

1. Eligibility criteria under the enterprise zone program.
2. The movement of existing businesses into enterprise zones.
3. The establishment of additional enterprise zones.
4. The current overall performance and effectiveness of the enterprise zone program.

Approved May 24, 1999

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## CHAPTER 173

### STATE SALES, SERVICES, AND USE TAX EXEMPTION FOR INTERNET ACCESS

H.F. 748

**AN ACT** exempting internet from the state sales, services, and use taxes.

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

Section 1. Section 422.45, Code 1999, is amended by adding the following new subsection:  
NEW SUBSECTION. 55. The gross receipts from charges paid to a provider for access to on-line computer services. For purposes of this subsection, "on-line computer service" means a service that provides or enables computer access by multiple users to the internet.

Approved May 24, 1999

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## CHAPTER 174

### PROPERTY ASSESSMENTS AND TAXES — OMITTED PROPERTY AND ERRONEOUS PAYMENTS

H.F. 755

**AN ACT** relating to the time limit when property omitted from assessment may be assessed and when a taxpayer may receive a refund for erroneous property taxes paid and including an effective date provision.

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

Section 1. Section 440.1, Code 1999, is amended to read as follows:

440.1 ASSESSMENT OF OMITTED PROPERTY.

When the director of revenue and finance is vested with the power and duty to assess property and an assessment has, for any reason, been omitted, the director shall proceed to assess the property for each of the omitted years at any time within two years from the date at which such assessment should have been made. The omitted assessment ~~shall only~~ may apply to not more than the assessment year in which the omitted assessment is made and the ~~four~~ four prior assessment ~~years~~ year. Chapter 429 shall apply to assessments of omitted property.

Sec. 2. Section 440.5, Code 1999, is amended to read as follows:

440.5 PROCEDURE — PENALTY.

If it is made to appear that ~~said the~~ property is assessable by the director of revenue and finance as omitted property, the director shall proceed in the manner in which the director would have proceeded had the assessment not been omitted, except that the director shall find the value of ~~such the~~ omitted property for each year during which it has been omitted but for not more than the two previous assessment years and shall add ten percent to each yearly value as a penalty.

Sec. 3. Section 443.12, Code 1999, is amended to read as follows:

443.12 CORRECTIONS BY TREASURER.

When property subject to taxation is withheld, overlooked, or from any other cause is not listed and assessed, the county treasurer shall, when apprised thereof, at any time within ~~five~~ two years from the date at which such assessment should have been made, demand of the person, firm, corporation, or other party by whom the same should have been listed, or to whom it should have been assessed, or of the administrator thereof, the amount the property should have been taxed in each year the same was so withheld or overlooked and not listed and assessed, together with six percent interest thereon from the time the taxes would have become due and payable had such property been listed and assessed.

Sec. 4. Section 443.15, Code 1999, is amended to read as follows:

443.15 TIME LIMIT.

~~Such The~~ assessment shall be made within ~~four~~ two years after the tax list shall have been delivered to the treasurer for collection, and not afterwards, if the property is then owned by the person who should have paid the tax.

Sec. 5. Section 443.17, Code 1999, is amended to read as follows:

443.17 PRESUMPTION OF ~~FIVE-YEAR~~ TWO-YEAR OWNERSHIP.

In any action or proceeding, now pending or hereafter brought, to recover taxes upon property not listed or assessed for taxation during the lifetime of any decedent, it shall be presumed that any property, any evidence of ownership of property, and any evidence of a promise to pay, owned by a decedent at the date of the decedent's death, had been acquired and owned by such decedent more than ~~five~~ two years before the date of the decedent's death; and the burden of proving that any such property had been acquired by such decedent less than ~~five~~ two years before the date of the decedent's death shall be upon the heirs, legatees, and legal representatives of any such decedent.

Sec. 6. Section 445.60, Code 1999, is amended to read as follows:

445.60 REFUNDING ERRONEOUS TAX.

The board of supervisors shall direct the county treasurer to refund to the taxpayer any tax or portion of a tax found to have been erroneously or illegally paid, with all interest, fees, and costs actually paid. A refund shall not be ordered or made unless a claim for refund is presented to the board within ~~one year~~ two years of the date the tax was due, or if appealed to the board of review, the state board of tax review, or district court, within ~~one year~~ two years of the final decision.

Sec. 7. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 24, 1999