

House Amendment 1168

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1 1 Amend House File 561 as follows:
1 2 #1. Page 1, by striking line 2 and inserting the
1 3 following: <EMINENT DOMAIN AUTHORITY AND CONDEMNATION
1 4 PROCEDURES>.
1 5 #2. Page 2, by inserting after line 4 the
1 6 following:
1 7 <Sec. _____. NEW SECTION. 6A.15 PROPERTY ON STATE
1 8 HISTORIC REGISTRY.
1 9 Property listed on the state register of historic
1 10 places maintained by the historical division of the
1 11 department of cultural affairs shall not be removed
1 12 from the register solely for the purpose of allowing
1 13 acquisition of the property by condemnation.>
1 14 #3. Page 2, by inserting after line 13 the
1 15 following:
1 16 <Sec. _____. Section 6A.24, subsection 3, Code 2009,
1 17 is amended to read as follows:
1 18 3. For any action brought under this section, the
1 19 burden of proof shall be on the acquiring agency to
1 20 prove by ~~a preponderance of the clear and convincing~~
1 21 evidence that the finding of public use, public
1 22 purpose, or public improvement meets the definition of
1 23 those terms. If a property owner or a contract
1 24 purchaser of record or a tenant occupying the property
1 25 under a recorded lease prevails in an action brought
1 26 under this section, the acquiring agency shall be
1 27 required to pay the costs, including reasonable
1 28 attorney fees, of the adverse party.
1 29 Sec. _____. Section 6B.2C, Code 2009, is amended to
1 30 read as follows:
1 31 6B.2C APPROVAL OF THE PUBLIC IMPROVEMENT.
1 32 The authority to condemn is not conferred, and the
1 33 condemnation proceedings shall not commence, unless
1 34 the governing body for the acquiring agency ~~approves,~~
1 35 by resolution, declares that adequate funding for the
1 36 public improvement has been secured, that the use of
1 37 condemnation for the public improvement is approved,
1 38 and that there is a reasonable expectation the
1 39 applicant will be able to achieve its public purpose,
1 40 comply with all applicable standards, and obtain the
1 41 necessary permits.
1 42 Sec. _____. NEW SECTION. 68B.9 BAN ON CERTAIN
1 43 LOBBYING ACTIVITIES ON BEHALF OF POLITICAL
1 44 SUBDIVISIONS.
1 45 A political subdivision that collects and expends
1 46 property taxes shall not use public funds of any kind
1 47 to pay a person, organization, or other entity to act
1 48 as a lobbyist in relation to any legislation relating
1 49 specifically to eminent domain authority or
1 50 condemnation procedures.
2 1 Sec. _____. Section 316.4, subsection 1, Code 2009,
2 2 is amended to read as follows:
2 3 1. If a program or project undertaken by a
2 4 displacing agency will result in the displacement of a
2 5 person, the displacing agency shall make a payment to
2 6 the displaced person, upon proper application as
2 7 approved by the displacing agency, for actual
2 8 reasonable and necessary expenses incurred in moving
2 9 the person, the person's family, business, farm
2 10 operation, or other personal property subject to rules
2 11 and limits established by the department. The payment
2 12 may also provide for actual direct losses of tangible
2 13 personal property, purchase of substitute personal
2 14 property, business reestablishment expenses, storage
2 15 expenses, and expenses incurred in searching for a
2 16 replacement business or farm. If relocation of a
2 17 business or farm operation is not economically
2 18 feasible, the displaced person may also apply for
2 19 payment of the loss of existing business relationships
2 20 because of the inability to relocate the business or
2 21 farm operation to a location similar in economic
2 22 advantage to the location from which the business or
2 23 farm operation was displaced.
2 24 Sec. _____. EFFECTIVE AND APPLICABILITY DATES. The

2 25 sections of this division of this Act enacting
2 26 sections 6A.15 and 68B.9, and amending sections 6A.24,
2 27 6B.2C, and 316.4, being deemed of immediate
2 28 importance, take effect upon enactment and apply to
2 29 projects or condemnation proceedings pending or
2 30 commenced on or after that date.

2 31 DIVISION _____
2 32 RAILWAY ASSISTANCE>.

2 33 #4. Title page, line 1, by inserting after the
2 34 word <relating> the following: <to eminent domain
2 35 authority and condemnation procedures and to>.

2 36 #5. Title page, line 5, by inserting after the
2 37 word <fund> the following: <and providing effective
2 38 and applicability dates>.

2 39 #6. By renumbering as necessary.

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2 43 KAUFMANN of Cedar

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