

## CHAPTER 212

## TAX CREDITS

## H. F. 182

AN ACT relating to the period in which claims for the military service tax exemption and the homestead tax credit may be audited.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section four hundred twenty-five point seven (425.7),  
 2 subsection three (3), Code 1975, is amended to read as follows:  
 3 3. Should the director of revenue determine, upon investigation,  
 4 that any claim for homestead credit has been allowed by any board of  
 5 supervisors which is not justifiable under the law and not substantiated  
 6 by proper facts, the director may, at any time within ~~one year after~~  
 7 ~~the receipt by the department of revenue of the certification of such~~  
 8 ~~credit by any county treasurer~~ *twenty-four months from July first of*  
 9 *the year in which the claim is filed*, set aside such allowance. Notice  
 10 of such disallowance shall be given to the county auditor of the county  
 11 in which such claim has been improperly granted and a written notice  
 12 of such disallowance shall also be addressed to the claimant at his last  
 13 known address. Such claimant, or the board of supervisors, may seek  
 14 judicial review of the action of the director of revenue in accordance  
 15 with the terms of the Iowa administrative procedure Act. In any case  
 16 where a claim is so disallowed by the director of revenue and no peti-  
 17 tion for judicial review is filed with respect to such disallowance, any  
 18 amounts of credits allowed and paid from the homestead credit fund  
 19 shall become a lien upon the property on which said credit was origi-  
 20 nally granted, if still in the hands of the claimant, and not in the  
 21 hands of a bona fide purchaser, and any amount so erroneously paid  
 22 shall be collected by the county treasurer in the same manner as other  
 23 taxes and such collections shall be returned to the department of reve-  
 24 nue and credited to the homestead credit fund. The director of revenue  
 25 shall also have the authority to institute legal proceedings against a  
 26 homestead credit claimant for the collection of all payments made on  
 27 such disallowed credits.

1 SEC. 2. Section four hundred twenty-six A point six (426A.6), Code  
 2 1975, is amended to read as follows:  
 3 **426A.6 Setting aside allowance.** Should the director of revenue  
 4 determine, upon investigation, that any claim for military service tax  
 5 exemption has been allowed by any board of supervisors which is not  
 6 justifiable under the law and not substantiated by proper facts, the di-  
 7 rector may, at any time within ~~one year after the receipt by the de-~~  
 8 ~~partment of revenue of the certification of such exemption by any~~  
 9 ~~county treasurer~~ *twenty-four months from July first of the year in*  
 10 *which the claim is filed*, set aside such allowance. Notice of such dis-  
 11 allowance shall be given to the county auditor of the county in which  
 12 such claim has been improperly granted and a written notice of such  
 13 disallowance shall also be addressed to the claimant at his last known  
 14 address. Such claimant, or the board of supervisors, may seek judicial  
 15 review of the action of the director of revenue in accordance with the  
 16 terms of the Iowa administrative procedure Act. In any case, where a  
 17 claim is so disallowed by the director of revenue and no petition for ju-  
 18 dicial review is filed with respect to such disallowance, any amounts of  
 19 credits allowed and paid from the military service tax credit fund shall  
 20 become a lien upon the property on which said credit was originally  
 21 granted, if still in the hands of the claimant, and not in the hands of a

22 bona fide purchaser, and any amount so erroneously paid shall be col-  
 23 lected by the county treasurer in the same manner as other taxes and  
 24 such collections shall be returned to the department of revenue and  
 25 credited to the military service tax credit fund. The director of revenue  
 26 shall also have the authority to institute legal proceedings against a  
 27 military service tax exemption claimant for the collection of all pay-  
 28 ments made on such disallowed exemptions.

Approved April 16, 1975

## CHAPTER 213

### REIMBURSEMENT FOR PROPERTY TAXES

S. F. 571

AN ACT relating to the reimbursement for property taxes paid and rent constituting property taxes paid by claimants.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section four hundred twenty-five point seventeen  
 2 (425.17), subsections one (1), four (4), five (5), six (6), eight (8), and ten  
 3 (10), Code 1975, are amended to read as follows:

4 1. "Income" means the sum of Iowa net income as defined in section  
 5 422.7, plus all of the following to the extent not already included in  
 6 Iowa net income: Capital gains, alimony, child support money, cash  
 7 public assistance and relief, except property tax relief granted under  
 8 this division, the gross amount of any pension or annuity, including  
 9 but not limited to railroad retirement benefits, all payments received  
 10 under the federal social security Act, and all military retirement and  
 11 veterans' disability pensions, interest received from the state or federal  
 12 government or any of its instrumentalities, workmen's compensation,  
 13 and the gross amount of disability income or "loss of time" insurance;  
 14 and that part of net worth considered as income under subsection 2.  
 15 "Income" does not include gifts from nongovernmental sources, or sur-  
 16 plus foods or other relief in kind supplied by a governmental agency.

17 4. "Household income" means all income of ~~all persons of the~~  
 18 *claimant and the claimant's spouse in a household and actual mon-*  
 19 *etary contributions received from any other household member dur-*  
 20 *ing their respective twelve-month income tax accounting periods*  
 21 *ending with or during the base year.*

22 5. "Homestead" means the dwelling *owned or rented and* actually  
 23 used as a home by the claimant during all or part of the base year,  
 24 ~~whether owned or rented,~~ and so much of the land surrounding it, not  
 25 exceeding one acre, as is reasonably necessary for use of the dwelling  
 26 as a home, and may consist of a part of a multidwelling or multipur-  
 27 pose building and a part of the land upon which it is built. It does not  
 28 include personal property except that a mobile home may be a home-  
 29 stead. Any dwelling or a part of a multidwelling or multipurpose  
 30 building which is exempt from taxation shall not qualify as a home-  
 31 stead under the provisions of this division. A homestead must be locat-  
 32 ed in this state.

33 6. "Claimant" means a person filing a claim for reimbursement un-  
 34 der this division who has attained the age of sixty-five years on or be-  
 35 fore December 31 of the base year, *or who is a surviving spouse*