

January 14, 1970
Passed on File
Transportation 1-20, Pass as amended 1-27

SENATE FILE 1055

By COMMITTEE ON
TRANSPORTATION

Passed Senate, Date *1-15-70* Passed House, Date *2-5-70*

Vote: Ayes *53* Nays *2* Vote: Ayes *112* Nays *0*

Approved *March 12, 1970*

Passed per Conference Committee Report 3/6
3/6 54-1 **A BILL FOR** *104-0*

Conference Committee 2-11
Representatives Goode,
Darrington, Kike and Hunter
Senators Keith, Klind,
Van Fleet and Wicks

2-17 Second Conference Committee
Senators Fitzgerald, Brownlee,
Colman, and Fry
Representatives Kike,
Frecker, Walden, Brink

- 1 An Act to provide a relocation advisory assistance program
- 2 and relocation payments to persons displaced by highway
- 3 projects.
- 4 *Be It Enacted by the General Assembly of the State of Iowa:*
- 5 Section 1. As used in this Act:
- 6 1. "Person" means:
- 7 a. Any individual, partnership, corporation, or association
- 8 which is the owner of a business;
- 9 b. Any owner, part owner, tenant, or sharecropper who oper-
- 10 ates a farm;
- 11 c. An individual who is the head of a family; or
- 12 d. An individual not a member of a family.
- 13 2. "Family" means two or more individuals living together
- 14 in the same dwelling unit who are related to each other by
- 15 blood, marriage, adoption, or legal guardianship.
- 16 3. "Displaced person" means any person who moves from real
- 17 property on or after the effective date of this Act as a result
- 18 of the acquisition or reasonable expectation of acquisition of
- 19 such real property, which is subsequently acquired, in whole or
- 20 in part, for a highway project.
- 21 4. "Business" means any lawful activity conducted primarily:
- 22 a. For the purchase and resale, manufacture, processing, or
- 23 marketing of products, commodities, or any other personal prop-
- 24 erty;
- 25 b. For the sale of services to the public; or

1 c. By a nonprofit organization.

2 5. "Farm operation" means any activity conducted solely
3 or primarily for the production of one or more agricultural
4 products or commodities for sale and home use, and customarily
5 producing such products or commodities in sufficient quantity
6 to be capable of contributing materially to the operator's
7 support.

8 6. "Federal agency" means any department, agency, or in-
9 strumentality in the executive branch of the federal govern-
10 ment and any corporation wholly owned by the federal govern-
11 ment.

12 7. "Commission" means the state highway commission.

13 8. "Highway project" means any federal-aid street or high-
14 way project requiring the purchase or condemnation of private
15 property for public use.

16 Sec. 2. The commission shall provide a relocation advisory
17 assistance program, including measures, facilities, or services
18 necessary or appropriate in order to:

19 1. Determine the needs of displaced persons for relocation
20 assistance;

21 2. Assure that within a reasonable period of time prior to
22 displacement there will be available, to the extent that can
23 reasonably be accomplished, in areas not generally less de-
24 sirable in regard to public utilities and public and commercial
25 facilities and at rents or prices within the financial means of
26 families and individuals displaced, housing meeting the stan-
27 dards established by the commission for decent, safe, and sani-
28 tary dwellings, equal in number to the number of, and available
29 to, displaced families and individuals and reasonably accessible
30 to their places of employment;

31 3. Assist owners of displaced businesses and displaced
32 farm operations in obtaining and becoming established in suit-
33 able locations; and

34 4. Supply information concerning the federal housing ad-
35 ministration home acquisition program of the national housing

1 act, title twelve (12), section one thousand seven hundred fif-
2 teen l (1715l), subsection d, paragraph two (2), United States
3 Code, the small business disaster loan program of the small busi-
4 ness act, title fifteen (15), section six hundred thirty-six
5 (636), paragraph b, subsection three (3), United States Code,
6 and other state or federal programs offering assistance to dis-
7 placed persons.

8 Sec. 3.

9 1. Upon application approved by the commission, a person
10 displaced by any highway project may elect to receive actual
11 reasonable expenses in moving himself, his family, his busi-
12 ness, or his farm operation, including personal property.

13 2. Any displaced person who moves from a dwelling who
14 elects to accept the payments authorized by this subsection
15 in lieu of the payments authorized by subsection one (1) of
16 this section may receive:

17 a. A moving expense allowance, determined according to a
18 schedule established by the commission, not to exceed two hun-
19 dred dollars; and

20 b. A dislocation allowance of one hundred dollars.

21 3. Any displaced person who moves or discontinues his busi-
22 ness or farm operation who elects to accept the payment autho-
23 rized by this subsection in lieu of the payment authorized by
24 subsection one (1) of this section, may receive a fixed reloca-
25 tion payment in an amount equal to the average annual net earn-
26 ings of the business or farm operation, or five thousand dollars,
27 whichever is the lesser. In the case of a business, no payment
28 shall be made under this subsection unless the commission deter-
29 mines that the business cannot be relocated without a substantial
30 loss of its existing patronage, and it not part of a commercial
31 enterprise having at least one other establishment, not being
32 acquired for a highway project, which is engaged in the same
33 or similar business. For purposes of this subsection "average
34 annual net earnings" means one-half of any net earnings of the
35 business or farm operation, before federal, state, and local

1 charge the obligation to make the payments.

2 Sec. 8. Nothing in this Act shall be construed to create
3 any additional element of damage in any condemnation proceed-
4 ings for highway projects, and in order to prevent unjust en-
5 richment or a duplication of payments to any condemnee, the
6 courts of this state, when determining just compensation in
7 condemnation proceedings, shall not allow any damages which
8 duplicate any of the benefits provided under the provisions
9 of this Act.

10 Sec. 9. The commission may make rules and regulations
11 necessary to effect the provisions of this Act and to assure:

12 1. The payments authorized by this Act are fair and
13 reasonable and as uniform as practicable;

14 2. A displaced person who makes proper application for
15 a payment authorized by this Act is paid promptly after a
16 move or, in hardship cases, is paid in advance; and

17 3. Any person aggrieved by a determination as to eligibility
18 for a payment authorized by this Act, or the amount of a pay-
19 ment, may have his application reviewed by the commission.

20 All rules shall be subject to the provisions of chapter
21 seventeen A (17A) of the Code.

22 Sec. 10. Section four hundred seventy-two point fourteen
23 (472.14), Code 1966, is hereby amended as follows:

24 1. By striking lines seven (7) through fourteen (14),
25 inclusive.

26 2. By striking from line fifteen (15) the words "condemna-
27 tion and appropriation." and inserting in lieu thereof the
28 following:

29 "sheriff. At the request of the condemnor or the condemnee,
30 the commission shall divide the damage into parts to indicate
31 the value of any dwelling, the value of the land and improvements
32 other than a dwelling, and the value of any additional damages."

33 3. By inserting in line thirty-two (32) after the comma the
34 words "except moving expenses paid or required to be paid under
35 relocation assistance programs,".

1 Sec. 11. The commission or any political subdivision, may
2 provide all or a part of the programs and payments authorized
3 under sections two (2) through five (5) of this Act, inclusive,
4 to persons displaced by any street or highway project which is
5 financed in whole or in part by the state or the political sub-
6 division, which is not a federal-aid project, and which requires
7 the purchase or condemnation of private property for public use.
8 To the extent that a program or payment is provided under this
9 section, it shall be provided on a uniform basis to all persons
10 so displaced. The commission shall make rules and regulations
11 to assure reasonable standards, which need not conform to fed-
12 eral rules and guidelines, for programs and payments provided
13 under this section.

EXPLANATION

The federal-aid highway act of 1968 provides for increased relocation assistance to property owners displaced by highway construction activity. Any displaced person who moves or discontinues his business or farm operation may receive a relocation payment, moving expense allowance and aid in finding replacement housing. Under this bill, persons affected by federal-aid highway projects are eligible for relocation assistance. The state and its political subdivisions may also provide similar assistance to persons displaced by nonfederal-aid highway programs.

*Proof of
Publication
3/25*

FISCAL NOTE

Date prepared January 16, 1970

Requested by Senator Lamborn.
Prepared in regard to Senate File 1055.

Following is the fiscal effect in dollars of the legislative proposal as required by Rule 31.

Highway Commission officials estimate the cost to be a minimum of \$750,000 per year in state funds.

GERRY D. RANKIN
Legislative Fiscal Director

1 Amend Senate File 1055 by adding a new section following
2 section 11.
3 "Any private person, corporation, utility or entity
4 authorized by law to acquire property by eminent domain that does
5 acquire the property of any person after the effective date of
6 this act, who is displaced thereby, shall pay to such person,
7 in addition to all other sums of money required by law, a dis-
8 placement allowance in accordance with sections three (3) and
9 four (4) and five (5) of this Act. The displacement allowance
10 shall be paid in the manner provided in this Act and pursuant
11 to the rules and regulations promulgated by the commission.
12 Any person aggrieved by a determination as to eligibility for
13 a payment or the amount of such payment may, upon application,
14 have the matter reviewed by the commission. The decision of the
15 commission upon review shall be final as to all parties. Any
16 private person, corporation, utility, or entity authorized by
17 law to acquire property by eminent domain that proposes to
18 acquire the property of any person who will be displaced by
19 such acquisition, shall inform such person of his right to
20 receive a displacement allowance and, if his entitlement
21 thereto or the amount thereof is in dispute, his right of
22 appeal to the commission."

Filed and adopted
January 16, 1970

By GAUDINEER, KEITH and LAMBORN

HOUSE AMENDMENT TO SENATE FILE 1055

- 1 Amend Senate File 1055 as follows:
2 1. By striking all of section 12.
3 2. By renumbering section 13 as section 12.

*Senate concurred
reconsidered and referred
to committee 2-9-70
House amended 2-11
Senate amended 2-11*

- 1 Amend Senate File 1055 by adding after page 7, line
2 13, the following new section:
3 This Act being deemed of immediate importance shall
4 be in full force and effect from and after its publication
5 in The Telegraph-Herald, a newspaper published at Dubuque,
6 Iowa, and The Cascade Pioneer-Advertiser, a newspaper published
7 at Cascade, Iowa.

Filed and adopted
January 16, 1970

By WALSH

REPORT ON CONFERENCE COMMITTEE
(SENATE FILE 1055)

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 1055, a bill for an act to provide a relocation advisory assistance program and relocation payments to persons displaced by highway projects, respectively submit the following recommendation:

1. That the Senate concur in the House amendment.

On the Part of the Senate:
WAYNE KEITH, Chairman
LESLIE C. KLINK
JOHN W. WALSH

On the Part of the House:
DEWEY E. GOODE
WILLIAM E. DARRINGTON
LUVERN W. KEHE
KEITH H. DUNTON

Considered and rejected
Filed
February 16, 1970

REPORT OF SECOND CONFERENCE COMMITTEE
(SENATE FILE 1055)

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 1955, a bill for an act to provide a relocation advisory assistance program and relocation payment to persons displaced by highway projects, respectfully submit the following recommendation:

1. That the Senate concur in the House amendment.

On the part of the Senate:
JAMES A. POTGETER, Chairman
S. J. BROWNLEE
C. JOSEPH COLEMAN
THOMAS J. FREY

On the part of the House:
EDGAR H. HOLDEN, Chairman
HAROLD O. FISCHER
RICHARD W. WELDEN
ADRIAN B. BRINCK

EXPLANATION

This committee is of the opinion that the Senate amendment in dispute should not be affixed to this bill concerning highway projects. Therefore, the amendment, in essentially the same wording, has been filed in the House to Senate File 1135, and this committee recommends its adoption.

Filed
March 5, 1970

*House adopted 3/6
Senate adopted 3/6*

- 1 Further amend Senate File 1055 by renumbering
- 2 section 13 as section 12.

Filed and adopted
February 5, 1970

House
MILLER of Page

- 1 Amend Senate File 1055 as follows:
- 2 By striking sections 12 and 13.

Filed
January 27, 1970

adptd 2-5
with drawn
COMMITTEE ON TRANSPORTATION
LEROY MILLER, Chairman
House