

House Amendment 8406

PAG LIN

1 1 Amend Senate File 2132, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. NEW SECTION. 6A.15 PROPERTY ON STATE
1 6 HISTORIC REGISTRY.
1 7 Property listed on the state register of historic
1 8 places maintained by the historical division of the
1 9 department of cultural affairs shall not be removed
1 10 from the register solely for the purpose of allowing
1 11 acquisition of the property by condemnation.
1 12 Sec. 2. Section 6A.24, subsection 3, Code 2007, is
1 13 amended to read as follows:
1 14 3. For any action brought under this section, the
1 15 burden of proof shall be on the acquiring agency to
1 16 prove by ~~a preponderance of the clear and convincing~~
1 17 evidence that the finding of public use, public
1 18 purpose, or public improvement meets the definition of
1 19 those terms. If a property owner or a contract
1 20 purchaser of record or a tenant occupying the property
1 21 under a recorded lease prevails in an action brought
1 22 under this section, the acquiring agency shall be
1 23 required to pay the costs, including reasonable
1 24 attorney fees, of the adverse party.
1 25 Sec. 3. Section 6B.2C, Code 2007, is amended to
1 26 read as follows:
1 27 6B.2C APPROVAL OF THE PUBLIC IMPROVEMENT.
1 28 The authority to condemn is not conferred, and the
1 29 condemnation proceedings shall not commence, unless
1 30 the governing body for the acquiring agency ~~approves,~~
1 31 by resolution, declares that adequate funding for the
1 32 public improvement has been secured, that the use of
1 33 condemnation for the public improvement is approved,
1 34 and that there is a reasonable expectation the
1 35 applicant will be able to achieve its public purpose,
1 36 comply with all applicable standards, and obtain the
1 37 necessary permits.
1 38 Sec. 4. NEW SECTION. 68B.8 BAN ON CERTAIN
1 39 LOBBYING ACTIVITIES ON BEHALF OF POLITICAL
1 40 SUBDIVISIONS.
1 41 A political subdivision that collects and expends
1 42 property taxes shall not use public funds of any kind
1 43 to pay a person, organization, or other entity to act
1 44 as a lobbyist in relation to any legislation relating
1 45 specifically to eminent domain authority or
1 46 condemnation procedures.
1 47 Sec. 5. Section 316.4, subsection 1, Code 2007, is
1 48 amended to read as follows:
1 49 1. If a program or project undertaken by a
1 50 displacing agency will result in the displacement of a
2 1 person, the displacing agency shall make a payment to
2 2 the displaced person, upon proper application as
2 3 approved by the displacing agency, for actual
2 4 reasonable and necessary expenses incurred in moving
2 5 the person, the person's family, business, farm
2 6 operation, or other personal property subject to rules
2 7 and limits established by the department. The payment
2 8 may also provide for actual direct losses of tangible
2 9 personal property, purchase of substitute personal
2 10 property, business reestablishment expenses, storage
2 11 expenses, and expenses incurred in searching for a
2 12 replacement business or farm. If relocation of a
2 13 business or farm operation is not economically
2 14 feasible, the displaced person may also apply for
2 15 payment of the loss of existing business relationships
2 16 because of the inability to relocate the business or
2 17 farm operation to a location similar in economic
2 18 advantage to the location from which the business or
2 19 farm operation was displaced.>
2 20 #2. Page 3, by inserting after line 3 the
2 21 following:
2 22 <Sec. _____. APPLICABILITY DATES. The sections of
2 23 this Act amending sections 6A.24, 6B.2C, and 316.4 and
2 24 enacting sections 6A.15 and 68B.8 apply to projects or

2 25 condemnation proceedings pending or commenced on or
2 26 after the effective date of this Act.>
2 27 #3. Title page, by striking line 2 and inserting
2 28 the following: <property, to property seized by
2 29 eminent domain, and including effective and
2 30 applicability dates.>
2 31
2 32
2 33 _____
2 34 KAUFMANN of Cedar
2 35
2 36
2 37 _____
2 38 TYMESON of Madison
2 39
2 40
2 41 _____
2 42 GRASSLEY of Butler
2 43 SF 2132.706 82
2 44 sc/rj/11092