

the governing body of the city or its designee, one member of the water district's board of directors or trustees or its designee, and a disinterested party selected by the other two members of the committee. A list of qualified arbitrators may be obtained from the American arbitration association or other recognized arbitration organization or association.

Approved March 26, 1992

CHAPTER 1016

PROPERTY AND OTHER LOCAL TAXES — COLLECTION AND ADMINISTRATION *H.F. 2269*

AN ACT relating to the collection and administration of taxes, special assessments, and various rates and charges and providing applicability and effective dates.

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

Section 1. Section 135D.24, subsection 7, Code Supplement 1991, is amended to read as follows:

7. a. As an alternative to the semiannual or annual payment of taxes, the county treasurer may accept partial payments of current year mobile home taxes. A minimum payment amount shall be established by the treasurer. The treasurer shall transfer amounts from each taxpayer's account to be applied to each semiannual tax installment prior to the delinquency dates specified in section 445.37 and the amounts collected shall be apportioned by the tenth of the month following transfer. If, prior to the due date of each semiannual installment, the account balance is insufficient to fully satisfy the installment, the treasurer shall transfer and apply the entire account balance, leaving an unpaid balance of the installment. Interest shall attach on the unpaid balance in accordance with section 445.39. Unless funds sufficient to fully satisfy the delinquency are received, the treasurer shall collect the unpaid balance as provided in sections 445.3 and 445.4 and chapter 446. Any remaining balance in a taxpayer's account in excess of the amount needed to fully satisfy an installment shall remain in the account to be applied toward the next semiannual installment. Any interest income derived from the account shall be deposited in the county's general fund to cover administrative costs. The county treasurer shall send a notice with the tax statement or by separate mail to each taxpayer stating that, upon request to the treasurer, the taxpayer may make partial payments of current year mobile home taxes.

b. Partial payment of taxes which are delinquent may be made to the county treasurer. A minimum payment amount shall be established by the treasurer. The minimum payment must be equal to or exceed the interest, fees, and costs attributed to the oldest delinquent installment of the tax and shall be apportioned in accordance with section 445.57. If the payment does not include the whole of any installment of the delinquent tax, the unpaid tax shall continue to accrue interest pursuant to section 445.39. Partial payment shall not be permitted in lieu of redemption if the property has been sold for taxes under chapter 446 and under any circumstances shall not constitute an extension of the time period for a sale under chapter 446.

Sec. 2. Section 135D.25, Code 1991, is amended to read as follows:
135D.25 APPORTIONMENT AND COLLECTION OF TAXES.

The tax and penalties interest for delinquent taxes collected under the provisions of section 135D.24, shall be apportioned in the same manner as though they were the proceeds of taxes levied on real property at the same location as such the mobile home.

Chapters 446, 447, and 448 apply to the sale of a mobile home for the collection of delinquent taxes and ~~penalties~~ interest, the redemption of a mobile home sold for the collection of delinquent taxes and ~~penalties~~ interest, and the execution of a tax sale certificate of title for the purchase of a mobile home sold for the collection of delinquent taxes and ~~penalties~~ interest in the same manner as though a mobile home were real property within the meaning of these chapters to the extent consistent with this chapter. The certificate of title shall be issued by the county treasurer. The ~~county~~ treasurer shall charge ten dollars for each certificate of title, except that the ~~county~~ treasurer shall issue a tax sale certificate of title to the county at no charge.

When a mobile home is removed from the county where delinquent taxes, regular or special, are owing, or when it is administratively impractical to pursue tax collection through the remedies of this section, all taxes, regular and special, ~~penalties~~, interest, and costs shall be abated by resolution of the county board of supervisors. The resolution shall direct the ~~county~~ treasurer to strike from the tax books the reference to that mobile home.

Sec. 3. Section 311.18, Code 1991, is amended to read as follows:

311.18 ASSESSMENT DELINQUENT — PENALTIES INTEREST.

The assessed taxes shall become delinquent ~~on the first day of September from October 1~~ after their maturity unless the last day of September is a Saturday or Sunday, in which case the taxes become delinquent from the following Tuesday, shall bear the same interest, the same ~~penalties~~, and be attended with the same rights and remedies for collection, as ordinary taxes.

Sec. 4. Section 317.21, subsection 1, Code 1991, is amended to read as follows:

1. Annually, after the weed commissioner has completed the program of destruction of weeds by reason of noncompliance by persons responsible ~~therefor~~ for the destruction, the board of supervisors shall determine as to each tract of real estate the actual cost of labor and materials used by the commissioner in cutting, burning, or otherwise destroying ~~said~~ the weeds, the cost of serving notice, and of special meetings or proceedings, if any. To the total of all such sums expended, ~~they~~ the board shall add an amount equal to twenty-five percent ~~thereof~~ of that total to compensate for the cost of supervision and administration and assess the resulting sum against ~~said~~ the tract of real estate by a special tax, which shall be certified to the county auditor and county treasurer by the clerk of the board of supervisors, and shall be placed upon the tax books, and collected, ~~together~~ with interest and ~~penalty~~ after due delinquent, in the same manner as other unpaid taxes. ~~Such~~ The tax shall be due on March 1 after ~~such~~ assessment, and shall be delinquent ~~after March 30~~ from April 1 after due unless the last day of March is a Saturday or Sunday, in which case the tax becomes delinquent from the following Tuesday. When collected, ~~said funds~~ the moneys shall be paid into the fund from which ~~said~~ the costs were originally paid.

Sec. 5. Section 331.552, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 31. Collect all penalties that have accrued prior to April 1, 1992, on unpaid taxes, as defined in section 445.1, and process them as interest.

Sec. 6. Section 364.13A, Code 1991, is amended to read as follows:

364.13A SPECIAL ASSESSMENTS — LIEN AND PRECEDENCE.

A special assessment levied pursuant to section 364.11 or 364.12, including all interest, and ~~penalties~~ is a lien against the benefited property from the date of filing the schedule of assessments until the assessment is paid. Special assessments have equal precedence with ordinary taxes and are not divested by judicial sale.

Sec. 7. Section 384.2, unnumbered paragraph 2, Code 1991, is amended to read as follows:

The county auditor shall place city taxes and assessments upon the tax list for the current year, and the county treasurer shall collect city taxes and assessments in the same manner as other taxes. Delinquent city taxes and assessments draw the same interest and ~~penalties~~

as other taxes. Sales for delinquent city taxes and assessments must be made in the manner provided in chapter 446. The county treasurer shall combine in one tax sale all taxes and assessments due from the same person and collectible by the county.

Sec. 8. Section 384.60, subsection 5, unnumbered paragraph 2, Code 1991, is amended to read as follows:

On or before the second publication of the notice, the clerk shall send by mail to each property owner whose property is subject to assessment for the improvement, as shown by the records in the office of the county auditor, a copy of the notice. The notice shall also include a statement in substance that assessments may be paid in full or in part without interest within thirty days after the date of the first notice of the final assessment schedule, and thereafter all unpaid special assessments bear interest at the rate specified by the council, but not exceeding that permitted by chapter 74A, computed to the December 1 next following the due dates of the respective installments as provided in section 384.65, subsection 3, and each installment will be delinquent ~~on September 30~~ from October 1 following its due date, unless the last day of September is a Saturday or Sunday, in which case the installment becomes delinquent from the following Tuesday, and will draw additionally the same delinquent interest ~~and the same penalties~~ as ordinary taxes. The notice shall also state substantially that property owners may elect to pay any installment semiannually in advance. If a property is shown by the records to be in the name of more than one owner at the same mailing address, a single notice may be mailed to all owners at that address. Failure to receive a mailed notice is not a defense to the special assessment or interest due on the special assessment.

Sec. 9. Section 384.63, unnumbered paragraph 3, Code 1991, is amended to read as follows:

When a private improvement is constructed on a lot subject to a deficiency, during the period of amortization, the council shall, by resolution, assess a pro rata portion of the deficiency on that lot, in the same proportion to the total deficiency on that lot as the number of future installments of special assessments remaining to be paid is to the total number of installments of assessments for the project, subject to the twenty-five percent limitation of section 384.62. A deficiency assessment becomes a lien on the property and is payable in the same manner, and subject to the same ~~interest and penalties~~ interests as the other special assessments. The council shall direct the clerk to certify a deficiency assessment to the county treasurer, and to send a notice of the deficiency assessment by mail to each owner, as provided in section 384.60, subsection 5, but publication of the notice is not required.

Sec. 10. Section 384.65, subsections 4, 5, and 8, Code 1991, are amended to read as follows:

4. Each installment of an assessment with interest on the unpaid balance is delinquent ~~after the thirtieth day of September next from October 1~~ after its due date, unless the last day of September is a Saturday or Sunday, in which case the installment becomes delinquent from the following Tuesday, and bears the same delinquent interest ~~with the same penalties~~ as ordinary taxes. When collected, the interest ~~and penalties~~ must be credited to the same fund as the special assessment.

5. From the date of filing of a certified copy of the resolution of necessity, the plat, and the schedule of assessments as provided in section 384.51, all special assessments with all interest ~~and penalties~~ become and remain a lien on the benefited properties until paid, and have equal precedence with ordinary taxes, and are not divested by any judicial sale.

8. Each installment of a special assessment shall be calculated to the nearest whole dollar. Interest on unpaid installments and interest ~~penalties~~ added for delinquencies shall also be calculated to the nearest whole dollar. The minimum interest ~~or interest penalty~~ amount is one dollar.

Sec. 11. Section 384.69, Code 1991, is amended to read as follows:

384.69 PROPERTY SOLD AT TAX SALE.

Property against which a special assessment has been levied for public improvements may be sold for any sum of principal or interest due and delinquent, at any regular or adjourned

tax sale in the same manner with the same forfeitures, ~~penalties~~ interest, right of redemption, certificates, and deeds, as for the nonpayment of ordinary taxes. The purchaser at a tax sale, other than the county, takes the property charged with the lien of the remaining unpaid installments and interest. When bonds have been issued in anticipation of special assessments and interest for which property is to be sold, the city may be a purchaser and is entitled to all rights of purchasers at tax sales. The proceeds subsequently realized from sales of property so purchased by the city must be credited to the funds of the city from which deficiencies on the improvement were paid, or if there were no deficiencies, to the general fund.

Sec. 12. Section 422.26, Code Supplement 1991, is amended by adding after unnumbered paragraph 8, the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The distress warrant shall be in a form as prescribed by the director. It shall be directed to the sheriff of the appropriate county and it shall identify the taxpayer, the tax type, and the delinquent amount. It shall direct the sheriff to distrain, seize, garnish, or levy upon, and sell, as provided by law, any real or personal property belonging to the taxpayer to satisfy the amount of the delinquency plus costs. It shall also direct the sheriff to make due and prompt return to the department or to the district court under chapters 626 and 642 of all amounts collected.

Sec. 13. Section 425.23, subsection 3, paragraph a, Code Supplement 1991, is amended to read as follows:

a. A person who is eligible to file a claim for credit for property taxes due and who has a household income of six thousand dollars or less and who has a an unpaid special assessment levied against the homestead may file a claim with the county treasurer that the claimant had a household income of six thousand dollars or less and that a an unpaid special assessment is presently levied against the homestead. The department shall provide to the respective ~~county~~ treasurers the forms necessary for the administration of this subsection. The claim shall be filed not later than September 30 of each year. Upon the filing of the claim, a ~~penalty~~ or interest for late payment shall not accrue against the amount of the unpaid special assessment due and payable. The claim filed by the claimant constitutes a claim for credit of an amount equal to the actual amount due and payable upon the unpaid special assessment, plus interest, payable during the fiscal year for which the claim is filed against the homestead of the claimant or an amount equal to the annual payment of the special assessment levied against the homestead of the claimant and payable in annual installments through the period of years provided by the governing body of the city, whichever is less. However, where the claimant is an individual described in section 425.17, subsection 2, paragraph "b", the claim filed constitutes a claim for credit of an amount equal to one-half of the actual amount due and payable, plus interest, during the fiscal year or equal to one-half of the annual payment, whichever is less for which the claim is filed. The department of revenue and finance shall, upon the filing of the claim with the department by the ~~county~~ treasurer, pay that amount of the unpaid special assessment during the current fiscal year to the ~~county~~ treasurer. The ~~county~~ treasurer shall submit the claims to the director of revenue and finance not later than October 15 of each year. The director of revenue and finance shall certify the amount of reimbursement due each county for unpaid special assessment credits allowed under this subsection. The amount of reimbursement due each county shall be paid by the director of revenue and finance on October 20 of each year, drawn upon warrants payable to the respective ~~county~~ treasurer. There is appropriated annually from the general fund of the state to the department of revenue and finance an amount sufficient to carry out the provisions of this subsection. The ~~county~~ treasurer shall credit any moneys received from the department against the amount of the unpaid special assessment due and payable on the homestead of the claimant.

Sec. 14. Section 427.8, Code Supplement 1991, is amended to read as follows:

427.8 PETITION FOR SUSPENSION OR ABATEMENT OF TAXES, ASSESSMENTS, AND RATES OR CHARGES, INCLUDING INTEREST, FEES, AND COSTS.

If a person is unable to contribute to the public revenue, the person may file a petition, duly

sworn to, with the board of supervisors, stating that fact and giving a statement of parcels, as defined in section 445.1, owned or possessed by the petitioner, and other information as the board may require. The board of supervisors may order the county treasurer to suspend the collection of the taxes, special assessments, and rates or charges, including interest, fees, and costs, which are assessed against the petitioner or the petitioner's estate for the current year and those unpaid for prior years, or the board may abate the taxes, special assessments, and rates or charges, including interest, fees, and costs. The petition, when approved, shall be filed by March 1 of the current tax year with the treasurer.

Sec. 15. Section 427.9, Code Supplement 1991, is amended to read as follows:

427.9 SUSPENSION OF TAXES, ASSESSMENTS, AND RATES OR CHARGES, INCLUDING INTEREST, FEES, AND COSTS.

If a person is a recipient of federal supplementary security income or state supplementary assistance, as defined in section 249.1, or is a resident of a health care facility, as defined by section 135C.1, which is receiving payment from the department of human services for the person's care, the person shall be deemed to be unable to contribute to the public revenue. The director of human services shall notify the board of supervisors, of the county in which the assisted person owns parcels, as defined in section 445.1, of the fact, giving a statement of parcels owned, possessed, or upon which the person is paying taxes as a purchaser under contract. The board of supervisors so notified, without the filing of a petition and statement as specified in section 427.8, shall order the county treasurer to suspend the collection of all the taxes, special assessments, and rates or charges, including interest, fees, and costs, assessed against the parcels and remaining unpaid by the person or contractually payable by the person, for such time as the person remains the owner or contractually prospective owner of the parcels, and during the period the person receives assistance as described in this section. The director of human services shall advise the person that the person may apply for an additional property tax credit pursuant to sections 425.16 to 425.39 which shall be credited against the amount of the taxes suspended.

Sec. 16. Section 427.10, Code Supplement 1991, is amended to read as follows:

427.10 ABATEMENT.

The board of supervisors may, if in their judgment it is for the best interests of the public and the petitioner referred to in section 427.8, or the public and the person referred to in section 427.9, abate the taxes, special assessments, and rates or charges, including interest, fees, and costs, which have previously been suspended as provided in section 427.8 or 427.9.

Sec. 17. Section 427.11, Code Supplement 1991, is amended to read as follows:

427.11 GRANTEE OR DEVISEE TO PAY TAX.

If the petitioner or person described in section 427.9 sells any parcel upon which the taxes, special assessments, and rates or charges, including interest, fees, and costs, have been suspended, or if any parcel, or any part of the parcel, upon which the taxes, special assessments, and rates or charges, including interest, fees, and costs, have been suspended, passes by devise, bequest, or inheritance to any person other than the surviving spouse or minor child of the petitioner or other person, the ~~taxes, special assessments, and rates or charges without any accrued interest, that have total amount due that has been thus suspended~~ shall all become due and payable with the next semiannual installment of taxes. Interest shall accrue on the total amount due at the rate of one and one-half percent per month from the next succeeding delinquency date to the month of payment unless payment is tendered in full before the delinquency date. Interest does not accrue during the suspension period on suspended parcels, including those parcels suspended prior to April 1, 1992. The petitioner, or any other person, may pay the suspended amounts at any time during the suspension period. Except in the case of mobile home taxes, special assessments, or rates or charges, the treasurer may accept a partial payment during the suspension period with the partial payment first being applied to interest and costs.

Sec. 18. Section 445.3, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

The commencement of actions for ad valorem taxes authorized under this section shall not begin until the issuance of a tax sale certificate under the requirements of section 446.19. The commencement of actions for all other taxes authorized under this section shall not begin until ten days after the publication of tax sale under the requirements of section 446.9, subsection 2. This paragraph does not apply to the collection of ad valorem taxes under section 445.32, grain handling taxes under section 428.35, and moneys and credits taxes under chapter 430A.

Sec. 19. Section 445.3, Code Supplement 1991, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions in section 535.3, interest on the judgment shall be at the rate provided in section 447.1 and shall commence from the month of the commencement of the action. This interest shall be in lieu of the interest assessed under section 445.39 from and after the month of the commencement of the action.

NEW UNNUMBERED PARAGRAPH. An appeal may be taken to the Iowa supreme court as in other civil cases regardless of the amount involved.

NEW UNNUMBERED PARAGRAPH. Notwithstanding any other provisions in this section, if the treasurer is unable or has reason to believe that the treasurer will be unable to offer land at the annual tax sale to collect the total amount due, the treasurer may immediately collect the total amount due by the commencement of an action under this section.

NEW UNNUMBERED PARAGRAPH. Notwithstanding any other provision of law, if a statute authorizes the collection of a delinquent tax, assessment, rate, or charge by tax sale, the tax, assessment, rate, or charge, including interest, fees, and costs, may also be collected under this section and section 445.4.

Sec. 20. Section 445.16, Code Supplement 1991, is amended to read as follows:

445.16 ABATEMENT OR COMPROMISE OF TAX.

When a parcel is offered and not sold at regular tax sale, or if If the county holds the tax sale certificate of purchase and the county is unable to assign the certificate as provided in section 446.31, the county, through the board of supervisors, may compromise by written agreement, or abate by resolution, the tax, interest, fees, or costs. In the event of a compromise, the board of supervisors may enter into a written agreement with the owner of the legal title or with any lienholder for the payment of a stipulated sum in full satisfaction of all amounts included in that agreement. In addition, if a parcel is offered at regular tax sale and is not sold, the county, prior to public bidder sale to the county under section 446.19, may compromise by written agreement, or abate by resolution, the tax, interest, fees, or costs, as provided in this section.

A copy of the agreement or resolution shall be filed with the county treasurer.

Sec. 21. Section 445.23, Code Supplement 1991, is amended to read as follows:

445.23 STATEMENT OF TAXES DUE.

Upon request, the county treasurer shall state in writing the full amount of taxes against a parcel, all sales for unpaid taxes, and the amount needed to redeem the parcel, if redeemable. If the person requesting the statement is not the titleholder of record or contract holder of record of the parcel, that person shall pay a fee at the rate of two dollars per parcel for each year that there are unpaid taxes to for which information is requested, and the money shall be deposited in the county general fund.

Sec. 22. Section 445.36A, Code Supplement 1991, is amended to read as follows:

445.36A PARTIAL PAYMENTS.

1. As an alternative to the semiannual or annual payment of taxes, the county treasurer may accept partial payments of taxes. A minimum payment amount shall be established by the treasurer. The treasurer shall transfer amounts from each taxpayer's account to be applied to each semiannual tax installment prior to the delinquency dates specified in section 445.37

and the amounts collected shall be apportioned by the tenth of the month following transfer. If, prior to the due date of each semiannual installment, the account balance is insufficient to fully satisfy the installment, the treasurer shall transfer and apply the entire account balance, leaving an unpaid balance of the installment. Interest shall attach on the unpaid balance in accordance with section 445.39. Unless funds sufficient to fully satisfy the delinquency are received, the treasurer shall collect the unpaid balance as provided in sections 445.3 and 445.4 and chapter 446. Any remaining balance in a taxpayer's account in excess of the amount needed to fully satisfy an installment shall remain in the account to be applied toward the next semiannual installment. Any interest income derived from the account shall be deposited in the county's general fund to cover administrative costs. The treasurer shall send a notice with the tax statement or by separate mail to each taxpayer stating that, upon request to the treasurer, the taxpayer may make partial payments of taxes.

2. Partial payment of taxes which are delinquent may be made to the county treasurer. A minimum payment amount shall be established by the treasurer. The minimum payment must be equal to or exceed the interest, fees, and costs attributed to the oldest delinquent installment of the tax and shall be apportioned in accordance with section 445.57. If the payment does not include the whole of any installment of the delinquent tax, the unpaid tax shall continue to accrue interest pursuant to section 445.39. Partial payment shall not be permitted in lieu of redemption if the property has been sold for taxes under chapter 446 and under any circumstances shall not constitute an extension of the time period for a sale under chapter 446.

Current year taxes may be paid at any time regardless of any outstanding prior year delinquent tax.

This section does not apply to the payment of mobile home taxes, special assessments, or rates or charges.

Sec. 23. Section 445.37, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

However, if there is a delay of in the delivery of the tax list referred to in chapter 443 to the county treasurer, the amount of ad valorem taxes and mobile home taxes due shall become delinquent thirty days after the date of delivery or on the delinquent date of the first installment, whichever date occurs later. The delay shall not affect the due dates for special assessments and rates or charges. The delinquent date for special assessments, and rates or charges is the same as the first installment delinquent date for ad valorem taxes, including any extension, in absence of a statute to the contrary.

Sec. 24. Section 446.9, subsection 2, Code Supplement 1991, is amended to read as follows:

2. Publication of the time and place of the annual tax sale shall be made once by the treasurer in an official newspaper in the county as selected by the board of supervisors and designated by the treasurer at least one week, but not more than three weeks, before the day of sale. The publication shall contain a description of the parcel to be sold that is clear, concise, and sufficient to distinguish the parcel to be sold from all other parcels. All items offered for sale pursuant to section 446.18 may be indicated by an "s" or by an asterisk. The publication shall also contain the name of the person in whose name the parcel to be sold is taxed, the amount delinquent for which the parcel is liable each year, the amount of the interest, fees, costs, and the cost of publication in the newspaper, all to be incorporated as a single sum. The publication shall contain a statement that, after the sale, if the parcel is not redeemed within the period provided in chapter 447, the right to redeem expires and a deed may be issued.

Sec. 25. Section 446.16, Code Supplement 1991, is amended to read as follows:

446.16 BID — PURCHASER.

The person who offers to pay the total amount due, which is a lien on any parcel, for the smallest ~~portion~~ percentage of the parcel is the purchaser, and when the purchaser designates the ~~portion~~ percentage of any parcel for which the purchaser will pay the total amount due, the ~~portion~~ percentage thus designated shall ~~become~~ give the person an undivided portion interest upon the issuance of a treasurer's deed, as provided in chapter 448. The delinquent

tax lien transfers with the tax sale certificate, whether held by the county or purchased by an individual, through assignment or direct purchase at the tax sale. The delinquent tax lien expires when the tax sale certificate expires.

Sec. 26. Section 446.17, Code Supplement 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If notice of annual tax sale has been published under section 446.9, as it appeared in the 1991 Code, the notice is valid and further notice is not required for an adjourned sale held under this section, unless it is a public bidder sale.

Sec. 27. Section 446.20, subsection 1, Code Supplement 1991, is amended to read as follows:

1. Without limiting the county's rights under section 445.3, once a certificate is issued to a county, a county may collect the total amount due by the alternative remedy provided in section 445.3 by converting the total amount due to a personal judgment. ~~The prosecution in equity of such action may be commenced anytime after the date of issuance of the certificate under section 446.19.~~ Entrance of the judgment shall be shown on the county system. Collection of the judgment may then be initiated as provided in section 445.4. The county attorney shall, upon request of the county treasurer, assist in prosecution of action authorized under this section and sections 445.3 and 445.4.

The remedies associated with tax sale and personal judgment may be simultaneously pursued until such time as the total amount due has been collected or otherwise discharged. If the total amount due is collected pursuant to a personal judgment, the tax sale shall be canceled by the treasurer. If a tax deed is issued, any personal judgment shall be released and a satisfaction of judgment shall be filed with the clerk of the appropriate district court.

Sec. 28. Section 446.27, subsection 2, Code Supplement 1991, is amended to read as follows:

2. If the treasurer, deputy treasurer, or designated person is directly or indirectly concerned in the purchase of a parcel sold at tax sale, the treasurer and the treasurer's sureties are liable on the treasurer's official bond for all damages sustained by the owner of the parcel. In addition, the treasurer, deputy treasurer, or designated person, as the case may be, is guilty of a fraudulent practice.

Sec. 29. Section 446.31, Code Supplement 1991, is amended to read as follows:

446.31 ASSIGNMENT — PRESUMPTION FROM DEED RECITALS.

The certificate of purchase is assignable by endorsement and entry in the county system in the office of county treasurer of the county from which the certificate was issued, and when the assignment is so entered, it shall vest in the assignee or legal representatives of the assignee all the right and title of the assignor. The statement in the treasurer's deed of the fact of the assignment is presumptive evidence of that fact. When the county acquires a certificate of purchase, the board of supervisors may compromise and assign the certificate. A compromise and assignment shall be by written agreement. A copy of the agreement shall be filed with the treasurer. All money received from assignment of certificates of purchase shall be apportioned to the tax-levying and certifying bodies in proportion to their interests in the taxes for which the parcel was sold. After assignment of a certificate of purchase which is held by the county, section 446.37 applies. In that instance, the three-year requirement shall be calculated from the date of assignment.

Sec. 30. Section 446.38, Code Supplement 1991, is amended to read as follows:

446.38 SUSPENDED TAXES OF OLD-AGE ASSISTANCE RECIPIENTS.

In cases where taxes were suspended one year or more upon the parcel of a deceased old-age assistance recipient and no estate was opened within ninety days after the death of the recipient and the surviving spouse of the recipient is not occupying the parcel, the county may apply to the probate court to have the parcel conveyed to it for satisfaction of the suspended taxes. The probate court shall prescribe the manner and notices to be given. The probate court shall order the parcel conveyed to the county for satisfaction of the suspended taxes if an estate is not opened within a time specified by the court. The probate court shall make and enter

all appropriate orders to effect this conveyance to the county if an estate is not opened within the time specified. The parcel, at the election of the county treasurer, may be offered at tax sale after its conveyance to the county in accordance with chapter 446 in lieu of the county making application to the probate court.

Sec. 31. NEW SECTION. 446.45 APPLICABLE LAW.

Sections 446.21, 446.31, 446.32, and 446.37, as amended by 1991 Iowa Acts, chapter 191, sections 73, 82, 83, and 86, only apply if associated with a tax sale that occurred on or after April 1, 1992. For tax sales occurring prior to April 1, 1992, the provisions of sections 446.21, 446.31, 446.32, and 446.37 in effect on the date of the tax sale apply.

Sec. 32. Section 447.13, Code Supplement 1991, is amended to read as follows:

447.13 COST — FEE — REPORT.

The cost of a record search and the cost of serving the notice, including the cost of mailing certified mail notices and the cost of publication under section 447.10 if publication is required, shall be added to the amount necessary to redeem. The fee for personal service of the notice shall be the same as for service of an original notice, including copy fee and mileage. The county treasurer shall file the proof of service and statement of costs and record these costs against the parcel. The certificate holder or the holder's agent shall report in writing to the treasurer the amount of authorized costs incurred, and the treasurer shall file the statement. Costs not filed with the treasurer before a redemption is complete shall not be collected by the treasurer and may be recovered through a court action against the parcel owner by the certificate holder. If the parcel is held by a city or county, a city or county agency, or the Iowa finance authority, for use in an Iowa homesteading project, whether or not the parcel is the subject of a conditional conveyance granted under the project, the costs incurred for repairs and rehabilitation work required and undertaken in order to make the parcel meet applicable building or housing code standards shall be added to the amount necessary to redeem.

Sec. 33. NEW SECTION. 447.14 LAW IN EFFECT AT TIME OF SALE.

The law in effect at the time of tax sale governs redemption.

Sec. 34. Section 448.12, Code Supplement 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This section, as amended by 1991 Iowa Acts, chapter 191, section 111, is effective for parcels sold at tax sales occurring on or after April 1, 1992, and for disabilities removed on or after April 1, 1992. For tax sales occurring prior to April 1, 1992, the provisions of this section in effect on the date of the tax sale apply.

Sec. 35. Section 468.54, Code 1991, is amended to read as follows:

468.54 FUNDS — DISBURSEMENT — INTEREST.

~~Such~~ The taxes when collected shall be kept in a separate fund known as the county drainage or levee fund and shall be paid out only for purposes properly connected with and growing out of the county drainage and levee districts on order of the board. The auditor shall continue to keep a record of each of the drainage and levee district's funds so as to accurately reflect the financial condition of each ~~such~~ district account. The county treasurer, on order of the board of supervisors, shall invest such funds not immediately needed for current operating expenses in United States government bonds, in time certificates of deposit, in savings accounts in ~~such~~ banks as the board shall approve, in the interest bearing obligations of the drainage and levee districts of the county, or as provided by chapter 453. Interest collected by the treasurer on the funds ~~so~~ invested shall be deposited in the county drainage or levee fund, and on July 1 of each year the auditor shall apportion and credit ~~such~~ the interest to each drainage or levee district account in the proportion which the average credit balance of each district bears to the average balance of the county drainage or levee fund. The averages to be ascertained shall be the averages of the balances existing on the first of each month during the fiscal year immediately preceding. Interest ~~and penalties~~ collected on drainage or levee district taxes shall be credited to the district for which the taxes are being collected. This

section ~~shall does~~ not be construed so as to permit expenditures in behalf of any district in excess of its share of the county drainage or levee fund. ~~The provisions of this~~ This section ~~shall does~~ not apply to drainage and levee districts under trustee management unless the trustees consent ~~thereto to its application~~, and in the absence of such consent, section 468.528 ~~shall apply applies~~.

Sec. 36. Section 468.55, Code 1991, is amended to read as follows:

468.55 ASSESSMENTS – MATURITY AND COLLECTION.

All drainage or levee tax assessments ~~shall become due and payable at the same time as other~~ with the first half of ordinary taxes, and shall be collected in the same manner with the same ~~penalties interest~~ interest for delinquency and the same manner of enforcing collection by tax sales.

Sec. 37. Section 468.57, subsections 1 and 2, Code 1991, are amended to read as follows:

1. To pay one-third of the amount of ~~such the~~ assessment at the time of filing ~~such the~~ agreement; one-third within twenty days after the engineer in charge ~~shall certify certifies~~ to the auditor that the improvement is one-half completed; and the remaining one-third within twenty days after the improvement has been completed and accepted by the board. All ~~such~~ installments shall be without interest if paid at said times, otherwise ~~said the~~ assessments shall bear interest from the date of the levy at a rate not exceeding that permitted by chapter 74A, payable annually, and be collected as other taxes on real estate, with like ~~penalty interest~~ interest for delinquency.

2. To pay ~~such the~~ assessments in not less than ten nor more than twenty equal installments, the number to be ~~fixed~~ by the board, and interest at the rate fixed by the board, not exceeding that permitted by chapter 74A. The first installment of each assessment, or the total amount if less than one hundred dollars, is due and payable on July 1 next succeeding the date of the levy, unless the assessment is filed with the county treasurer after May 31 in any year. The first installment shall bear interest on the whole unpaid assessment from the date of the levy as set by the board to the first day of December following the due date. The succeeding annual installments, with interest on the whole unpaid amount, to the first day of December following the due date, are respectively due on July 1 annually, and must be paid at the same time and in the same manner as the first semiannual payment of ordinary taxes. All future installments of an assessment may be paid on any date by payment of the then outstanding balance plus interest accrued to the date of payment. Each installment of an assessment with interest on the unpaid balance is delinquent ~~after the thirtieth day of September next from October 1~~ after its due date, unless the last day of September is a Saturday or Sunday, in which case the installment becomes delinquent from the following Tuesday, and bears the same delinquent ~~interest with the same penalties~~ interest as ordinary taxes. When collected, the interest and ~~penalties~~ must be credited to the same drainage fund as the drainage special assessment.

Sec. 38. Section 468.395, Code 1991, is amended to read as follows:

468.395 COLLECTION OF TAX.

The assessment required under sections 468.393 and 468.394 shall be made by the board of supervisors at the time of levying general taxes, after the work has been authorized, and the ~~same~~ assessment shall be entered on the records of the board of supervisors, then entered on the tax books by the county auditor as drainage taxes, and shall be collected by the county treasurer at the same time, in the same manner, and with the same ~~penalties interest~~, as general taxes; ~~and if~~. If the same assessment is not paid the county treasurer shall sell all ~~such~~ lands upon which ~~such the~~ assessment remains unpaid, at the same time, and in the same manner, as is now by law provided for the sale of lands for delinquent taxes, including all steps up to the execution and delivery of the tax deed ~~for the same~~. The landowners shall take notice of and pay ~~such the~~ assessments without other or further notice than ~~such~~ as is provided for in this part. The funds realized from ~~such the~~ assessments shall constitute the drainage fund, as contemplated in this part, and shall be disbursed on warrants drawn against that fund by the county auditor, on the order of the board of supervisors.

Sec. 39. Section 468.577, Code 1991, is amended to read as follows:

468.577 ADJUDICATION ON REPORT.

At the hearing of the conservator's report, the court shall fix and determine the amount of money in the hands of the county treasurer belonging to said the drainage district; the amount of the indebtedness of said the drainage district; and to whom said the indebtedness is due, and shall fix and determine the time, manner, and priority of payment of said the indebtedness; also the. The court shall fix and determine the amount of unpaid assessment or assessments against each tract of land within said the drainage district, and may extend the time of payment, and reamortize and reallocate the said assessments upon each tract of land within said the drainage district; also, if. If the court finds that the assessments as levied against each tract of land within said the drainage district, are not sufficient to pay the indebtedness due and owing by said the drainage district, the court may order the board of supervisors of the county within which the said drainage district is located, to levy an assessment against the lands within said the drainage district, in an amount to pay the deficit; provided, however, However, that no assessment for the payment of drainage bonds or improvement certificates shall not be levied against any tract of land where if the owner of said the land is not delinquent in payment of any assessment and provided, further, that no. The amount of the reassessment on a particular piece of land shall be in direct proportion to the amount of unpaid assessments on said the land and provided, further, that no. The assessment or expenses incidental thereto, for the payment of drainage bonds or improvement certificates under this part, shall not be levied against any tract of land where if the owner of said the land had previously paid all of the owner's assessment. Said The assessment to shall be assessed and levied by the board of supervisors upon the lands within said the drainage district, in the same proportion as the original assessment. A copy of said the order entered by the court, shall be filed by the clerk of the district court with the county auditor, and the schedule of payments of the indebtedness of said the drainage district as fixed and determined by the court, shall be entered upon the drainage records of the drainage district and also spread upon the tax records of the county, and shall become due and payable at the same time as ordinary taxes, and shall be collected in the same manner with the same penalties interest for delinquency, and the same manner of enforcing collection by tax sale. Also the The court may apportion the costs between the creditors of the drainage district, and the drainage district.

Sec. 40. Section 569.8, subsection 4, Code Supplement 1991, is amended to read as follows:

4. The transfer by a county of a parcel acquired by tax deed gives the purchaser free title as to previously levied or set taxes.

Sec. 41. 1991 Iowa Acts, chapter 191, section 124, is amended to read as follows:

SEC. 124. This Except for section 19, this Act takes effect April 1, 1992. Section 19 of this Act takes effect January 1, 1993.

Sec. 42. Except for sections 13 and 41, this Act takes effect April 1, 1992. Section 13 of this Act takes effect January 1, 1993. Section 41 of this Act, being deemed of immediate importance, is effective upon enactment.

Approved March 26, 1992