

FEB 28 2006
LOCAL GOVERNMENT

HOUSE FILE 2579
BY SWAIM

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

A BILL FOR

1 An Act limiting the number of acres that may be placed in forest
2 and fruit-tree reservations in a county and including
3 effective date and applicability date provisions.

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

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HF 2579

1 Section 1. Section 427C.1, Code 2005, is amended to read
2 as follows:

3 427C.1 TAX EXEMPTION.

4 Any person who establishes a forest or fruit-tree
5 reservation as provided in this chapter shall be entitled to
6 the tax exemption provided by law. However, an application
7 for a forest reservation or a fruit-tree reservation shall not
8 be accepted by the county if allowing the exemption for that
9 reservation would result in the total number of acres in
10 reservations being an amount equal to more than twenty percent
11 of the number of acres in the entire county.

12 Sec. 2. Section 427C.2, Code 2005, is amended to read as
13 follows:

14 427C.2 RESERVATIONS.

15 On any tract of land in the state of Iowa, the owner or
16 owners may select a permanent forest reservation or
17 reservations, each not less than two acres in continuous area,
18 or a fruit-tree reservation or reservations, not less than one
19 nor more than ten acres in total area, or both, and upon
20 compliance with the provisions of this chapter, and subject to
21 the limitation in section 427C.1, such owner or owners shall
22 be entitled to the benefits provided by law.

23 Sec. 3. Section 427C.3, Code 2005, is amended to read as
24 follows:

25 427C.3 FOREST RESERVATION.

26 A forest reservation shall contain not less than two
27 hundred growing forest trees on each acre. If the area
28 selected is a forest containing the required number of growing
29 forest trees, it shall be accepted as a forest reservation
30 under this chapter provided application is made or on file on
31 or before February 1 of the exemption year. If any buildings
32 are standing on an area selected as a forest reservation under
33 this section or a fruit-tree reservation under section 427C.7,
34 one acre of that area shall be excluded from the tax
35 exemption:--However, and the exclusion of that acre shall not

1 affect the area's meeting the acreage requirement of section
2 427C.2. However, the acre shall not be counted when
3 determining the limit in section 427C.1.

4 Sec. 4. Section 441.22, Code 2005, is amended to read as
5 follows:

6 441.22 FOREST AND FRUIT-TREE RESERVATIONS.

7 Forest and fruit-tree reservations fulfilling the
8 conditions of sections 427C.1 to 427C.13 shall be exempt from
9 taxation, subject to the limitation in section 427C.1. In all
10 other cases where trees are planted upon any tract of land,
11 without regard to area, for forest, fruit, shade, or
12 ornamental purposes, or for windbreaks, the assessor shall not
13 increase the valuation of the property because of such
14 improvements.

15 Sec. 5. EFFECTIVE AND APPLICABILITY DATE PROVISIONS. This
16 Act, being deemed of immediate importance, takes effect upon
17 enactment and applies to applications for a forest or fruit-
18 tree reservation filed on or after the effective date of this
19 Act. However, if as of the effective date of this Act the
20 total number of acres accepted for exemption in a county
21 exceeds an amount equal to more than twenty percent of the
22 number of acres in the entire county, the county shall not
23 cause any reservation which has been accepted for exemption
24 prior to the effective date to lose its exemption.

25 EXPLANATION

26 This bill places a limit on the total number of acres that
27 may be placed in forest and fruit-tree reservations. The
28 limit is an amount equal to not more than 20 percent of the
29 number of acres in the entire county.

30 The bill takes effect upon enactment and applies to
31 applications for forest and fruit-tree reservations filed on
32 or after that date. The bill also provides that those acres
33 in reservations on the effective date of the bill shall retain
34 their exempt status even if the total number of acres in
35 reservations in the county exceeds the 20 percent limitation.