

January 28, 1970

Passed on File

The Committee 2-3, Pass 7-18

SENATE FILE 1135

By COMMITTEE ON COUNTY GOVERNMENT

(Holden and Gannon)

Passed Senate, Date *1-30-70* Passed House, Date *3-5-70*

Vote: Ayes *57* Nays *0* Vote: Ayes *109* Nays *2*

Approved *April 2, 1970*

*Passed as amended by the House
and further amended by the Senate
3-17-70
aye 55, nays 0*

*Passed as further amended
by the Senate
3-18-70
aye 91, nays 0*

A BILL FOR

- 1 An Act relating to the power of eminent domain.
- 2 *Be It Enacted by the General Assembly of the State of Iowa:*
- 3 Section 1. Section twenty-nine A point fifty-seven
- 4 (29A.57), Code 1966, as amended by chapter one hundred (100),
- 5 section two (2), Acts of the Sixty-second General Assembly, is
- 6 further amended by striking from line nineteen (19) the words
- 7 "bequests or condemnation" and inserting in lieu thereof the
- 8 words "or bequest".
- 9 Sec. 2. Section thirty-seven point five (37.5), Code 1966,
- 10 is hereby amended as follows:
- 11 1. By striking from line five (5) and six (6) the words
- 12 "or condemn".
- 13 2. By striking all of such section after the period in
- 14 line seven (7).
- 15 Sec. 3. Section two hundred two point one (202.1), Code
- 16 1966, is hereby amended by striking from line nine (9) the
- 17 word "condemnation".
- 18 Sec. 4. Section three hundred ten point twenty-two (310.22),
- 19 Code 1966, is hereby amended as follows:
- 20 1. By striking from line three (3) the word "may" and in-
- 21 serting in lieu thereof the word "shall".
- 22 2. By striking all of such section after the period in
- 23 line three (3).
- 24 Sec. 5. Chapter three hundred fifteen (315), Code 1966,
- 25 is hereby repealed.

1 Sec. 6. Section three hundred fifty-eight B point twelve
 2 (358B.12), Code 1966, is hereby amended by striking from line
 3 three (3) the word "condemn" and inserting in lieu thereof
 4 the word "purchase".

5 Sec. 7. Section four hundred sixty-eight point one (468.1),
 6 Code 1966, is hereby repealed.

7 Sec. 8. Chapter four hundred seventy (470), Code 1966, is
 8 hereby repealed.

9 Sec. 9. Section four hundred seventy-one point four
 10 (471.4), Code 1966, as amended by chapter two hundred sixty-
 11 four (264), section one (1), and chapter two hundred sixty-
 12 five (265), section one (1), Acts of the Sixty-third General
 13 Assembly, First Session, is further amended by striking sub-
 14 sections two (2) and three (3).

EXPLANATION

The bill removes the power of eminent domain from (1) the Armory Board; (2) cities and towns for the purpose of acquiring land for memorial halls and monuments to soldiers, sailors, and marines; (3) counties for limestone quarries; (4) the Highway Commission for constructing air-strips; (5) boards of library trustees for library purposes; (6) persons and corporations for a right-of-way to drain water from lands underlaid with coal; and (7) agricultural societies and other persons to condemn land necessary to carry out their authorized purposes. The bill also provides for the counties to acquire the land for farm-to-market roads without the assistance of the Highway Commission.

-
- 1 Amend the House amendment to Senate File 1135 as follows:
 2 1. Lines 15 and 16 by striking the words "and this section"
 3 and inserting in lieu thereof "to utilities and railroads".
 4 2. Line 24, by inserting after the word "utility" the
 5 words "or railroad".

Filed - *accepted 3/17*
 March 9, 1970

By GAUDINEER and POTGETER

-
- 1 Amend the House amendment to Senate File 1135, line 27, by
 2 striking the word "if" and inserting in lieu thereof the
 3 word "of".

Filed - *Withdrawn 3/17*
 March 16, 1970

By O'MALLEY

HOUSE AMENDMENT TO SENATE FILE 1135

1 Amend Senate File 1135 by adding as a new section:
2 Chapter four hundred seventy-two (472), Code 1966, is
3 amended by adding the following new section:
4 "Any utility or railroad subject to section four hundred
5 seventy-four point ten (474.10), chapter four hundred ninety
6 (490), or chapter four hundred ninety A (490A) of the Code,
7 authorized by law to acquire property by condemnation that
8 does acquire the property of any person who is displaced thereby
9 after the effective date of this Act shall pay to such person
10 in addition to all other sums of money required by law a
11 displacement allowance in accordance with and in the same
12 manner as provided for acquisition for highway projects in
13 sections three (3) and four (4) and five (5) of Senate
14 File 1055, Acts of the Sixty-third General Assembly, Second
15 Session. In the application of said sections and this
16 section the term 'commission' shall mean the Iowa state
17 commerce commission. The displacement allowance shall be
18 paid in the manner provided in that Act and pursuant to the
19 rules and regulations promulgated by the commission. Any
20 person aggrieved by a determination as to eligibility for a
21 payment or the amount of such payment may, upon application,
22 have the matter reviewed by the commission. The decision of
23 the commission upon review shall be final as to all parties.
24 Any utility subject to this Act that proposes to acquire the
25 property of any person who will be displaced by such acquisition
26 shall inform such person of his right to receive a
27 displacement allowance, and if his entitlement thereto or the
28 amount thereof is in dispute, his right of appeal to the
29 commission."

Filed
March 6, 1970

*Senate concurred
in House amendment
as amended 3/17*

1 Amend the House amendment to Senate File 1135, line 27, by
2 inserting after the word "and" a comma.

Filed and adopted
March 17, 1970

By RIGLER

1 Amend Senate File 1135 by adding as a new section:
2 "Chapter four hundred seventy-two (472), Code 1966, is
3 amended by adding the following:
4 'Any private person, corporation, utility or entity authorized
5 by law to acquire property by eminent domain that does acquire
6 the property of any person after the effective date of this Act,
7 who is displaced thereby, shall pay to such person, in addition
8 to all other sums of money required by law, a displacement
9 allowance in accordance with sections three (3) and four (4)
10 and five (5) of Senate File 1055, Acts of the Sixty-third Gen-
11 eral Assembly, Second Session. The displacement allowance
12 shall be paid in the manner provided in that Act and pursuant
13 to the rules promulgated by the condemnation commission. Any
14 person aggrieved by a determination as to eligibility for a pay-
15 ment or the amount of such payment may, upon application, have
16 the matter reviewed by the commission. The decision of the
17 commission upon review shall be final as to all parties. Any
18 private person, corporation, utility, or entity authorizing by
19 law to acquire property by eminent domain that proposes to
20 acquire the property of any person who will be displaced by
21 such acquisition, shall inform such person of his right to
22 receive a displacement allowance and, if his entitlement
23 thereto or the amount thereof is in dispute, his right of
24 appeal to the commission.'

Filed - *Withdrawn 3/5*
February 24, 1970
In: Commerce

House
MILLER of Page

1 Amend the Miller of Page amendment to Senate File 1135,
2 filed February 24, 1970, line six (6), after the word "person"
3 insert "for other than highway purposes"; also, in line nine
4 (9), by adding after the words "accordance with" the words
5 "and in the same manner as provided for condemnation for high-
6 way projects in"; also, in line eleven (11) add a new sentence
7 after the word "Session." as follows: "In the application of
8 said sections the term 'commission' shall mean the condemnation
9 commission."

Filed - *Withdrawn 3/5*
February 27, 1970
In: Transportation

House
MILLER of Page

1 Amend the Holden, Welden, Fischer of Grundy, Brinck
2 amendment to Senate File 1135, filed March 4, 1970 by
3 striking from line 12 the word "condemnation" and inserting
4 in lieu thereof the word "acquisition".

Offered from the floor and adopted
March 5, 1970
In: Commerce

WELDEN of Hardin

1 Amend Senate File 1135 by adding as a new section:
2 Chapter four hundred seventy-two (472), Code 1966, is
3 amended by adding the following new section:
4 "Any utility or railroad subject to Section four hundred
5 seventy-four point ten (474.10), chapter four hundred ninety
6 (490), chapter four hundred ninety A (490A), authorized by
7 law to acquire property by condemnation that does acquire
8 the property of any person who is displaced thereby after the
9 effective date of this Act shall pay to such person in
10 addition to all other sums of money required by law a dis-
11 placement allowance in accordance with and in the same
12 manner as provided for condemnation for highway projects in
13 sections three (3) and four (4) and five (5) of Senate File
14 1055, Acts of the Sixty-third General Assembly, Second Session.
15 In the application of said sections and this section the term
16 "commission" shall mean the Iowa State commerce commission.
17 The displacement allowance shall be paid in the manner pro-
18 vided in that Act and pursuant to the rules and regulations
19 promulgated by the commission. Any person aggrieved by a
20 determination as to eligibility for a payment or the amount
21 of such payment may, upon application, have the matter reviewed
22 by the commission. The decision of the commission upon review
23 shall be final as to all parties. Any utility subject to this
24 Act that proposes to acquire the property of any person who
25 will be displaced by such acquisition shall inform such
26 person of his right to receive a displacement allowance and
27 if his entitlement thereto or the amount thereof is in
28 dispute, his right of appeal to the commission."

Filed - adopted 3-5
March 4, 1970

House

HOLDEN of Scott
WELDEN of Hardin
FISCHER of Grundy
BRINCK of Lee

SENATE AMENDMENT TO THE HOUSE AMENDMENT
TO SENATE FILE 1135

- 1 Amend the House amendment to Senate File 1135 as follows:
2 1. Lines 15 and 16 by striking the words "and this section"
3 and inserting in lieu thereof "to utilities and railroads".
4 2. Line 24, by inserting after the word "utility" the words
5 "or railroad".
6 3. Line 27, by inserting the word "and" a comma.

*House
concerned
3/18*

Received from the Senate
March 17, 1970

House