

# House Study Bill 666

## Bill Text

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1 1 Section 1. NEW SECTION. 6A.21 CONDEMNATION OF  
1 2 AGRICULTURAL LAND.  
1 3 For purposes of this chapter, a public use or public  
1 4 purpose does not include the condemnation of agricultural land  
1 5 for economic development purposes unless the owner of the  
1 6 agricultural land consents to the condemnation. "Agricultural  
1 7 land" means real property that is capable of being used for  
1 8 the production of agricultural commodities including, but not  
1 9 limited to, the raising, harvesting, handling, drying, or  
1 10 storage of crops used for feed, food, seed, or fiber; the care  
1 11 or feeding of livestock; the handling or transportation of  
1 12 crops or livestock; the storage, treatment, or disposal of  
1 13 livestock manure; and the application of fertilizers, soil  
1 14 conditioners, pesticides, and herbicides on crops. "Economic  
1 15 development purposes" means the construction of, or public  
1 16 improvement related to, recreational development, housing and  
1 17 residential development, or commercial or industrial  
1 18 enterprise development. This section does not apply to a slum  
1 19 area or blighted area as defined in section 403.17, or to the  
1 20 establishment, relocation, or improvement of a road pursuant  
1 21 to chapter 306, or of an airport as defined in section 328.1.  
1 22 Sec. 2. Section [403.5](#), subsection 4, Code 1997, is amended  
1 23 by adding the following new unnumbered paragraph:  
1 24 NEW UNNUMBERED PARAGRAPH. A municipality shall not condemn  
1 25 agricultural land included within an economic development area  
1 26 unless the owner of the agricultural land consents to  
1 27 condemnation.  
1 28 Sec. 3. Section [403.7](#), Code 1997, is amended to read as  
1 29 follows:  
1 30 403.7 CONDEMNATION OF PROPERTY.  
1 31 A municipality shall have the right to acquire by  
1 32 condemnation any interest in real property, including a fee  
1 33 simple title thereto, which it may deem necessary for or in  
1 34 connection with an urban renewal project under this chapter.  
1 35 However, a municipality shall not condemn agricultural land  
2 1 included within an economic development area unless the owner  
2 2 of the agricultural land consents to condemnation. A  
2 3 municipality may exercise the power of eminent domain in the  
2 4 manner provided in chapter 6B, and Acts amendatory to that  
2 5 chapter or supplementary to that chapter, or it may exercise  
2 6 the power of eminent domain in the manner now or which may be  
2 7 hereafter provided by any other statutory provisions for the  
2 8 exercise of the power of eminent domain. Property already  
2 9 devoted to a public use may be acquired in like manner.  
2 10 However, real property belonging to the state, or any  
2 11 political subdivision of this state, shall not be acquired  
2 12 without its consent, and real property or any right or  
2 13 interest in the property owned by any public utility company,  
2 14 pipeline company, railway or transportation company vested  
2 15 with the right of eminent domain under the laws of this state,  
2 16 shall not be acquired without the consent of the company, or  
2 17 without first securing, after due notice to the company and  
2 18 after hearing, a certificate authorizing condemnation of the  
2 19 property from the board, commission or body having the  
2 20 authority to grant a certificate authorizing condemnation. In  
2 21 a condemnation proceeding, if a municipality proposes to take

2 22 a part of a lot or parcel of real property, the municipality  
2 23 shall also take the remaining part of the lot or parcel if  
2 24 requested by the owner.

2 25 Sec. 4. Section 403.17, Code 1997, is amended by adding  
2 26 the following new subsection:

2 27 NEW SUBSECTION. 2A. "Agricultural land" means real  
2 28 property that is capable of being used for the production of  
2 29 agricultural commodities including, but not limited to, the  
2 30 raising, harvesting, handling, drying, or storage of crops  
2 31 used for feed, food, seed, or fiber; the care or feeding of  
2 32 livestock; the handling or transportation of crops or  
2 33 livestock; the storage, treatment, or disposal of livestock  
2 34 manure; and the application of fertilizers, soil conditioners,  
2 35 pesticides, and herbicides on crops.

3 1 Sec. 5. Section 403.17, subsection 9, Code 1997, is  
3 2 amended to read as follows:

3 3 9. "Economic development area" means an area of a  
3 4 municipality designated by the local governing body as  
3 5 appropriate for commercial and industrial enterprises, public  
3 6 improvements related to housing and residential development,  
3 7 or construction of housing and residential development for low  
3 8 and moderate income families, including single or multifamily  
3 9 housing. If an urban renewal plan for an urban renewal area  
3 10 is based upon a finding that the area is an economic  
3 11 development area and that no part contains slum or blighted  
3 12 conditions, then the division of revenue provided in section  
3 13 403.19 and stated in the plan shall be limited to twenty years  
3 14 from the calendar year following the calendar year in which  
3 15 the city first certifies to the county auditor the amount of  
3 16 any loans, advances, indebtedness, or bonds which qualify for  
3 17 payment from the division of revenue provided in section  
3 18 403.19. Such designated area shall not include agricultural  
3 19 land, including land which is part of a century farm, unless  
3 20 the owner of the agricultural land or century farm agrees to  
3 21 include the agricultural land or century farm in the urban  
3 22 renewal area. For the purposes of this subsection, "century  
3 23 farm" means a farm in which at least forty acres of such farm  
3 24 have been held in continuous ownership by the same family for  
3 25 one hundred years or more.

3 26 Sec. 6. APPLICABILITY. This Act applies to urban renewal  
3 27 areas established on or after the effective date of this Act.  
3 28 This Act applies to agricultural land included in an urban  
3 29 renewal area established before the effective date of this Act  
3 30 if the agricultural land is included in the urban renewal area  
3 31 by virtue of an amendment to the urban renewal plan, which  
3 32 amendment is adopted on or after the effective date of this  
3 33 Act.

3 34 Sec. 7. EFFECTIVE DATE. This Act, being deemed of  
3 35 immediate importance, takes effect upon enactment.

4 1 EXPLANATION

4 2 This bill provides that agricultural land shall not be  
4 3 condemned through the process of eminent domain unless the  
4 4 owner of the agricultural land consents to the condemnation.  
4 5 The bill also provides that agricultural land shall not be  
4 6 included in an urban renewal area unless the owner of the  
4 7 agricultural land consents to the inclusion. The bill defines  
4 8 "agricultural land".

4 9 The bill applies to urban renewal areas established on or  
4 10 after the effective date of the bill. The bill also applies  
4 11 to agricultural land in urban renewal areas established prior  
4 12 to the effective date of the bill if the urban renewal plan  
4 13 was amended to include the agricultural land on or after the  
4 14 effective date of the bill.

4 15 The bill takes effect upon enactment.

4 16 LSB 4330YC 77

