

CHAPTER 1137

HIGHWAY CONSTRUCTION

S. F. 534

AN ACT relating to highway construction.

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

- 1 SECTION 1. Chapter two hundred fifty-nine (259), section one (1),
 2 Acts of the Sixty-second General Assembly, is hereby amended by
 3 striking all of line seven (7) after the word "project," and all of lines
 4 eight (8) through fourteen (14), inclusive, and inserting in lieu
 5 thereof the following:
 6 "adequate provision shall be made by agreement with the land-
 7 owner for the restoration of the borrow pit area, either by removal and
 8 replacement of a minimum of eight inches of top soil, or by fertilizing,
 9 mulching, reseeding or other appropriate measures to provide vegeta-
 10 tive cover or prevent erosion."

Approved April 8, 1970.

CHAPTER 1138

RELOCATION PAYMENTS ON HIGHWAY PROJECTS

S. F. 1055

AN ACT to provide a relocation advisory assistance program and relocation payments to persons displaced by highway projects.

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

- 1 SECTION 1. As used in this Act:
 2 1. "Person" means:
 3 a. Any individual, partnership, corporation, or association which
 4 is the owner of a business;
 5 b. Any owner, part owner, tenant, or sharecropper who operates
 6 a farm;
 7 c. An individual who is the head of a family; or
 8 d. An individual not a member of a family.
 9 2. "Family" means two or more individuals living together in the
 10 same dwelling unit who are related to each other by blood, marriage,
 11 adoption, or legal guardianship.
 12 3. "Displaced person" means any person who moves from real prop-
 13 erty on or after the effective date of this Act as a result of the acqui-
 14 sition or reasonable expectation of acquisition of such real property,
 15 which is subsequently acquired, in whole or in part, for a highway
 16 project.
 17 4. "Business" means any lawful activity conducted primarily:
 18 a. For the purchase and resale, manufacture, processing, or market-
 19 ing of products, commodities, or any other personal property;
 20 b. For the sale of services to the public; or
 21 c. By a nonprofit organization.
 22 5. "Farm operation" means any activity conducted solely or pri-

23 marily for the production of one or more agricultural products or
24 commodities for sale and home use, and customarily producing such
25 products or commodities in sufficient quantity to be capable of con-
26 tributing materially to the operator's support.

27 6. "Federal agency" means any department, agency, or instrumen-
28 tality in the executive branch of the federal government and any
29 corporation wholly owned by the federal government.

30 7. "Commission" means the state highway commission.

31 8. "Highway project" means any federal-aid street or highway
32 project requiring the purchase or condemnation of private property
33 for public use.

1 SEC. 2. The commission shall provide a relocation advisory assist-
2 ance program, including measures, facilities, or services necessary or
3 appropriate in order to:

4 1. Determine the needs of displaced persons for relocation assist-
5 ance;

6 2. Assure that within a reasonable period of time prior to displace-
7 ment there will be available, to the extent that can reasonably be
8 accomplished, in areas not generally less desirable in regard to public
9 utilities and public and commercial facilities and at rents or prices
10 within the financial means of families and individuals displaced, hous-
11 ing meeting the standards established by the commission for decent,
12 safe, and sanitary dwellings, equal in number to the number of, and
13 available to, displaced families and individuals and reasonably acces-
14 sible to their places of employment;

15 3. Assist owners of displaced businesses and displaced farm opera-
16 tions in obtaining and becoming established in suitable locations;
17 and

18 4. Supply information concerning the federal housing administra-
19 tion home acquisition program of the national housing act, title twelve
20 (12), section one thousand seven hundred fifteen l (1715l), subsection
21 d, paragraph two (2), United States Code, the small business disaster
22 loan program of the small business act, title fifteen (15), section six
23 hundred thirty-six (636), paragraph b, subsection three (3), United
24 States Code, and other state or federal programs offering assistance
25 to displaced persons.

1 SEC. 3.

2 1. Upon application approved by the commission, a person displaced
3 by any highway project may elect to receive actual reasonable ex-
4 penses in moving himself, his family, his business, or his farm opera-
5 tion, including personal property.

6 2. Any displaced person who moves from a dwelling who elects to
7 accept the payments authorized by this subsection in lieu of the pay-
8 ments authorized by subsection one (1) of this section may receive:

9 a. A moving expense allowance, determined according to a schedule
10 established by the commission, not to exceed two hundred dollars;
11 and

12 b. A dislocation allowance of one hundred dollars.

13 3. Any displaced person who moves or discontinues his business or
14 farm operation who elects to accept the payment authorized by this
15 subsection in lieu of the payment authorized by subsection one (1) of
16 this section, may receive a fixed relocation payment in an amount

17 equal to the average annual net earnings of the business or farm oper-
18 ation, or five thousand dollars, whichever is the lesser. In the case of
19 a business, no payment shall be made under this subsection unless
20 the commission determines that the business cannot be relocated with-
21 out a substantial loss of its existing patronage, and is not part of a
22 commercial enterprise having at least one other establishment, not
23 being acquired for a highway project, which is engaged in the same
24 or similar business. For purposes of this subsection "average annual
25 net earnings" means one-half of any net earnings of the business or
26 farm operation, before federal, state, and local income taxes, during
27 the two taxable years immediately preceding the taxable year in which
28 the business or farm operation moves from the real property acquired
29 for a highway project, and includes any compensation paid by the
30 business or farm operation to the owner, his spouse, or his dependents
31 during such two-year period.

1 SEC. 4.

2 1. In addition to amounts otherwise authorized by this Act, the
3 commission shall make a payment to the owner of real property ac-
4 quired for a highway project which is improved by a single family,
5 two-family, or three-family dwelling actually owned and occupied by
6 the owner for not less than one year prior to the initiation of negotia-
7 tions for the acquisition of the property. Payment, not to exceed five
8 thousand dollars, shall be the amount which, added to the acquisition
9 payment, equals the average price required for a comparable dwelling
10 determined, in accordance with standards established by the commis-
11 sion, to be a decent, safe, and sanitary dwelling adequate to accommo-
12 date the displaced owner, reasonably accessible to public services and
13 places of employment, and available on the private market. Payment
14 shall be made only to a displaced owner who purchases and occupies
15 a dwelling within one year subsequent to the date on which he is
16 required to move from the dwelling acquired for the highway project.
17 No payment is required if the owner-occupant receives a payment re-
18 quired by the law of condemnation which is determined by the com-
19 mission to have substantially the same purpose and effect as this sec-
20 tion.

21 2. In addition to amounts otherwise authorized by this Act, the
22 commission shall make a payment to any individual or family dis-
23 placed from any dwelling not eligible to receive a payment under sub-
24 section one (1) of this section, if the dwelling was actually and law-
25 fully occupied by such individual or family for not less than ninety
26 days prior to the initiation of negotiations for acquisition of such
27 property. Such payment, not to exceed one thousand five hundred dol-
28 lars, shall be the amount which is necessary to enable the person to
29 lease or rent for a period of not to exceed two years, or to make the
30 down payment on the purchase of a decent, safe, and sanitary dwell-
31 ing adequate to accommodate such individual or family in areas not
32 generally less desirable in regard to public utilities and public and
33 commercial facilities.

1 SEC. 5. In addition to amounts otherwise authorized by this Act,
2 the commission shall reimburse the owner of real property acquired
3 for a highway project for reasonable and necessary expenses incurred
4 for recording fees, transfer taxes, and similar expenses incidental to

5 conveying such property; penalty costs for prepayment of any mort-
6 gage entered into in good faith encumbering such real property if
7 such mortgage is on record or has been filed for record under appli-
8 cable state law on the date of final approval by the commission of the
9 location of such project; and the pro rata portion of real property
10 taxes paid which are allocable to a period subsequent to the date of
11 vesting of title in the state, or the effective date of the possession of
12 such real property by the state, whichever is earlier.

1 SEC. 6. Payments and expenditures under the provisions of this
2 Act are incident to and arise out of the construction, maintenance,
3 and supervision of public highways and streets, and, in the case of
4 any federal-aid highway project, may be made by the commission from
5 the primary road fund and funds made available by the federal gov-
6 ernment for the purpose of carrying out the provisions of this Act.
7 Payments made under authority of section eleven (11) of this Act
8 may be made from the primary road fund in case of a primary road
9 project only, and in other cases may be made from the secondary road
10 fund or from appropriate funds under control of a political subdivi-
11 sion.

1 SEC. 7. The commission may do all things necessary to carry out
2 the provisions of this Act and to secure federal grants to make the
3 payments required by this Act, but the absence of federal aid to make
4 such payments shall not discharge the obligation to make the pay-
5 ments.

1 SEC. 8. Nothing in this Act shall be construed to create any addi-
2 tional element of damage in any condemnation proceedings for high-
3 way projects, and in order to prevent unjust enrichment or a dupli-
4 cation of payments to any condemnee, the courts of this state, when
5 determining just compensation in condemnation proceedings, shall not
6 allow any damages which duplicate any of the benefits provided under
7 the provisions of this Act.

1 SEC. 9. The commission may make rules and regulations necessary
2 to effect the provisions of this Act and to assure:

3 1. The payments authorized by this Act are fair and reasonable
4 and as uniform as practicable;

5 2. A displaced person who makes proper application for a payment
6 authorized by this Act is paid promptly after a move or, in hardship
7 cases, is paid in advance; and

8 3. Any person aggrieved by a determination as to eligibility for a
9 payment authorized by this Act, or the amount of a payment, may
10 have his application reviewed by the commission.

11 All rules shall be subject to the provisions of chapter seventeen
12 A (17A) of the Code.

1 SEC. 10. Section four hundred seventy-two point fourteen (472.14),
2 Code 1966, is hereby amended as follows:

3 1. By striking lines seven (7) through fourteen (14), inclusive.

4 2. By striking from line fifteen (15) the words "condemnation
5 and appropriation." and inserting in lieu thereof the following:

6 "sheriff. At the request of the condemnor or the condemnee, the

7 commission shall divide the damages into parts to indicate the value
8 of any dwelling, the value of the land and improvements other than
9 a dwelling, and the value of any additional damages.”

10 3. By inserting in line thirty-two (32) after the comma the words
11 “except moving expenses paid or required to be paid under relocation
12 assistance programs.”.

1 SEC. 11. The commission or any political subdivision, may provide
2 all or a part of the programs and payments authorized under sections
3 two (2) through five (5) of this Act, inclusive, to persons displaced
4 by any street or highway project which is financed in whole or in
5 part by the state or the political subdivision, which is not a federal-
6 aid project, and which requires the purchase or condemnation of pri-
7 vate property for public use. To the extent that a program or pay-
8 ment is provided under this section, it shall be provided on a uniform
9 basis to all persons so displaced. The commission shall make rules
10 and regulations to assure reasonable standards, which need not con-
11 form to federal rules and guidelines, for programs and payments pro-
12 vided under this section.

1 SEC. 12. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in The Tele-
3 graph-Herald a newspaper published at Dubuque, Iowa, and The Cas-
4 cade Pioneer-Advertiser a newspaper published at Cascade, Iowa.

Approved March 12, 1970.

I hereby certify that the foregoing Act, Senate File 1055, was published in The Tele-
graph-Herald, Dubuque, Iowa, March 18, 1970, and in The Cascade Pioneer-Advertiser,
Cascade, Iowa, March 19, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1139

REGISTRATION AND OPERATION OF MOTOR VEHICLES

S. F. 1013

AN ACT relating to the registration and operation of motor vehicles.

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

1 SECTION 1. Section three hundred twenty-one point eighteen
2 (321.18), Code 1966, subsection one (1), line five (5), is amended by
3 striking the words and figures “sections 321.53 and 321.56” and in-
4 serting in lieu thereof the following:

5 “section three hundred twenty-one point fifty-three (321.53) and
6 chapter three hundred twenty-six (326)”.

1 SEC. 2. Section three hundred twenty-one point forty (321.40),
2 Code 1966, is amended by striking all of the last paragraph.

1 SEC. 3. Section three hundred twenty-one point one hundred
2 ninety-six (321.196), Code 1966, line two (2), is amended by striking
3 the following: “issued after July 5, 1948”.