

MAR 2 1971

HOUSE FILE 347

TRANSPORTATION

By HOLDEN

Sen. " 5/25

Passed House, Date 5-20-71 Passed Senate, Date 6-8-71

Vote: Ayes 54 Nays 33 Vote: Ayes 27 Nays 16

Approved 6-11-71

*Passed House as amended by Senate
6-9-71 ayes 80, nays 6
Motion to reconsider
filed 6/9, prevailed 6/10 (see below)*

*Passed Senate as further amended by House
6-11-71
ayes 29, nays 3*

A BILL FOR

1 An Act relating to the dispossession of a landowner under
2 condemnation proceedings for highway purposes.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4 Section 1. Section four hundred seventy-two point twenty-
5 six (472.26), Code 1971, is amended as follows:

6 472.26 DISPOSSESSION OF OWNER. A landowner shall not be
7 dispossessed, under condemnation proceedings, of his residence,
8 dwelling house, outhouse, orchard, or garden, until the dam-
9 ages thereto have been finally determined and paid. However, if
10 the property described in this section is condemned for highway
11 purposes, the condemning authority may take possession of the
12 property either after the damages have been determined and paid
13 or one hundred eighty days after the application for condemna-
14 tion has been filed with the chief judge of the judicial dis-
15 trict pursuant to section 472.3. This section shall not apply
16 to condemnation proceedings for drainage or levee improvements,
17 or for public school purposes.

EXPLANATION

18
19 This bill allows possession of owner-occupied property con-
20 demned for highway purposes to be acquired within six months
21 after the application for condemnation has been filed.

22 *Passed House as further amended 6-10-71*
23 *ayes 76, nays 1*

24
25

SENATE AMENDMENT TO HOUSE FILE 347

- 1 Amend House File 347, as passed by the House, as follows:
2 1. Page 1, line 11, by inserting after the word "purposes"
3 the following: "by the highway commission".
4 2. Page 1, line 12, by inserting after the word "been"
5 the word "finally".
6 3. Page 1, by striking in lines 13, 14 and 15 the words
7 "application for condemnation has been filed with the chief
8 judge of the judicial district pursuant to section 472.3",
9 and inserting in lieu thereof the following: "commission has
10 determined and filed its award".
11 4. Page 1, lines 15 and 16, by striking the words "seventy-five
12 per cent" and inserting in lieu thereof the word "all".
13 5. Page 1, line 21, by inserting after the word "purposes."
14 the following: "This Act shall be applicable to condemnation
15 proceedings pending on the effective date of this Act; it being
16 provided that, as to such proceedings, unless damages have been
17 finally determined and paid, the landowner shall not be dis-
18 possessed until one hundred eighty days after the effective
19 date of this Act."
20 6. Page 1, by adding the following new section after line 21:
21 Sec. 2. This Act, beind deemed of immediate importance,
22 shall take effect and be in force from and after its publi-
23 cation in The Cedar Rapids Gazette, a newspaper published
24 in Cedar Rapids, Iowa, and in The Telegraph-Herald, a news-
25 paper published in Dubuque, Iowa.

Received from the Senate
June 8, 1971

*House Concurred 6/9
Reconsidered and
adopted as amended 6/10*

- 1 Amend House File 347, page 1, by striking the
2 period in line 15 and inserting the following:
3 ",in which event seventy-five per cent of the
4 appraisement of damages shall be paid to the property owner
5 before the dispossession can take place and remain-
6 ing damage award held with the sheriff until
7 final settlement."

Offered from the Floor
and Adopted
May 20, 1971

By TAYLOR of Dubuque
District 51

- 1 Amend the Senate amendment to House File 347 by
2 adding thereto the following:
3 7. Page 1, by striking from lines 18 and 19 the
4 following: "and remaining damage award held with
5 the sheriff until final settlement".

Filed - *corrected* 6/10
June 9, 1971

By HOLDEN of Scott
District 75

CORRECTED AMENDMENT
HOUSE FILE 347

- 1 Amend the Senate amendment to House File 347 by
2 adding thereto the following:
3 7. Page 1, by striking from lines 19 and 20 the
4 following: "and remaining damage award held with
5 the sheriff until final settlement".
6 8. Page 1, line 15, by inserting before the word
7 "commission" the word "compensation".

Offered from the floor
and adopted
June 11, 1971

By HOLDEN of Scott
District 75

House

Senate Amendments

1 Amend House File 347 as follows:

2 1. Page 1, line 12, by inserting after the word "been"
3 the word "finally".

4 2. Page 1, line 21, by inserting after the word
5 "purposes." the following:

6 "This Act shall be applicable to condemnation proceedings
7 pending on the effective date of this Act; it being provided
8 that, as to such proceedings, unless damages have been
9 finally determined and paid, the landowner shall not be
10 dispossessed until one hundred eighty days after the effec-
11 tive date of this Act."

12 3. Page 1, by adding the following new section after
13 line 21:

14 "Sec. 2. This Act, being deemed of immediate impor-
15 tance, shall take effect and be in force from and after
16 its publication in The Cedar Rapids Gazette, a newspaper
17 published in Cedar Rapids, Iowa, and in The Telegraph-
18 Herald, a newspaper published in Dubuque, Iowa."

Filed - Adopted 6/8
June 2, 1971

By RILEY

1 Amend House File 347, page 1, as follows:

2 1. Line 11, by inserting after the word, "purposes"
3 the words, "by the highway commission".

4 2. Lines 15 and 16, by striking the words, "seventy-five
5 percent" and inserting in lieu thereof the word, "all".

Filed - Adopted 6/8
June 4, 1971

By GAUDINEER

HOUSE AMENDMENT TO SENATE AMENDMENT

TO HOUSE FILE 347

1 Amend the Senate amendment to House File 347 by adding
2 thereto the following:

3 7. Page 1, by striking from lines 19 and 20 the
4 following: "and remaining damage award held with the
5 sheriff until final settlement".

6 8. Page 1, line 15, by inserting before the word
7 "commission" the word "compensation".

Received from the House
June 10, 1971

Senate concurred 6/11

1 Amend House File 347, page 1, by striking in lines 13, 14
2 and 15 the words "application for condemnation has been filed
3 the chief judge of the judicial district pursuant to section
4 and insert the words "commission has determined and filed its
5 award".

Filed and adopted
June 8, 1971

By GAUDINEER