

FEB 2 1973

Judiciary & Law Enforcement, Pass 3/27

HOUSE FILE 116

House File 116
Crawford, Chairman
Stanley
Woods

Judiciary 4/2 - as passed 4/18 BY NIELSEN
House File 116
Potter, Chairman
McCartney
Willits

Passed House, Date 3-30-73⁽⁶⁸⁶⁾ Passed Senate, Date 4-7-73 (1117)
Vote: Ayes 77 Nays 0 Vote: Ayes 37 Nays 0
Approved 5-15-73

A BILL FOR

1 An Act relating to the appeal of a condemnation award.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 Section 1. Section four hundred seventy-two point
4 twenty-one (472.21), Code 1973, is amended by striking the
5 section and inserting in lieu thereof the following:
6 472.21 APPEALS--HOW DOCKETED AND TRIED. The appeal
7 shall be docketed in the name of the person appealing and
8 all other interested parties to the action shall be
9 defendants. In the event the condemnor and the condemnee
10 appeal, the appeal shall be docketed in the name of the
11 appellant which filed the application for condemnation
12 and all other parties to the action shall be defendants.
13 The appeal shall be tried as in an action by ordinary
14 proceedings.

EXPLANATION

15
16 The present law provides that if the applicant for
17 condemnation appeals, the landowner is automatically
18 the plaintiff and has the burden of proof in the trial.
19 Justice would dictate that whichever party appeals shall
20 be the plaintiff and have the burden of proof.

21
22
23
24
25