

# House Amendment 1351

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1 1 Amend Senate File 415, 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 2009, 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 2009, 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.9 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 2009, 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 1, line 4, by inserting after the figure  
2 21 <657A.10A,> the following: <and notwithstanding  
2 22 chapters 6A and 6B,>.  
2 23 #3. Page 4, by inserting after line 14 the  
2 24 following:

2 25 <Sec. 6. EFFECTIVE AND APPLICABILITY DATES. The  
2 26 sections of this Act amending sections 6A.15, 6A.24,  
2 27 6B.2C, 68B.9, 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 #4. Title page, line 2, by inserting after the  
2 32 word <years> the following: <, placing restrictions  
2 33 and requirements on the authority to acquire property  
2 34 through condemnation, and including effective date and  
2 35 applicability date provisions>.  
2 36 #5. By renumbering as necessary.  
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2 40 TYMESON of Madison  
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