

FEB 16 1995

LOCAL GOVERNMENT

HOUSE FILE 177
BY VANDE HOEF

Passed House, ^(p. 1302) Date 4/6/95
Vote: Ayes 94 Nays 0
Approved _____

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the applicability of the special valuation
2 provisions for certain wind energy conversion property and
3 providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 177

1 Section 1. Section 427B.26, subsection 1, paragraph a,
2 Code 1995, is amended to read as follows:

3 a. A city council or county board of supervisors may
4 provide by ordinance for the special valuation of wind energy
5 conversion property as provided in subsection 2. The
6 ordinance may be enacted not less than thirty days after a
7 public hearing on the ordinance is held. Notice of the
8 hearing shall be published in accordance with section 331.305
9 in the case of a county, or section 362.3 in the case of a
10 city. The ordinance shall only apply to property first
11 assessed on or after the effective date of the ordinance,
12 except as provided in paragraph "c".

13 Sec. 2. Section 427B.26, subsection 1, Code 1995, is
14 amended by adding the following new paragraph:

15 NEW PARAGRAPH. c. Notwithstanding the restriction in
16 paragraph "a", a county that has enacted an ordinance pursuant
17 to paragraph "a" prior to January 1, 1995, may extend the
18 operation of that ordinance to wind energy conversion property
19 that was first assessed prior to January 1, 1994, by amending
20 the ordinance to provide for such special valuation.
21 Notwithstanding any provision to the contrary, this amendment
22 may be enacted without public hearing or notice.

23 Sec. 3. Section 427B.26, subsection 2, unnumbered
24 paragraph 1, Code 1995, is amended to read as follows:

25 In lieu of the valuation and assessment provisions in
26 section 441.21, subsection 9, paragraphs "b" and "c", and
27 sections 428.24 to 428.29, wind energy conversion property
28 which is first assessed for property taxation on or after
29 January 1, 1994, and on or after the effective date of the
30 ordinance enacted pursuant to subsection 1, except as provided
31 in subsection 1, paragraph "c", shall be valued by the local
32 assessor for property tax purposes as follows:

33 Sec. 4. Section 427B.26, subsection 4, Code 1995, is
34 amended by adding the following new paragraph:

35 NEW PARAGRAPH. c. Notwithstanding any contrary provision

1 in this section, for purposes of determining valuation under
2 subsection 2, wind energy conversion property eligible to be
3 assessed under subsection 2, pursuant to subsection 1, para-
4 graph "c", shall be considered to have first been assessed for
5 taxation on January 1, 1994, and the owner shall file notice
6 with the assessor of such property's eligibility thirty days
7 after the county amends its ordinance as provided in
8 subsection 1, paragraph "c".

9 Sec. 5. This Act, being deemed of immediate importance,
10 takes effect upon enactment.

11 EXPLANATION

12 Present law allows a city or county to provide for the
13 special valuation of wind energy conversion property if that
14 property is first assessed for taxation on or after January 1,
15 1994, and on or after the effective date of the ordinance
16 allowing for such valuation. This bill allows a county that
17 has enacted the ordinance prior to January 1, 1995, to include
18 within the ordinance wind energy conversion property that was
19 first assessed prior to January 1, 1994, and provides that for
20 purposes of the special valuation provisions such property
21 shall be considered to be first assessed as of January 1,
22 1994.

23 The bill takes effect upon enactment.

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