the other uniform and recognized appraisal methods
5 including its productive and earning capacity, if any,
6 industrial conditions, its cost, physical and functional
7 depreciation and obsolescence and replacement cost, and all
8 other factors which would assist in determining the fair and
9 reasonable market value of the property but the actual value
10 shall not be determined by use of only one such factor. The
11 following shall not be taken into consideration: Special
12 value or use value of the property to its present owner, and
13 the good will or value of a business which uses the property
14 as distinguished from the value of the property as property.
15 Upon adoption of uniform rules by the revenue department or
16 succeeding authority covering assessments and valuations
17 of such properties, said valuation on such properties shall
18 be determined in accordance therewith for assessment purposes
19 to assure uniformity, but such rules shall not be inconsistent
20 with or change the foregoing means of determining the actual,
21 market, taxable and assessed values.

22 Sec. 3. Section four hundred forty-one point twenty-three
23 (441.23), Code 1975, as amended by Acts of the Sixty-sixth
24 General Assembly, 1975 Session, chapter two hundred eighteen
25 (218), section one (1), is amended to read as follows:

26 441.23 NOTICE OF VALUATION. If there has been an in-
27 crease or decrease in the valuation of the property, or upon
28 the written request of the person assessed, the assessor
29 shall, at the time of making the assessment, inform the person
30 assessed, in writing, of the valuation put upon his property,
31 and notify him, if he feels aggrieved, to appear before the
32 board of review and show why the assessment should be changed.
33 ~~The~~ In odd-numbered years, the owners of real property shall
34 be notified not later than April fifteenth of any adjustment
35 of the real property assessment. In even-numbered years,

1 the notice of an increase or decrease in the valuation of
2 the property shall be provided to the owners of real property
3 not later than June thirtieth as provided in section four
4 hundred forty-one point forty-nine (441.49) of the Code.

5 Sec. 4. Section four hundred forty-one point twenty-six
6 (441.26), Code 1975, is amended to read as follows:

7 441.26 ASSESSMENT ROLLS AND BOOKS. The director of revenue
8 shall each year prescribe the form of assessment roll to be
9 used by all assessors in assessing real and personal prop-
10 erty, including moneys and credits, in this state, also the
11 form of pages of the assessor's assessment book. Such as-
12 sessment rolls shall be in such form as will permit entering
13 thereon, separately, the names of all persons, partnerships,
14 corporations, or associations assessed; shall contain a form
15 of oath or affirmation to be administered to each person as-
16 sessed, and shall also contain a notice in substantially the
17 following form:

18 "If you are not satisfied that the foregoing assessment
19 is correct, you may file a protest against such assessment
20 with the board of review on or after April ~~46~~ sixteenth, to
21 and including May 5 fifth, of the year of the assessment,
22 such protest to be confined to the grounds specified in section
23 441.37. Dated day of, 19.....,,
24County/City Assessor."

25 The dates specified in the notice sent to the owner of
26 property in even-numbered years shall contain the dates for
27 filing of protests as provided in section four hundred forty-
28 one point forty-nine (441.49) of the Code.

29 Such assessment rolls shall be used in listing the prop-
30 erty and showing the values affixed to such property of all
31 persons, partnerships, corporations, or associations assessed,
32 which rolls shall be made in duplicate. Said duplicate roll
33 shall be signed by the assessor, detached from the original
34 and delivered to the person assessed if there has been an
35 increase or decrease in the valuation of the property, or

1 upon the written request of the person assessed. It shall
2 be lawful to combine the affidavit or form of oath or
3 affirmation with reference to real and personal property,
4 and the affidavit or form of oath or affirmation as to moneys
5 and credits, into one affidavit or form of oath or affirmation,
6 and only the one such affidavit or form of oath or affirmation
7 shall be sufficient on the assessment roll. The pages of
8 the assessor's assessment book shall contain columns ruled
9 and headed for the information required by this chapter and
10 that which the director of revenue may deem essential in the
11 equalization work of the director. The assessor shall re-
12 turn all assessment rolls and any schedules therewith to the
13 county auditor, along with the completed assessment book,
14 as provided in this chapter, and the county auditor shall
15 carefully keep and preserve all such rolls, schedules and
16 book for a period of five years from the time of filing of
17 the same in his office.

18 Sec. 5. Section four hundred forty-one point twenty-eight
19 (441.28), Code 1975, is amended to read as follows:

20 441.28 ASSESSMENT ROLLS--CHANGE--NOTICE TO TAXPAYER.

21 The assessment shall be completed not later than April 45
22 fifteenth in odd-numbered years and not later than May
23 fifteenth in even-numbered years. If the assessor makes any
24 change in an assessment after it has been entered on the
25 assessor's rolls, he shall note on said roll, together with
26 the original assessment, the new assessment and the reason
27 for the change, together with his signature and the date of
28 the change. Provided, however, in the event the assessor
29 increases any assessment he shall give notice in writing
30 thereof to the taxpayer by mail prior to the meeting of the
31 board of review. No changes shall be made on the assessment
32 rolls after April 46 fifteenth in odd-numbered years and after
33 May fifteenth in even-numbered years except by order of the
34 board of review or by decree of court.

35 Sec. 6. Section four hundred forty-one point thirty

1 (441.30), Code 1975, is amended to read as follows:

2 441.30 COMPLETION OF ASSESSMENT--OATH. The assessment
3 shall be completed by the first day of May in odd-numbered
4 years or June first in even-numbered years, and the assessor
5 shall attach to the assessment rolls his oath in the follow-
6 ing form:

7 "I, (A..... B.....), assessor of city/county
8 of state of Iowa, do solemnly swear (or affirm)
9 that the taxable values of all property, money, and credits,
10 of which a statement has been made and verified by the oath
11 of the person required to list the same, is herein set forth
12 in such statement; that in every case, where I have been re-
13 quired to ascertain the amount or value of any property, I
14 have diligently, and by the best means in my power, endea-
15 vored to ascertain the true amount and value, and as I verily
16 believe the taxable values thereof are set forth in the an-
17 nexed return; in no case have I knowingly omitted to demand
18 of any person, of whom I was required to do so, a statement
19 of the items of his property which he was required by law
20 to list, nor to administer the oath to him, unless he re-
21 fused to take it, nor in any way connive at any violation
22 or evasion of any of the requirements of the law in rela-
23 tion to the assessment of property for taxation.

24

25 Assessor

26 Subscribed and sworn to (or affirmed) this day of
27A.D....., before me.

28

29 Notary Public/Clerk of Court"

30 Sec. 7. Section four hundred forty-one point thirty-three
31 (441.33), Code 1975, is amended to read as follows:

32 441.33 SESSIONS OF BOARD OF REVIEW. The board of review
33 shall be in session from May 4 first to May ~~31~~ ~~both in~~
34 ~~clusive~~ thirty-first in each odd-numbered year and for such
35 additional period as may be required under section 441.37

1 and shall hold as many meetings as are necessary to discharge
2 its duties. On June 4 first in any odd-numbered year in which
3 a session has not been extended as required under section
4 441.37, said board shall return all books, records and papers
5 to the assessor except undisposed of protests and records
6 pertaining thereto. If it has not completed its work prior
7 to June 4 first, in those years in which the session has not
8 been extended under section 441.37 the director of revenue
9 may authorize the board of review to continue in session for
10 such period as is necessary to complete its work, but in no
11 event shall the director of revenue approve a continuance
12 extending beyond ~~August-4~~ July fifteenth. On June 4 first
13 or on the final day of any extended session required under
14 section 441.37 or authorized by the director of revenue as
15 herein provided the board of review shall be adjourned until
16 May 4 first of the following year. It shall adopt its own
17 rules of procedure, elect its own chairman from its membership,
18 and keep minutes of its meetings. The board shall appoint
19 a clerk who may be a member of such board or any other
20 qualified person, except the assessor or any member of his
21 staff. It may be reconvened by the director of revenue.
22 All undisposed protests in its hands on ~~August-4~~ July fifteenth
23 shall be automatically overruled and returned to the asses-
24 sor together with its other records.

25 In even-numbered years, the board of review shall be in
26 session at the times designated in section four hundred forty-
27 one point forty-nine (441.49) of the Code.

28 Within fifteen days following the adjournment of any regu-
29 lar or special session, the board of review shall submit to
30 the director of revenue, on forms prescribed by the director,
31 a report of any actions taken during that session.

32 Sec. 8. Section four hundred forty-one point thirty-five
33 (441.35), unnumbered paragraph two (2), Code 1975, is amended
34 to read as follows:

35 In any year after the year in which an assessment has been

1 made of all of the real estate in any taxing district, it
2 shall be the duty of the board of review to meet as provided
3 in section 441.33, and where it finds the same has changed
4 in value, to revalue and reassess any part or all of the real
5 estate contained in such taxing district, and in such case,
6 it shall determine the actual value as of January first of
7 the year of the revaluation and reassessment and compute the
8 taxable value thereof, and any aggrieved taxpayer may petition
9 for a revaluation of his property, but no reduction or increase
10 shall be made for prior years. If the assessment of any such
11 property is raised, or any property is added to the tax list
12 by the board, the clerk shall give notice in the manner
13 provided in section 441.36, provided, however, that if the
14 assessment of all property in any taxing district is raised
15 the board may instruct the clerk to give immediate notice
16 by one publication in one of the official newspapers located
17 in the taxing district, and such published notice shall take
18 the place of the mailed notice provided for in section 441.36,
19 but all other provisions of said section shall apply. The
20 decision of the board as to the foregoing matters shall be
21 subject to appeal to the district court within the same time
22 and in the same manner as provided in section 441.38.

23 Sec. 9. Section four hundred forty-one point thirty-seven
24 (441.37), unnumbered paragraph one (1), Code 1975, is amended
25 to read as follows:

26 Any property owner or aggrieved taxpayer who is dis-
27 satisfied with his assessment may file a protest against such
28 assessment with the board of review on or after April 46
29 sixteenth, to and including May 5 fifth, of the year of the
30 assessment. In any county which has been declared to be a
31 disaster area by proper federal authorities after March 4
32 first and prior to May 20 twentieth of said year of assessment,
33 the time for filing a protest shall be extended to and include
34 the period from May 25 twenty-fifth to June 5 fifth of such
35 year. Said protest shall be in writing and signed by the

1 one protesting or by his duly authorized agent. The dates
2 specified in this section shall apply only in odd-numbered
3 years. The time for filing of protests in even-numbered years
4 shall be as provided in section four hundred forty-one point
5 forty-nine (441.49) of the Code. Taxpayer may have an oral
6 hearing thereon if request therefor in writing is made at
7 the time of filing the protest. Said protest must be confined
8 to one or more of the following grounds:

9 Sec. 10. Section four hundred forty-one point forty-five
10 (441.45), Code 1975, as amended by Acts of the Sixty-sixth
11 General Assembly, 1975 Session, chapter two hundred nine-
12 teen (219), sections one (1) and two (2), is amended to read
13 as follows:

14 441.45 ABSTRACT TO STATE DEPARTMENT OF REVENUE. The
15 county assessor of each county and each city assessor shall,
16 on or before ~~the first Monday in~~ July first in odd-numbered
17 years and on or before September fifteenth in even-numbered
18 years, make out and transmit to the department of revenue
19 an abstract of the real and personal property in his county
20 or city, as the case may be, and file a copy thereof with
21 the county auditor, in which he shall set forth:

22 1. The number of acres of land and the aggregate tax-
23 able values of the same, exclusive of city lots, returned
24 by the assessors, as corrected by the board of review.

25 2. The aggregate taxable values of real estate by class
26 in each school district, township and city in the county,
27 returned as corrected by the board of review.

28 3. The aggregate taxable values of personal property.

29 4. Other facts as may be required by the director of re-
30 venue.

31 In any case where a board of review continues in session
32 beyond June 4 first, in any odd-numbered year, or beyond
33 August fifteenth in even-numbered years, under provisions
34 of sections 441.33 and 441.37 the abstract of the real and
35 personal property shall be made out and transmitted to the

1 department of revenue within thirty fifteen days after the
2 date of final adjournment by said board.

3 Sec. 11. Section four hundred forty-one point forty-seven
4 (441.47), Code 1975, is amended to read as follows:

5 441.47 ADJUSTED VALUATIONS. The director of revenue on
6 or about ~~the-third-Monday-of-September-in-each-year~~ August
7 15, 1977 and every two years thereafter shall adjust-the
8 valuation order the equalization of the levels of assess-
9 ment of each class of property in the several counties
10 assessing jurisdictions by adding to or deducting from the
11 valuation of each kind-or class of property such percentage
12 in each case as will may be necessary to bring the same to
13 its taxable value as fixed in this chapter and chapters 427
14 to 443, inclusive. The-director-shall-also-adjust-the
15 valuations-as-between-each-kind-or-class-of-property-in-any
16 city-assessed-by-a-city-assessor-and-each-kind-or-class-of
17 property-in-the-same-county-assessed-by-the-county-assessor.
18 The-director-shall-order-the-equalization-of-the-levels-of
19 assessment-of-each-class-of-property-in-the-first-and-third
20 year-of-the-quadrennial-assessment-period. The director shall
21 adjust to actual value the valuation of any class of property
22 as set out in the abstract of assessment when the valuation
23 is at least five percent above or below actual value as
24 determined by the director. For purposes of such value
25 adjustments and before such equalization the director shall
26 adopt, in the manner prescribed by chapter 17A, such rules
27 as may be necessary to determine the level of assessment for
28 each class of property in each county. The rules shall cover:
29 (1) The proposed use of the assessment-sales ratio study set
30 out in section 421.17, subsection 6; (2) the proposed use
31 of any state-wide income capitalization studies; (3) the
32 proposed use of other methods that would assist the director
33 in arriving at the accurate level of assessment of each class
34 of property in each assessing jurisdiction.

35 Sec. 12. Section four hundred forty-one point forty-eight

1 (441.48), Code 1975, as amended by Acts of the Sixty-sixth
2 General Assembly, 1975 Session, chapter two hundred five
3 (205), section three (3), is amended to read as follows:

4 441.48 NOTICE OF ADJUSTMENT. Before the director of rev-
5 enue shall adjust the valuation of any ~~kind-or~~ class of
6 property any such percentage, the director shall serve ten
7 days' notice by mail, on the ~~county-auditor-of-the-county~~
8 assessor whose valuation is proposed to be adjusted and the
9 director shall hold an adjourned meeting after such ten days'
10 notice, at which time such ~~county-or~~ assessing jurisdiction
11 may appear by its city council or board of supervisors, city
12 or county attorney, and other ~~city-or-county~~ assessing
13 jurisdiction officials, and make written or oral protest
14 against such proposed adjustment, which protest shall consist
15 simply of a statement of the error, or errors, complained
16 of with such facts as may lead to their correction, and at
17 such adjourned meeting final action may be taken in reference
18 thereto.

19 Sec. 13. Section four hundred forty-one point forty-nine
20 (441.49), Code 1975, as amended by Acts of the Sixty-sixth
21 General Assembly, 1975 Session, chapter two hundred five
22 (205), section four (4), is amended by striking the section
23 and inserting in lieu thereof the following:

24 441.49 ADJUSTMENT BY ASSESSOR. The director shall keep
25 a record of the review and adjustment proceedings and finish
26 such proceedings on or before October first unless for good
27 cause the proceedings cannot be completed by that date. The
28 director shall notify each assessor by mail of the final
29 action taken at the proceedings and specify any adjustments
30 in the valuations of any class of property to be made effective
31 for the assessing jurisdiction.

32 The assessor shall prior to May fifteenth of the year fol-
33 lowing, in completing the reassessment of real estate as
34 provided in section four hundred twenty-eight point four
35 (428.4) take into consideration the final equalization order

1 of the director to the end that the aggregate actual valua-
2 tion for each class of property affected by the order will
3 be the amount determined by the director. In making the
4 adjustments the assessor shall see to it that in no case shall
5 the assessed value of an individual property exceed one hundred
6 percent of its actual value determined in accordance with
7 section four hundred forty-one point twenty-one (441.21) of
8 the Code. Not later than May twentieth, the assessor shall
9 submit to the director of revenue, on forms prescribed by
10 the director, a report of all actions he has taken to comply
11 with the equalization order issued to him in October of the
12 preceding year.

13 If the director of revenue determines that the assessor
14 has complied with the equalization order, he shall on or about
15 June first notify the assessor to proceed with the issuance
16 of assessment rolls as provided in section four hundred forty-
17 one point twenty-six (441.26) of the Code, except that the
18 rolls shall contain the statement that protests against the
19 assessment may be filed with the board of review between July
20 first and July twentieth. All assessment rolls shall be
21 delivered not later than June thirtieth.

22 In each even-numbered year the board of review shall be
23 in regular session from July fifteenth to August fifteenth
24 for purposes of performing its functions as defined in sec-
25 tions four hundred forty-one point thirty-three (441.33)
26 through four hundred forty-one point thirty-seven (441.37)
27 of the Code. The director of revenue may authorize the board
28 of review to continue in session for such period as may be
29 necessary to complete its work, but the director shall not
30 approve a continuance extending beyond October fifteenth.

31 If the director of revenue determines that the assessor
32 has not complied with the equalization order by making the
33 necessary adjustments in valuation, he shall on or about June
34 first reconvene the local board of review in special session.
35 During this special session, the board of review shall, by

1 resolution, make the adjustments necessary to comply with
2 the equalization order. The board shall not later than June
3 thirtieth notify, by mail in the form and manner prescribed
4 by the director, all taxpayers in the classes of property
5 affected by the board's action with respect to the
6 implementation of the equalization order. The notice shall
7 contain a statement of the assessed valuation of their
8 property, that they may protest the valuations to the board
9 of review between the dates of July first and July twentieth,
10 and that the board will act on such protests during its July
11 session. Not later than June thirtieth, the board of review
12 shall submit to the director of revenue, on forms prescribed
13 by the director, of its actions taken to comply with the
14 director's equalization order. The director shall have the
15 authority under chapter four hundred twenty-one (421) of the
16 Code to make any orders to a board of review or otherwise
17 take whatever actions deemed necessary to ensure the
18 implementation of the final equalization order.

19 In each even-numbered year, the abstract of assessment
20 provided for in section four hundred forty-one point forty-
21 five (441.45) of the Code shall be submitted to the direc-
22 tor by not later than September fifteenth. If the session
23 of a board of review is extended beyond August fifteenth of
24 a reassessment year, the abstract of assessment for the assess-
25 ing jurisdiction shall be submitted to the director within
26 fifteen days after the final adjournment of the board.

27 Not later than twenty days after the date the final
28 equalization order is issued, the assessor of the affected
29 assessor jurisdiction may appeal the final equalization order
30 to the state board of tax review.

31 The dates contained in this section pertaining to the
32 completion of the assessment, notification of taxpayers, the
33 filing of protests with local boards of review, the sessions
34 of board of review, and the abstracts of assessment, shall
35 pertain only to even-numbered years. In odd-numbered years,

1 the dates pertaining to the completion of the assessment,
2 notification of taxpayers, filing of protest with local boards
3 of review the sessions of local boards of review, and the
4 abstracts of assessment, shall be those dates contained in
5 sections four hundred forty-one point twenty-three (441.23),
6 four hundred forty-one point twenty-six (441.26), four hundred
7 forty-one point twenty-eight (441.28), four hundred forty-
8 one point thirty (441.30), four hundred forty-one point thirty-
9 three (441.33), four hundred forty-one point thirty-seven
10 (441.37), and four hundred forty-one point forty-five (441.45)
11 of the Code.

12 EXPLANATION

13 The bill provides that 1978 will be the next assessment
14 year. Equalization is required in 1977. However, the
15 equalization order will be effective for valuations made on
16 January 1, 1978 and is not retroactive to January 1, 1977.
17 The bill also sets a different time schedule for notifying
18 taxpayers of the valuation adjustments, the filing of protests
19 with local boards of review, and the sessions of the local
20 board of review. The bill also amends section 441.21 to
21 specifically permit assessors to use recognized appraisal
22 methods to value property when the market value of property
23 cannot be determined. The bill also provides that appeals
24 of the final equalization order shall be to the state board
25 of tax review prior to going to the courts.

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LSB 4228
bk/rh/31

H-6456

1 Amend House File 1564 as follows:

2 1. Page 2, by inserting after line 21 the
3 following new section:

4 "Sec. _____. Section four hundred forty-one
5 point twenty-one (441.21), unnumbered paragraph two
6 (2), Code 1975, is amended as follows:

7 The actual value of all property subject to
8 assessment and taxation shall be the fair and
9 reasonable market value of such property. "Market
10 value" is defined as the average of the fair and
11 reasonable exchange in the year in which the property
12 is listed and valued between a willing buyer and a
13 willing seller, neither being under any compulsion
14 to buy or sell and each being familiar with all the
15 facts relating to the particular property and the
16 value established for the four preceding years.
17 The market value for new improvements shall be
18 added to the value of the property prior to the
19 improvement averaged over five years. The value
20 of property determined under the provisions of this
21 section shall not be less than the value of the
22 property determined as of January 1, 1975. Sale
23 prices of the property or comparable property in
24 normal transactions reflecting market value, and
25 the probable availability or unavailability of per-
26 sons interested in purchasing the property, shall
27 be taken into consideration in arriving at its
28 market value. In arriving at market value, sales
29 prices of property in abnormal transactions not re-
30 fecting market value shall not be taken into
31 account, or shall be adjusted to eliminate the
32 effect of factors which distort market value, in-
33 cluding but not limited to sales to immediate family
34 of the seller, foreclosure or other forced sales,
35 contract sales, discounted purchase transactions or
36 purchase of adjoining land or other land to be
37 operated as a unit."

H-6456 FILED - *H. Andrews 5/12 (2620)* BY DAGGETT of Adams
APRIL 28, 1976

H-6613

1 Amend House File 1564 as follows:

2 1. Page 1, line 18, by striking the word "he" and
3 inserting in lieu thereof the words "he the assessor".

4 2. Page 1, line 21, by striking the word "he" and
5 inserting in lieu thereof the words "he the assessor".

H-6613 FILED, ADOPTED (2627) BY NORLAND of Worth
MAY 12, 1976

H-6493

1 Amend House File 1564 as follows:

2 1. Page 1, line 4, by striking the words "taxed
3 assessed for taxation" and inserting in lieu there-
4 of the word "taxed".5 2. Page 1, by striking lines 7 and 8 and insert-
6 ing in lieu thereof the words "day of January".7 3. Page 1, line 9, by striking the words "the
8 assessment".

9 4. Page 1, by striking lines 11 and 12.

10 5. Page 1, by striking lines 24 and 25 and in-
11 sserting in lieu thereof the words "taxable value
12 thereof. The assessment shall be".

13 6. Page 6, by striking lines 32 through 35.

14 7. Page 7, by striking lines 1 through 22.

15 8. By renumbering sections as necessary.

H-6493 FILED - *Withdrawn 5/12* BY NORLAND of Worth
(2627)
APRIL 30, 1976

H-6620

1 Amend House File 1564 as follows:

2 1. Page 1, line 32, by striking the word
3 "paragraph" and inserting in lieu thereof the words
4 "paragraphs five (5) and".5 2. Page 1, by inserting after line 35 the follow-
6 ing:7 "In Effective January 1, 1977, in assessing and
8 determining the actual value of agricultural property
9 fifty-percent-consideration-shall-be-given-to-each
10 of-the-following-factors:11 a. The the value shall be computed on the basis
12 of the productivity and net earning capacity of the
13 property determined on the basis of the use for
14 agricultural purposes capitalized at a rate
15 representing a fair return on the investment, such
16 rate to be established by the state board of tax
17 review and applied uniformly among counties and among
18 classes of property.19 b. The fair-and-reasonable-market value of such
20 property as-defined-herein,-but-such-market-value
21 shall be based only on its current use and not on
22 its potential value for other uses and the actual
23 value of a structure located on agricultural land
24 which is not used for agricultural purposes shall
25 be the fair and reasonable market value of the
26 structure."H-6620 FILED, RULED NOT BY WEST of Marshall
GERMANE, MOVED TO SUSPEND HUSAK of Tama
RULES TO CONSIDER, LOST (2632)
MAY 12, 1976

S-5945

1 Amend House File 1564, as amended and passed by
 2 the House, by striking everything after the enacting
 3 clause and inserting in lieu thereof the following:

4 "Section 1. Section four hundred forty-one point
 5 twenty-three (441.23), Code 1975, as amended by Acts
 6 of the Sixty-sixth General Assembly, 1975 Session,
 7 chapter two hundred eighteen (218), section one (1),
 8 is amended to read as follows:

9 441.23 NOTICE OF VALUATION. If there has been
 10 an increase or decrease in the valuation of the prop-
 11 erty, or upon the written request of the person
 12 assessed, the assessor shall, at the time of making
 13 the assessment, inform the person assessed, in writing,
 14 of the valuation put upon his property, and notify
 15 him, if he feels aggrieved, to appear before the board
 16 of review and show why the assessment should be
 17 changed. The owners of real property shall be notified
 18 not later than ~~April-fifteenth~~ October first of any
 19 adjustment of the real property assessment.

20 Sec. 2. Section four hundred forty-one point
 21 twenty-six (441.26), unnumbered paragraph one (1),
 22 Code 1975, is amended to read as follows:

23 The director of revenue shall each year prescribe
 24 the form of assessment roll to be used by all asses-
 25 sors in assessing real and personal property, includ-
 26 ing moneys and credits, in this state, also the form
 27 of pages of the assessor's assessment book. Such
 28 assessment rolls shall be in such form as will permit
 29 entering thereon, separately, the names of all per-
 30 sons, partnerships, corporations, or associations
 31 assessed; shall contain a form of oath or affirma-
 32 tion to be administered to each person assessed, and
 33 shall also contain a notice in the following form:

34 "If you are not satisfied that the foregoing
 35 assessment is correct, you may file a protest against
 36 such assessment with the board of review on or after
 37 ~~April-46~~ October first, to and including ~~May-5~~ October
 38 twentieth, of the year of the assessment, such protest
 39 to be confined to the grounds specified in section
 40 441.37. Dated day of, 19....,
 41 County/City Assessor."

42 Sec. 3. Section four hundred forty-one point
 43 twenty-eight (441.28), Code 1975, is amended to read
 44 as follows:

45 441.28 ASSESSMENT ROLLS--CHANGE--NOTICE TO
 46 TAXPAYER. The assessment shall be completed not later
 47 than ~~April-45~~ March fifteenth. If the assessor makes
 48 any change in an assessment after it has been entered
 49 on the assessor's rolls, he shall note on said roll,
 50 together with the original assessment, the new

1 assessment and the reason for the change, together
2 with his signature and the date of the change.
3 Provided, however, in the event the assessor increases
4 any assessment he shall give notice in writing thereof
5 to the taxpayer by mail prior to the meeting of the
6 board of review. No changes shall be made on the
7 assessment rolls after ~~April-16~~ March sixteenth except
8 by order of the board of review or by decree of court.

9 Sec. 4. Section four hundred forty-one point
10 thirty-three (441.33), Code 1975, is amended to read
11 as follows:

12 441.33 SESSIONS OF BOARD OF REVIEW. The board
13 of review shall be in session from ~~May-4~~ October first
14 ~~to May-31~~ October thirty-first, both inclusive, each
15 year and for such additional period as may be required
16 under section 441.37 and shall hold as many meetings
17 as are necessary to discharge its duties. On ~~June~~
18 ~~4 November first~~ in any year in which a session has
19 not been extended as required under section 441.37,
20 said board shall return all books, records and papers
21 to the assessor except undisposed of protests and
22 records pertaining thereto. If it has not completed
23 its work prior to ~~June-4~~ November first, in those
24 years in which the session has not been extended under
25 section 441.37 the director of revenue may authorize
26 the board of review to continue in session for such
27 period as is necessary to complete its work, but in
28 no event shall the director of revenue approve a
29 continuance extending beyond ~~August-4~~ December first.
30 On ~~June-4~~ November first or on the final day of any
31 extended session required under section 441.37 or
32 authorized by the director of revenue as herein
33 provided the board of review shall be adjourned until
34 ~~May-4~~ October first of the following year. It shall
35 adopt its own rules of procedure, elect its own
36 chairman from its membership, and keep minutes of
37 its meetings. The board shall appoint a clerk who
38 may be a member of such board or any other qualified
39 person, except the assessor or any member of his
40 staff. It may be reconvened by the director of
41 revenue. All undisposed protests in its hands on
42 ~~August-4~~ December first shall be automatically
43 overruled and returned to the assessor together with
44 its other records.

45 Within fifteen days following the adjournment of
46 any regular or special session, the board of review
47 shall submit to the director of revenue, on forms
48 prescribed by the director, a report of any actions
49 taken during that session.

50 Sec. 5. Section four hundred forty-one point

1 thirty-seven (441.37), unnumbered paragraph one (1),
2 Code 1975, is amended to read as follows:

3 Any property owner or aggrieved taxpayer who is
4 dissatisfied with his assessment may file a protest
5 against such assessment with the board of review on
6 or after April-16 October first, to and including
7 May-5 October twentieth, of the year of the assessment.
8 In any county which has been declared to be a disaster
9 area by proper federal authorities after March 4
10 fifteenth and prior to May-20 October thirty-first
11 of said year of assessment, the time for filing a
12 protest shall be extended to and include the period
13 from May-25 October twentieth to June-5 November fifth
14 of such year. Said protest shall be in writing and
15 signed by the one protesting or by his duly authorized
16 agent. Taxpayer may have an oral hearing thereon
17 if request therefor in writing is made at the time
18 of filing the protest. Said protest must be confined
19 to one or more of the following grounds:

20 Sec. 6. Section four hundred forty-one point
21 forty-five (441.45), Code 1975, as amended by Acts
22 of the Sixty-sixth General Assembly, 1975 Session,
23 chapter two hundred nineteen (219), sections one (1)
24 and two (2), is amended to read as follows:

25 441.45 ABSTRACT TO STATE DEPARTMENT OF REVENUE.
26 The county assessor of each county and each city
27 assessor shall, on or before ~~the first Monday in July~~
28 May first, make out and transmit to the department
29 of revenue an abstract of the real and personal
30 property in his county or city, as the case may be,
31 and file a copy thereof with the county auditor, in
32 which he shall set forth:

33 1. The number of acres of land and the aggregate
34 taxable values of the same, exclusive of city
35 lots, returned by the assessors, as corrected by the
36 board of review.

37 2. The aggregate taxable values of real estate
38 by class in each school district, township and city
39 in the county, returned as corrected by the board
40 of review.

41 3. The aggregate taxable values of personal
42 property.

43 4. Other facts as may be required by the direc-
44 tor of revenue.

45 In any case where a board of review continues in
46 session beyond June-4 October twentieth, in any year,
47 under provisions of sections 441.33 and 441.37 the
48 abstract of the real and personal property shall be
49 made out and transmitted to the department of revenue
50 within thirty days after the date of final adjournment

1 by said board.

2 Sec. 7. Section four hundred forty-one point
3 forty-seven (441.47), Code 1975, is amended to read
4 as follows:

5 441.47 ADJUSTED VALUATIONS. The director of reve-
6 nue on or about ~~the-third-Monday-of-September-in-each~~
7 year July 1, 1977, and every two years thereafter
8 shall adjust-the-valuation order the equalization
9 of the levels of assessment of each class of property
10 in the several counties adding to or deducting from
11 the valuation of each kind or class of property such
12 percentage in each case as will bring the same to
13 its taxable value as fixed in this chapter and chapters
14 427 to 443, inclusive. The director shall also adjust
15 the valuations as between each kind or class of prop-
16 erty in any city assessed by a city assessor and each
17 kind or class of property in the same county assessed
18 by the county assessor. The director shall order
19 the equalization of the levels of assessment of each
20 class of property in the first and third year of the
21 quadrennial assessment period. For purposes of such
22 value adjustments and before such equalization the
23 director shall adopt, in the manner prescribed by
24 chapter 17A, such rules as may be necessary to
25 determine the level of assessment for each class of
26 property in each county. The rules shall cover:
27 (1) The proposed use of the assessment-sales ratio
28 study set out in section 421.17, subsection 6; (2)
29 the proposed use of any state-wide income
30 capitalization studies; (3) the proposed use of other
31 methods that would assist the director in arriving
32 at the accurate level of assessment of each class
33 of property in each assessing jurisdiction.

34 Sec. 8. Section four hundred forty-one point
35 forty-eight (441.48), Code 1975, as amended by Acts,
36 of the Sixty-sixth General Assembly, 1975 Session,
37 chapter two hundred five (205), section three (3),
38 is amended to read as follows:

39 441.48 NOTICE OF ADJUSTMENT. Before the director
40 of revenue shall adjust the valuation of any kind
41 ~~or~~ class of property any such percentage, the direc-
42 tor shall serve ten days' notice by mail, on the
43 ~~county-auditer-of-the-county~~ assessor whose valu-
44 ation is proposed to be adjusted and the director
45 shall hold an adjourned meeting after such ten days'
46 notice, at which time such ~~county-or~~ assessing
47 jurisdiction may appear by its city council or board
48 of supervisors, city or county attorney, and other
49 ~~city-or-county~~ assessing jurisdiction officials, and
50 make written or oral protest against such proposed

1 adjustment, which protest shall consist simply of
2 a statement of the error, or errors, complained of
3 with such facts as may lead to their correction, and
4 at such adjourned meeting final action may be taken
5 in reference thereto.

6 Sec. 9. Section four hundred forty-one point
7 forty-nine (441.49), Code 1975, as amended by Acts
8 of the Sixty-sixth General Assembly, 1975 Session,
9 chapter two hundred five (205), section four (4),
10 is amended to read as follows:

11 441.49 ADJUSTMENT BY COUNTY AUDITOR. The direc-
12 tor shall keep a record of the review and adjustment
13 proceedings and finish such proceedings on or before
14 ~~the-third-Menday-of-October~~ August first. The director
15 shall notify each county auditor by mail of the final
16 action taken at the proceedings and specify any
17 adjustments in the valuations of any kind or class
18 of property to be made effective for the jurisdiction.
19 However, a county may request the director to permit
20 the use of an alternative method of applying the
21 ordered increase to the property values in the county,
22 provided that the final valuation shall be equivalent
23 to the increase ordered by the director. The request
24 to use an alternative method of applying the ordered
25 increase including procedures for appealing valuation
26 adjustments shall be made within ten days from the
27 date the county auditor receives the equalization
28 order and the valuation adjustments shall be completed
29 by December thirty-first of the year of the
30 equalization order. The grounds that compliance with
31 the provisions of section four hundred forty-one point
32 twenty-one (441.21) of the Code shall be sufficient
33 grounds for the director to permit the use of an
34 alternative method of applying the increases required
35 by the equalization order. The director shall adjust
36 the valuation when there is a variation of five percent
37 above or below the actual value. The county auditor
38 shall notify by publication in official newspapers
39 of general circulation any class or classes of property
40 affected by an equalization order. The county audi-
41 tor shall thereupon add to or deduct from the valu-
42 ation of each kind or class of property in his county
43 the required percentage, rejecting all fractions
44 of fifty cents or less in the result, and counting
45 all fractions over fifty cents as one dollar.

46 The local board of review shall reconvene in spe-
47 cial session from November first to November thirtieth
48 for the purpose of hearing any and all protests that
49 any affected property owner or taxpayer within the
50 jurisdiction of the board may have, whose valuation

SENATE AMENDMENT TO HOUSE FILE 1564

H-6917

1 Amend House File 1564, as amended and passed by
2 the House, as follows:

3 1. Page 13, by inserting after line 11 the
4 following new section:

5 "Sec. Notwithstanding the provisions of
6 section four hundred forty-five point thirty-seven
7 (445.37) of the Code, if one-half of the property
8 taxes due have not been paid for October 1, 1976 or
9 thirty days from the date of the certification of
10 the tax list to the county treasurer, whichever date

11 occurs later, the amount due shall become delinquent
12 and subject to the penalties provided in section four
13 hundred forty-five point thirty-nine (445.39) and
14 four hundred forty-five point forty (445.40) of the
15 Code. The provisions of this section shall only be
16 applicable to property taxes levied in 1976 and payable
17 during the fiscal year beginning July 1, 1976 and
18 ending June 30, 1977."

19 2. Amend the title, line 8, by inserting after
20 the word "orders," the words "relating to the date
21 of delinquency for nonpayment of first-half property
22 taxes due and payable in the fiscal year beginning
23 July 1, 1976,".

HOUSE FILE 1564

S-5927

1 Amend House File 1564 as follows:

2 1. Page 1, line 32, by striking the word
3 "paragraph" and inserting in lieu thereof the
4 words "paragraphs five (5) and".

5 2. Page 1, by inserting after line 35 the
6 following:

7 "In assessing and determining the actual value
8 of agricultural property fifty percent consideration
9 shall be given to each of the following factors:

10 a. The productivity and net earning capacity
11 determined on the basis of the use for agricultural
12 purposes capitalized at a rate ~~representing-a-fair~~
13 ~~return-on-the-investment,-such-rate of not less~~
14 than eight percent to be established by the state
15 board of tax review and applied uniformly among
16 counties and among classes of property.

17 b. The fair and reasonable market value of
18 such property as defined herein, but such market
19 value shall be based only on its current use and
20 not on its potential value for other uses."

S-5927 FILED - *Withdrawn 5/28/76 (2435)*

MAY 26, 1976

BY ROGER J. SHAFF

H-6623

1 Amend House File 1564 as follows:

2 1. Page 1, line 32, by striking the word "paragraph"
3 and inserting in lieu thereof the words "paragraphs
4 five (5) and".

5 2. Page 1, by inserting after line 35 the following:

6 "In assessing and determining the actual value of
7 agricultural property fifty percent consideration
8 shall be given to each of the following factors:

9 a. The productivity and net earning capacity
10 determined on the basis of the use for agricultural
11 purposes capitalized at a rate ~~representing-a-fair~~
12 ~~return-on-the-investment,-such-rate of not less than~~
13 eight percent to be established by the state board of
14 tax review and applied uniformly among counties and
15 among classes of property.

16 b. The fair and reasonable market value of such
17 property as defined herein, but such market value
18 shall be based only on its current use and not on its
19 potential value for other uses."

H-6623 FILED, RULED NOT
GERMANE, MOVED TO SUSPEND
RULES TO CONSIDER, LOST
MAY 12, 1976 (2435)

BY BENNETT of Ida
PELLETT of Cass

1 Amend House File 1564 as amended and passed
2 by the House as follows:

3 1. Page 13, by inserting after line 11, the
4 following:

5 "Sec. _____. Notwithstanding the provisions of
6 section four hundred forty-five point thirty-
7 seven (445.37) of the Code 1975, if one-half of the
8 property taxes due have not been paid before Oct-
9 ober 1, 1976 or thirty days after the date the
10 taxes are levied, whichever occurs later, the
11 amount due shall become delinquent and subject to
12 the penalty provided in sections four hundred
13 forty--five point thirty-nine (445.39) and four
14 hundred forty-five point forty (445.40) of the
15 Code, 1975. The provisions of this section shall
16 only be applicable to taxes levied in 1976 and
17 payable during the fiscal year beginning July 1,
18 1976 and ending June 30, 1977."

S-5954 FILED - *Withdrawn 5/28*
MAY 27, 1976

BY ROGER J. SHAFF

HOUSE FILE 1564

S-5962

1 Amend House File 1564, as amended and passed by
2 the House, as follows:

3 1. Page 13, by inserting after line 11 the
4 following new section:

5 "Sec. _____. Notwithstanding the provisions of
6 section four hundred forty-five point thirty-seven
7 (445.37) of the Code, if one-half of the property
8 taxes due have not been paid for October 1, 1976 or
9 thirty days from the date of the certification of
10 the tax list to the county treasurer, whichever date
11 occurs later, the amount due shall become delinquent
12 and subject to the penalties provided in section four
13 hundred forty-five point thirty-nine (445.39) and
14 four hundred forty-five point forty (445.40) of the
15 Code. The provisions of this section shall only be
16 applicable to property taxes levied in 1976 and payable
17 during the fiscal year beginning July 1, 1976 and
18 ending June 30, 1977."

19 2. Amend the title, line 8, by inserting after
20 the word "orders," the words "relating to the date
21 of delinquency for nonpayment of first-half property
22 taxes due and payable in the fiscal year beginning
23 July 1, 1976,".

S-5962 FILED - *Adopted 5/28/76 (2436)*
MAY 27, 1976

BY ROGER J. SHAFF

1 Amend House File 1564, as amended and passed
2 by the House, as follows:

3 1. Page 3, by inserting after line 4 the
4 following:

5 "In the case of agricultural property assessed
6 in compliance with section four hundred forty-one
7 point twenty-one (441.21), the assessor shall inform
8 the owner of the property assessed of the actual
9 valuation of his property based upon, one, the fair
10 and reasonable market value and, two, the value of
11 the property based on productivity and net earning
12 capacity."

13 2. Page 8, by inserting after line 8 the fol-
14 lowing new section:

15 "Sec. ____ . Section four hundred forty-one point
16 thirty-seven (441.37), Code 1975, is amended by in-
17 serting after unnumbered paragraph two (2) the fol-
18 lowing new paragraph:

19 NEW PARAGRAPH. For agricultural property
20 assessed according to section four hundred forty-
21 one point twenty-one (441.21), the property owner
22 may protest to the board of review the actual value
23 of the property, or may protest separately the val-
24 uation based on the fair and reasonable market val-
25 ue or the value based on productivity and net earn-
26 ing capacity. To protest, the property owner shall
27 provide the board of review all valuation informa-
28 tion required by section four hundred forty-one
29 point twenty-three (441.23) to be furnished the
30 person assessed. If the board of review adjusts
31 either the fair and reasonable market value or the
32 value based on productivity and net earning capa-
33 city on grounds prescribed by this section, such
34 adjusted value shall be used together with the value
35 of the other to determine the adjusted actual value
36 of the property."

S-5955 FILED - *Withdrawn 5/28/76 (p. 2436)*
MAY 27, 1976

BY ROGER J. SHAFF

HOUSE FILE 1564

AN ACT

RELATING TO EQUALIZATION AND ASSESSMENT PROCEDURES BY PROVIDING FOR THE ASSESSMENT OF PROPERTY EVERY TWO YEARS, PROVIDING THAT THE EQUALIZED VALUES BE INCLUDED IN THE ASSESSMENTS FOR THE FOLLOWING YEAR, PROVIDING FOR USE OF OTHER APPRAISAL METHODS TO BE USED TO DETERMINE VALUE OF PROPERTY WHEN MARKET VALUE CANNOT BE DETERMINED, PROVIDING FOR APPEAL BY ASSESSORS TO STATE BOARD OF TAX REVIEW ON FINAL EQUALIZATION ORDERS, RELATING TO THE DATE OF DELINQUENCY FOR NONPAYMENT OF FIRST-HALF PROPERTY TAXES DUE AND PAYABLE IN THE FISCAL YEAR BEGINNING JULY 1, 1976, AND ADJUSTING THE DATES RELATING TO THE COMPLETION OF THE ASSESSMENT AND DELIVERY OF THE ABSTRACTS OF ASSESSMENTS, NOTIFICATION OF TAXPAYERS OF ADJUSTED VALUES, THE FILING OF PROTESTS, AND THE SESSIONS OF THE LOCAL BOARDS OF REVIEW.

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

Section 1. Section four hundred twenty-eight point four (428.4), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Property shall be taxed assessed for taxation each year. Personal property shall be listed and assessed each year in the name of the owner of the personal property on the first day of January and the assessment made shall be the value of the personal property as of January first of the year of the assessment. Real estate shall be listed and valued-in-1974 assessed in 1978 and every four two years thereafter. The assessment of real estate shall be the value of the real estate as of January first of the year of the assessment. The year 1978 and each even-numbered year thereafter shall be a reassessment year. In any year, after the year in which an assessment has been made of all the real estate in any

assessing jurisdiction, it shall be the duty of the assessor to value and assess or revalue and reassess, as the case may require, any real estate that he the assessor finds was incorrectly valued or assessed, or was not listed, valued and assessed, in the real estate assessment year immediately preceding, also any real estate he the assessor finds has changed in value subsequent to January 4 first of the preceding real estate assessment year. The assessor shall determine the actual value and compute the taxable value thereof as of January first of the year of the revaluation and reassessment. The assessment shall be completed as specified in section 441.28, but no reduction or increase in actual value shall be made for prior years. If an assessor makes a change in the valuation of the real estate as provided for herein, the provisions of sections 441.23, 441.37, 441.38 and 441.39 shall apply.

Sec. 2. Section four hundred forty-one point twenty-one (441.21), subsection one (1), unnumbered paragraph nine (9), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred five (205), section two (2), is amended to read as follows:

In the event market value of the property being assessed cannot be readily established in the foregoing manner, then the assessor may consider determine the value of the property using the other uniform and recognized appraisal methods including its productive and earning capacity, if any, industrial conditions, its cost, physical and functional depreciation and obsolescence and replacement cost, and all other factors which would assist in determining the fair and reasonable market value of the property but the actual value shall not be determined by use of only one such factor. The following shall not be taken into consideration: Special value or use value of the property to its present owner, and the good will or value of a business which uses the property as distinguished from the value of the property as property.

Upon adoption of uniform rules by the revenue department or succeeding authority covering assessments and valuations of such properties, said valuation on such properties shall be determined in accordance therewith for assessment purposes to assure uniformity, but such rules shall not be inconsistent with or change the foregoing means of determining the actual, market, taxable and assessed values.

Sec. 3. Section four hundred forty-one point twenty-three (441.23), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred eighteen (218), section one (1), is amended to read as follows:

441.23 NOTICE OF VALUATION. If there has been an increase or decrease in the valuation of the property, or upon the written request of the person assessed, the assessor shall, at the time of making the assessment, inform the person assessed, in writing, of the valuation put upon his property, and notify him, if he feels aggrieved, to appear before the board of review and show why the assessment should be changed. The In odd-numbered years, the owners of real property shall be notified not later than April fifteenth of any adjustment of the real property assessment. In even-numbered years, the notice of an increase or decrease in the valuation of the property shall be provided to the owners of real property not later than June thirtieth as provided in section four hundred forty-one point forty-nine (441.49) of the Code.

Sec. 4. Section four hundred forty-one point twenty-six (441.26), Code 1975, is amended to read as follows:

441.26 ASSESSMENT ROLLS AND BOOKS. The director of revenue shall each year prescribe the form of assessment roll to be used by all assessors in assessing real and personal property, including moneys and credits, in this state, also the form of pages of the assessor's assessment book. Such assessment rolls shall be in such form as will permit entering thereon, separately, the names of all persons, partnerships, corporations, or associations assessed; shall contain a form

of oath or affirmation to be administered to each person assessed, and shall also contain a notice in substantially the following form:

"If you are not satisfied that the foregoing assessment is correct, you may file a protest against such assessment with the board of review on or after April 16 sixteenth, to and including May 5 fifth, of the year of the assessment, such protest to be confined to the grounds specified in section 441.37. Dated day of, 19.....,,County/City Assessor."

The dates specified in the notice sent to the owner of property in even-numbered years shall contain the dates for filing of protests as provided in section four hundred forty-one point forty-nine (441.49) of the Code.

Such assessment rolls shall be used in listing the property and showing the values affixed to such property of all persons, partnerships, corporations, or associations assessed, which rolls shall be made in duplicate. Said duplicate roll shall be signed by the assessor, detached from the original and delivered to the person assessed if there has been an increase or decrease in the valuation of the property, or upon the written request of the person assessed. It shall be lawful to combine the affidavit or form of oath or affirmation with reference to real and personal property, and the affidavit or form of oath or affirmation as to moneys and credits, into one affidavit or form of oath or affirmation, and only the one such affidavit or form of oath or affirmation shall be sufficient on the assessment roll. The pages of the assessor's assessment book shall contain columns ruled and headed for the information required by this chapter and that which the director of revenue may deem essential in the equalization work of the director. The assessor shall return all assessment rolls and any schedules therewith to the county auditor, along with the completed assessment book, as provided in this chapter, and the county auditor shall

carefully keep and preserve all such rolls, schedules and book for a period of five years from the time of filing of the same in his office.

Sec. 5. Section four hundred forty-one point twenty-eight (441.28), Code 1975, is amended to read as follows:

441.28 ASSESSMENT ROLLS--CHANGE--NOTICE TO TAXPAYER. The assessment shall be completed not later than April 45 fifteenth in odd-numbered years and not later than May fifteenth in even-numbered years. If the assessor makes any change in an assessment after it has been entered on the assessor's rolls, he shall note on said roll, together with the original assessment, the new assessment and the reason for the change, together with his signature and the date of the change. Provided, however, in the event the assessor increases any assessment he shall give notice in writing thereof to the taxpayer by mail prior to the meeting of the board of review. No changes shall be made on the assessment rolls after April 46 fifteenth in odd-numbered years and after May fifteenth in even-numbered years except by order of the board of review or by decree of court.

Sec. 6. Section four hundred forty-one point thirty (441.30), Code 1975, is amended to read as follows:

441.30 COMPLETION OF ASSESSMENT--OATH. The assessment shall be completed by the first day of May in odd-numbered years or June first in even-numbered years, and the assessor shall attach to the assessment rolls his oath in the following form:

"I, (A..... B.....), assessor of city/county of state of Iowa, do solemnly swear (or affirm) that the taxable values of all property, money, and credits, of which a statement has been made and verified by the oath of the person required to list the same, is herein set forth in such statement; that in every case, where I have been required to ascertain the amount or value of any property, I have diligently, and by the best means in my power, endea-

vored to ascertain the true amount and value, and as I verily believe the taxable values thereof are set forth in the annexed return; in no case have I knowingly omitted to demand of any person, of whom I was required to do so, a statement of the items of his property which he was required by law to list, nor to administer the oath to him, unless he refused to take it, nor in any way connive at any violation or evasion of any of the requirements of the law in relation to the assessment of property for taxation.

.....
Assessor
Subscribed and sworn to (or affirmed) this day of
.....A.D....., before me.
.....
Notary Public/Clerk of Court"

Sec. 7. Section four hundred forty-one point thirty-three (441.33), Code 1975, is amended to read as follows:

441.33 SESSIONS OF BOARD OF REVIEW. The board of review shall be in session from May 4 first to May ~~31~~ 34, ~~both in-~~ clusive, thirty-first in each odd-numbered year and for such additional period as may be required under section 441.37 and shall hold as many meetings as are necessary to discharge its duties. On June 4 first in any odd-numbered year in which a session has not been extended as required under section 441.37, said board shall return all books, records and papers to the assessor except undisposed of protests and records pertaining thereto. If it has not completed its work prior to June 4 first, in those years in which the session has not been extended under section 441.37 the director of revenue may authorize the board of review to continue in session for such period as is necessary to complete its work, but in no event shall the director of revenue approve a continuance extending beyond ~~August-4~~ July fifteenth. On June 4 first or on the final day of any extended session required under section 441.37 or authorized by the director of revenue as

herein provided the board of review shall be adjourned until May 4 first of the following year. It shall adopt its own rules of procedure, elect its own chairman from its membership, and keep minutes of its meetings. The board shall appoint a clerk who may be a member of such board or any other qualified person, except the assessor or any member of his staff. It may be reconvened by the director of revenue. All undisposed protests in its hands on ~~August 4~~ July fifteenth shall be automatically overruled and returned to the assessor together with its other records.

In even-numbered years, the board of review shall be in session at the times designated in section four hundred forty-one point forty-nine (441.49) of the Code.

Within fifteen days following the adjournment of any regular or special session, the board of review shall submit to the director of revenue, on forms prescribed by the director, a report of any actions taken during that session.

Sec. 8. Section four hundred forty-one point thirty-five (441.35), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

In any year after the year in which an assessment has been made of all of the real estate in any taxing district, it shall be the duty of the board of review to meet as provided in section 441.33, and where it finds the same has changed in value, to revalue and reassess any part or all of the real estate contained in such taxing district, and in such case, it shall determine the actual value as of January first of the year of the revaluation and reassessment and compute the taxable value thereof, and any aggrieved taxpayer may petition for a revaluation of his property, but no reduction or increase shall be made for prior years. If the assessment of any such property is raised, or any property is added to the tax list by the board, the clerk shall give notice in the manner provided in section 441.36, provided, however, that if the assessment of all property in any taxing district is raised

the board may instruct the clerk to give immediate notice by one publication in one of the official newspapers located in the taxing district, and such published notice shall take the place of the mailed notice provided for in section 441.36, but all other provisions of said section shall apply. The decision of the board as to the foregoing matters shall be subject to appeal to the district court within the same time and in the same manner as provided in section 441.38.

Sec. 9. Section four hundred forty-one point thirty-seven (441.37), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Any property owner or aggrieved taxpayer who is dissatisfied with his assessment may file a protest against such assessment with the board of review on or after April 46 sixteenth, to and including May 5 fifth, of the year of the assessment. In any county which has been declared to be a disaster area by proper federal authorities after March 4 first and prior to May 20 twentieth of said year of assessment, the time for filing a protest shall be extended to and include the period from May 25 twenty-fifth to June 5 fifth of such year. Said protest shall be in writing and signed by the one protesting or by his duly authorized agent. The dates specified in this section shall apply only in odd-numbered years. The time for filing of protests in even-numbered years shall be as provided in section four hundred forty-one point forty-nine (441.49) of the Code. Taxpayer may have an oral hearing thereon if request therefor in writing is made at the time of filing the protest. Said protest must be confined to one or more of the following grounds:

Sec. 10. Section four hundred forty-one point forty-five (441.45), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred nineteen (219), sections one (1) and two (2), is amended to read as follows:

441.45 ABSTRACT TO STATE DEPARTMENT OF REVENUE. The

county assessor of each county and each city assessor shall, on or before ~~the first Monday in~~ July first in odd-numbered years and on or before September fifteenth in even-numbered years, make out and transmit to the department of revenue an abstract of the real and personal property in his county or city, as the case may be, and file a copy thereof with the county auditor, in which he shall set forth:

1. The number of acres of land and the aggregate taxable values of the same, exclusive of city lots, returned by the assessors, as corrected by the board of review.
2. The aggregate taxable values of real estate by class in each school district, township and city in the county, returned as corrected by the board of review.
3. The aggregate taxable values of personal property.
4. Other facts as may be required by the director of revenue.

In any case where a board of review continues in session beyond June 4 first, in any odd-numbered year, or beyond August fifteenth in even-numbered years, under provisions of sections 441.33 and 441.37 the abstract of the real and personal property shall be made out and transmitted to the department of revenue within thirty fifteen days after the date of final adjournment by said board.

Sec. 11. Section four hundred forty-one point forty-seven (441.47), Code 1975, is amended to read as follows:

441.47 ADJUSTED VALUATIONS. The director of revenue on or about ~~the third Monday of September in each year~~ August 15, 1977 and every two years thereafter shall ~~adjust the valuation~~ order the equalization of the levels of assessment of each class of property in the several counties assessing jurisdictions by adding to or deducting from the valuation of each kind-or class of property such percentage in each case as will may be necessary to bring the same to its taxable value as fixed in this chapter and chapters 427 to 443, inclusive. ~~The director shall also adjust the~~

~~valuations as between each kind or class of property in any city assessed by a city assessor and each kind or class of property in the same county assessed by the county assessor. The director shall order the equalization of the levels of assessment of each class of property in the first and third year of the quadrennial assessment period.~~ The director shall adjust to actual value the valuation of any class of property as set out in the abstract of assessment when the valuation is at least five percent above or below actual value as determined by the director. For purposes of such value adjustments and before such equalization the director shall adopt, in the manner prescribed by chapter 17A, such rules as may be necessary to determine the level of assessment for each class of property in each county. The rules shall cover: (1) The proposed use of the assessment-sales ratio study set out in section 421.17, subsection 6; (2) the proposed use of any state-wide income capitalization studies; (3) the proposed use of other methods that would assist the director in arriving at the accurate level of assessment of each class of property in each assessing jurisdiction.

Sec. 12. Section four hundred forty-one point forty-eight (441.48), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred five (205), section three (3), is amended to read as follows:

441.48 NOTICE OF ADJUSTMENT. Before the director of revenue shall adjust the valuation of any ~~kind-or~~ class of property any such percentage, the director shall serve ten days' notice by mail, on the ~~county auditor of the county assessor~~ whose valuation is proposed to be adjusted and the director shall hold an adjourned meeting after such ten days' notice, at which time such ~~county-or~~ assessing jurisdiction may appear by its city council or board of supervisors, city or county attorney, and other ~~city-or-county~~ assessing jurisdiction officials, and make written or oral protest against such proposed adjustment, which protest shall consist

simply of a statement of the error, or errors, complained of with such facts as may lead to their correction, and at such adjourned meeting final action may be taken in reference thereto.

Sec. 13. Section four hundred forty-one point forty-nine (441.49), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred five (205), section four (4), is amended by striking the section and inserting in lieu thereof the following:

441.49 ADJUSTMENT BY ASSESSOR. The director shall keep a record of the review and adjustment proceedings and finish such proceedings on or before October first unless for good cause the proceedings cannot be completed by that date. The director shall notify each assessor by mail of the final action taken at the proceedings and specify any adjustments in the valuations of any class of property to be made effective for the assessing jurisdiction.

The assessor shall prior to May fifteenth of the year following, in completing the reassessment of real estate as provided in section four hundred twenty-eight point four (428.4) take into consideration the final equalization order of the director to the end that the aggregate actual valuation for each class of property affected by the order will be the amount determined by the director. In making the adjustments the assessor shall see to it that in no case shall the assessed value of an individual property exceed one hundred percent of its actual value determined in accordance with section four hundred forty-one point twenty-one (441.21) of the Code. Not later than May twentieth, the assessor shall submit to the director of revenue, on forms prescribed by the director, a report of all actions he has taken to comply with the equalization order issued to him in October of the preceding year.

If the director of revenue determines that the assessor has complied with the equalization order, he shall on or about

June first notify the assessor to proceed with the issuance of assessment rolls as provided in section four hundred forty-one point twenty-six (441.26) of the Code, except that the rolls shall contain the statement that protests against the assessment may be filed with the board of review between July first and July twentieth. All assessment rolls shall be delivered not later than June thirtieth.

In each even-numbered year the board of review shall be in regular session from July fifteenth to August fifteenth for purposes of performing its functions as defined in sections four hundred forty-one point thirty-three (441.33) through four hundred forty-one point thirty-seven (441.37) of the Code. The director of revenue may authorize the board of review to continue in session for such period as may be necessary to complete its work, but the director shall not approve a continuance extending beyond October fifteenth.

If the director of revenue determines that the assessor has not complied with the equalization order by making the necessary adjustments in valuation, he shall on or about June first reconvene the local board of review in special session. During this special session, the board of review shall, by resolution, make the adjustments necessary to comply with the equalization order. The board shall not later than June thirtieth notify, by mail in the form and manner prescribed by the director, all taxpayers in the classes of property affected by the board's action with respect to the implementation of the equalization order. The notice shall contain a statement of the assessed valuation of their property, that they may protest the valuations to the board of review between the dates of July first and July twentieth, and that the board will act on such protests during its July session. Not later than June thirtieth, the board of review shall submit to the director of revenue, on forms prescribed by the director, of its actions taken to comply with the director's equalization order. The director shall have the

authority under chapter four hundred twenty-one (421) of the Code to make any orders to a board of review or otherwise take whatever actions deemed necessary to ensure the implementation of the final equalization order.

In each even-numbered year, the abstract of assessment provided for in section four hundred forty-one point forty-five (441.45) of the Code shall be submitted to the director by not later than September fifteenth. If the session of a board of review is extended beyond August fifteenth of a reassessment year, the abstract of assessment for the assessing jurisdiction shall be submitted to the director within fifteen days after the final adjournment of the board.

Not later than twenty days after the date the final equalization order is issued, the assessor of the affected assessor jurisdiction may appeal the final equalization order to the state board of tax review.

The dates contained in this section pertaining to the completion of the assessment, notification of taxpayers, the filing of protests with local boards of review, the sessions of board of review, and the abstracts of assessment, shall pertain only to even-numbered years. In odd-numbered years, the dates pertaining to the completion of the assessment, notification of taxpayers, filing of protest with local boards of review the sessions of local boards of review, and the abstracts of assessment, shall be those dates contained in sections four hundred forty-one point twenty-three (441.23), four hundred forty-one point twenty-six (441.26), four hundred forty-one point twenty-eight (441.28), four hundred forty-one point thirty (441.30), four hundred forty-one point thirty-three (441.33), four hundred forty-one point thirty-seven (441.37), and four hundred forty-one point forty-five (441.45) of the Code.

Sec. 14. Notwithstanding the provisions of section four hundred forty-five point thirty-seven (445.37) of the Code, if one-half of the property taxes due have not been paid for

October 1, 1976 or thirty days from the date of the certification of the tax list to the county treasurer, whichever date occurs later, the amount due shall become delinquent and subject to the penalties provided in section four hundred forty-five point thirty-nine (445.39) and four hundred forty-five point forty (445.40) of the Code. The provisions of this section shall only be applicable to property taxes levied in 1976 and payable during the fiscal year beginning July 1, 1976 and ending June 30, 1977.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1564, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved *June 28*, 1976

ROBERT D. RAY
Governor