

3/19/98 *Deferred & placed on unfinished business calendar*

MAR 3 1998
Place On Calendar

HOUSE FILE 2508
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 666)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to condemnation of agricultural land for economic
2 development purposes, providing for the Act's applicability,
3 and providing an effective date.

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

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HF 2508

1 Section 1. NEW SECTION. 6A.21 CONDEMNATION OF
2 AGRICULTURAL LAND.

3 The application of this section to prohibit the
4 condemnation of agricultural land without the consent of the
5 owner is intended to prevent the unnecessary condemnation of
6 agricultural land and to protect land used for an agricultural
7 purpose but is not intended to prevent the development of land
8 in highly commercial or industrial areas within a city.

9 For purposes of this chapter, a public use or public
10 purpose does not include the condemnation of agricultural land
11 for economic development purposes unless the owner of the
12 agricultural land consents to the condemnation. "Agricultural
13 land" means real property that is used for the production of
14 agricultural commodities including, but not limited to, the
15 raising, harvesting, handling, drying, or storage of crops
16 used for feed, food, seed, or fiber; the care or feeding of
17 livestock; the handling or transportation of crops or
18 livestock; the storage, treatment, or disposal of livestock
19 manure; and the application of fertilizers, soil conditioners,
20 pesticides, and herbicides on crops. "Economic development
21 purposes" means the construction of, or public improvement
22 related to, recreational development, housing and residential
23 development, or commercial or industrial enterprise
24 development. This section does not apply to a slum area or
25 blighted area as defined in section 403.17, or to the
26 establishment, relocation, or improvement of a road pursuant
27 to chapter 306, or of an airport as defined in section 328.1.

28 Sec. 2. Section 403.5, subsection 4, Code 1997, is amended
29 by adding the following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. A municipality shall not condemn
31 agricultural land included within an economic development area
32 unless the owner of the agricultural land consents to
33 condemnation.

34 Sec. 3. Section 403.7, Code 1997, is amended to read as
35 follows:

1 403.7 CONDEMNATION OF PROPERTY.

2 A municipality shall have the right to acquire by
3 condemnation any interest in real property, including a fee
4 simple title thereto, which it may deem necessary for or in
5 connection with an urban renewal project under this chapter.
6 However, a municipality shall not condemn agricultural land
7 included within an economic development area unless the owner
8 of the agricultural land consents to condemnation. A
9 municipality may exercise the power of eminent domain in the
10 manner provided in chapter 6B, and Acts amendatory to that
11 chapter or supplementary to that chapter, or it may exercise
12 the power of eminent domain in the manner now or which may be
13 hereafter provided by any other statutory provisions for the
14 exercise of the power of eminent domain. Property already
15 devoted to a public use may be acquired in like manner.
16 However, real property belonging to the state, or any
17 political subdivision of this state, shall not be acquired
18 without its consent, and real property or any right or
19 interest in the property owned by any public utility company,
20 pipeline company, railway or transportation company vested
21 with the right of eminent domain under the laws of this state,
22 shall not be acquired without the consent of the company, or
23 without first securing, after due notice to the company and
24 after hearing, a certificate authorizing condemnation of the
25 property from the board, commission or body having the
26 authority to grant a certificate authorizing condemnation. In
27 a condemnation proceeding, if a municipality proposes to take
28 a part of a lot or parcel of real property, the municipality
29 shall also take the remaining part of the lot or parcel if
30 requested by the owner.

31 The prohibition contained in this section on the
32 condemnation of agricultural land in an economic development
33 area without the consent of the owner is intended to prevent
34 the unnecessary condemnation of agricultural land and to
35 protect land used for an agricultural purpose but is not

1 intended to prevent the development of land in highly
2 commercial or industrial areas within a city.

3 Sec. 4. Section 403.17, Code 1997, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 2A. "Agricultural land" means real
6 property that is used for the production of agricultural
7 commodities including, but not limited to, the raising,
8 harvesting, handling, drying, or storage of crops used for
9 feed, food, seed, or fiber; the care or feeding of livestock;
10 the handling or transportation of crops or livestock; the
11 storage, treatment, or disposal of livestock manure; and the
12 application of fertilizers, soil conditioners, pesticides, and
13 herbicides on crops.

14 Sec. 5. Section 403.17, subsection 9, Code 1997, is
15 amended to read as follows:

16 9. "Economic development area" means an area of a
17 municipality designated by the local governing body as
18 appropriate for commercial and industrial enterprises, public
19 improvements related to housing and residential development,
20 or construction of housing and residential development for low
21 and moderate income families, including single or multifamily
22 housing. If an urban renewal plan for an urban renewal area
23 is based upon a finding that the area is an economic
24 development area and that no part contains slum or blighted
25 conditions, then the division of revenue provided in section
26 403.19 and stated in the plan shall be limited to twenty years
27 from the calendar year following the calendar year in which
28 the city first certifies to the county auditor the amount of
29 any loans, advances, indebtedness, or bonds which qualify for
30 payment from the division of revenue provided in section
31 403.19. Such designated area shall not include agricultural
32 land, including land which is part of a century farm, unless
33 the owner of the agricultural land or century farm agrees to
34 include the agricultural land or century farm in the urban
35 renewal area. For the purposes of this subsection, "century

1 farm" means a farm in which at least forty acres of such farm
2 have been held in continuous ownership by the same family for
3 one hundred years or more.

4 Sec. 6. APPLICABILITY.

5 1. Sections 1, 2, 3, and 4 of this Act apply to urban
6 renewal areas established before, on, or after the effective
7 date of this Act and to amendments to such urban renewal
8 areas.

9 2. Section 5 of this Act applies to urban renewal areas
10 established on or after the effective date of this Act.
11 Section 5 of this Act also applies to agricultural land
12 included in an urban renewal area established before the
13 effective date of this Act if the agricultural land is
14 included in the urban renewal area by virtue of an amendment
15 to the urban renewal plan, which amendment is adopted on or
16 after the effective date of this Act.

17 Sec. 7. EFFECTIVE DATE. This Act, being deemed of
18 immediate importance, takes effect upon enactment.

19 EXPLANATION

20 This bill provides that agricultural land shall not be
21 condemned through the process of eminent domain for economic
22 development purposes unless the owner of the agricultural land
23 consents to the condemnation. The bill also provides that
24 agricultural land shall not be included in an urban renewal
25 area unless the owner of the agricultural land consents to the
26 inclusion. The bill defines "agricultural land" and "economic
27 development purposes".

28 The sections of the bill relating to condemnation of
29 agricultural property apply to urban renewal areas established
30 before, on, or after the effective date of the bill.

31 The section of the bill prohibiting inclusion of
32 agricultural land in an urban renewal area applies to urban
33 renewal areas established on or after the effective date of
34 the bill. The bill also applies to agricultural land in urban
35 renewal areas established prior to the effective date of the

1 bill if the urban renewal plan was amended to include the
2 agricultural land on or after the effective date of the bill.

3 The bill takes effect upon enactment.

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Vande Hoef, Ch
Huseman
Fallon

HSB 666
LOCAL GOVERNMENT

SUB
SF/111

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON VANDE HOEF)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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7 land" means real property that is capable of being used for
8 the production of agricultural commodities including, but not
9 limited to, the raising, harvesting, handling, drying, or
10 storage of crops used for feed, food, seed, or fiber; the care
11 or feeding of livestock; the handling or transportation of
12 crops or livestock; the storage, treatment, or disposal of
13 livestock manure; and the application of fertilizers, soil
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6 the power of eminent domain in the manner now or which may be
7 hereafter provided by any other statutory provisions for the
8 exercise of the power of eminent domain. Property already
9 devoted to a public use may be acquired in like manner.
10 However, real property belonging to the state, or any
11 political subdivision of this state, shall not be acquired
12 without its consent, and real property or any right or
13 interest in the property owned by any public utility company,
14 pipeline company, railway or transportation company vested
15 with the right of eminent domain under the laws of this state,
16 shall not be acquired without the consent of the company, or
17 without first securing, after due notice to the company and
18 after hearing, a certificate authorizing condemnation of the
19 property from the board, commission or body having the
20 authority to grant a certificate authorizing condemnation. In
21 a condemnation proceeding, if a municipality proposes to take
22 a part of a lot or parcel of real property, the municipality
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27 NEW SUBSECTION. 2A. "Agricultural land" means real
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34 manure; and the application of fertilizers, soil conditioners,
35 pesticides, and herbicides on crops.

1 Sec. 5. Section 403.17, subsection 9, Code 1997, is
2 amended to read as follows:

3 9. "Economic development area" means an area of a
4 municipality designated by the local governing body as
5 appropriate for commercial and industrial enterprises, public
6 improvements related to housing and residential development,
7 or construction of housing and residential development for low
8 and moderate income families, including single or multifamily
9 housing. If an urban renewal plan for an urban renewal area
10 is based upon a finding that the area is an economic
11 development area and that no part contains slum or blighted
12 conditions, then the division of revenue provided in section
13 403.19 and stated in the plan shall be limited to twenty years
14 from the calendar year following the calendar year in which
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16 any loans, advances, indebtedness, or bonds which qualify for
17 payment from the division of revenue provided in section
18 403.19. Such designated area shall not include agricultural
19 land, including land which is part of a century farm, unless
20 the owner of the agricultural land or century farm agrees to
21 include the agricultural land or century farm in the urban
22 renewal area. For the purposes of this subsection, "century
23 farm" means a farm in which at least forty acres of such farm
24 have been held in continuous ownership by the same family for
25 one hundred years or more.

26 Sec. 6. APPLICABILITY. This Act applies to urban renewal
27 areas established on or after the effective date of this Act.
28 This Act applies to agricultural land included in an urban
29 renewal area established before the effective date of this Act
30 if the agricultural land is included in the urban renewal area
31 by virtue of an amendment to the urban renewal plan, which
32 amendment is adopted on or after the effective date of this
33 Act.

34 Sec. 7. EFFECTIVE DATE. This Act, being deemed of
35 immediate importance, takes effect upon enactment.

EXPLANATION

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This bill provides that agricultural land shall not be condemned through the process of eminent domain unless the owner of the agricultural land consents to the condemnation. The bill also provides that agricultural land shall not be included in an urban renewal area unless the owner of the agricultural land consents to the inclusion. The bill defines "agricultural land".

The bill applies to urban renewal areas established on or after the effective date of the bill. The bill also applies to agricultural land in urban renewal areas established prior to the effective date of the bill if the urban renewal plan was amended to include the agricultural land on or after the effective date of the bill.

The bill takes effect upon enactment.