

House Amendment 8042

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1 1 Amend the amendment, H=8025, to House File 2351 as
1 2 follows:
1 3 #1. By striking page 1, line 2, through page 2,
1 4 line 1, and inserting the following:
1 5 <#____. By striking everything after the enacting
1 6 clause and inserting the following:
1 7 <Section 1. MORATORIUM ON CERTAIN EXERCISE OF
1 8 EMINENT DOMAIN AUTHORITY == TASK FORCE CREATED.
1 9 1. A moratorium on the exercise of eminent domain
1 10 authority by cities, counties, and local government
1 11 entities conferred eminent domain authority by statute
1 12 is imposed. The moratorium shall be in effect until
1 13 December 31, 2006. During the moratorium no
1 14 applications for condemnation shall be filed pursuant
1 15 to section 6B.3. However, the moratorium shall not
1 16 apply to a condemnation of property by a county for
1 17 right-of-way that is contiguous to an existing road
1 18 right-of-way and necessary for the maintenance, safety
1 19 improvement, repair, or upgrade of the existing road.
1 20 For purposes of this subsection, "upgrade" means to
1 21 bring a road or bridge up to currently acceptable
1 22 standards, including improved geometrics, passing
1 23 lanes, turning lanes, climbing lanes, and improved
1 24 shoulders. "Upgrade" does not include expanding a
1 25 highway from two lanes to four lanes.
1 26 2. An eminent domain task force is created.
1 27 Members of the task force shall be appointed by the
1 28 senate democratic floor leader, the senate republican
1 29 floor leader, the speaker of the house of
1 30 representatives, and the minority leader of the house
1 31 of representatives. The members shall include the
1 32 following:
1 33 a. Two representatives of the Iowa state
1 34 association of counties. One representative shall be
1 35 from a county with a population of less than one
1 36 hundred thousand and one representative shall be from
1 37 a county with a population of one hundred thousand or
1 38 more.
1 39 b. Two representatives of the Iowa league of
1 40 cities. One representative shall be from a city with
1 41 a population of less than one hundred thousand and one
1 42 representative shall be from a city with a population
1 43 of one hundred thousand or more.
1 44 c. Three land use experts, one each from the three
1 45 regents universities.
1 46 3. The task force shall study and collect data on
1 47 the following:
1 48 a. The history of the use of eminent domain by
1 49 cities and counties in Iowa.
1 50 b. The current law in Iowa and other states
2 1 relating to the use of eminent domain by cities and
2 2 counties.
2 3 c. The use of eminent domain in Iowa by local
2 4 government entities conferred eminent domain authority
2 5 by statute.
2 6 d. Any other issues the task force deems
2 7 appropriate.
2 8 4. The task force shall report to the general
2 9 assembly by January 8, 2007. The report shall include
2 10 a summary of the issues studied and the data
2 11 collected. The report shall include recommendations
2 12 for statutory changes related to the use of eminent
2 13 domain by cities, counties, and local government
2 14 entities conferred eminent domain authority by
2 15 statute. The recommendations may include an extension
2 16 of the moratorium imposed in subsection 1.
2 17 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
2 18 immediate importance, takes effect upon enactment.>
2 19 #strike>____. Title page, by striking lines 1 through 4,
2 20 and inserting the following: "An Act imposing a
2 21 moratorium on the exercise of eminent domain authority
2 22 and creating an eminent domain task force and
2 23 including an effective date provision."
2 24 #strike>____. By renumbering as necessary. >

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SHOULTZ of Black Hawk
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R. OLSON of Polk
2 33 HF 2351.714 81
2 34 sc/gg/3573