

House File 653 - Reprinted

HOUSE FILE 653

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 217)

(As Amended and Passed by the House May 6, 2015)

A BILL FOR

1 An Act relating to state taxation by modifying the disabled
2 veteran homestead tax credit, property tax exemptions
3 authorized for certain associations, institutions, and
4 societies, the definition of livestock for purposes of the
5 sales and use tax, exempting certain all-terrain vehicles
6 and off-road utility vehicles from the sales and use tax,
7 and including effective date and retroactive applicability
8 provisions.

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

DIVISION I

SALES AND USE TAXES

1
2
3 Section 1. Section 423.1, subsection 25, Code 2015, is
4 amended to read as follows:

5 25. *"Livestock"* includes but is not limited to an animal
6 classified as an ostrich, rhea, emu, bison, ~~or~~ farm deer, or
7 preserve whitetail as defined in section 484C.1.

8 Sec. 2. Section 423.3, subsection 8, paragraph d, Code 2015,
9 is amended to read as follows:

10 *d.* (1) For purposes of this subsection, the following
11 items are exempt under paragraph "a" when used primarily in
12 agricultural production:

13 (a) A diesel fuel trailer, regardless of the vehicle to
14 which it is to be attached.

15 (b) A seed tender, regardless of the vehicle to which it is
16 to be attached.

17 (c) An all-terrain vehicle.

18 (d) An off-road utility vehicle.

19 (2) For purposes of this paragraph:

20 (a) "All-terrain vehicle" means the same as defined in
21 section 321I.1.

22 ~~(a)~~ (b) "Fuel trailer" means a trailer that holds dyed
23 diesel fuel or diesel exhaust fluid and that is used to
24 transport such fuel or fluid to a self-propelled implement of
25 husbandry.

26 (c) "Off-road utility vehicle" means the same as defined in
27 section 321I.1.

28 ~~(b)~~ (d) "Seed tender" means a trailer that holds seed and
29 that is used to transport seed to an implement of husbandry and
30 load seed into an implement of husbandry.

31 Sec. 3. REFUNDS. Refunds of taxes, interest, or penalties
32 that arise from claims resulting from the amendment to section
33 423.1, subsection 25, in this division of this Act, for sales
34 occurring between July 1, 2005, and the effective date of the
35 section amending section 423.1, subsection 25, in this division

1 of this Act, shall not be allowed, notwithstanding any other
2 provision of law to the contrary.

3 Sec. 4. EFFECTIVE UPON ENACTMENT. The section of this
4 division of this Act amending section 423.1, subsection
5 25, being deemed of immediate importance, takes effect upon
6 enactment.

7 Sec. 5. RETROACTIVE APPLICABILITY. The section of this
8 division of this Act amending section 423.1, subsection 25,
9 applies retroactively to July 1, 2005.

10 DIVISION II

11 DISABLED VETERAN HOMESTEAD

12 PROPERTY TAX CREDIT APPLICATION

13 Sec. 6. 2015 Iowa Acts, House File 166, is amended by adding
14 the following new section:

15 NEW SECTION. SEC. 6. EXCEPTION TO APPLICATION FILING
16 DEADLINE. Notwithstanding the filing deadline under section
17 425.2, claims for the homestead credit authorized under section
18 425.15, as amended in this Act, filed after July 1, 2014, but
19 before July 1, 2015, shall be considered to be a claim properly
20 filed for taxes due and payable in the fiscal year beginning
21 July 1, 2015.

22 Sec. 7. EFFECTIVE UPON ENACTMENT. This division of this
23 Act, being deemed of immediate importance, takes effect upon
24 enactment.

25 Sec. 8. RETROACTIVE APPLICABILITY. This division of this
26 Act applies retroactively to March 5, 2015.

27 DIVISION III

28 PROPERTY TAX EXEMPTION FOR
29 CERTAIN INSTITUTIONS AND SOCIETIES

30 Sec. 9. Section 427.1, subsections 6 and 8, Code 2015, are
31 amended to read as follows:

32 6. *Property of cemetery associations.*

33 a. Burial grounds, mausoleums, buildings, and equipment
34 owned and operated by cemetery associations and used
35 exclusively for the maintenance and care of the cemeteries

1 devoted to interment of human bodies and human remains. The
2 exemption granted by this subsection shall not apply to any
3 property used for the practice of mortuary science.

4 b. Agricultural land owned by a cemetery association and
5 leased to another person for agricultural use if the revenues
6 resulting from the lease are used by the cemetery association
7 exclusively for the maintenance and care of cemeteries owned
8 by the cemetery association and devoted to interment of human
9 bodies and human remains.

10 8. *Property of religious, literary, and charitable societies.*

11 a. All grounds and buildings used or under construction by
12 literary, scientific, charitable, benevolent, agricultural,
13 and religious institutions and societies solely for their
14 appropriate objects, not exceeding three hundred twenty
15 acres in extent and not leased or otherwise used or under
16 construction with a view to pecuniary profit. However,
17 an organization mentioned in this subsection whose primary
18 objective is to preserve land in its natural state may own
19 or lease land not exceeding three hundred twenty acres in
20 each county for its appropriate objects. For assessment
21 years beginning on or after January 1, 2016, the exemption
22 granted by this subsection shall also apply to grounds owned
23 by a religious institution or society, not exceeding a total
24 of fifty acres, if all monetary and in-kind profits of the
25 religious institution or society resulting from use or lease of
26 the grounds are used exclusively by the religious institution
27 or society for the appropriate objects of the institution or
28 society.

29 b. All deeds or leases by which such property is held shall
30 be filed for record before the property herein described shall
31 be omitted from the assessment. All such property shall be
32 listed upon the tax rolls of the district or districts in which
33 it is located and shall have ascribed to it an actual fair
34 market value and an assessed or taxable value, as contemplated
35 by section 441.21, whether such property be subject to a levy

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1 or be exempted as herein provided and such information shall
2 be open to public inspection.

3 Sec. 10. IMPLEMENTATION. Section 25B.7 shall not apply to
4 this division of this Act.