

3/25/93 Referred to Transportation

4/2/93 Amend/Do Pass w/s. 3368  
4/28/93 Referred to Local Gov.

SENATE FILE 396

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 306)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the condemnation of private property  
2 designated as a century farm.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 396

S-3368

1 Amend Senate File 396 as follows:  
2 1. Page 1, by striking lines 1 through 12, and  
3 inserting the following:  
4 "Sec. \_\_\_\_ . NEW SECTION. 6A.21 CENTURY HOME FARMS  
5 -- PROHIBITION.  
6 Proceedings shall not be instituted by the state or  
7 any political subdivision of the state for the  
8 condemnation of private property which is a century  
9 home farm, for any public improvement, including but  
10 not limited to the construction of a primary,  
11 secondary, or farm-to-market road as provided in  
12 chapter 312, unless the owner of the private property  
13 consents to the taking. As used in this section,  
14 "century home farm" means that portion of a homestead  
15 as provided in chapter 561, which is the site of a  
16 dwelling or the site of a structure located in close  
17 proximity to the dwelling and associated with  
18 agricultural production, if the homestead is on land  
19 designated by the department of agriculture and land  
20 stewardship as a century farm as provided in section  
21 159.25."

SF 396

By COMMITTEE ON TRANSPORTATION  
JEAN LLOYD-JONES, Chairperson

S-3368 FILED APRIL 2, 1993

1 Section 1. NEW SECTION. 6A.21 CENTURY FARMS --  
2 PROHIBITION.

3 Proceedings shall not be instituted by the state or any  
4 political subdivision of the state for the condemnation of  
5 private property for any public improvement, including but not  
6 limited to the construction of primary, secondary, and farm-  
7 to-market roads as provided in chapter 312, if the private  
8 property is a homestead as provided in chapter 561 and the  
9 homestead is on land designated by the department of  
10 agriculture and land stewardship as a century farm, as  
11 provided in section 159.25, unless the owner of the private  
12 property consents to the taking.

13 Sec. 2. NEW SECTION. 159.25 CENTURY FARM -- DESIGNATION.

14 The department may designate agricultural land used for  
15 farming as a "century farm", according to criteria established  
16 by the department. The land must include a homestead as  
17 provided in chapter 561 and must be held in continuous  
18 succession by individuals within the same family for one  
19 hundred years or more.

20 EXPLANATION

21 This bill amends chapter 6A relating to the state's  
22 authority of eminent domain, by prohibiting a state or any  
23 political subdivision of the state from condemning private  
24 property for any public improvement, including but not limited  
25 to the construction of primary, secondary, and farm-to-market  
26 roads, if the private property is a homestead on land  
27 designated by the state as a century farm, unless the owner of  
28 the private property consents to the taking.

29 The bill codifies the authority of the department of  
30 agriculture and land stewardship to designate land used for  
31 farming as a "century farm".

32 This bill may create a state mandate as provided in chapter  
33 25B.

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SENATE FILE 396  
FISCAL NOTE

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A fiscal note for Senate File 396 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 396 prohibits the State or any of its political subdivisions from instituting proceedings of condemnation against any private property considered a "Century Farm". The bill defines a Century Farm as land that has been held in continuous succession by individuals within the same family, contains a homestead, and qualifies under criteria established by the Department of Agriculture (DALs).

Background:

The DALs has issued Century Farm certificates to applicants for about 17 years. According to the criteria specified in the application, a Century Farm is "at least 40 acres of Iowa farmland" which has been owned "within the same family for 100 years or more" (in 1976, the DALs required 80 acres). There is no definition of "same family". The application must be notarized. Before issuing the certificate, the DALs does not check the authenticity of the application. The criteria is not established in the Code of Iowa, or by administrative rule, so the criteria could change without public notice.

Section 403.8, Code of Iowa currently protects Century Farms from inclusion in an "Economic Development Area" as defined by that Section. The Iowa Supreme Court recently upheld that protection by ruling that the City of Dubuque could not condemn a piece of property within the city's proposed economic development area because the property was recognized as a Century Farm.

Fiscal Impact:

An accurate estimate of the fiscal impact of this bill cannot be determined, because it cannot be predicted how many of the present 10,652 century farms (plus others added in the future), will be contained within areas of condemnation considered by the State and its local governments. Also, it cannot be predicted if the DALs will not, in some future time, reduce or enlarge the minimum acreage requirement.

However, this bill would increase the cost of condemnation of private land for public purposes. Any public improvement project containing land designated as a Century Farm would at least increase in cost, as landowners used the condemnation protection to increase the price received. If a price could not be agreed upon, the project would either be rerouted, moved to another location, or abandoned. Each of these options can be assumed to have associated costs.

Source: Department of Agriculture and Land Stewardship (LSB 2667sv, JWR)

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FILED MARCH 25, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

SORENSEN, CH.  
FRAISE  
MABBOX

SSB 306  
LOCAL GOVERNMENT

SENATE FILE 296  
BY (PROPOSED COMMITTEE ON LOCAL  
GOVERNMENT BILL BY CHAIR-  
PERSON SORENSEN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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