

FILED FEB 26 1997

SENATE FILE 228

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 80)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the compensation of the sheriff and  
2 compensation commissioners in eminent domain proceedings.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4

SENATE FILE 228

S-3120

1 Amend Senate File 228 as follows:

2 1. Page 1, lines 12 and 13, by striking the words  
3 "of fifty one hundred dollars" and inserting the  
4 following: "of-fifty-dollars".

5 2. Page 1, line 14, by inserting after the word  
6 "duties." the following: "The board of supervisors of  
7 the county shall determine the per diem and expense  
8 allowances for the commissioners."

9 3. Page 1, by striking lines 24 and 25 and  
10 inserting the following: "improvement, and attending  
11 them, sixty-dollars-per-day, a per diem and necessary  
12 expenses incurred as determined by the board of  
13 supervisors. If the service of a".

14 4. Page 1, by striking line 27 and inserting the  
15 following: "shall be determined by the board of  
16 supervisors and mileage. This subsection does".

By JAMES BLACK

S-3120 FILED MARCH 11, 1997

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1 Section 1. Section 6B.33, Code 1997, is amended to read as  
2 follows:

3 6B.33 COSTS AND ATTORNEY FEES.

4 The applicant shall pay all costs of the assessment made by  
5 the commissioners and reasonable attorney fees and costs  
6 incurred by the condemnee as determined by the commissioners  
7 if the award of the commissioners exceeds one hundred ten  
8 percent of the final offer of the applicant prior to  
9 condemnation. The applicant shall file with the sheriff an  
10 affidavit setting forth the most recent offer made to the  
11 person whose property is sought to be condemned. Members of  
12 such commissions shall receive a per diem of fifty one hundred  
13 dollars and actual and necessary expenses incurred in the  
14 performance of their official duties. The applicant shall  
15 also pay all costs occasioned by the appeal, including  
16 reasonable attorney fees to be taxed by the court, unless on  
17 the trial thereof the same or a less amount of damages is  
18 awarded than was allowed by the tribunal from which the appeal  
19 was taken.

20 Sec. 2. Section 331.655, subsection 1, paragraph e, Code  
21 1997, is amended to read as follows:

22 e. For summoning a jury compensation commission to assess  
23 the damages to the owners of lands taken for works of internal  
24 improvement, and attending them, sixty one hundred dollars per  
25 day, and necessary expenses incurred. If the service of a  
26 summons to a commissioner is made by personal service, the fee  
27 shall be fifteen dollars and mileage. This subsection does  
28 not allow a sheriff to make separate charges for different  
29 assessments which can be made by the same jury compensation  
30 commission and completed in one day of ten hours.

31 Sec. 3. Notwithstanding chapter 25B, this Act does not  
32 create a state mandate and any increased costs resulting from  
33 this Act are the liability of the political subdivisions  
34 incurring the costs.

EXPLANATION

1 This bill increases the per diem paid to the sheriff from  
2 \$60 to \$100 for summoning and attending a compensation  
3 commission to assess damages in an eminent domain proceeding.  
4 If a personal service of a summons is made to a commissioner,  
5 a fee at the rate of \$15 and mileage shall be charged. The  
6 bill also increases from \$50 to \$100 the per diem of members  
7 of a compensation commission.

8 If the additional fees cost more than \$100,000 in one year  
9 or \$500,000 within five years, the costs do not constitute a  
10 state mandate pursuant to section 25B.2, subsection 3. The  
11 costs are the liability of the political subdivisions which  
12 incur the costs.

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Angelo, Chair  
Dearden  
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SSB - 80

Local Government  
Succeeded By

SENATE FILE (SF) HF 228  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL  
BY CHAIRPERSON ZIEMAN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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