

Senate Study Bill 1194

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL
BY CHAIRPERSON McKIBBEN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the requirements for receiving a property tax
2 exemption for open prairies and wildlife habitats and
3 including an applicability date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2140SC 80
6 mg/cl/14

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1 1 Section 1. Section 427.1, subsection 22, unnumbered
1 2 paragraphs 2 and 5, Code 2003, are amended to read as follows:
1 3 Application for this exemption shall be filed with the
1 4 commissioners of the soil and water conservation district in
1 5 which the property is located, not later than February 1 of
1 6 the assessment year, on forms provided by the department of
1 7 revenue and finance. The application shall describe and
1 8 locate the property to be exempted and have attached to it an
1 9 aerial photo of that property on which is outlined the
1 10 boundaries of the property to be exempted. In the case of an
1 11 open prairie, the property shall be inspected and certified as
1 12 provided by the county board of supervisors as having adequate
1 13 ground cover consisting of native species and that all primary
1 14 and secondary noxious weeds present are being controlled to
1 15 prevent the spread of seeds by either wind or water. In the
1 16 case of an open prairie which is or includes a gully area
1 17 susceptible to severe erosion, an approved erosion control
1 18 plan must accompany the application. Upon receipt of the
1 19 application, the commissioners shall certify whether the
1 20 property is eligible to receive the exemption. The
1 21 commissioners shall not withhold certification of the
1 22 eligibility of property because of the existence upon the
1 23 property of an abandoned building or structure which is not
1 24 used for economic gain. If the commissioners certify that the
1 25 property is eligible, the application shall be forwarded to
1 26 the board of supervisors by May 1 of that assessment year with
1 27 the certification of the eligible acreage. An application
1 28 must be accompanied by an affidavit signed by the applicant
1 29 that if an exemption is granted, the property will not be used
1 30 for economic gain during the assessment year in which the
1 31 exemption is granted.
1 32 The board of supervisors does not have to grant tax
1 33 exemptions under this subsection, grant tax exemptions in the
1 34 aggregate of the maximum acreage which may be granted
1 35 exemptions, or grant a tax exemption for the total acreage for
2 1 which the applicant requested the exemption. Only real
2 2 property in parcels of two acres or more which is recreational
2 3 lakes, forest cover, river and stream, river and stream banks,
2 4 or open prairie and which is utilized for the purposes of
2 5 providing soil erosion control or wildlife habitat or both,
2 6 and which is subject to property tax for the fiscal year for
2 7 which the tax exemption is requested, is eligible for the
2 8 exemption under this subsection. However, in addition to the
2 9 above, in order for a gully area which is susceptible to
2 10 severe erosion to be eligible, there must be an erosion
2 11 control plan for it approved by the commissioners of the soil
2 12 and water conservation district in which it is located. In
2 13 the case of an open prairie, the property shall be inspected
2 14 and certified as provided by the county board of supervisors
2 15 as having adequate ground cover consisting of native species
2 16 and that all primary and secondary noxious weeds present are
2 17 being controlled to prevent the spread of seeds by either wind
2 18 or water. In the case of an exemption for river and stream or
2 19 river and stream banks, the exemption shall not be granted
2 20 unless there is included in the exemption land located at
2 21 least thirty-three feet from the ordinary high water mark of
2 22 the river and stream or river and stream banks. Property

2 23 shall not be denied an exemption because of the existence upon
2 24 the property of an abandoned building or structure which is
2 25 not used for economic gain. If the real property is located
2 26 within a city, the approval of the governing body must be
2 27 obtained before the real property is eligible for an
2 28 exemption. For purposes of this subsection:

2 29 Sec. 2. Section 427.1, subsection 22, Code 2003, is
2 30 amended by adding the following new unnumbered paragraph:
2 31 NEW UNNUMBERED PARAGRAPH. In the case of an open prairie
2 32 that does not receive the certification as provided by the
2 33 county board of supervisors as it relates to the ground cover,
2 34 the applicant shall be notified of the availability of
2 35 resource enhancement and protection fund cost-share moneys and
3 1 soil and conservation technological assistance for
3 2 reestablishing native vegetation.

3 3 Sec. 3. Section 427.1, subsection 24, Code 2003, is
3 4 amended to read as follows:
3 5 24. LAND CERTIFIED AS A WILDLIFE HABITAT. The owner of
3 6 agricultural land may designate not more than two acres of the
3 7 land for use as a wildlife habitat. After inspection, if the
3 8 land meets the standards established by the natural resource
3 9 commission for a wildlife habitat under section 483A.3, and
3 10 after the property is inspected and certified as provided by
3 11 the county board of supervisors as having adequate ground
3 12 cover consisting of native species and that all primary and
3 13 secondary noxious weeds present are being controlled to
3 14 prevent the spread of seeds by either wind or water, the
3 15 department of natural resources shall certify the designated
3 16 land as a wildlife habitat and shall send a copy of the
3 17 certification to the appropriate assessor not later than
3 18 February 1 of the assessment year for which the exemption is
3 19 requested. The department of natural resources may
3 20 subsequently withdraw certification of the designated land if
3 21 it fails to meet the established standards for a wildlife
3 22 habitat and the ground cover requirement and the assessor
3 23 shall be given written notice of the decertification.
3 24 In the case where the property does not receive the
3 25 certification as provided by the county board of supervisors
3 26 as it relates to the ground cover, the owner shall be notified
3 27 of the availability of resource enhancement and protection
3 28 fund cost-share moneys and soil and conservation technological
3 29 assistance for reestablishing native vegetation.

3 30 Sec. 4. APPLICABILITY DATE. This Act applies to
3 31 assessment years beginning on or after January 1, 2004.

3 32 EXPLANATION

3 33 This bill requires that before property which is an open
3 34 prairie or wildlife habitat receives a property tax exemption,
3 35 the county board of supervisors must provide for certification
4 1 that the property has adequate ground cover consisting of
4 2 native species and that all primary and secondary noxious
4 3 weeds are being controlled to prevent the spread of seeds by
4 4 wind or water. The bill also provides that if the property
4 5 does not receive such certification, that the owner be told of
4 6 the availability of resource enhancement and protection fund
4 7 cost-share moneys and technological assistance for
4 8 reestablishing native vegetation.

4 9 The bill applies to assessment years beginning on or after
4 10 January 1, 2004.

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4 12 mg/cl/14