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HSB 85

LOCAL GOVERNMENT

HOUSE FILE \_\_\_\_\_ **Succeeded By**  
BY (PROPOSED COMMITTEE ON 0426  
LOCAL GOVERNMENT BILL BY  
CHAIRPERSON HOUSER)

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

A BILL FOR

1 An Act relating to the exercise of the power of eminent domain  
2 and to condemnation proceedings and providing for the Act's  
3 applicability.

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

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

3 This section is intended to preserve agricultural land for  
4 agricultural production by preventing the condemnation of  
5 agricultural land for private development purposes without the  
6 consent of the owner. It is also intended to limit the use of  
7 condemnation of any property for private development purposes.  
8 It is not intended to prevent the rehabilitation of slum or  
9 blighted areas, as defined in section 403.17, within the  
10 corporate limits of a city.

11 For purposes of this chapter, "public use" or "public  
12 purpose" does not include the condemnation of agricultural  
13 land for private development purposes unless the owner of the  
14 agricultural land consents to the condemnation. "Agricultural  
15 land" means real property that is used for the production of  
16 agricultural commodities including, but not limited to, the  
17 raising, harvesting, handling, drying, or storage of crops  
18 used for feed, food, seed, or fiber; the care or feeding of  
19 livestock; the handling or transportation of crops or  
20 livestock; the storage, treatment, or disposal of livestock  
21 manure; and the application of fertilizers, soil conditioners,  
22 pesticides, and herbicides on crops. "Private development  
23 purposes" means the construction of, or improvement related  
24 to, recreational development, housing and residential  
25 development, or commercial or industrial enterprise  
26 development. This section does not apply to a slum area or  
27 blighted area as defined in section 403.17, or to the  
28 establishment, relocation, or improvement of a road pursuant  
29 to chapter 306, or to an airport as defined in section 328.1,  
30 or to land acquired in order to replace or mitigate land used  
31 in a road project when federal law requires replacement or  
32 mitigation. This section does not apply to the right to use  
33 eminent domain granted to a public utility as defined in  
34 section 476.1 by the utilities board of the department of  
35 commerce or to the use of eminent domain by a rural water

1 district, rural electric cooperative, municipal utility, or  
2 telegraph or telephone line or cable system, as limited by  
3 chapter 477, to provide gas, electricity, water, sewage  
4 disposal, stormwater collection, or communications to the  
5 general public for compensation.

6 Sec. 2. NEW SECTION. 6B.2A NOTICE OF PROPOSED PUBLIC  
7 IMPROVEMENT.

8 1. The state of Iowa, or any entity or person conferred  
9 the right to condemn private property under section 6A.4,  
10 shall provide written notification to each owner of record of  
11 private property that may be the subject of condemnation. The  
12 authority under this chapter is not conferred and condemnation  
13 proceedings shall not begin unless a good faith effort is made  
14 to serve the notice as provided in this section on the owner  
15 of record of the property subject to condemnation. The notice  
16 shall be mailed by ordinary mail no less than thirty days  
17 before adoption of the ordinance, resolution, motion, or other  
18 declaration of intent to proceed with the public improvement  
19 and the acquisition or condemnation, if necessary, of the  
20 property. If the location of the public improvement is  
21 changed or expanded after the decision has been made to  
22 proceed with the public improvement, a notice shall be mailed  
23 by ordinary mail no less than thirty days before the adoption  
24 of the ordinance, resolution, motion, or other declaration of  
25 intent to proceed with a change in the location of the public  
26 improvement to the owner of record of the land to be acquired  
27 or condemned, if necessary, in the new location of the public  
28 improvement affected by the change. The notice shall include  
29 the statement of individual rights required under section  
30 6B.2B. The notice shall, at a minimum, include the following  
31 information:

32 a. The general nature of the public improvement.

33 b. The state's or person's intended use of the private  
34 property for the public improvement.

35 c. The process to be followed by the state or person in

1 making the decision to proceed with the public improvement and  
2 the acquisition or condemnation, if necessary, of the  
3 property.

4 d. The time, place, and manner at which an opportunity is  
5 provided for public input into the decision to proceed with  
6 the public improvement and the acquisition or condemnation, if  
7 necessary, of the property.

8 e. The current status in the planning process for the  
9 public improvement, including meetings held and decisions  
10 made.

11 2. The authority to condemn is not conferred until the  
12 appropriate authority approves the public improvement,  
13 including the approval of any permits required by state or  
14 federal law which permits are necessary for commencement of  
15 the project. This subsection does not apply to land condemned  
16 for public improvements undertaken pursuant to section 306.19.

17 Sec. 3. NEW SECTION. 6B.2B ACQUISITION NEGOTIATION  
18 STATEMENT OF RIGHTS.

19 1. The state or person conferred the right to take private  
20 property for public use shall make a good faith effort to  
21 negotiate with the owner to purchase the private property  
22 before filing an application for condemnation or otherwise  
23 proceed with the condemnation process.

24 2. The state or person conferred the right to take private  
25 property for public use shall provide the owner of record of  
26 the private property with a statement of their individual  
27 rights to be included with the notice required under section  
28 6B.2A. The attorney general shall adopt rules pursuant to  
29 chapter 17A prescribing a statement of rights which may be  
30 used in substantial form by any person required to provide the  
31 statement by this section.

32 Sec. 4. Section 6B.3, Code 1999, is amended to read as  
33 follows:

34 6B.3 APPLICATION -- RECORDING -- NOTICE -- TIME FOR  
35 APPRAISEMENT -- NEW PROCEEDINGS.

1 1. Such The proceedings shall be instituted by a written  
2 application filed with the chief judge of the judicial  
3 district of the county in which the land sought to be  
4 condemned is located. Said The application shall set forth:

5 ± a. A description of all the property in the county,  
6 affected or sought to be condemned, by its congressional  
7 numbers, in tracts not exceeding one-sixteenth of a section,  
8 or, if the land consists of lots, by the numbers of the lot  
9 and block, and plat designation.

10 2 b. A plat showing the location of the right-of-way or  
11 other property sought to be condemned with reference to such  
12 description.

13 3 c. The names of all record owners of the different  
14 tracts of land sought to be condemned, or otherwise affected  
15 by such proceedings, and of all record holders of liens and  
16 encumbrances on such lands; also the place of residence of all  
17 such persons so far as known to the applicant.

18 4 d. The purpose for which condemnation is sought.

19 5 e. A request for the appointment of a commission to  
20 appraise the damages.

21 6 f. If the damages are to be paid by the state and the  
22 land to be condemned is within an agricultural area as  
23 provided in chapter 352, a statement disclosing whether any of  
24 that land is classified as class I or class II land under the  
25 United States department of agriculture natural resources  
26 conservation service land capability classification system  
27 contained in the agriculture handbook number 210, 1961 edition  
28 and, if so classified, stating that the class I or class II  
29 land is reasonably necessary for the work of internal  
30 improvement for which condemnation is sought.

31 g. A showing of the minimum amount of land necessary to  
32 achieve the public purpose and the amount of land to be  
33 acquired by condemnation for the public improvement. Any land  
34 to be acquired by condemnation beyond the necessary minimum to  
35 complete the project shall be presumed not to be necessary for

1 a public use or public purpose unless the applicant can show  
2 that a substantial need exists for the additional property to  
3 achieve the public use or public purpose, or that the land in  
4 question is of little or no value or utility to the owner, or  
5 that the owner consents to the condemnation.

6 h. A statement indicating the efforts made by the  
7 applicant to negotiate in good faith with the owner to acquire  
8 the private property sought to be condemned.

9 2. The applicant shall mail a copy of the application by  
10 certified mail to the owner at the owner's last known address  
11 and to any mortgagee of record at the mortgagee's last known  
12 address and to any other record lienholder or encumbrancer of  
13 the land at the lienholder's or encumbrancer's last known  
14 address. If service of notice by certified mail cannot be  
15 made in the manner prescribed in this section, the applicant  
16 shall cause a notice to be published once in a newspaper of  
17 general circulation in the county. If service of notice is  
18 made by publication, an affidavit shall be filed with the  
19 county recorder along with the application. The affidavit  
20 shall state the reason why service of notice by certified mail  
21 could not be made, the name of the publication, and the date  
22 of the publication. Service of notice by publication shall be  
23 deemed complete on the day of publication.

24 7 3. The applicant shall promptly certify that its  
25 application for condemnation has been approved by the chief  
26 judge and shall file the original approved application with  
27 the county recorder in the manner required under section  
28 6B.37. The county recorder shall file and index the  
29 application in the record of deeds and preserve the  
30 application as required by sections 6B.38 and 558.55. The  
31 filing and indexing constitute constructive notice to all  
32 parties that a proceeding to condemn the property is pending  
33 and that the applicant has the right to acquire the property  
34 from all owners, lienholders, and encumbrancers whose  
35 interests are of record at the time of the filing. When

1 indexed, the proceeding is considered pending so as to charge  
2 all persons not having an interest in the property with notice  
3 of its pendency, and while pending no interest can be acquired  
4 by the third parties in the property against the rights of the  
5 applicant. If the appraisal of damages is not made within  
6 one hundred twenty days, the proceedings instituted under this  
7 section are terminated and all rights and interests of the  
8 applicant arising out of the application for condemnation  
9 terminate. The applicant may reinstitute a new condemnation  
10 proceeding at any time. The reinstated proceedings are  
11 entirely new proceedings and not a revival of the terminated  
12 proceeding.

13 Sec. 5. Section 6B.4, unnumbered paragraph 2, Code 1999,  
14 is amended to read as follows:

15 The chief judge of the judicial district shall select by  
16 lot six persons from the list, two persons who are owner-  
17 operators of agricultural property when the property to be  
18 condemned is agricultural property; two persons who are owners  
19 of city property when the property to be condemned is other  
20 than agricultural property; and two persons from each of the  
21 remaining two representative groups, who shall constitute a  
22 compensation commission to assess the damages to all property  
23 to be taken by the applicant and located in the county, and  
24 shall name a chairperson from the persons selected. No A  
25 person shall not be selected as a member of the compensation  
26 commission selected-shall-possess if the person possesses any  
27 interest in the proceeding which would cause such the person  
28 to render a biased decision. The clerk of the district court  
29 shall send, by regular mail, a list of those persons selected  
30 to the applicant and to the owner of the property at the  
31 owner's last known address. The list shall be provided prior  
32 to the mailing, by any party, of a notice of assessment under  
33 section 6B.8. If the clerk of the district court is unable to  
34 locate an address for the owner of the property, the list  
35 shall be published once in a newspaper of general circulation

1 in the county. The applicant shall reimburse the clerk of the  
2 district court for the cost of mailing and publication.

3 Sec. 6. Section 6B.7, Code 1999, is amended to read as  
4 follows:

5 6B.7 COMMISSIONERS TO QUALIFY.

6 Before proceeding with the assessment all commissioners  
7 shall qualify by filing with the sheriff a written oath that  
8 they will to the best of their ability faithfully and  
9 impartially assess said damages and make a written report to  
10 the sheriff. The applicant or the owner may challenge one  
11 commissioner without stating cause. A challenge to the  
12 appointment of a commissioner must be made to the chief judge  
13 of the judicial district no less than forty-eight hours before  
14 the condemnation jury is set to meet. A commissioner shall be  
15 appointed to fill a vacancy resulting from a challenge no less  
16 than twenty-four hours before the jury is set to meet.

17 Sec. 7. Section 6B.8, Code 1999, is amended to read as  
18 follows:

19 6B.8 NOTICE OF ASSESSMENT.

20 The applicant, or the owner or any lienholder or  
21 encumbrancer of any land described in the application, may, at  
22 any time after the appointment of the commissioners, have the  
23 damages to the lands of any such owner assessed by giving the  
24 other party, if a resident of this state, ten days' notice, in  
25 writing. Service of the notice to a person not a resident of  
26 this state shall be by certified mail to the person's last  
27 known address. Such The notice shall specify the day and the  
28 hour when the commissioners will view the premises, and be  
29 served in the same manner as original notices. If service of  
30 notice by certified mail cannot be made in the manner  
31 prescribed in this section, the applicant shall cause a notice  
32 to be published once in a newspaper of general circulation in  
33 the county. Service of notice by publication shall be deemed  
34 complete on the day of publication.

35 Sec. 8. Section 6B.12, Code 1999, is amended to read as



1 follows:

2 6B.12 NOTICE ~~TO~~ NONRESIDENTS WHEN RESIDENCE UNKNOWN.

3 ~~If the owner of such lands or any person interested therein~~  
4 ~~is a nonresident of this state, or if~~ If the person's  
5 residence is unknown after a good faith effort is made to find  
6 the person's last known address, no demand for the land for  
7 the purposes sought shall be necessary, but the notice  
8 aforsaid required in section 6B.8 shall be published in some  
9 a newspaper of general circulation in the county and of  
10 ~~general circulation therein,~~ once each week for at least four  
11 successive weeks prior to the day fixed for the appraisalment,  
12 which day shall be at least thirty days after the first  
13 publication of the notice.

14 Sec. 9. Section 6B.14, unnumbered paragraph 3, Code 1999,  
15 is amended to read as follows:

16 ~~In addition to all other damages provided by law, except~~  
17 ~~moving expenses paid or required to be paid under relocation~~  
18 ~~assistance programs, an~~ An owner or tenant occupying land  
19 which is proposed to be acquired by condemnation shall be  
20 awarded a sum sufficient to remove such owner's or tenant's  
21 personal property from the land to be acquired, which sum  
22 shall represent reasonable costs of moving said the personal  
23 property from the said land to be acquired to a point no  
24 greater than twenty-five fifty miles therefrom; but in any  
25 event, said damages awarded under this section for moving  
26 shall not exceed five hundred thousand dollars for each owner  
27 or tenant occupying land so proposed to be condemned. An  
28 owner may apply for an award pursuant to this section only if  
29 all other damages provided by law have been awarded and such  
30 amount awarded is insufficient to pay the owner's reasonable  
31 costs of moving.

32 Sec. 10. Section 6B.26, Code 1999, is amended to read as  
33 follows:

34 6B.26 DISPOSSESSION OF OWNER.

35 A landowner shall not be dispossessed, under condemnation

1 proceedings, of the landowner's residence, dwelling house,  
2 outhouse outbuildings, orchard, or garden, until the damages  
3 thereto have been finally determined and paid. However, if  
4 the property described in this section is condemned for  
5 highway purposes by the state department of transportation,  
6 the condemning authority may take possession of the property  
7 either after the damages have been finally determined and paid  
8 or one hundred eighty days after the compensation commission  
9 has determined and filed its award, in which event all of the  
10 appraisal of damages shall be paid to the property owner  
11 before the dispossession can take place. This section shall  
12 not apply to condemnation proceedings for drainage or levee  
13 improvements, or for public school purposes. For the purposes  
14 of this section, "outbuildings" means structures and  
15 improvements located in close proximity to the landowner's  
16 residence.

17 Sec. 11. Section 6B.33, Code 1999, is amended to read as  
18 follows:

19 6B.33 COSTS AND ATTORNEY FEES.

20 The applicant shall pay all costs of the assessment made by  
21 the commissioners and reasonable attorney fees and costs  
22 incurred by the condemnee as determined by the commissioners  
23 if the award of the commissioners exceeds one hundred ten  
24 percent of the final offer of the applicant prior to  
25 condemnation. The applicant shall file with the sheriff an  
26 affidavit setting forth the most recent offer made to the  
27 person whose property is sought to be condemned. Members of  
28 such commissions shall receive a per diem of fifty dollars and  
29 actual and necessary expenses incurred in the performance of  
30 their official duties. The applicant shall reimburse the  
31 county sheriff for the per diem and expense amounts paid by  
32 the sheriff to the members. The applicant shall reimburse the  
33 owner for the expenses the owner incurred for recording fees,  
34 penalty costs for full or partial prepayment of any  
35 preexisting recorded mortgage entered into in good faith

1 encumbering the property, and for similar expenses incidental  
2 to conveying the property to the applicant. The applicant  
3 shall also pay all costs occasioned by the appeal, including  
4 reasonable attorney fees to be taxed by the court, unless on  
5 the trial thereof the same or a less amount of damages is  
6 awarded than was allowed by the tribunal from which the appeal  
7 was taken.

8 Sec. 12. Section 6B.42, Code 1999, is amended to read as  
9 follows:

10 6B.42 EMINENT DOMAIN -- PAYMENT TO DISPLACED PERSONS.

11 1. a. The state of Iowa or any entity or person conferred  
12 the right to condemn private property under section 6A.4 shall  
13 provide to the person, in addition to any other sums of money  
14 in payment of just compensation, the payments and assistance  
15 required by law, in accordance with chapter 316.

16 b. A person aggrieved by a determination made as to  
17 eligibility for relocation assistance, a payment, or the  
18 amount of the payment, upon application, may have the matter  
19 reviewed by the appropriate agency of the condemning  
20 authority.

21 c. A condemning authority subject to this section that  
22 proposes to displace a person shall inform the person of the  
23 person's right to receive relocation assistance and payments,  
24 and of an aggrieved person's right to appeal a determination  
25 as to assistance and payments.

26 ~~1-~~ 2. a. A utility or railroad subject to section 327C.2,  
27 or chapters 476, 478, 479, and 479A, and 479B, authorized by  
28 law to acquire property by condemnation, which acquires the  
29 property of a person or displaces a person for a program or  
30 project which has received or will receive federal financial  
31 assistance as defined in section 316.1, shall provide to the  
32 person, in addition to any other sums of money in payment of  
33 just compensation, the payments and assistance required by  
34 law, in accordance with chapter 316.

35 ~~2-~~ b. A person aggrieved by a determination made by a

1 utility as to eligibility for relocation assistance, a  
2 payment, or the amount of the payment, upon application, may  
3 have the matter reviewed by the utilities division of the  
4 department of commerce.

5 3~~7~~ c. A person aggrieved by a determination made by a  
6 railroad as to eligibility for relocation assistance, a  
7 payment, or the amount of the payment, upon application, may  
8 have the matter reviewed by the state department of  
9 transportation.

10 4~~7~~ d. A utility or railroad subject to this section that  
11 proposes to displace a person shall inform the person of the  
12 person's right to receive relocation assistance and payments,  
13 and of an aggrieved person's right to appeal to the utilities  
14 division of the department of commerce or the state department  
15 of transportation.

16 Sec. 13. Section 6B.45, Code 1999, is amended to read as  
17 follows:

18 6B.45 ~~CONDEMNATION-FOR-ROAD-OR-STREET---~~ MAILING COPY OF  
19 APPRAISAL.

20 When any real property or interest therein in real property  
21 is to be purchased, or in lieu thereof to be condemned for  
22 ~~highway, street or road purposes~~, the purchasing state agency,  
23 county, or city, or their its agent shall submit to the  
24 person, corporation, or entity whose property or interest  
25 therein in the property is to be taken, by ordinary mail, at  
26 least ten days prior to the date of contact, a copy of the  
27 appraisal in its entirety upon such real property or interest  
28 therein in such real property prepared for the purchasing  
29 state agency, county, or city, or its agent, which shall  
30 include, at ~~least~~ a minimum, an itemization of the appraised  
31 value of the real property or interest therein in the  
32 property, any buildings thereon on the property, all other  
33 improvements including fences, severance damages and loss of  
34 access. The appraisal sent to the condemnee shall be that  
35 appraisal upon which the condemnor will rely to establish an

1 amount which the condemnor believes to be just compensation  
2 for the real property. All other appraisals made on the  
3 property as a result of the condemnation proceeding shall be  
4 made available to the condemnee upon request.

5 Sec. 14. Section 6B.54, unnumbered paragraph 1, Code 1999,  
6 is amended to read as follows:

7 ~~If-a~~ For any project or displacing activity that has  
8 received or will receive federal financial assistance as  
9 defined in section 316.1, for any state-funded projects, or  
10 for any other public improvement for which condemnation is  
11 sought, an acquiring state agency, county, or city shall be  
12 guided by the following policies:

13 Sec. 15. Section 6B.54, subsections 2, 3, 8, and 9, Code  
14 1999, are amended to read as follows:

15 2. Real property shall be appraised as required by section  
16 6B.45 before the initiation of negotiations, and the owner or  
17 the owner's designated representative shall be given an  
18 opportunity to accompany at least one appraiser of the  
19 acquiring agency during an inspection of the property, except  
20 that ~~the state department of transportation~~ a state agency may  
21 prescribe a procedure to waive the appraisal in cases  
22 involving the acquisition of property with a low fair market  
23 value.

24 3. Before the initiation of negotiations for real  
25 property, the acquiring state agency, county, or city shall  
26 establish an amount which it believes to be just compensation  
27 for the real property, and shall make a prompt offer to  
28 acquire the property for the full amount established by the  
29 agency. In no event shall the amount be less than the  
30 ~~agency's approved~~ lowest appraisal of the fair market value of  
31 the property.

32 8. If the acquisition of only a portion of property would  
33 leave the owner with an uneconomical remnant, the ~~head-of-the~~  
34 acquiring state agency concerned, county, or city shall offer  
35 to acquire that remnant. For the purposes of this chapter, an

1 "uneconomical remnant" is a parcel of real property in which  
2 the owner is left with an interest after the partial  
3 acquisition of the owner's property, where the ~~head-of-the~~  
4 acquiring state agency concerned, county, or city determines  
5 that the parcel has little or no value or utility to the  
6 owner.

7 9. A person whose real property is being acquired in  
8 accordance with this chapter, after the person has been fully  
9 informed of the person's right to receive just compensation  
10 for the property, may donate the property, any part of the  
11 property, any interest in the property, or any compensation  
12 paid for it ~~to-any-agency~~ as the person may determine.

13 Sec. 16. Section 6B.54, subsection 10, unnumbered  
14 paragraph 1, Code 1999, is amended to read as follows:

15 As soon as practicable after the date of payment of the  
16 purchase price or the date of deposit in court of funds to  
17 satisfy the award of compensation in a condemnation proceeding  
18 to acquire real property, whichever is earlier, the acquiring  
19 state agency, county, or city shall reimburse the owner, to  
20 the extent the acquiring state agency, county, or city deems  
21 fair and reasonable, for expenses the owner necessarily  
22 incurred for all of the following:

23 Sec. 17. Section 6B.55, unnumbered paragraph 1, Code 1999,  
24 is amended to read as follows:

25 ~~If-a~~ For any program or project that has received or will  
26 receive federal financial assistance as defined in section  
27 316.1, for any state-funded projects, or for any other public  
28 improvement for which condemnation is sought, an acquiring  
29 state agency, county, or city shall be guided by the following  
30 policies:

31 Sec. 18. Section 6B.55, subsection 1, Code 1999, is  
32 amended to read as follows:

33 1. If an interest in real property is acquired, the  
34 acquiring state agency, county, or city shall acquire an equal  
35 interest in all buildings, structures, or other improvements

1 located upon the real property which are required to be  
2 removed from the real property or which are determined to be  
3 adversely affected by the use to which the real property will  
4 be put.

5 Sec. 19. Section 306.19, subsection 3, Code 1999, is  
6 amended to read as follows:

7 3. None of the foregoing requirements shall prohibit the  
8 property owner and the agency from entering into a mutually  
9 acceptable agreement for the replacement, relocation,  
10 construction, or maintenance of any alternate driveway on the  
11 owner's property. Compensation for any property rights taken  
12 in the establishment of any alternative temporary or permanent  
13 access shall be paid as in any other purchase or condemnation  
14 of property.

15 Sec. 20. Section 306.19, subsection 4, Code 1999, is  
16 amended to read as follows:

17 ~~4. Compensation-for-any-property-rights-taken-in-the~~  
18 ~~establishment-of-any-alternative-temporary-or-permanent-access~~  
19 ~~shall-be-paid-as-in-any-other-purchase-or-condemnation-of~~  
20 ~~property. Proceedings for the condemnation of land for any~~  
21 ~~highway shall be under the provisions of chapter 6A and~~  
22 ~~chapter 6B. Provided-that, in-the-condemnation-of-right-of-~~  
23 ~~way-for-secondary-roads, the-board-of-supervisors-may-proceed~~  
24 ~~as-provided-in-sections-306-28-to-306-37.~~

25 Sec. 21. Section 306.27, Code 1999, is amended to read as  
26 follows:

27 306.27 CHANGES FOR SAFETY, ECONOMY, AND UTILITY.

28 The state department of transportation as to primary roads  
29 and the boards of supervisors as to secondary roads on their  
30 own motion may change the course of any part of any road or  
31 stream, watercourse, or dry run and may pond water in order to  
32 avoid the construction and maintenance of bridges, or to avoid  
33 grades, or railroad crossings, or to straighten a road, or to  
34 cut off dangerous corners, turns or intersections on the  
35 highway, or to widen a road above statutory width, or for the

1 purpose of preventing the encroachment of a stream,  
2 watercourse or dry run upon the highway. The department and  
3 the board of supervisors shall conduct ~~its~~ their proceedings  
4 in the manner and form prescribed in chapter 6B~~7-and-the-board~~  
5 ~~of-supervisors-shall-use-the-form-prescribed-in-sections~~  
6 ~~306-28-to-306-37-or-as-provided-in-chapter-6B~~. Changes are  
7 subject to chapter 455B.

8 Sec. 22. Section 316.1, subsection 5, paragraphs a and b,  
9 Code 1999, are amended to read as follows:

10 a. A person who moves from real property or moves the  
11 person's personal property from real property in either any of  
12 the following circumstances:

13 (1) As a direct result of a written notice of intent to  
14 acquire, the initiation of negotiations for, or the  
15 acquisition of, the real property in whole or in part for a  
16 program or project undertaken with federal financial  
17 assistance.

18 (2) The person moved or moved the person's personal  
19 property from real property on which the person is either a  
20 residential tenant or conducts a small business, a farm  
21 operation, or a business as defined in subsection 2, paragraph  
22 "d", as a direct result of rehabilitation or demolition for a  
23 program or project undertaken with federal financial  
24 assistance in a case in which the head of the displacing  
25 agency determines that the displacement is permanent.

26 (3) As a direct result of a written notice of intent to  
27 acquire by condemnation, the initiation of negotiations for,  
28 or the acquisition of, the real property in whole or in part  
29 by the state of Iowa or by an entity or person conferred the  
30 right to condemn private property.

31 b. For purposes of section 316.4, subsections 1 and 2, and  
32 section 316.7, a person who moves from real property, or moves  
33 the person's personal property from real property in either  
34 any of the following circumstances:

35 (1) As a direct result of a written notice of intent to



1 acquire, the initiation of negotiations for, or the  
2 acquisition of, other real property in whole or in part if the  
3 person conducts a business or farm operation on the other real  
4 property for a program or project undertaken with federal  
5 financial assistance.

6 (2) As a direct result of rehabilitation or demolition of  
7 other real property on which the person conducts a business or  
8 a farm operation for a program or project undertaken with  
9 federal financial assistance in a case in which the head of  
10 the displacing agency determines that the displacement is  
11 permanent.

12 (3) As a direct result of a written notice of intent to  
13 acquire by condemnation, the initiation of negotiations for,  
14 or the acquisition of, other real property in whole or in part  
15 by the state of Iowa or by an entity or person conferred the  
16 right to condemn private property if the person conducts a  
17 business or farm operation on the other real property.

18 Sec. 23. Section 331.304, subsection 8, Code 1999, is  
19 amended to read as follows:

20 8. The power to take private property for public use shall  
21 only be exercised by counties for public purposes which are  
22 reasonable and necessary as an incident to the powers and  
23 duties conferred upon counties, and in accordance with  
24 chapters 6A and 6B. ~~Sections~~ Section 306.19 ~~and-306-28-to~~  
25 ~~306-37-are~~ is also applicable to condemnation of right of way  
26 for secondary roads.

27 Sec. 24. Section 331.502, subsection 25, Code 1999, is  
28 amended to read as follows:

29 25. Carry out duties relating to the establishment,  
30 alteration, and vacation of public highways as provided in  
31 sections 306.21, 306.25, ~~306-29-to-306-317-306-377~~ and 306.40.

32 Sec. 25. Section 403.5, subsection 4, Code 1999, is  
33 amended by adding the following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. A municipality shall not condemn  
35 agricultural land included within an economic development area

1 unless the owner of the agricultural land consents to  
2 condemnation.

3 Sec. 26. Section 403.7, Code 1999, is amended to read as  
4 follows:

5 403.7 CONDEMNATION OF PROPERTY.

6 A municipality shall have the right to acquire by  
7 condemnation any interest in real property, including a fee  
8 simple title thereto, which it may deem necessary for or in  
9 connection with an urban renewal project under this chapter.  
10 However, a municipality shall not condemn agricultural land  
11 included within an economic development area unless the owner  
12 of the agricultural land consents to condemnation.

13 The prohibition contained in this section on the  
14 condemnation of agricultural land in an economic development  
15 area without the consent of the owner is intended to limit  
16 condemnation of agricultural land in order to protect land  
17 used for an agricultural purpose but is not intended to  
18 prevent the rehabilitation of slum or blighted areas, as  
19 defined in section 403.17, within the corporate limits of a  
20 city. A municipality may exercise the power of eminent domain  
21 in the manner provided in chapter 6B, and Acts amendatory to  
22 that chapter or supplementary to that chapter, or it may  
23 exercise the power of eminent domain in the manner now or  
24 which may be hereafter provided by any other statutory  
25 provisions for the exercise of the power of eminent domain.  
26 Property already devoted to a public use may be acquired in  
27 like manner. However, real property belonging to the state,  
28 or any political subdivision of this state, shall not be  
29 acquired without its consent, and real property or any right  
30 or interest in the property owned by any public utility  
31 company, pipeline company, railway or transportation company  
32 vested with the right of eminent domain under the laws of this  
33 state, shall not be acquired without the consent of the  
34 company, or without first securing, after due notice to the  
35 company and after hearing, a certificate authorizing

1 condemnation of the property from the board, commission or  
2 body having the authority to grant a certificate authorizing  
3 condemnation. In a condemnation proceeding, if a municipality  
4 proposes to take a part of a lot or parcel of real property,  
5 the municipality shall also take the remaining part of the lot  
6 or parcel if requested by the owner.

7 Sec. 27. Section 403.17, Code 1999, is amended by adding  
8 the following new subsection:

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

18 Sec. 28. Section 403.17, subsection 9, Code 1999, is  
19 amended to read as follows:

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

1 land, including land which is part of a century farm, unless  
2 the owner of the agricultural land or century farm agrees to  
3 include the agricultural land or century farm in the urban  
4 renewal area. For the purposes of this subsection, "century  
5 farm" means a farm in which at least forty acres of such farm  
6 have been held in continuous ownership by the same family for  
7 one hundred years or more.

8 Sec. 29. Sections 306.28 through 306.37, Code 1999, are  
9 repealed.

10 Sec. 30. APPLICABILITY. Sections 1, 25, 26, and 27 of  
11 this Act, enacting section 6A.21, amending sections 403.5 and  
12 403.7, and enacting section 403.17, subsection 2A, apply to  
13 urban renewal areas established before, on, or after the  
14 effective date of this Act and to amendments to such urban  
15 renewal areas.

16 Section 28 of this Act, amending section 403.17, subsection  
17 9, applies to urban renewal areas established on or after the  
18 effective date of this Act. Section 28 of this Act also  
19 applies to agricultural land included in an urban renewal area  
20 established before the effective date of this Act if the  
21 agricultural land is included in the urban renewal area by  
22 virtue of an amendment to the urban renewal plan, which  
23 amendment is adopted on or after the effective date of this  
24 Act.

25 Sec. 31. EFFECTIVE DATE. This Act applies to state  
26 highway construction projects approved for commencement by the  
27 transportation commission on or after July 1, 1999. This Act  
28 applies to all other condemnation proceedings in which the  
29 application for condemnation is filed on or after July 1,  
30 1999.

31 EXPLANATION

32 This bill makes several changes to the law relating to the  
33 power of eminent domain and the procedures by which the state  
34 of Iowa and other entities and persons are allowed to condemn  
35 private property. Entities or persons conferred the right by

1 law to condemn private property include counties, cities,  
2 owners of land without a way to the land, owners of mineral  
3 lands, cemetery associations, and subdistricts of soil and  
4 water conservation districts.

5 The bill defines "public use" or "public purpose" to  
6 exclude the condemnation of agricultural land without the  
7 consent of the owner. The bill defines "agricultural land" as  
8 real property used for production of certain agricultural  
9 products and defines "private development purposes" as the  
10 construction of, or public improvement related to,  
11 recreational development, housing and residential development,  
12 or commercial or industrial enterprise development.

13 The bill requires a condemning authority to send a notice  
14 of condemnation to the owner of property for which  
15 condemnation is being considered. The notice must be mailed  
16 by ordinary mail no less than 30 days before adoption of the  
17 declaration of intent relating to the public improvement and  
18 the acquisition or condemnation of the property. The notice,  
19 at a minimum, should include information on the general nature  
20 of the public improvement, the intended use of the property,  
21 the process relating to the public improvement, and  
22 opportunity for public input relating to the public  
23 improvement if the law requires public input.

24 The bill requires a condemning authority to make a good  
25 faith effort to negotiate with the owner to purchase the  
26 private property before filing an application for  
27 condemnation. The condemning authority is required to provide  
28 the owner of the property and any lessee of the property with  
29 a statement of rights. The statement is to be included with  
30 the notice of condemnation. The bill provides that  
31 condemnation may not proceed until the notice of condemnation  
32 containing the statement of individual rights is provided to  
33 the owner and to any lessee.

34 The bill requires a condemning authority to mail a copy of  
35 the condemnation application filed with the district court to

1 the owner of the property. The bill also requires that the  
2 condemnation application provide information on the minimum  
3 amount of land necessary for the public improvement and the  
4 amount of land to be acquired by condemnation. The  
5 condemnation application must also include a statement of the  
6 efforts made by the condemning authority to negotiate with the  
7 owner for the sale of the property prior to filing the  
8 application.

9 The bill requires that a list of the persons selected to  
10 serve on the compensation commission for condemnation  
11 proceedings be provided to the condemnation applicant and to  
12 the owner of the property. The bill allows an applicant or  
13 owner to challenge the impartiality of any commissioner who  
14 may then be dismissed for cause. The bill also allows the  
15 applicant and the owner to each dismiss one commissioner  
16 without stating cause.

17 The bill provides that service of notice of assessment  
18 shall be mailed by certified mail to applicants or owners or  
19 persons in interest, any of whom are not residents of the  
20 state. Currently, service of notice to nonresidents is by  
21 publication.

22 The bill increases the amount to be paid in moving expenses  
23 from \$500 to \$5,000 for an owner occupying land that has been  
24 condemned. The bill also increases that distance that  
25 personal property is moved for which moving expenses are paid  
26 from 25 miles to 50 miles.

27 The bill requires that notices of appraisal sent to the  
28 condemning authority and the condemnee be sent by certified  
29 mail. The bill also changes the time that an interested  
30 person may appeal the appraisal to district court to 30  
31 days from receipt of the notice of appraisal. Currently,  
32 the 30 days starts counting from the date the notice is  
33 mailed.

34 The bill adds outbuildings to the list of property from  
35 which a landowner may not be dispossessed by condemnation

1 without determination and payment of damages. Outbuildings  
2 are defined as structures and improvements located in close  
3 proximity to the owner's residence.

4 The bill provides that the condemnation applicant shall  
5 reimburse the county sheriff for the per diem and actual  
6 expenses paid to members of the compensation commission. The  
7 bill also provides that the applicant shall reimburse the  
8 owner of the property for expenses incurred for recording  
9 fees, transfer taxes, mortgage penalty costs, and similar  
10 expenses incidental to the transfer of the property to the  
11 applicant.

12 The bill provides that relocation expenses for  
13 condemnations by the state of Iowa or other entity or person  
14 having the right to condemn property shall be determined and  
15 paid in the same manner as relocation expenses for  
16 condemnations involving federally funded projects.

17 The bill requires that a copy of the appraisal, on which  
18 the purchasing state agency, county, or city will base its  
19 offer of compensation, be mailed to the owner of the property.

20 The bill makes current acquisition policy guidelines for  
21 projects receiving federal financial assistance applicable to  
22 any state funded projects and to any other public improvement  
23 for which condemnation is sought.

24 The bill provides that condemnation of property for  
25 secondary roads shall be conducted according to the provisions  
26 of chapters 6A and 6B. Those Code sections providing an  
27 alternative condemnation procedure for counties to follow are  
28 repealed.

29 The bill makes several changes to the law on urban renewal  
30 as it relates to the power of eminent domain and condemnation  
31 procedures. The bill provides that, in order to protect land  
32 used for an agricultural purpose, a municipality (city or  
33 county) shall not condemn agricultural land included within an  
34 urban renewal area designated as an economic development area  
35 without the consent of the owner of the agricultural land.

1 The section of the bill amending the definition of  
2 "economic development area" for purposes of urban renewal,  
3 applies to urban renewal areas established on or after the  
4 effective date of the bill. However, the amendment applies to  
5 urban renewal areas established before the effective date if  
6 they were amended to add agricultural land to the economic  
7 development urban renewal area after the effective date of the  
8 bill. The remaining sections of the bill which amend or  
9 reference Code chapter 403 apply to urban renewal areas  
10 established before, on, or after the effective date of the  
11 bill.

12 The bill applies to state highway construction projects  
13 approved on or after July 1, 1999. The bill applies to all  
14 other condemnation proceedings in which the application for  
15 condemnation is filed on or after July 1, 1999.

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H. 3/24/99 Deferred

MAR 3 1999  
Place On Calendar

# REPRINTED

HOUSE FILE 476  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 85)

Passed House, <sup>(P. 891)</sup> Date 3/25/99 Passed Senate, <sup>(P. 1031)</sup> Date 4/8/99  
Vote: Ayes 70 Nays 25 Vote: Ayes 28 Nays 19  
Approved 5/24/99

## A BILL FOR

1 An Act relating to the exercise of the power of eminent domain  
2 and to condemnation proceedings and providing for the Act's  
3 applicability.

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

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HF 476

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

3 1. Except as otherwise provided, for purposes of this  
4 chapter and chapter 6B:

5 a. "Agricultural land" means real property that is used  
6 for the production of agricultural commodities and from which  
7 one thousand dollars or more of agricultural commodities were  
8 sold or normally would be sold during the year. Such use of  
9 property includes, but is not limited to, the raising,  
10 harvesting, handling, drying, or storage of crops used for  
11 feed, food, seed, or fiber; the care or feeding of livestock;  
12 the handling or transportation of crops or livestock; the  
13 storage, treatment, or disposal of livestock manure; and the  
14 application of fertilizers, soil conditioners, pesticides, and  
15 herbicides on crops. Agricultural land includes land on which  
16 is located farm residences or outbuildings used for  
17 agricultural purposes and land on which is located facilities,  
18 structures, or equipment for agricultural purposes.  
19 Agricultural land includes land taken out of agricultural  
20 production for purposes of environmental protection or  
21 preservation.

22 b. "Private development purposes" means the construction  
23 of, or improvement related to, recreational trails,  
24 recreational development paid for primarily with private  
25 funds, housing and residential development, or commercial or  
26 industrial enterprise development.

27 c. "Public use" or "public purpose" or "public  
28 improvement" does not include the authority to condemn  
29 agricultural land for private development purposes unless the  
30 owner of the agricultural land consents to the condemnation.

31 2. The limitation on the definition of public use, public  
32 purpose, or public improvement does not apply to a slum area  
33 or blighted area as defined in section 403.17, or to the  
34 establishment, relocation, or improvement of a road pursuant  
35 to chapter 306, or to an airport as defined in section 328.1,

1 or to land acquired in order to replace or mitigate land used  
2 in a road project when federal law requires replacement or  
3 mitigation. This limitation also does not apply to utilities  
4 or persons under the jurisdiction of the Iowa utilities board  
5 in the department of commerce or to any other utility  
6 conferred the right by statute to condemn private property or  
7 to otherwise exercise the power of eminent domain.

8 Sec. 2. NEW SECTION. 6B.2A NOTICE OF PROPOSED PUBLIC  
9 IMPROVEMENT.

10 | 1. An acquiring agency shall provide written notification  
11 to each owner of record of private property that may be the  
12 subject of condemnation. The authority under this chapter is  
13 not conferred and condemnation proceedings shall not begin  
14 unless a good faith effort is made to serve the notice as  
15 provided in this section on the owner of record of the  
16 property subject to condemnation. The notice shall be mailed  
17 by ordinary mail to the owner of record's last known address  
18 no less than thirty days before adoption of the ordinance,  
19 resolution, motion, or other declaration of intent to proceed  
20 with the public improvement and the acquisition or  
21 condemnation, if necessary, of the property. If the location  
22 of the public improvement is changed or expanded after the  
23 decision has been made to proceed with the public improvement,  
24 a notice shall be mailed by ordinary mail no less than thirty  
25 days before the adoption of the ordinance, resolution, motion,  
26 or other declaration of intent to proceed with a change in the  
27 location of the public improvement to the owner of record of  
28 the land to be acquired or condemned, if necessary, in the new  
29 location of the public improvement affected by the change.  
30 The notice shall include the statement of individual rights  
31 required under section 6B.2B. The notice shall, at a minimum,  
32 include the following information:  
33 | a. The general nature of the public improvement.  
34 | b. The acquiring agency's intended use of the private  
35 property for the public improvement.

1 c. The process to be followed by the acquiring agency in  
2 making the decision to proceed with the public improvement and  
3 the acquisition or condemnation, if necessary, of the  
4 property.

5 d. The time, place, and manner at which an opportunity is  
6 provided for public input into the decision to proceed with  
7 the public improvement and the acquisition or condemnation, if  
8 necessary, of the property.

9 e. The current status in the planning process for the  
10 public improvement, including meetings held and decisions  
11 made.

12 2. The authority to condemn is not conferred until the  
13 appropriate authority approves the public improvement,  
14 including the approval of any permits required by state or  
15 federal law which permits are necessary for commencement of  
16 the project. This subsection does not apply to land condemned  
17 for public improvements undertaken pursuant to section 306.19.

18 3. If, after making a good faith effort, an acquiring  
19 agency is unable to ascertain the owner of record's last known  
20 address, or the identity of the owner of record is uncertain,  
21 or the mail is returned as undeliverable or is refused, the  
22 acquiring agency shall cause a notice to be published once in  
23 a newspaper of general circulation in the county or city where  
24 the private property is located.

25 Sec. 3. NEW SECTION. 6B.2B ACQUISITION NEGOTIATION  
26 STATEMENT OF RIGHTS.

27 1. The acquiring agency shall make a good faith effort to  
28 negotiate with the owner to purchase the private property  
29 before filing an application for condemnation or otherwise  
30 proceed with the condemnation process.

31 2. The acquiring agency shall provide the owner of record  
32 of the private property with a statement of their individual  
33 rights to be included with the notice required under section  
34 6B.2A. The attorney general shall adopt rules pursuant to  
35 chapter 17A prescribing a statement of rights which may be

1 used in substantial form by any person required to provide the  
2 statement by this section.

3 Sec. 4. Section 6B.3, Code 1999, is amended to read as  
4 follows:

5 6B.3 APPLICATION -- RECORDING -- NOTICE -- TIME FOR  
6 APPRAISEMENT -- NEW PROCEEDINGS.

7 1. Such The proceedings shall be instituted by a written  
8 application filed with the chief judge of the judicial  
9 district of the county in which the land sought to be  
10 condemned is located. Said The application shall set forth:

11 | 1 a. A description of all the property in the county,  
12 affected or sought to be condemned, by its congressional  
13 numbers, in tracts not exceeding one-sixteenth of a section,  
14 or, if the land consists of lots, by the numbers of the lot  
15 and block, and plat designation.

16 | 2 b. A plat showing the location of the right-of-way or  
17 other property sought to be condemned with reference to such  
18 description.

19 | 3 c. The names of all record owners of the different  
20 tracts of land sought to be condemned, or otherwise affected  
21 by such proceedings, and of all record holders of liens and  
22 encumbrances on such lands; also the place of residence of all  
23 such persons so far as known to the applicant.

24 | 4 d. The purpose for which condemnation is sought.

25 | 5 e. A request for the appointment of a commission to  
26 appraise the damages.

27 | 6 f. If the damages are to be paid by the state and the  
28 land to be condemned is within an agricultural area as  
29 provided in chapter 352, a statement disclosing whether any of  
30 that land is classified as class I or class II land under the  
31 United States department of agriculture natural resources  
32 conservation service land capability classification system  
33 contained in the agriculture handbook number 210, 1961 edition  
34 and, if so classified, stating that the class I or class II  
35 land is reasonably necessary for the work of internal

1 improvement for which condemnation is sought.

2 | g. A showing of the minimum amount of land necessary to  
3 achieve the public purpose and the amount of land to be  
4 acquired by condemnation for the public improvement. Any land  
5 to be acquired by condemnation beyond the necessary minimum to  
6 complete the project shall be presumed not to be necessary for  
7 a public use or public purpose unless the applicant can show  
8 that a substantial need exists for the additional property to  
9 achieve the public use or public purpose, or that the land in  
10 question is of little or no value or utility to the owner, or  
11 that the owner consents to the condemnation.

12 | h. A statement indicating the efforts made by the  
13 applicant to negotiate in good faith with the owner to acquire  
14 the private property sought to be condemned.

15 | 2. The applicant shall mail a copy of the application by  
16 certified mail to the owner at the owner's last known address  
17 and to any mortgagee of record at the mortgagee's last known  
18 address and to any other record lienholder or encumbrancer of  
19 the land at the lienholder's or encumbrancer's last known  
20 address. If service of notice by certified mail cannot be  
21 made in the manner prescribed in this section, the applicant  
22 shall cause a notice to be published once in a newspaper of  
23 general circulation in the county. If service of notice is  
24 made by publication, an affidavit shall be filed with the  
25 county recorder along with the application. The affidavit  
26 shall state the reason why service of notice by certified mail  
27 could not be made, the name of the publication, and the date  
28 of the publication. Service of notice by publication shall be  
29 deemed complete on the day of publication.

30 | 3. The applicant shall promptly certify that its  
31 application for condemnation has been approved by the chief  
32 judge and shall file the original approved application with  
33 the county recorder in the manner required under section  
34 6B.37. The county recorder shall file and index the  
35 application in the record of deeds and preserve the

1 application as required by sections 6B.38 and 558.55. The  
2 filing and indexing constitute constructive notice to all  
3 parties that a proceeding to condemn the property is pending  
4 and that the applicant has the right to acquire the property  
5 from all owners, lienholders, and encumbrancers whose  
6 interests are of record at the time of the filing. When  
7 indexed, the proceeding is considered pending so as to charge  
8 all persons not having an interest in the property with notice  
9 of its pendency, and while pending no interest can be acquired  
10 by the third parties in the property against the rights of the  
11 applicant. If the appraisal of damages is not made within  
12 one hundred twenty days, the proceedings instituted under this  
13 section are terminated and all rights and interests of the  
14 applicant arising out of the application for condemnation  
15 terminate. The applicant may reinstitute a new condemnation  
16 proceeding at any time. The reinstated proceedings are  
17 entirely new proceedings and not a revival of the terminated  
18 proceeding.

19 Sec. 5. Section 6B.4, unnumbered paragraph 2, Code 1999,  
20 is amended to read as follows:

21 The chief judge of the judicial district shall select by  
22 lot six persons from the list, two persons who are owner-  
23 operators of agricultural property when the property to be  
24 condemned is agricultural property; two persons who are owners  
25 of city property when the property to be condemned is other  
26 than agricultural property; and two persons from each of the  
27 remaining two representative groups, who shall constitute a  
28 compensation commission to assess the damages to all property  
29 to be taken by the applicant and located in the county, and  
30 shall name a chairperson from the persons selected. No A  
31 person shall not be selected as a member of the compensation  
32 commission selected-shall-possess if the person possesses any  
33 interest in the proceeding which would cause such the person  
34 to render a biased decision. The clerk of the district court  
35 shall send, by regular mail, a list of those persons selected

1 to the applicant and to the owner of the property at the  
2 owner's last known address. The list shall be provided prior  
3 to the mailing, by any party, of a notice of assessment under  
4 section 6B.8. If the clerk of the district court is unable to  
5 locate an address for the owner of the property, the list  
6 shall be published once in a newspaper of general circulation  
7 in the county. The applicant shall reimburse the clerk of the  
8 district court for the cost of mailing and publication.

9 Sec. 6. Section 6B.7, Code 1999, is amended to read as  
10 follows:

11 6B.7 COMMISSIONERS TO QUALIFY.

12 Before proceeding with the assessment all commissioners  
13 shall qualify by filing with the sheriff a written oath that  
14 they will to the best of their ability faithfully and  
15 impartially assess said damages and make a written report to  
16 the sheriff. The applicant or the owner may challenge one  
17 commissioner without stating cause. A challenge to the  
18 appointment of a commissioner must be made to the chief judge  
19 of the judicial district no less than seventy-two hours before  
20 the condemnation jury is set to meet. A commissioner shall be  
21 appointed to fill a vacancy resulting from a challenge no less  
22 than twenty-four hours before the jury is set to meet.

23 Sec. 7. Section 6B.8, Code 1999, is amended to read as  
24 follows:

25 6B.8 NOTICE OF ASSESSMENT.

26 The applicant, or the owner or any lienholder or  
27 encumbrancer of any land described in the application, may, at  
28 any time after the appointment of the commissioners, have the  
29 damages to the lands of any such owner assessed by giving the  
30 other party, if a resident of this state, ten thirty days'  
31 notice, in writing. Such The notice shall specify the day and  
32 the hour when the commissioners will view the premises, and  
33 shall be personally served in the same manner as original  
34 notices.

35 Service of the notice to a person not a resident of this



1 state shall be by certified mail to the person's last known  
2 address. At the same time, the applicant shall cause a notice  
3 to be published once in a newspaper of general circulation in  
4 the county prior to the day fixed for the appraisalment, which  
5 day shall be at least thirty days after publication. Service  
6 of notice in this manner shall be deemed complete on the day  
7 of publication.

8 Sec. 8. Section 6B.12, Code 1999, is amended to read as  
9 follows:

10 | 6B.12 NOTICE TO-NONRESIDENTS WHEN RESIDENCE UNKNOWN.

11 | ~~If the owner of such lands or any person interested therein~~  
12 ~~is a nonresident of this state, or if~~ If the person's  
13 residence is unknown after a good faith effort is made to find  
14 the person's last known address, no demand for the land for  
15 ~~the purposes sought shall be necessary, but~~ the notice  
16 ~~aforsaid~~ required in section 6B.8 shall be published in some  
17 a newspaper of general circulation in the county and of  
18 ~~general circulation therein,~~ once each week for at least four  
19 successive weeks prior to the day fixed for the appraisalment,  
20 which day shall be at least thirty days after the first  
21 publication of the notice.

22 Sec. 9. Section 6B.14, unnumbered paragraph 3, Code 1999,  
23 is amended to read as follows:

24 | ~~In addition to all other damages provided by law, except~~  
25 ~~moving expenses paid or required to be paid under relocation~~  
26 ~~assistance programs, an~~ An owner or tenant occupying land  
27 which is proposed to be acquired by condemnation shall be  
28 awarded a sum sufficient to remove such owner's or tenant's  
29 personal property from the land to be acquired, which sum  
30 shall represent reasonable costs of moving said the personal  
31 property from the said land to be acquired to a point no  
32 greater than twenty-five fifty miles therefrom; but in any  
33 event, said damages awarded under this section for moving  
34 shall not exceed five hundred thousand dollars for each owner  
35 or tenant occupying land so proposed to be condemned. An

1 owner may apply for an award pursuant to this section only if  
2 all other damages provided by law have been awarded and such  
3 amount awarded is insufficient to pay the owner's reasonable  
4 costs of moving.

5 Sec. 10. Section 6B.26, Code 1999, is amended to read as  
6 follows:

7 6B.26 DISPOSSESSION OF OWNER.

8 A landowner shall not be dispossessed, under condemnation  
9 proceedings, of the landowner's residence, dwelling house,  
10 outhouse outbuildings if the residence or dwelling house is  
11 also acquired, orchard, or garden, until the damages thereto  
12 have been finally determined and paid. However, if the  
13 property described in this section is condemned for highway  
14 purposes by the state department of transportation, the  
15 condemning authority may take possession of the property  
16 either after the damages have been finally determined and paid  
17 or one hundred eighty days after the compensation commission  
18 has determined and filed its award, in which event all of the  
19 appraisement of damages shall be paid to the property owner  
20 before the dispossession can take place. This section shall  
21 not apply to condemnation proceedings for drainage or levee  
22 improvements, or for public school purposes. For the purposes  
23 of this section, "outbuildings" means structures and  
24 improvements located in proximity to the landowner's  
25 residence.

26 Sec. 11. Section 6B.33, Code 1999, is amended to read as  
27 follows:

28 6B.33 COSTS AND ATTORNEY FEES.

29 The applicant shall pay all costs of the assessment made by  
30 the commissioners and reasonable attorney fees and costs  
31 incurred by the condemnee as determined by the commissioners  
32 if the award of the commissioners exceeds one hundred ten  
33 percent of the final offer of the applicant prior to  
34 condemnation. The applicant shall file with the sheriff an  
35 affidavit setting forth the most recent offer made to the

1 person whose property is sought to be condemned. Members of  
2 such commissions shall receive a per diem of fifty dollars and  
3 actual and necessary expenses incurred in the performance of  
4 their official duties. The applicant shall reimburse the  
5 county sheriff for the per diem and expense amounts paid by  
6 the sheriff to the members. The applicant shall reimburse the  
7 owner for the expenses the owner incurred for recording fees,  
8 penalty costs for full or partial prepayment of any  
9 preexisting recorded mortgage entered into in good faith  
10 encumbering the property, and for similar expenses incidental  
11 to conveying the property to the applicant. The applicant  
12 shall also pay all costs occasioned by the appeal, including  
13 reasonable attorney fees to be taxed by the court, unless on  
14 the trial thereof the same or a less amount of damages is  
15 awarded than was allowed by the tribunal from which the appeal  
16 was taken.

17 | Sec. 12. Section 6B.42, Code 1999, is amended to read as  
18 follows:

19 | 6B.42 EMINENT DOMAIN -- PAYMENT TO DISPLACED PERSONS.

20 | 1. a. The acquiring agency shall provide to the person,  
21 in addition to any other sums of money in payment of just  
22 compensation, the payments and assistance required by law, in  
23 accordance with chapter 316.

24 | b. A person aggrieved by a determination made as to  
25 eligibility for relocation assistance, a payment, or the  
26 amount of the payment, upon application, may have the matter  
27 reviewed by the appropriate acquiring agency.

28 | c. An acquiring agency subject to this section that  
29 proposes to displace a person shall inform the person of the  
30 person's right to receive relocation assistance and payments,  
31 and of an aggrieved person's right to appeal a determination  
32 as to assistance and payments.

33 | ~~1.~~ 2. a. A utility or railroad subject to section 327C.2,  
34 or chapters 476, 478, 479, and 479A, and 479B, authorized by  
35 law to acquire property by condemnation, which acquires the

1 property of a person or displaces a person for a program or  
2 project which has received or will receive federal financial  
3 assistance as defined in section 316.1, shall provide to the  
4 person, in addition to any other sums of money in payment of  
5 just compensation, the payments and assistance required by  
6 law, in accordance with chapter 316.

7 2- b. A person aggrieved by a determination made by a  
8 utility as to eligibility for relocation assistance, a  
9 payment, or the amount of the payment, upon application, may  
10 have the matter reviewed by the utilities division of the  
11 department of commerce.

12 3- c. A person aggrieved by a determination made by a  
13 railroad as to eligibility for relocation assistance, a  
14 payment, or the amount of the payment, upon application, may  
15 have the matter reviewed by the state department of  
16 transportation.

17 4- d. A utility or railroad subject to this section that  
18 proposes to displace a person shall inform the person of the  
19 person's right to receive relocation assistance and payments,  
20 and of an aggrieved person's right to appeal to the utilities  
21 division of the department of commerce or the state department  
22 of transportation.

23 Sec. 13. Section 6B.45, Code 1999, is amended to read as  
24 follows:

25 6B.45 ~~CONDEMNATION-FOR-ROAD-OR-STREET---~~ MAILING COPY OF  
26 APPRAISAL.

27 When any real property or interest therein in real property  
28 is to be purchased, or in lieu thereof to be condemned for  
29 ~~highway, street or road purposes,~~ the purchasing state  
30 acquiring agency, ~~county or city~~ or their its agent shall  
31 submit to the person, corporation, or entity whose property or  
32 interest therein in the property is to be taken, by ordinary  
33 mail, at least ten days prior to the date of contact, a copy  
34 of the appraisal in its entirety upon such real property or  
35 interest therein in such real property prepared for the

1 acquiring agency or its agent, which shall include, at least a  
2 minimum, an itemization of the appraised value of the real  
3 property or interest therein in the property, any buildings  
4 thereon on the property, all other improvements including  
5 fences, severance damages, and loss of access. The appraisal  
6 sent to the condemnee shall be that appraisal upon which the  
7 condemnor will rely to establish an amount which the condemnor  
8 believes to be just compensation for the real property. All  
9 other appraisals made on the property as a result of the  
10 condemnation proceeding shall be made available to the  
11 condemnee upon request. In lieu of an appraisal, a utility or  
12 person under the jurisdiction of the utilities board of the  
13 department of commerce, or any other utility conferred the  
14 right by statute to condemn private property, shall provide in  
15 writing by certified mail to the owner of record thirty days  
16 prior to negotiations, the methods and factors used in  
17 arriving at an offered price for voluntary easements including  
18 the range of cash amount of each component.

19 Sec. 14. Section 6B.54, unnumbered paragraph 1, Code 1999,  
20 is amended to read as follows:

21 ~~If-a~~ For any project or displacing activity that has  
22 received or will receive federal financial assistance as  
23 defined in section 316.1, for any state-funded projects, or  
24 for any other public improvement for which condemnation is  
25 sought, an acquiring agency shall be-guided-by, at a minimum,  
26 satisfy the following policies:

27 Sec. 15. Section 6B.54, subsections 2, 3, 8, and 9, Code  
28 1999, are amended to read as follows:

29 2. Real property shall be appraised as required by section  
30 6B.45 before the initiation of negotiations, and the owner or  
31 the owner's designated representative shall be given an  
32 opportunity to accompany at least one appraiser of the  
33 acquiring agency during an inspection of the property, except  
34 that ~~the-state-department-of-transportation~~ an acquiring  
35 agency may prescribe a procedure to waive the appraisal in

1 cases involving the acquisition of property with a low fair  
2 market value. In lieu of an appraisal, a utility or person  
3 under the jurisdiction of the utilities board of the  
4 department of commerce, or any other utility conferred the  
5 right by statute to condemn private property, shall provide in  
6 writing by certified mail to the owner of record thirty days  
7 before negotiations, the methods and factors used in arriving  
8 at an offered price for voluntary easements including the  
9 range of cash amount of each component.

10 3. Before the initiation of negotiations for real  
11 property, the acquiring agency shall establish an amount which  
12 it believes to be just compensation for the real property, and  
13 shall make a prompt offer to acquire the property for the full  
14 amount established by the agency. In no event shall the  
15 amount be less than the ~~agency's-approved~~ lowest appraisal of  
16 the fair market value of the property. In the case of a  
17 utility or person under the jurisdiction of the utilities  
18 board of the department of commerce, or any other utility  
19 conferred the right by statute to condemn private property,  
20 the amount shall not be less than the amount indicated by the  
21 methods and factors used in arriving at an offered price for a  
22 voluntary easement.

23 8. If the acquisition of only a portion of property would  
24 leave the owner with an uneconomical remnant, the ~~head-of-the~~  
25 acquiring agency concerned shall offer to acquire that  
26 remnant. For the purposes of this chapter, an "uneconomical  
27 remnant" is a parcel of real property in which the owner is  
28 left with an interest after the partial acquisition of the  
29 owner's property, where the ~~head-of-the~~ acquiring agency  
30 concerned determines that the parcel has little or no value or  
31 utility to the owner.

32 9. A person whose real property is being acquired in  
33 accordance with this chapter, after the person has been fully  
34 informed of the person's right to receive just compensation  
35 for the property, may donate the property, any part of the

1 property, any interest in the property, or any compensation  
2 paid for it ~~to any agency~~ as the person may determine.

3 Sec. 16. Section 6B.55, unnumbered paragraph 1, Code 1999,  
4 is amended to read as follows:

5 ~~If a~~ For any program or project that has received or will  
6 receive federal financial assistance as defined in section  
7 316.1, for any state-funded projects, or for any other public  
8 improvement for which condemnation is sought, an acquiring  
9 agency shall ~~be guided by~~ at a minimum satisfy the following  
10 policies:

11 Sec. 17. NEW SECTION. 6B.57 PROCEDURAL COMPLIANCE.

12 If a city makes a good faith effort to serve, send, or  
13 provide the notices or documents required under this chapter  
14 to the owner of private property that is or may be the subject  
15 of condemnation, but fails to provide the notice or documents  
16 to the owner, such failure shall not constitute grounds for  
17 invalidation of the condemnation proceeding if the chief judge  
18 of the judicial district determines that such failure can be  
19 corrected by delaying the condemnation proceedings to allow  
20 compliance with the requirement and such failure does not  
21 unreasonably prejudice the owner.

22 Sec. 18. NEW SECTION. 6B.58 ACQUIRING AGENCY --  
23 DEFINITION.

24 For purposes of this chapter, an "acquiring agency" means  
25 the state of Iowa or any person or entity conferred the right  
26 by statute to condemn private property or to otherwise  
27 exercise the power of eminent domain.

28 Sec. 19. Section 306.19, subsection 3, Code 1999, is  
29 amended to read as follows:

30 3. None of the foregoing requirements shall prohibit the  
31 property owner and the agency from entering into a mutually  
32 acceptable agreement for the replacement, relocation,  
33 construction, or maintenance of any alternate driveway on the  
34 owner's property. Compensation for any property rights taken  
35 in the establishment of any alternative temporary or permanent

1 access shall be paid as in any other purchase or condemnation  
2 of property.

3 Sec. 20. Section 306.19, subsection 4, Code 1999, is  
4 amended to read as follows:

5 4. ~~Compensation for any property rights taken in the~~  
6 ~~establishment of any alternative temporary or permanent access~~  
7 ~~shall be paid as in any other purchase or condemnation of~~  
8 ~~property.~~ Proceedings for the condemnation of land for any  
9 highway shall be under the provisions of chapter 6A and  
10 chapter 6B. Provided that, in the condemnation of right-of-  
11 way for secondary roads that is contiguous to existing road  
12 right-of-way for the maintenance, safety improvement, or  
13 upgrade of the existing secondary road, the board of  
14 supervisors may proceed as provided in sections 306.28 to  
15 306.37.

16 Sec. 21. Section 306.27, Code 1999, is amended to read as  
17 follows:

18 306.27 CHANGES FOR SAFETY, ECONOMY, AND UTILITY.

19 The state department of transportation as to primary roads  
20 and the boards of supervisors as to secondary roads on their  
21 own motion may change the course of any part of any road or  
22 stream, watercourse, or dry run and may pond water in order to  
23 avoid the construction and maintenance of bridges, or to avoid  
24 grades, or railroad crossings, or to straighten a road, or to  
25 cut off dangerous corners, turns or intersections on the  
26 highway, or to widen a road above statutory width, or for the  
27 purpose of preventing the encroachment of a stream,  
28 watercourse, or dry run upon the highway. The department and  
29 the board of supervisors shall conduct ~~its~~ their proceedings  
30 in the manner and form prescribed in chapter 6B, and except  
31 that the board of supervisors shall may use the form  
32 prescribed in sections 306.28 to 306.37 ~~or as provided in~~  
33 ~~chapter 6B~~ for the condemnation of right-of-way that is  
34 contiguous to existing road right-of-way and necessary for the  
35 maintenance, safety improvement, or upgrade of the existing



1 secondary road. Changes are subject to chapter 455B.

2 Sec. 22. Section 306.28, Code 1999, is amended by striking  
3 the section and inserting in lieu thereof the following:

4 306.28 APPRAISERS.

5 If the board is unable, by agreement with the owner, to  
6 acquire the necessary right of way to effect such change, a  
7 compensation commission shall be selected pursuant to section  
8 6B.4, to appraise the damages consequent on the taking of the  
9 right of way.

10 Sec. 23. Section 306.29, unnumbered paragraph 2, Code  
11 1999, is amended to read as follows:

12 To whom it may concern: Notice is given that the board of  
13 supervisors of ..... county, Iowa, propose to condemn for  
14 road purposes the following described real estate in said  
15 county: (Here describe the right of way, and the tract or  
16 tracts from which such right of way will be taken.) The  
17 damages caused by said condemnation will be assessed by three  
18 appraisers a compensation commission appointed as provided by  
19 law for the purpose of appraising the damages. ~~Notice is~~  
20 ~~hereby given that the owner or owners of said real estate may,~~  
21 ~~on or before the --- day of ---, appoint one of said~~  
22 ~~appraisers and that in case such right be not exercised, or if~~  
23 ~~exercised and the said appointee fails to appear and qualify,~~  
24 ~~the said three appraisers will be otherwise appointed as~~  
25 ~~provided by law.~~ All parties interested are further notified  
26 that said three appraisers the compensation commission will,  
27 when duly appointed, proceed to appraise said the damages,  
28 will report said the appraisalment to the said board of  
29 supervisors and that ~~said latter~~ the board will pass thereon  
30 as provided by law, and that at all such times and places you  
31 may be present ~~if you be so minded.~~ You are further notified  
32 that at said the hearing before the said supervisors you may  
33 file objections to the use of said the land for road purposes  
34 and that all such objections not so made will be deemed  
35 waived.

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County Auditor.

Sec. 24. Section 306.31, Code 1999, is amended to read as follows:

306.31 QUALIFICATION-AND ASSESSMENT.

~~Upon the appointment of three appraisers, the county auditor shall cause them to appear before the auditor and to take oath that they will faithfully and impartially assess the damages claimed.~~ -- Said The appraisers shall forthwith proceed

to the assessment of ~~said~~ damages and shall make written report thereof of the damages to the board of supervisors.

Sec. 25. Section 316.1, subsection 5, paragraphs a and b, Code 1999, are amended to read as follows:

a. A person who moves from real property or moves the person's personal property from real property in either any of the following circumstances:

(1) As a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of, the real property in whole or in part for a program or project undertaken with federal financial assistance.

(2) The person moved or moved the person's personal property from real property on which the person is either a residential tenant or conducts a small business, a farm operation, or a business as defined in subsection 2, paragraph "d", as a direct result of rehabilitation or demolition for a program or project undertaken with federal financial assistance in a case in which the head of the displacing agency determines that the displacement is permanent.

(3) As a direct result of a written notice of intent to acquire by condemnation, the initiation of negotiations for, or the acquisition of, the real property in whole or in part by the state of Iowa or by an entity or person conferred the right to condemn private property.

b. For purposes of section 316.4, subsections 1 and 2, and

1 section 316.7, a person who moves from real property, or moves  
2 the person's personal property from real property in either  
3 any of the following circumstances:

4 | (1) As a direct result of a written notice of intent to  
5 acquire, the initiation of negotiations for, or the  
6 acquisition of, other real property in whole or in part if the  
7 person conducts a business or farm operation on the other real  
8 property for a program or project undertaken with federal  
9 financial assistance.

10 | (2) As a direct result of rehabilitation or demolition of  
11 other real property on which the person conducts a business or  
12 a farm operation for a program or project undertaken with  
13 federal financial assistance in a case in which the head of  
14 the displacing agency determines that the displacement is  
15 permanent.

16 | (3) As a direct result of a written notice of intent to  
17 acquire by condemnation, the initiation of negotiations for,  
18 or the acquisition of, other real property in whole or in part  
19 by the state of Iowa or by an entity or person conferred the  
20 right to condemn private property if the person conducts a  
21 business or farm operation on the other real property.

22 | Sec. 26. Section 331.304, subsection 8, Code 1999, is  
23 amended to read as follows:

24 | 8. The power to take private property for public use shall  
25 only be exercised by counties for public purposes which are  
26 reasonable and necessary as an incident to the powers and  
27 duties conferred upon counties, and in accordance with  
28 chapters 6A and 6B. Sections Section 306.19 and-306-28-to  
29 306-37-are is also applicable to condemnation of right of way  
30 for secondary roads. Sections 306.27 through 306.37 are  
31 applicable to the condemnation of right of way that is  
32 contiguous to existing road right of way and necessary for the  
33 maintenance, safety improvement, or upgrade of the existing  
34 secondary road.

35 | Sec. 27. Section 403.5, subsection 4, Code 1999, is

1 amended by adding the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. A municipality shall not condemn  
3 agricultural land included within an economic development area  
4 unless the owner of the agricultural land consents to  
5 condemnation. This paragraph shall not apply to land  
6 necessary or useful for the operation of a city utility as  
7 defined in section 362.2, for the operation of a city  
8 franchise conferred the authority to condemn private property  
9 under section 364.2, or a combined utility system as defined  
10 in section 384.80.

11 Sec. 28. Section 403.7, unnumbered paragraph 1, Code 1999,  
12 is amended to read as follows:

13 A municipality shall have the right to acquire by  
14 condemnation any interest in real property, including a fee  
15 simple title thereto, which it may deem necessary for or in  
16 connection with an urban renewal project under this chapter.  
17 However, a municipality shall not condemn agricultural land  
18 included within an economic development area unless the owner  
19 of the agricultural land consents to condemnation. A  
20 municipality may exercise the power of eminent domain in the  
21 manner provided in chapter 6B, and Acts amendatory to that  
22 chapter or supplementary to that chapter, or it may exercise  
23 the power of eminent domain in the manner now or which may be  
24 hereafter provided by any other statutory provisions for the  
25 exercise of the power of eminent domain. Property already  
26 devoted to a public use may be acquired in like manner.  
27 However, real property belonging to the state, or any  
28 political subdivision of this state, shall not be acquired  
29 without its consent, and real property or any right or  
30 interest in the property owned by any public utility company,  
31 pipeline company, railway or transportation company vested  
32 with the right of eminent domain under the laws of this state,  
33 shall not be acquired without the consent of the company, or  
34 without first securing, after due notice to the company and  
35 after hearing, a certificate authorizing condemnation of the

1 property from the board, commission or body having the  
2 authority to grant a certificate authorizing condemnation. In  
3 a condemnation proceeding, if a municipality proposes to take  
4 a part of a lot or parcel of real property, the municipality  
5 shall also take the remaining part of the lot or parcel if  
6 requested by the owner.

7 Sec. 29. Section 403.17, Code 1999, is amended by adding  
8 the following new subsection:

9 NEW SUBSECTION. 2A. "Agricultural land" means real  
10 property that is used for the production of agricultural  
11 commodities and from which one thousand dollars or more of  
12 agricultural commodities were sold or normally would be sold  
13 during the year. Such use of property includes, but is not  
14 limited to, the raising, harvesting, handling, drying, or  
15 storage of crops used for feed, food, seed, or fiber; the care  
16 or feeding of livestock; the handling or transportation of  
17 crops or livestock; the storage, treatment, or disposal of  
18 livestock manure; and the application of fertilizers, soil  
19 conditioners, pesticides, and herbicides on crops.

20 Agricultural land includes land on which is located farm  
21 residences or outbuildings used for agricultural purposes and  
22 land on which is located facilities, structures, or equipment  
23 for agricultural purposes. Agricultural land includes land  
24 taken out of agricultural production for purposes of  
25 environmental protection or preservation.

26 Sec. 30. Section 403.17, subsection 9, Code 1999, is  
27 amended to read as follows:

28 9. "Economic development area" means an area of a  
29 municipality designated by the local governing body as  
30 appropriate for commercial and industrial enterprises, public  
31 improvements related to housing and residential development,  
32 or construction of housing and residential development for low  
33 and moderate income families, including single or multifamily  
34 housing. If an urban renewal plan for an urban renewal area  
35 is based upon a finding that the area is an economic

1 development area and that no part contains slum or blighted  
2 conditions, then the division of revenue provided in section  
3 403.19 and stated in the plan shall be limited to twenty years  
4 from the calendar year following the calendar year in which  
5 the city first certifies to the county auditor the amount of  
6 any loans, advances, indebtedness, or bonds which qualify for  
7 payment from the division of revenue provided in section  
8 403.19. Such designated area shall not include agricultural  
9 land, including land which is part of a century farm, unless  
10 the owner of the agricultural land or century farm agrees to  
11 include the agricultural land or century farm in the urban  
12 renewal area. For the purposes of this subsection, "century  
13 farm" means a farm in which at least forty acres of such farm  
14 have been held in continuous ownership by the same family for  
15 one hundred years or more.

16 Sec. 31. APPLICABILITY. Sections 1, 27, 28, and 29 of  
17 this Act, enacting section 6A.21, amending sections 403.5 and  
18 403.7, and enacting section 403.17, subsection 2A, apply to  
19 urban renewal areas established before, on, or after the  
20 effective date of this Act and to amendments to such urban  
21 renewal areas.

22 Section 30 of this Act, amending section 403.17, subsection  
23 9, applies to urban renewal areas established on or after the  
24 effective date of this Act. Section 30 of this Act also  
25 applies to agricultural land included in an urban renewal area  
26 established before the effective date of this Act if the  
27 agricultural land is included in the urban renewal area by  
28 virtue of an amendment to the urban renewal plan, which  
29 amendment is adopted on or after the effective date of this  
30 Act.

31 Sec. 32. EFFECTIVE DATE. This Act applies to state  
32 highway construction projects approved for commencement by the  
33 transportation commission on or after July 1, 1999. This Act  
34 applies to all other condemnation proceedings in which the  
35 application for condemnation is filed on or after July 1,

1 1999.

2

EXPLANATION

3 This bill makes several changes to the law relating to the  
4 power of eminent domain and the procedures by which the state  
5 of Iowa and other entities and persons are allowed to condemn  
6 private property. The bill defines "acquiring agency" to mean  
7 entities or persons conferred the right by law to condemn  
8 private property. "Acquiring agency" under the bill includes  
9 counties, cities, owners of land without a way to the land,  
10 owners of mineral lands, cemetery associations, subdistricts  
11 of soil and water conservation districts, and utilities.

12 | The bill defines "public use", "public purpose", or "public  
13 improvement" to exclude the condemnation of agricultural land  
14 without the consent of the owner. The bill defines  
15 "agricultural land" as real property used for production of  
16 certain agricultural commodities and from which \$1,000 or more  
17 of commodities were sold in a year. The bill defines "private  
18 development purposes" as the construction of, or improvement  
19 related to, recreational trails, recreational development paid  
20 for primarily with private funds, housing and residential  
21 development, or commercial or industrial enterprise  
22 development.

23 | The bill requires a condemning authority to send a notice  
24 of a proposed public improvement to the owner of property for  
25 which condemnation is being considered for the public  
26 improvement. The notice must be mailed by ordinary mail no  
27 less than 30 days before adoption of the declaration of intent  
28 relating to the public improvement and the acquisition or  
29 condemnation of the property. The notice, at a minimum,  
30 should include information on the general nature of the public  
31 improvement, the intended use of the property, the process  
32 relating to the public improvement, and opportunity for public  
33 input relating to the public improvement if the law requires  
34 public input.

35 The bill requires a condemning authority to make a good

1 faith effort to negotiate with the owner to purchase the  
2 private property before filing an application for  
3 condemnation. The condemning authority is required to provide  
4 the owner of the property with a statement of rights. The  
5 statement is to be included with the notice of proposed public  
6 improvement. The bill provides that condemnation may not  
7 proceed until the notice of proposed public improvement  
8 containing the statement of individual rights is provided to  
9 the owner.

10 The bill requires a condemning authority to mail a copy of  
11 the condemnation application filed with the district court to  
12 the owner of the property. The bill also requires that the  
13 condemnation application provide information on the minimum  
14 amount of land necessary for the public improvement and the  
15 amount of land to be acquired by condemnation. Current law  
16 requires the applicant to pay the expenses of the compensation  
17 commission and of the landowner if the award of the commission  
18 is 110 percent or more of the final offer of the applicant  
19 prior to condemnation. The condemnation application must also  
20 include a statement of the efforts made by the condemning  
21 authority to negotiate with the owner for the sale of the  
22 property prior to filing the application.

23 The bill requires that a list of the persons selected to  
24 serve on the compensation commission for condemnation  
25 proceedings be provided to the condemnation applicant and to  
26 the owner of the property. The bill allows the applicant and  
27 the owner to each dismiss one commissioner without stating  
28 cause.

29 The bill increases from 10 days to 30 days the amount of  
30 notice given of an assessment of the property. The bill  
31 provides that service of notice of assessment shall be mailed  
32 by certified mail to applicants or owners or persons in  
33 interest, any of whom are not residents of the state. The  
34 bill also requires that the notice to nonresidents be  
35 published once 30 days before the assessment.



1 The bill increases the amount to be paid in moving expenses  
2 from \$500 to \$5,000 for an owner occupying land that has been  
3 condemned. The bill also increases that distance that  
4 personal property is moved for which moving expenses are paid  
5 from 25 miles to 50 miles.

6 | The bill adds outbuildings to the list of property from  
7 which a landowner may not be dispossessed by condemnation  
8 without determination and payment of damages. Outbuildings  
9 are defined as structures and improvements located in  
10 proximity to the owner's residence.

11 | The bill provides that the condemnation applicant shall  
12 reimburse the county sheriff for the per diem and actual  
13 expenses paid to members of the compensation commission. The  
14 bill specifies that the applicant shall reimburse the owner of  
15 the property for expenses incurred for recording fees,  
16 mortgage penalty costs, and similar expenses incidental to the  
17 transfer of the property to the applicant.

18 | The bill provides that relocation expenses for  
19 condemnations by the state of Iowa or other entity or person  
20 having the right to condemn property shall be determined and  
21 paid in the same manner as relocation expenses for  
22 condemnations involving federally funded projects.

23 | The bill requires that a copy of the appraisal, on which  
24 the purchasing state agency, county, or city will base its  
25 offer of compensation, be mailed to the owner of the property.

26 The bill makes current acquisition policy guidelines for  
27 projects receiving federal financial assistance applicable to  
28 any state funded projects and to any other public improvement  
29 for which condemnation is sought.

30 The bill provides that if a city makes a good faith effort  
31 to comply with notice provisions, that failure to comply may  
32 only result in a delay of the condemnation proceeding.

33 | The bill amends Code sections providing an alternative  
34 condemnation procedure for counties and secondary roads. The  
35 county may use the alternative procedure if the right of way

1 to be condemned is contiguous to existing road right of way  
2 and is necessary for maintenance, safety improvement, or  
3 upgrade of the existing road. The county is also required to  
4 use the compensation commission to assess damages.

5 The bill provides that a municipality (city or county)  
6 shall not condemn agricultural land included within an urban  
7 renewal area designated as an economic development area  
8 without the consent of the owner of the agricultural land.  
9 This does not apply to city utilities or city franchises.

10 The section of the bill amending the definition of  
11 "economic development area" for purposes of urban renewal,  
12 applies to urban renewal areas established on or after the  
13 effective date of the bill. However, the amendment applies to  
14 urban renewal areas established before the effective date if  
15 they were amended to add agricultural land to the economic  
16 development urban renewal area on or after the effective date  
17 of the bill. The remaining sections of the bill which amend  
18 or reference Code chapter 403 apply to urban renewal areas  
19 established before, on, or after the effective date of the  
20 bill.

21 The bill applies to state highway construction projects  
22 approved on or after July 1, 1999. The bill applies to all  
23 other condemnation proceedings in which the application for  
24 condemnation is filed on or after July 1, 1999.

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**HOUSE FILE 476  
FISCAL NOTE**

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A fiscal note for House File 476 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 476 makes several changes to the law relating to the power of eminent domain and the procedures by which the State and other entities and persons are allowed to condemn private property. The Bill defines acquiring agency to mean entities or persons conferred the right by law to condemn private property. Acquiring agency includes counties, cities, owners of land without a way to the land, owners of mineral lands, cemetery associations, subdistricts of soil and water conservation districts, and utilities.

**ASSUMPTIONS**

1. The Bill creates additional notice requirements that will result in additional processing time for staff of the condemning entities.
2. The additional notice requirements will also increase the postage costs of the condemning entities.
3. The addition of out buildings as property that the owner must be paid damages for may increase costs for cities.
4. The time for negotiation may increase costs for some condemning entities.
5. Increased requirements for utilization of county compensation commissions may increase costs in some instances.
6. It is possible that the requirements combined may result in some entities paying a slightly higher price for the property at the negotiation stage rather than pursuing condemnation.
7. Both the Iowa Association of Counties and the Department of Transportation report that postage and increased processing and handling costs will be the major impacts for them, but they are currently unable to estimate the impact.
8. The Association reports that member counties rarely condemn for economic development areas so the costs associated with those provisions will be minimal for most counties.
9. The Department of Transportation reports that currently all relocation costs are paid and there will be no increase for those provisions.
10. The League of Cities is in the process of estimating costs related to the economic development areas related to relocation of buildings and potential increased costs in acquiring property for these purposes, but

-2-

have been unable to provide information at this time.

**FISCAL IMPACT**

There is insufficient data available to estimate the overall impact of House File 476. However, the following general cost areas were identified by the Iowa Association of Counties, the League of Cities, and the Department of Transportation.

1. There will be increased costs to all condemning entities for postage.
2. There will be increased costs to all condemning entities for handling costs related to the new notice provisions.
3. There may be some increase in the price offered for property during the negotiation phase rather than going through condemnation proceedings.
4. The increased costs of relocating buildings and including out buildings as property for which an owner must be reimbursed may cause an increase in costs in economic development areas within city limits.

**SOURCES**

Department of Transportation  
Iowa State Association of Counties  
Iowa League of Cities

(LSB 2077hv, DPW)

FILED MARCH 18, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

## HOUSE FILE 476

H-1116

1 Amend House File 476 as follows:

2 1. Page 1, line 33, by inserting after the figure  
3 "403.17," the following: "or to an industry if the  
4 economic development board has approved the use of  
5 eminent domain under section 15.104, subsection 9,".

6 2. Page 2, line 24, by striking the word "that"  
7 and inserting the following: "than".

8 3. Page 6, line 6, by inserting after the word  
9 "filing." the following: "After filing and indexing,  
10 the county recorder shall file a copy of the  
11 application with the office of secretary of state.

12 PARAGRAPH DIVIDED."

13 4. Page 6, line 35, by striking the word  
14 "regular" and inserting the following: "ordinary".

15 5. Page 8, line 26, by striking the words "or  
16 tenant" and inserting the following: "or tenant".

17 6. Page 8, line 28, by striking the words "or  
18 tenant's" and inserting the following: "or tenant's".

19 7. Page 8, line 35, by striking the words "or  
20 tenant" and inserting the following: "or tenant".

21 8. Page 9, line 1, by inserting after the word  
22 "owner" the following: "or tenant".

23 9. Page 9, line 3, by inserting after the word  
24 "owner's" the following: "or tenant's".

25 10. Page 10, by inserting after line 16 the  
26 following:

27 "Sec. \_\_\_\_ . Section 6B.38, Code 1999, is amended by  
28 adding the following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. The county recorder  
30 shall file a copy of the sheriff's statement required  
31 by section 6B.35, subsection 5, with the office of the  
32 secretary of state."

33 11. Page 14, by inserting after line 27, the  
34 following:

35 "Sec. \_\_\_\_ . NEW SECTION. 9.2A RECORDS RELATING TO  
36 CONDEMNATION.

37 9.2A RECORDS RELATING TO CONDEMNATION.

38 The secretary of state shall receive and preserve  
39 in the secretary's office all papers transmitted to  
40 the secretary in relation to condemnation and shall  
41 keep an alphabetical list of acquiring agencies in a  
42 book provided for that purpose, in which shall be  
43 entered the name of the acquiring agency, the county  
44 in which the real property is located, and the date  
45 the condemnation application was filed.

46 Sec. \_\_\_\_ . Section 15.104, Code 1999, is amended by  
47 adding the following new subsection:

48 NEW SUBSECTION. 9. Review all applications  
49 submitted by cities requesting approval for the city  
50 to exercise eminent domain authority over agricultural

H-1116

H-1116

Page 2

1 land and determine whether the use of such authority  
2 is necessary for the placement of an industry in the  
3 community. The application may only include land  
4 located for at least three years within the  
5 incorporated boundaries of the city.

6 Approval of an application by a city to exercise  
7 the right of eminent domain to acquire agricultural  
8 land for an industry may be granted for a specific  
9 land area upon a finding of public necessity. When  
10 making a determination of public necessity, the board  
11 shall consider all of the following:

12 a. The feasibility of acquiring the agricultural  
13 land by methods other than condemnation.

14 b. The public cost and public benefit from  
15 locating the industry on the agricultural land.

16 c. The existence of willing sellers at other  
17 feasible locations in the state.

18 d. The ability to adapt the industry development  
19 plans to avoid the use of condemnation.

20 e. The existence of a specific industry to be  
21 located on the agricultural land.

22 f. The amount of land requested to be condemned  
23 compared to the total amount of land needed for the  
24 project.

25 If a city acquires property by condemnation, or by  
26 otherwise exercising the power of eminent domain, and  
27 that property is later sold by the city for more than  
28 the acquisition price paid to the landowner, the city  
29 shall pay to the landowner from whom the property was  
30 acquired the difference between the price at which it  
31 was acquired and the price at which it was sold by the  
32 city less the cost of any improvements made to the  
33 land by the city.

34 For purposes of this subsection, "industry" means  
35 the same as defined in section 260E.2."

36 12. Page 18, by inserting after line 34, the  
37 following:

38 "Sec. \_\_\_\_\_. Section 331.602, subsection 24, Code  
39 1999, is amended to read as follows:

40 24. Record papers, statements, and certificates  
41 relating to the condemnation of property as provided  
42 in section 6B.38, and carry out duties related to the  
43 filing of certain condemnation documents with the  
44 office of secretary of state.

45 13. Page 19, line 5, by inserting after the word  
46 "condemnation" the following: "or unless the economic  
47 development board approves the use of condemnation  
48 under section 15.104, subsection 9, for the purposes  
49 of locating an industry".

50 14. Page 19, line 19, by inserting after the word

H-1116

H-1116

Page 3

- 1 "condemnation" the following: "or unless the economic
- 2 development board approves the use of condemnation
- 3 under section 15.104, subsection 9, for the purposes
- 4 of locating an industry".

5 15. By renumbering as necessary.

By HOUSER of Pottawattamie

H-1116 FILED MARCH 18, 1999

*Adopted 3/25/99 (p. 888)*

HOUSE FILE 476

H-1087

1 Amend House File 476 as follows:

- 2 1. Page 1, line 29, by inserting after the word
- 3 "land" the following: "located outside the
- 4 incorporated boundaries of a city".
- 5 2. Page 19, line 3, by inserting after the word
- 6 "area" the following: "and located outside the
- 7 incorporated boundaries of a city".
- 8 3. Page 19, line 18, by inserting after the word
- 9 "area" the following: "and outside the incorporated
- 10 boundaries of a city".

By WARNSTADT of Woodbury  
WHITEAD of Woodbury

H-1087 FILED MARCH 15, 1999

*lost 3/24/99 (p. 840)*

## HOUSE FILE 476

H-1190

1 Amend House File 476 as follows:

2 1. Page 17, by inserting after line 11, the  
3 following:

4 "Sec. \_\_\_\_\_. Section 313.2A, Code 1999, is amended  
5 to read as follows:

6 313.2A COMMERCIAL AND INDUSTRIAL HIGHWAYS.

7 1. PURPOSE. It is the purpose of this section to  
8 enhance opportunities for the development and  
9 diversification of the state's economy through the  
10 identification and improvement of a network of  
11 commercial and industrial highways and to provide  
12 local jurisdictions with an important role in the  
13 development of the network. The network shall consist  
14 of interconnected routes which provide long distance  
15 route continuity. The purpose of this highway network  
16 shall be to improve the flow of commerce; to make  
17 travel more convenient, safe, and efficient; and to  
18 better connect Iowa with regional, national, and  
19 international markets. Improvements to and expansions  
20 to the network shall not be made unless local  
21 governmental units affected by the network or by  
22 proposed changes in the network are given the  
23 opportunity to review, comment on, and consent to the  
24 improvements or expansions. The state transportation  
25 commission shall concentrate a major portion of its  
26 annual construction budget on this network of  
27 commercial and industrial highways. In order to  
28 ensure the greatest possible availability of funds for  
29 the improvement of the network, primary highway funds  
30 shall not be spent beyond continuing maintenance for  
31 improvements to route segments ~~that will be bypassed~~  
32 ~~by the relocation of portions of~~ affected by the  
33 commercial and industrial highway network.

34 2. NETWORK SELECTION. The commission shall  
35 identify, within the primary road system, a network of  
36 commercial and industrial highways.

37 a. In identifying the network, or proposed  
38 improvements to or expansions of the network, the  
39 commission shall conduct an impact analysis. The  
40 commission shall provide persons affected by the  
41 network or by proposed changes in the network with  
42 opportunities to review and comment on the impact  
43 analysis. The commission shall also provide for a  
44 means of changing the impact analysis in response to  
45 comments from persons affected by the network or by  
46 proposed changes in the network.

47 b. The commission shall consider all of the  
48 following factors in the identification of this the  
49 network:

50 a- (1) The connection by the most direct routes

H-1190



H-1190

Page 2

1 feasible of major urban areas and regions of the state  
2 to each other and to the national system of interstate  
3 and defense highways and priority routes in adjacent  
4 states, except that the use of existing transportation  
5 corridors shall be a priority whenever possible.

6 b- (2) The existence of high volumes of total  
7 traffic and commercial traffic.

8 c- (3) Long distance traffic movements.

9 d- (4) Area coverage and balance of spacing with  
10 service to major growth centers within the state.

11 e- (5) Metropolitan area bypasses consistent with  
12 local, metropolitan, or regional area plans  
13 established through cooperation by the state  
14 department of transportation and local officials.

15 (6) Local preferences for routes through rural  
16 areas.

17 c. The commission, with assistance from the state  
18 department of transportation, shall establish  
19 procedures for all of the following:

20 (1) Conducting impact analyses for new routes or  
21 proposed improvements to or expansions of the network  
22 pursuant to paragraph "a".

23 (2) Review of impact analyses by persons affected  
24 by the network or by proposed changes in the network,  
25 including an opportunity to comment on and propose  
26 changes to the impact analyses.

27 (3) Review of and consent to new routes or  
28 proposed changes in the network by local governmental  
29 units affected by the network, including a method of  
30 appealing decisions concerning the network made by the  
31 commission.

32 The network of commercial and industrial highways  
33 shall not exceed two thousand five hundred miles  
34 including municipal extensions of these highways.

35 3. STANDARDS. The state department of  
36 transportation shall establish standards pertaining to  
37 the specific location, design, and access control for  
38 each segment of the commercial and industrial  
39 highways. The state department of transportation  
40 shall incorporate into the standards a priority for  
41 cooperation with local governmental units affected by  
42 the network and for consideration of the local  
43 governmental units' preferences regarding the network.  
44 The standards shall be distributed to the local  
45 governmental units affected by the network and shall  
46 be available to the public.

47 4. NETWORK DEVELOPMENT. In establishing  
48 priorities for improvement projects, the state  
49 department of transportation shall take into  
50 consideration the following additional criteria:

H-1190

-2-

H-1190

Page 3

1 ~~urban-area-bypasses-that-improve-urban-or-regional~~  
2 ~~accessibility-or-improve-corridor-travel;~~ projects  
3 consistent with local, regional, or metropolitan  
4 transportation plans established through cooperation  
5 by the department and local officials; preferences of  
6 local governmental units regarding proposed network  
7 changes; and the willingness of local officials to  
8 provide financial or other assistance for the  
9 development of projects."  
10 2. Title page, line 2, by inserting after the  
11 word "proceedings" the following: "and to procedures  
12 for establishing and making changes to the network of  
13 commercial and industrial highways,".  
14 3. By renumbering as necessary.

By FALLON of Polk

H-1190 FILED MARCH 23, 1999

*Not Germone**3/25/99**(p. 891)*

HOUSE FILE 476

H-1187

- 1 Amend House File 476 as follows:
- 2 1. Page 1, by striking line 35 and inserting the
- 3 following: "to chapter 306,".

By FALLON of Polk

H-1187 FILED MARCH 23, 1999

(P. 888) *withdrawn*  
*3/25/99*

HOUSE FILE 476

H-1188

- 1 Amend House File 476 as follows:
- 2 1. Page 1, line 30, by inserting after the word
- 3 "condemnation." the following: "However, agricultural
- 4 land may be condemned for purposes of construction of
- 5 recreational trails if there is no other land at a
- 6 feasible location owned by a willing seller."

By FALLON of Polk

WITT of Black Hawk

H-1188 FILED MARCH 23, 1999

*lost 3/24/99 (p. 841)*

HOUSE FILE 476

H-1189

- 1 Amend House File 476 as follows:
- 2 1. Page 1, by inserting after line 21, the
- 3 following:
- 4 "\_\_\_\_. "Century farm" means a farm in which at
- 5 least forty acres of such farm have been held in
- 6 continuous ownership by the same family for one
- 7 hundred years or more."
- 8 2. Page 2, inserting after line 7, the following:
- 9 "Sec. \_\_\_\_ . NEW SECTION. 6A.22 CONDEMNATION OF
- 10 CENTURY FARMS PROHIBITED.
- 11 The acquisition of a century farm by condemnation
- 12 is prohibited except for acquisition of a right of way
- 13 for existing roads and highways for the maintenance,
- 14 safety improvement, upgrade, or expansion of such
- 15 existing roads and highways."
- 16 3. By renumbering and correcting internal
- 17 references as necessary.

By FALLON of Polk

WITT of Black Hawk

H-1189 FILED MARCH 23, 1999

*Adopted*  
*3/24/99*  
*(p. 839)*

HOUSE FILE 476

H-1159

1 Amend the amendment, H-1116, to House File 476 as  
 2 follows:  
 3 1. Page 1, by inserting after line 14 the  
 4 following:  
 5 "\_\_\_\_. Page 7, by inserting after line 8 the  
 6 following:  
 7 "Sec. \_\_\_\_ . Section 6B.4, Code 1999, is amended by  
 8 adding the following new unnumbered paragraph:  
 9 NEW UNNUMBERED PARAGRAPH. A compensation  
 10 commission appointed pursuant to this section is a  
 11 governmental body as defined in section 21.2 and its  
 12 meetings shall be conducted in compliance with chapter  
 13 21. Notice published by the sheriff pursuant to  
 14 section 6B.11 shall constitute public notice of the  
 15 meeting pursuant to section 21.4."  
 16 \_\_\_\_ . Page 8, by inserting after line 7 the  
 17 following:  
 18 "Sec. \_\_\_\_ . Section 6B.11, Code 1999, is amended to  
 19 read as follows:  
 20 6B.11 FILING OF NOTICES AND RETURN OF SERVICE.  
 21 Notices, immediately after the service thereof,  
 22 shall, with proper return of service endorsed thereon  
 23 or attached thereto, be filed with the sheriff. The  
 24 sheriff shall at once cause the commissioners to be  
 25 notified of the day and hour when they will be  
 26 required to proceed with the appraisalment. The notice  
 27 to the commissioners shall also be published by the  
 28 sheriff pursuant to section 331.305."

By HUSER of Polk

H-1159 FILED MARCH 23, 1999

*adopted*  
*3/24/99 (P. 846)*

HOUSE FILE 476

H-1184

1 Amend House File 476 as follows:  
 2 1. Page 1, line 25, by inserting after the word  
 3 "funds," the following: "construction of artificial  
 4 lakes, establishment of recreational lake districts,".

By FALLON of Polk

H-1184 FILED MARCH 23, 1999

*lost 3/24/99*  
*(P. 840)*

HOUSE FILE 476

H-1186

1 Amend the amendment, H-1116, to House File 476, as  
 2 follows:  
 3 1. Page 1, by striking lines 2 through 5.  
 4 2. By striking page 1, line 46, through page 2,  
 5 line 35.  
 6 3. By striking page 2, line 45, through page 3,  
 7 line 4.

By FALLON of Polk

H-1186 FILED MARCH 23, 1999

*lost 3/24/99*  
*(P. 845)*

HOUSE FILE 476

H-1198

1 Amend the amendment, H-1116, to House File 476 as  
2 follows:

A. 3 1. Page 1, by striking lines 3 through 5, and  
4 inserting the following: ""403.17," the following:  
5 "or to development of industry as defined in section  
6 260E.2, ""

7 2. Page 1, by inserting after line 32, the  
8 following:

9 " \_\_\_\_\_. Page 14, by inserting after line 27, the  
10 following:

B 11 "Sec. \_\_\_\_\_. NEW SECTION. 6B.59 SALE OF ACQUIRED  
12 PROPERTY -- REIMBURSEMENT TO LANDOWNER.

13 If an acquiring agency acquires property by  
14 condemnation, or by otherwise exercising the power of  
15 eminent domain, and that property is later sold by the  
16 acquiring agency for more than the acquisition price  
17 paid to the landowner, the acquiring agency shall pay  
18 to the landowner from whom the property was acquired  
19 the difference between the price at which it was  
20 acquired and the price at which it was sold by the  
21 acquiring agency less the cost of any improvements  
22 made to the land by the acquiring agency.""

C 23 3. By striking page 1, line 46 through page 2,  
24 line 35.

25 4. Page 2, by striking lines 46 through 49, and  
26 inserting the following: ""condemnation" the  
27 following: "or unless the land is to be acquired for  
28 development of industry as defined in section  
29 260E.2""

A 30 5. Page 3, by striking lines 1 through 4, and  
31 inserting the following: ""condemnation" the  
32 following: "or unless the land is to be acquired for  
33 development of industry as defined in section  
34 260E.2""

By BLODGETT of Cerro Gordo

H-1198 FILED MARCH 24, 1999

DIV A - LOST, DIV B - ADOPTED, DIV C - LOST  
(P. 845) (P. 846) (P. 846)

HOUSE FILE 476

H-1202

1 Amend the amendment, H-1189, to House File 476 as  
2 follows:

3 1. Page 1, line 14, by striking the words  
4 "upgrade, or expansion" and inserting the following:  
5 "or upgrade".

By FALLON of Polk

H-1202 FILED MARCH 24, 1999

*Adopted*  
3/24/99  
(P. 839)

## HOUSE FILE 476

H-1197

1 Amend House File 476 as follows:  
2 1. Page 1, line 5, by inserting after the word  
3 "property" the following: "comprised of at least ten  
4 acres assessed as a single parcel".  
5 2. Page 1, by striking lines 19 through 21.  
6 3. Page 1, line 29, by inserting after the word  
7 "land" the following: "located entirely outside the  
8 incorporated boundaries of a city".  
9 4. Page 1, line 33, by inserting after the figure  
10 "403.17," the following: "or to land acquired for  
11 industrial development as defined in chapter 260E,".  
12 5. Page 2, line 24, by striking the word "that"  
13 and inserting the following: "than".  
14 6. Page 6, line 6, by inserting after the word  
15 "filing." the following: "After filing and indexing,  
16 the county recorder shall file a copy of the  
17 application with the office of secretary of state.  
18 PARAGRAPH DIVIDED."  
19 7. Page 6, line 35, by striking the word  
20 "regular" and inserting the following: "ordinary".  
21 8. Page 8, line 26, by striking the words "or  
22 tenant" and inserting the following: "or tenant".  
23 9. Page 8, line 28, by striking the words "or  
24 tenant's" and inserting the following: "or tenant's".  
25 10. Page 8, line 35, by striking the words "or  
26 tenant" and inserting the following: "or tenant".  
27 11. Page 9, line 1, by inserting after the word  
28 "owner" the following: "or tenant".  
29 12. Page 9, line 3, by inserting after the word  
30 "owner's" the following: "or tenant's".  
31 13. Page 10, by inserting after line 16 the  
32 following:  
33 "Sec. \_\_\_\_\_. Section 6B.38, Code 1999, is amended by  
34 adding the following new unnumbered paragraph:  
35 NEW UNNUMBERED PARAGRAPH. The county recorder  
36 shall file a copy of the sheriff's statement required  
37 by section 6B.35, subsection 5, with the office of the  
38 secretary of state."  
39 14. Page 14, by inserting after line 27, the  
40 following:  
41 "Sec. \_\_\_\_\_. NEW SECTION. 9.2A RECORDS RELATING TO  
42 CONDEMNATION.  
43 The secretary of state shall receive and preserve  
44 in the secretary's office all papers transmitted to  
45 the secretary in relation to condemnation and shall  
46 keep an alphabetical list of acquiring agencies in a  
47 book provided for that purpose, in which shall be  
48 entered the name of the acquiring agency, the county  
49 in which the real property is located, and the date  
50 the condemnation application was filed."

H-1197

-1-

H-1197

Page 2

1 15. Page 15, by inserting after line 2 the  
2 following:

3 "If an acquiring agency acquires property by  
4 condemnation, or by otherwise exercising the power of  
5 eminent domain, and that property is later sold by the  
6 acquiring agency for more than the acquisition price  
7 paid to the landowner, the acquiring agency shall pay  
8 to the landowner from whom the property was acquired  
9 the difference between the price at which it was  
10 acquired and the price at which it was sold by the  
11 acquiring agency less the cost of any improvements  
12 made to, or benefiting, the land by the acquiring  
13 agency."

14 16. Page 18, by inserting after line 34, the  
15 following:

16 "Sec. \_\_\_\_ . Section 331.602, subsection 24, Code  
17 1999, is amended to read as follows:

18 24. Record papers, statements, and certificates  
19 relating to the condemnation of property as provided  
20 in section 6B.38, and carry out duties related to the  
21 filing of certain condemnation documents with the  
22 office of secretary of state."

23 17. Page 19, line 5, by inserting after the word  
24 "condemnation" the following: "or unless the land is  
25 to be acquired for industrial development as defined  
26 in chapter 260E".

27 18. Page 19, line 19, by inserting after the word  
28 "condemnation" the following: "or unless the land is  
29 to be acquired for industrial development as defined  
30 in chapter 260E".

31 19. By renumbering as necessary.

By BLODGETT of Cerro Gordo

H-1197 FILED MARCH 24, 1999

*Withdrawn*  
*3/25/99*  
*(p 888)*

HOUSE FILE 476

H-1208

- 1 Amend the amendment, H-1116, to House File 476 as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word
- 4 "economic" and inserting the following: "city".
- 5 2. Page 1, line 5, by striking the figures and
- 6 word "15.104, subsection 9," and inserting the
- 7 following: "15.115,".
- 8 3. Page 1, by striking lines 46 through 48 and
- 9 inserting the following:
- 10 "Sec. \_\_\_\_ . NEW SECTION. 15.115 CONDEMNATION FOR
- 11 DEVELOPMENT OF INDUSTRY -- CITY DEVELOPMENT BOARD
- 12 APPROVAL.
- 13 The city development board created in section 368.9
- 14 shall review all applications".
- 15 4. Page 2, line 10, by inserting after the word
- 16 "the" the following: "city development".
- 17 5. Page 2, line 46, by striking the word
- 18 "economic" and inserting the following: "city".
- 19 6. Page 2, line 48, by striking the figures and
- 20 word "15.104, subsection 9," and inserting the
- 21 following: "15.115,".
- 22 7. Page 3, line 1, by striking the word
- 23 "economic" and inserting the following: "city".
- 24 8. Page 3, line 3, by striking the figures and
- 25 word "15.104, subsection 9," and inserting the
- 26 following: "15.115,".
- 27 9. By renumbering as necessary.

By HOUSER of Pottawattamie

H-1208 FILED MARCH 24, 1999  
DEFERRED

*Withdrawn*  
*3/25/99*  
*(P. 888)*



## HOUSE FILE 476

H-1203

- 1 Amend the amendment, H-1116, to House File 476 as  
 2 follows:  
 3 1. Page 1, by inserting after line 32 the  
 4 following:  
 5 "\_\_\_\_. Page 14, by inserting after line 27 the  
 6 following:  
 7 "Sec. \_\_\_\_ . NEW SECTION. 6B.59 DISPOSITION OF  
 8 PROPERTY.  
 9 If an acquiring agency acquires property by  
 10 condemnation, or by otherwise exercising the power of  
 11 eminent domain, and that property is later sold by the  
 12 acquiring agency for more than the acquisition price  
 13 paid to the landowner, the acquiring agency shall pay  
 14 to the landowner the difference between the price at  
 15 which it was acquired and the price at which it was  
 16 sold by the acquiring agency less the cost of any  
 17 improvements made to the land by the acquiring  
 18 agency.""  
 19 2. By renumbering as necessary.

By HOUSER of Pottawattamie

H-1203 FILED MARCH 24, 1999

OUT OF ORDER

(p. 846)

## HOUSE FILE 476

H-1207

- 1 Amend the amendment, H-1116, to House File 476 as  
 2 follows:  
 3 1. Page 1, by inserting after line 1, the  
 4 following:  
 5 "\_\_\_\_. Page 1, by striking lines 5 through 8, and  
 6 inserting the following:  
 7 "a. "Agricultural land" means real property owned  
 8 by a person in tracts of ten acres or more and not  
 9 laid off into lots of less than ten acres or divided  
 10 by streets and alleys into parcels of less than ten  
 11 acres, and that is used for the production of  
 12 agricultural commodities. Such use of".  
 13 2. By renumbering as necessary.

By HOUSER of Pottawattamie

H-1207 FILED MARCH 24, 1999

DEFERRED

(p. 888)

*Adopted*  
3/25/99

HOUSE FILE 476

H-1223

1 Amend the amendment, H-1116, to House File 476 as  
 2 follows:  
 3 1. Page 1, by striking lines 3 through 5, and  
 4 inserting the following: "403.17," the following:  
 5 "or to development of industry as defined in section  
 6 260E.2, "."  
 7 2. Page 1, by inserting after line 32, the  
 8 following:  
 9 "\_\_\_\_. Page 14, by inserting after line 27, the  
 10 following:  
 11 "Sec. \_\_\_\_ . NEW SECTION. 6B.59 SALE OF ACQUIRED  
 12 PROPERTY -- REIMBURSEMENT TO LANDOWNER.  
 13 If an acquiring agency acquires property by  
 14 condemnation, or by otherwise exercising the power of  
 15 eminent domain, and that property is later sold by the  
 16 acquiring agency for more than the acquisition price  
 17 paid to the landowner, the acquiring agency shall pay  
 18 to the landowner from whom the property was acquired  
 19 the difference between the price at which it was  
 20 acquired and the price at which it was sold by the  
 21 acquiring agency less the cost of any improvements  
 22 made to or benefiting the land by the acquiring  
 23 agency."  
 24 3. By striking page 1, line 46 through page 2,  
 25 line 35.  
 26 4. Page 2, by striking lines 46 through 49, and  
 27 inserting the following: "condemnation" the  
 28 following: "or unless the land is to be acquired for  
 29 development of industry as defined in section  
 30 260E.2". "  
 31 5. Page 3, by striking lines 1 through 4, and  
 32 inserting the following: "condemnation" the  
 33 following: "or unless the land is to be acquired for  
 34 development of industry as defined in section  
 35 260E.2". "

By BLODGETT of Cerro Gordo

H-1223 FILED MARCH 24, 1999

*Withdrawn  
3/25/99  
(P. 887)*

HOUSE FILE 476

H-1228

1 Amend the amendment, H-1116, to House File 476 as  
 2 follows:  
 3 1. Page 2, by striking lines 25 through 33.  
 4 By HOUSER of Pottawattamie

H-1228 FILED MARCH 24, 1999

*Adopted  
3/25/99  
(P. 888)*

## HOUSE FILE 476

H-1221

1 Amend the amendment, H-1116, to House File 476 as  
2 follows:

3 1. Page 1, by inserting after line 1 the  
4 following:

5 "\_\_\_\_. Page 1, line 33, by inserting after the  
6 figure "403.17," the following: "or to a recreational  
7 trail if the state transportation commission has  
8 approved the use of eminent domain under section  
9 307A.2, subsection 16, or if the natural resource  
10 commission has approved the use of eminent domain  
11 under section 455A.5, subsection 7, "."

12 2. Page 2, by inserting before line 36 the  
13 following:

14 "\_\_\_\_. Page 17, by inserting after line 11 the  
15 following:

16 "Sec. \_\_\_\_\_. Section 307A.2, Code 1999, is amended  
17 by adding the following new subsection:

18 NEW SUBSECTION. 16. Review all applications  
19 submitted by acquiring agencies requesting approval  
20 for an acquiring agency to exercise eminent domain  
21 authority over agricultural land for routing a  
22 recreational trail and determine whether the use of  
23 such authority is necessary for the routing of a  
24 recreational trail.

25 Approval of an application by an acquiring agency  
26 to exercise the right of eminent domain to acquire  
27 agricultural land for a recreational trail may be  
28 granted for a specific land area upon a finding of  
29 public necessity. When making a determination of  
30 public necessity, the commission shall consider all of  
31 the following:

32 a. The feasibility of acquiring the agricultural  
33 land by methods other than condemnation.

34 b. The public cost and public benefit of locating  
35 the trail where it is most feasible to maintain or  
36 enhance public safety.

37 c. The existence of willing sellers at other  
38 locations in the area which locations would provide  
39 the same level of public safety.

40 d. The ability to adapt the recreational trail  
41 plans to avoid the use of condemnation.

42 For purposes of this subsection, "acquiring agency"  
43 means the same as in section 6B.58."

44 3. Page 3, by inserting after line 4 the  
45 following:

46 "\_\_\_\_. Page 21, by inserting after line 15 the  
47 following:

48 "Sec. \_\_\_\_\_. Section 455A.5, Code 1999, is amended  
49 by adding the following new subsection:

50 NEW SUBSECTION. 7. The commission shall review

H-1221

-1-

H-1221

Page 2

1 all applications submitted by acquiring agencies  
 2 requesting approval for an acquiring agency to  
 3 exercise eminent domain authority over agricultural  
 4 land for routing a recreational trail and shall  
 5 determine whether the use of such authority is  
 6 necessary for the routing of a recreational trail.  
 7 Approval of an application by an acquiring agency  
 8 to exercise the right of eminent domain to acquire  
 9 agricultural land for a recreational trail may be  
 10 granted for a specific land area upon a finding of  
 11 public necessity. When making a determination of  
 12 public necessity, the commission shall consider all of  
 13 the following:  
 14 a. The feasibility of acquiring the agricultural  
 15 land by methods other than condemnation.  
 16 b. The public cost and public benefit of locating  
 17 the trail where it is most feasible to maintain and  
 18 enhance public safety.  
 19 c. The existence of willing sellers at other  
 20 feasible locations in the area which locations would  
 21 provide the same level of public safety.  
 22 d. The ability to adapt the recreational trail  
 23 plans to avoid the use of condemnation.  
 24 For purposes of this subsection, "acquiring agency"  
 25 means the same as in section 6B.58."  
 26 4. By renumbering as necessary.

By WITT of Black Hawk  
FALLON of Polk

H-1221 FILED MARCH 24, 1999

(p 882) *lost*  
3/25/99

HOUSE FILE 476

H-1222

1 Amend the amendment, H-1116, to House File 476 as  
 2 follows:  
 3 1. Page 1, by inserting after line 1 the  
 4 following:  
 5 " . Page 1, line 25, by inserting after the  
 6 word "funds," the following: "construction of an  
 7 artificial lake to be used primarily for recreational  
 8 purposes, "."  
 9 2. By renumbering as necessary.

By FALLON of Polk

H-1222 FILED MARCH 24, 1999

(p 887) *Withdrawn*  
3-25-99

HOUSE FILE 476

H-1247

1 Amend the amendment, H-1116, to House File 476 as  
 2 follows:  
 3 1. Page 2, by striking lines 3 through 5 and  
 4 inserting the following: "community."

By HOUSER of Pottawattamie

H-1247 FILED MARCH 25, 1999

ADOPTED (P. 887)

## HOUSE FILE 476

H-1209

1 Amend the amendment, H-1197, to House File 476 as  
2 follows:

3 1. Page 1, by inserting after line 20 the  
4 following:

5 "\_\_\_\_. Page 7, by inserting after line 8 the  
6 following:

7 "Sec. \_\_\_\_ . Section 6B.4, Code 1999, is amended by  
8 adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. A compensation  
10 commission appointed pursuant to this section is a  
11 governmental body as defined in section 21.2 and its  
12 meetings shall be conducted in compliance with chapter  
13 21. Notice published by the sheriff pursuant to  
14 section 6B.11 shall constitute public notice of the  
15 meeting pursuant to section 21.4."

16 \_\_\_\_ . Page 8, by inserting after line 7 the  
17 following:

18 "Sec. \_\_\_\_ . Section 6B.11, Code 1999, is amended to  
19 read as follows:

20 6B.11 FILING OF NOTICES AND RETURN OF SERVICE.

21 Notices, immediately after the service thereof,  
22 shall, with proper return of service endorsed thereon  
23 or attached thereto, be filed with the sheriff. The  
24 sheriff shall at once cause the commissioners to be  
25 notified of the day and hour when they will be  
26 required to proceed with the appraisalment. The notice  
27 to the commissioners shall also be published by the  
28 sheriff pursuant to section 331.305."

29 2. By renumbering as necessary.

By HUSER of Polk

H-1209 FILED MARCH 24, 1999

*out of order*  
*3/25/99 (p. 888)*

HOUSE FILE 476

H-1211

1 Amend the amendment, H-1116, to House File 476 as  
2 follows:

3 1. Page 2, by striking lines 16 and 17.

4 2. By renumbering as necessary.

By HUSER of Pottawattamie

H-1211 FILED MARCH 24, 1999

*Adopted*  
*3/25/99*  
*(p. 887)*

HOUSE FILE 476  
BY COMMITTEE ON LOCAL GOVERNMENT  
(SUCCESSOR TO HSB 85)

(As Amended and Passed by the House, March 25, 1999)

Passed House, Date <sup>(P. 1617)</sup> 4/22/99 Passed Senate, Date <sup>(P. 1031)</sup> 4/8/99  
Vote: Ayes 61 Nays 33 Vote: Ayes 28 Nays 19  
Approved 5/24/99

*Re-Passed 4.27.99  
with 27-19 (P. 1322)*

**A BILL FOR**

1 An Act relating to the exercise of the power of eminent domain  
2 and to condemnation proceedings and providing for the Act's  
3 applicability.

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

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House Amendments \_\_\_\_\_

*476*

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

3 1. Except as otherwise provided, for purposes of this  
4 chapter and chapter 6B:

5 a. "Agricultural land" means real property owned by a  
6 person in tracts of ten acres or more and not laid off into  
7 lots of less than ten acres or divided by streets and alleys  
8 into parcels of less than ten acres, and that is used for the  
9 production of agricultural commodities. Such use of property  
10 includes, but is not limited to, the raising, harvesting,  
11 handling, drying, or storage of crops used for feed, food,  
12 seed, or fiber; the care or feeding of livestock; the handling  
13 or transportation of crops or livestock; the storage,  
14 treatment, or disposal of livestock manure; and the  
15 application of fertilizers, soil conditioners, pesticides, and  
16 herbicides on crops. Agricultural land includes land on which  
17 is located farm residences or outbuildings used for  
18 agricultural purposes and land on which is located facilities,  
19 structures, or equipment for agricultural purposes.  
20 Agricultural land includes land taken out of agricultural  
21 production for purposes of environmental protection or  
22 preservation.

23 b. "Century farm" means a farm in which at least forty  
24 acres of such farm have been held in continuous ownership by  
25 the same family for one hundred years or more.

26 c. "Private development purposes" means the construction  
27 of, or improvement related to, recreational trails,  
28 recreational development paid for primarily with private  
29 funds, housing and residential development, or commercial or  
30 industrial enterprise development.

31 d. "Public use" or "public purpose" or "public  
32 improvement" does not include the authority to condemn  
33 agricultural land for private development purposes unless the  
34 owner of the agricultural land consents to the condemnation.

35 2. The limitation on the definition of public use, public

1 purpose, or public improvement does not apply to a slum area  
2 or blighted area as defined in section 403.17, or to an  
3 industry if the economic development board has approved the  
4 use of eminent domain under section 15.104, subsection 9, or  
5 to the establishment, relocation, or improvement of a road  
6 pursuant to chapter 306, or to an airport as defined in  
7 section 328.1, or to land acquired in order to replace or  
8 mitigate land used in a road project when federal law requires  
9 replacement or mitigation. This limitation also does not  
10 apply to utilities or persons under the jurisdiction of the  
11 Iowa utilities board in the department of commerce or to any  
12 other utility conferred the right by statute to condemn  
13 private property or to otherwise exercise the power of eminent  
14 domain.

15 Sec. 2. NEW SECTION. 6A.22 CONDEMNATION OF CENTURY FARMS  
16 PROHIBITED.

17 The acquisition of a century farm by condemnation is  
18 prohibited except for acquisition of a right of way for  
19 existing roads and highways for the maintenance, safety  
20 improvement, or upgrade of such existing roads and highways.

21 Sec. 3. NEW SECTION. 6B.2A NOTICE OF PROPOSED PUBLIC  
22 IMPROVEMENT.

23 1. An acquiring agency shall provide written notification  
24 to each owner of record of private property that may be the  
25 subject of condemnation. The authority under this chapter is  
26 not conferred and condemnation proceedings shall not begin  
27 unless a good faith effort is made to serve the notice as  
28 provided in this section on the owner of record of the  
29 property subject to condemnation. The notice shall be mailed  
30 by ordinary mail to the owner of record's last known address  
31 no less than thirty days before adoption of the ordinance,  
32 resolution, motion, or other declaration of intent to proceed  
33 with the public improvement and the acquisition or  
34 condemnation, if necessary, of the property. If the location  
35 of the public improvement is changed or expanded after the



1 decision has been made to proceed with the public improvement,  
2 a notice shall be mailed by ordinary mail no less than thirty  
3 days before the adoption of the ordinance, resolution, motion,  
4 or other declaration of intent to proceed with a change in the  
5 location of the public improvement to the owner of record of  
6 the land to be acquired or condemned, if necessary, in the new  
7 location of the public improvement affected by the change.

8 The notice shall include the statement of individual rights  
9 required under section 6B.2B. The notice shall, at a minimum,  
10 include the following information:

11 a. The general nature of the public improvement.

12 b. The acquiring agency's intended use of the private  
13 property for the public improvement.

14 c. The process to be followed by the acquiring agency in  
15 making the decision to proceed with the public improvement and  
16 the acquisition or condemnation, if necessary, of the  
17 property.

18 d. The time, place, and manner at which an opportunity is  
19 provided for public input into the decision to proceed with  
20 the public improvement and the acquisition or condemnation, if  
21 necessary, of the property.

22 e. The current status in the planning process for the  
23 public improvement, including meetings held and decisions  
24 made.

25 2. The authority to condemn is not conferred until the  
26 appropriate authority approves the public improvement,  
27 including the approval of any permits required by state or  
28 federal law which permits are necessary for commencement of  
29 the project. This subsection does not apply to land condemned  
30 for public improvements undertaken pursuant to section 306.19.

31 3. If, after making a good faith effort, an acquiring  
32 agency is unable to ascertain the owner of record's last known  
33 address, or the identity of the owner of record is uncertain,  
34 or the mail is returned as undeliverable or is refused, the  
35 acquiring agency shall cause a notice to be published once in

1 a newspaper of general circulation in the county or city where  
2 the private property is located.

3 Sec. 4. NEW SECTION. 6B.2B ACQUISITION NEGOTIATION  
4 STATEMENT OF RIGHTS.

5 1. The acquiring agency shall make a good faith effort to  
6 negotiate with the owner to purchase the private property  
7 before filing an application for condemnation or otherwise  
8 proceed with the condemnation process.

9 2. The acquiring agency shall provide the owner of record  
10 of the private property with a statement of their individual  
11 rights to be included with the notice required under section  
12 6B.2A. The attorney general shall adopt rules pursuant to  
13 chapter 17A prescribing a statement of rights which may be  
14 used in substantial form by any person required to provide the  
15 statement by this section.

16 Sec. 5. Section 6B.3, Code 1999, is amended to read as  
17 follows:

18 6B.3 APPLICATION -- RECORDING -- NOTICE -- TIME FOR  
19 APPRAISEMENT -- NEW PROCEEDINGS.

20 1. Such The proceedings shall be instituted by a written  
21 application filed with the chief judge of the judicial  
22 district of the county in which the land sought to be  
23 condemned is located. Said The application shall set forth:

24 1 a. A description of all the property in the county,  
25 affected or sought to be condemned, by its congressional  
26 numbers, in tracts not exceeding one-sixteenth of a section,  
27 or, if the land consists of lots, by the numbers of the lot  
28 and block, and plat designation.

29 2 b. A plat showing the location of the right-of-way or  
30 other property sought to be condemned with reference to such  
31 description.

32 3 c. The names of all record owners of the different  
33 tracts of land sought to be condemned, or otherwise affected  
34 by such proceedings, and of all record holders of liens and  
35 encumbrances on such lands; also the place of residence of all

1 such persons so far as known to the applicant.

2 4 d. The purpose for which condemnation is sought.

3 5 e. A request for the appointment of a commission to  
4 appraise the damages.

5 6 f. If the damages are to be paid by the state and the  
6 land to be condemned is within an agricultural area as  
7 provided in chapter 352, a statement disclosing whether any of  
8 that land is classified as class I or class II land under the  
9 United States department of agriculture natural resources  
10 conservation service land capability classification system  
11 contained in the agriculture handbook number 210, 1961 edition  
12 and, if so classified, stating that the class I or class II  
13 land is reasonably necessary for the work of internal  
14 improvement for which condemnation is sought.

15 g. A showing of the minimum amount of land necessary to  
16 achieve the public purpose and the amount of land to be  
17 acquired by condemnation for the public improvement. Any land  
18 to be acquired by condemnation beyond the necessary minimum to  
19 complete the project shall be presumed not to be necessary for  
20 a public use or public purpose unless the applicant can show  
21 that a substantial need exists for the additional property to  
22 achieve the public use or public purpose, or that the land in  
23 question is of little or no value or utility to the owner, or  
24 that the owner consents to the condemnation.

25 h. A statement indicating the efforts made by the  
26 applicant to negotiate in good faith with the owner to acquire  
27 the private property sought to be condemned.

28 2. The applicant shall mail a copy of the application by  
29 certified mail to the owner at the owner's last known address  
30 and to any mortgagee of record at the mortgagee's last known  
31 address and to any other record lienholder or encumbrancer of  
32 the land at the lienholder's or encumbrancer's last known  
33 address. If service of notice by certified mail cannot be  
34 made in the manner prescribed in this section, the applicant  
35 shall cause a notice to be published once in a newspaper of

1 general circulation in the county. If service of notice is  
2 made by publication, an affidavit shall be filed with the  
3 county recorder along with the application. The affidavit  
4 shall state the reason why service of notice by certified mail  
5 could not be made, the name of the publication, and the date  
6 of the publication. Service of notice by publication shall be  
7 deemed complete on the day of publication.

8 7 3. The applicant shall promptly certify that its  
9 application for condemnation has been approved by the chief  
10 judge and shall file the original approved application with  
11 the county recorder in the manner required under section  
12 6B.37. The county recorder shall file and index the  
13 application in the record of deeds and preserve the  
14 application as required by sections 6B.38 and 558.55. The  
15 filing and indexing constitute constructive notice to all  
16 parties that a proceeding to condemn the property is pending  
17 and that the applicant has the right to acquire the property  
18 from all owners, lienholders, and encumbrancers whose  
19 interests are of record at the time of the filing. After  
20 filing and indexing, the county recorder shall file a copy of  
21 the application with the office of secretary of state.

22 PARAGRAPH DIVIDED. When indexed, the proceeding is  
23 considered pending so as to charge all persons not having an  
24 interest in the property with notice of its pendency, and  
25 while pending no interest can be acquired by the third parties  
26 in the property against the rights of the applicant. If the  
27 appraisal of damages is not made within one hundred twenty  
28 days, the proceedings instituted under this section are  
29 terminated and all rights and interests of the applicant  
30 arising out of the application for condemnation terminate.

31 The applicant may reinstitute a new condemnation proceeding at  
32 any time. The reinstated proceedings are entirely new  
33 proceedings and not a revival of the terminated proceeding.

34 Sec. 6. Section 6B.4, unnumbered paragraph 2, Code 1999,  
35 is amended to read as follows:

1 The chief judge of the judicial district shall select by  
2 lot six persons from the list, two persons who are owner-  
3 operators of agricultural property when the property to be  
4 condemned is agricultural property; two persons who are owners  
5 of city property when the property to be condemned is other  
6 than agricultural property; and two persons from each of the  
7 remaining two representative groups, who shall constitute a  
8 compensation commission to assess the damages to all property  
9 to be taken by the applicant and located in the county, and  
10 shall name a chairperson from the persons selected. No A  
11 person shall not be selected as a member of the compensation  
12 commission ~~selected-shall-possess~~ if the person possesses any  
13 interest in the proceeding which would cause such the person  
14 to render a biased decision. The clerk of the district court  
15 shall send, by ordinary mail, a list of those persons selected  
16 to the applicant and to the owner of the property at the  
17 owner's last known address. The list shall be provided prior  
18 to the mailing, by any party, of a notice of assessment under  
19 section 6B.8. If the clerk of the district court is unable to  
20 locate an address for the owner of the property, the list  
21 shall be published once in a newspaper of general circulation  
22 in the county. The applicant shall reimburse the clerk of the  
23 district court for the cost of mailing and publication.

24 Sec. 7. Section 6B.4, Code 1999, is amended by adding the  
25 following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. A compensation commission  
27 appointed pursuant to this section is a governmental body as  
28 defined in section 21.2 and its meetings shall be conducted in  
29 compliance with chapter 21. Notice published by the sheriff  
30 pursuant to section 6B.11 shall constitute public notice of  
31 the meeting pursuant to section 21.4.

32 Sec. 8. Section 6B.7, Code 1999, is amended to read as  
33 follows:

34 6B.7 COMMISSIONERS TO QUALIFY.

35 Before proceeding with the assessment all commissioners

1 shall qualify by filing with the sheriff a written oath that  
2 they will to the best of their ability faithfully and  
3 impartially assess said damages and make a written report to  
4 the sheriff. The applicant or the owner may challenge one  
5 commissioner without stating cause. A challenge to the  
6 appointment of a commissioner must be made to the chief judge  
7 of the judicial district no less than seventy-two hours before  
8 the condemnation jury is set to meet. A commissioner shall be  
9 appointed to fill a vacancy resulting from a challenge no less  
10 than twenty-four hours before the jury is set to meet.

11 Sec. 9. Section 6B.8, Code 1999, is amended to read as  
12 follows:

13 6B.8 NOTICE OF ASSESSMENT.

14 The applicant, or the owner or any lienholder or  
15 encumbrancer of any land described in the application, may, at  
16 any time after the appointment of the commissioners, have the  
17 damages to the lands of any such owner assessed by giving the  
18 other party, if a resident of this state, ~~ten~~ thirty days'  
19 notice, in writing. ~~Such~~ The notice shall specify the day and  
20 the hour when the commissioners will view the premises, and  
21 shall be personally served in the same manner as original  
22 notices.

23 Service of the notice to a person not a resident of this  
24 state shall be by certified mail to the person's last known  
25 address. At the same time, the applicant shall cause a notice  
26 to be published once in a newspaper of general circulation in  
27 the county prior to the day fixed for the appraisal, which  
28 day shall be at least thirty days after publication. Service  
29 of notice in this manner shall be deemed complete on the day  
30 of publication.

31 Sec. 10. Section 6B.11, Code 1999, is amended to read as  
32 follows:

33 6B.11 FILING OF NOTICES AND RETURN OF SERVICE.

34 Notices, immediately after the service thereof, shall, with  
35 proper return of service endorsed thereon or attached thereto,

1 be filed with the sheriff. The sheriff shall at once cause  
 2 the commissioners to be notified of the day and hour when they  
 3 will be required to proceed with the appraisalment. The notice  
 4 to the commissioners shall also be published by the sheriff  
 5 pursuant to section 331.305.

6 Sec. 11. Section 6B.12, Code 1999, is amended to read as  
 7 follows:

8 6B.12 NOTICE TO-NONRESIDENTS WHEN RESIDENCE UNKNOWN.

9 ~~If the owner of such lands or any person interested therein~~  
 10 ~~is a nonresident of this state, or if~~ If the person's  
 11 residence is unknown after a good faith effort is made to find  
 12 the person's last known address, no demand for the land for  
 13 ~~the purposes sought shall be necessary, but~~ the notice  
 14 aforsaid required in section 6B.8 shall be published in some  
 15 a newspaper of general circulation in the county and of  
 16 ~~general circulation therein,~~ once each week for at least four  
 17 successive weeks prior to the day fixed for the appraisalment,  
 18 which day shall be at least thirty days after the first  
 19 publication of the notice.

20 Sec. 12. Section 6B.14, unnumbered paragraph 3, Code 1999,  
 21 is amended to read as follows:

22 ~~In addition to all other damages provided by law, except~~  
 23 ~~moving expenses paid or required to be paid under relocation~~  
 24 ~~assistance programs, an~~ An owner or tenant occupying land  
 25 which is proposed to be acquired by condemnation shall be  
 26 awarded a sum sufficient to remove such owner's or tenant's  
 27 personal property from the land to be acquired, which sum  
 28 shall represent reasonable costs of moving said the personal  
 29 property from the said land to be acquired to a point no  
 30 greater than twenty-five fifty miles therefrom; but in any  
 31 event, said damages awarded under this section for moving  
 32 shall not exceed five hundred thousand dollars for each owner  
 33 or tenant occupying land ~~so~~ proposed to be condemned. An  
 34 owner or tenant may apply for an award pursuant to this  
 35 section only if all other damages provided by law have been

1 awarded and such amount awarded is insufficient to pay the  
2 owner's or tenant's reasonable costs of moving.

3 Sec. 13. Section 6B.26, Code 1999, is amended to read as  
4 follows:

5 6B.26 DISPOSSESSION OF OWNER.

6 A landowner shall not be dispossessed, under condemnation  
7 proceedings, of the landowner's residence, dwelling house,  
8 outhouse outbuildings if the residence or dwelling house is  
9 also acquired, orchard, or garden, until the damages thereto  
10 have been finally determined and paid. However, if the  
11 property described in this section is condemned for highway  
12 purposes by the state department of transportation, the  
13 condemning authority may take possession of the property  
14 either after the damages have been finally determined and paid  
15 or one hundred eighty days after the compensation commission  
16 has determined and filed its award, in which event all of the  
17 appraisal of damages shall be paid to the property owner  
18 before the dispossession can take place. This section shall  
19 not apply to condemnation proceedings for drainage or levee  
20 improvements, or for public school purposes. For the purposes  
21 of this section, "outbuildings" means structures and  
22 improvements located in proximity to the landowner's  
23 residence.

24 Sec. 14. Section 6B.33, Code 1999, is amended to read as  
25 follows:

26 6B.33 COSTS AND ATTORNEY FEES.

27 The applicant shall pay all costs of the assessment made by  
28 the commissioners and reasonable attorney fees and costs  
29 incurred by the condemnee as determined by the commissioners  
30 if the award of the commissioners exceeds one hundred ten  
31 percent of the final offer of the applicant prior to  
32 condemnation. The applicant shall file with the sheriff an  
33 affidavit setting forth the most recent offer made to the  
34 person whose property is sought to be condemned. Members of  
35 such commissions shall receive a per diem of fifty dollars and



1 actual and necessary expenses incurred in the performance of  
2 their official duties. The applicant shall reimburse the  
3 county sheriff for the per diem and expense amounts paid by  
4 the sheriff to the members. The applicant shall reimburse the  
5 owner for the expenses the owner incurred for recording fees,  
6 penalty costs for full or partial prepayment of any  
7 preexisting recorded mortgage entered into in good faith  
8 encumbering the property, and for similar expenses incidental  
9 to conveying the property to the applicant. The applicant  
10 shall also pay all costs occasioned by the appeal, including  
11 reasonable attorney fees to be taxed by the court, unless on  
12 the trial thereof the same or a less amount of damages is  
13 awarded than was allowed by the tribunal from which the appeal  
14 was taken.

15 Sec. 15. Section 6B.38, Code 1999, is amended by adding  
16 the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. The county recorder shall file a  
18 copy of the sheriff's statement required by section 6B.35,  
19 subsection 5, with the office of the secretary of state.

20 Sec. 16. Section 6B.42, Code 1999, is amended to read as  
21 follows:

22 6B.42 EMINENT DOMAIN -- PAYMENT TO DISPLACED PERSONS.

23 1. a. The acquiring agency shall provide to the person,  
24 in addition to any other sums of money in payment of just  
25 compensation, the payments and assistance required by law, in  
26 accordance with chapter 316.

27 b. A person aggrieved by a determination made as to  
28 eligibility for relocation assistance, a payment, or the  
29 amount of the payment, upon application, may have the matter  
30 reviewed by the appropriate acquiring agency.

31 c. An acquiring agency subject to this section that  
32 proposes to displace a person shall inform the person of the  
33 person's right to receive relocation assistance and payments,  
34 and of an aggrieved person's right to appeal a determination  
35 as to assistance and payments.

1 ~~1-~~ 2. a. A utility or railroad subject to section 327C.2,  
2 or chapters 476, 478, 479, and 479A, and 479B, authorized by  
3 law to acquire property by condemnation, which acquires the  
4 property of a person or displaces a person for a program or  
5 project which has received or will receive federal financial  
6 assistance as defined in section 316.1, shall provide to the  
7 person, in addition to any other sums of money in payment of  
8 just compensation, the payments and assistance required by  
9 law, in accordance with chapter 316.

10 ~~2-~~ b. A person aggrieved by a determination made by a  
11 utility as to eligibility for relocation assistance, a  
12 payment, or the amount of the payment, upon application, may  
13 have the matter reviewed by the utilities division of the  
14 department of commerce.

15 ~~3-~~ c. A person aggrieved by a determination made by a  
16 railroad as to eligibility for relocation assistance, a  
17 payment, or the amount of the payment, upon application, may  
18 have the matter reviewed by the state department of  
19 transportation.

20 ~~4-~~ d. A utility or railroad subject to this section that  
21 proposes to displace a person shall inform the person of the  
22 person's right to receive relocation assistance and payments,  
23 and of an aggrieved person's right to appeal to the utilities  
24 division of the department of commerce or the state department  
25 of transportation.

26 Sec. 17. Section 6B.45, Code 1999, is amended to read as  
27 follows:

28 ~~6B.45 CONDEMNATION-FOR-ROAD-OR-STREET---~~ MAILING COPY OF  
29 APPRAISAL.

30 When any real property or interest ~~therein~~ in real property  
31 is to be purchased, or in lieu thereof to be condemned for  
32 ~~highway, street or road purposes,~~ the ~~purchasing state~~  
33 acquiring agency, county or city or ~~their~~ its agent shall  
34 submit to the person, corporation, or entity whose property or  
35 interest ~~therein~~ in the property is to be taken, by ordinary

1 mail, at least ten days prior to the date of contact, a copy  
2 of the appraisal in its entirety upon such real property or  
3 interest therein in such real property prepared for the  
4 acquiring agency or its agent, which shall include, at least a  
5 minimum, an itemization of the appraised value of the real  
6 property or interest therein in the property, any buildings  
7 thereon on the property, all other improvements including  
8 fences, severance damages, and loss of access. The appraisal  
9 sent to the condemnee shall be that appraisal upon which the  
10 condemnor will rely to establish an amount which the condemnor  
11 believes to be just compensation for the real property. All  
12 other appraisals made on the property as a result of the  
13 condemnation proceeding shall be made available to the  
14 condemnee upon request. In lieu of an appraisal, a utility or  
15 person under the jurisdiction of the utilities board of the  
16 department of commerce, or any other utility conferred the  
17 right by statute to condemn private property, shall provide in  
18 writing by certified mail to the owner of record thirty days  
19 prior to negotiations, the methods and factors used in  
20 arriving at an offered price for voluntary easements including  
21 the range of cash amount of each component.

22 Sec. 18. Section 6B.54, unnumbered paragraph 1, Code 1999,  
23 is amended to read as follows:

24 ~~If-a~~ For any project or displacing activity that has  
25 received or will receive federal financial assistance as  
26 defined in section 316.1, for any state-funded projects, or  
27 for any other public improvement for which condemnation is  
28 sought, an acquiring agency shall be-guided-by, at a minimum,  
29 satisfy the following policies:

30 Sec. 19. Section 6B.54, subsections 2, 3, 8, and 9, Code  
31 1999, are amended to read as follows:

32 2. Real property shall be appraised as required by section  
33 6B.45 before the initiation of negotiations, and the owner or  
34 the owner's designated representative shall be given an  
35 opportunity to accompany at least one appraiser of the

1 acquiring agency during an inspection of the property, except  
2 that ~~the state department of transportation~~ an acquiring  
3 agency may prescribe a procedure to waive the appraisal in  
4 cases involving the acquisition of property with a low fair  
5 market value. In lieu of an appraisal, a utility or person  
6 under the jurisdiction of the utilities board of the  
7 department of commerce, or any other utility conferred the  
8 right by statute to condemn private property, shall provide in  
9 writing by certified mail to the owner of record thirty days  
10 before negotiations, the methods and factors used in arriving  
11 at an offered price for voluntary easements including the  
12 range of cash amount of each component.

13 | 3. Before the initiation of negotiations for real  
14 property, the acquiring agency shall establish an amount which  
15 it believes to be just compensation for the real property, and  
16 shall make a prompt offer to acquire the property for the full  
17 amount established by the agency. In no event shall the  
18 amount be less than the agency's approved lowest appraisal of  
19 the fair market value of the property. In the case of a  
20 utility or person under the jurisdiction of the utilities  
21 board of the department of commerce, or any other utility  
22 conferred the right by statute to condemn private property,  
23 the amount shall not be less than the amount indicated by the  
24 methods and factors used in arriving at an offered price for a  
25 voluntary easement.

26 8. If the acquisition of only a portion of property would  
27 leave the owner with an uneconomical remnant, the head-of-the  
28 acquiring agency concerned shall offer to acquire that  
29 remnant. For the purposes of this chapter, an "uneconomical  
30 remnant" is a parcel of real property in which the owner is  
31 left with an interest after the partial acquisition of the  
32 owner's property, where the head-of-the acquiring agency  
33 concerned determines that the parcel has little or no value or  
34 utility to the owner.

35 9. A person whose real property is being acquired in

1 accordance with this chapter, after the person has been fully  
2 informed of the person's right to receive just compensation  
3 for the property, may donate the property, any part of the  
4 property, any interest in the property, or any compensation  
5 paid for it ~~to any agency~~ as the person may determine.

6 Sec. 20. Section 6B.55, unnumbered paragraph 1, Code 1999,  
7 is amended to read as follows:

8 ~~If a~~ For any program or project that has received or will  
9 receive federal financial assistance as defined in section  
10 316.1, for any state-funded projects, or for any other public  
11 improvement for which condemnation is sought, an acquiring  
12 agency shall ~~be guided by~~ at a minimum satisfy the following  
13 policies:

14 Sec. 21. NEW SECTION. 6B.57 PROCEDURAL COMPLIANCE.

15 If a city makes a good faith effort to serve, send, or  
16 provide the notices or documents required under this chapter  
17 to the owner of private property that is or may be the subject  
18 of condemnation, but fails to provide the notice or documents  
19 to the owner, such failure shall not constitute grounds for  
20 invalidation of the condemnation proceeding if the chief judge  
21 of the judicial district determines that such failure can be  
22 corrected by delaying the condemnation proceedings to allow  
23 compliance with the requirement and such failure does not  
24 unreasonably prejudice the owner.

25 Sec. 22. NEW SECTION. 6B.58 ACQUIRING AGENCY --  
26 DEFINITION.

27 For purposes of this chapter, an "acquiring agency" means  
28 the state of Iowa or any person or entity conferred the right  
29 by statute to condemn private property or to otherwise  
30 exercise the power of eminent domain.

31 Sec. 23. NEW SECTION. 6B.59 SALE OF ACQUIRED PROPERTY --  
32 REIMBURSEMENT TO LANDOWNER.

33 If an acquiring agency acquires property by condemnation,  
34 or by otherwise exercising the power of eminent domain, and  
35 that property is later sold by the acquiring agency for more

1 than the acquisition price paid to the landowner, the  
2 acquiring agency shall pay to the landowner from whom the  
3 property was acquired the difference between the price at  
4 which it was acquired and the price at which it was sold by  
5 the acquiring agency less the cost of any improvements made to  
6 the land by the acquiring agency.

7 Sec. 24. NEW SECTION. 9.2A RECORDS RELATING TO  
8 CONDEMNATION.

9 9.2A RECORDS RELATING TO CONDEMNATION.

10 The secretary of state shall receive and preserve in the  
11 secretary's office all papers transmitted to the secretary in  
12 relation to condemnation and shall keep an alphabetical list  
13 of acquiring agencies in a book provided for that purpose, in  
14 which shall be entered the name of the acquiring agency, the  
15 county in which the real property is located, and the date the  
16 condemnation application was filed.

17 Sec. 25. Section 15.104, Code 1999, is amended by adding  
18 the following new subsection:

19 NEW SUBSECTION. 9. Review all applications submitted by  
20 cities requesting approval for the city to exercise eminent  
21 domain authority over agricultural land and determine whether  
22 the use of such authority is necessary for the placement of an  
23 industry in the community.

24 Approval of an application by a city to exercise the right  
25 of eminent domain to acquire agricultural land for an industry  
26 may be granted for a specific land area upon a finding of  
27 public necessity. When making a determination of public  
28 necessity, the board shall consider all of the following:

29 a. The feasibility of acquiring the agricultural land by  
30 methods other than condemnation.

31 b. The public cost and public benefit from locating the  
32 industry on the agricultural land.

33 c. The ability to adapt the industry development plans to  
34 avoid the use of condemnation.

35 d. The existence of a specific industry to be located on

1 the agricultural land.

2 e. The amount of land requested to be condemned compared  
3 to the total amount of land needed for the project.

4 For purposes of this subsection, "industry" means the same  
5 as defined in section 260E.2.

6 Sec. 26. Section 306.19, subsection 3, Code 1999, is  
7 amended to read as follows:

8 3. None of the foregoing requirements shall prohibit the  
9 property owner and the agency from entering into a mutually  
10 acceptable agreement for the replacement, relocation,  
11 construction, or maintenance of any alternate driveway on the  
12 owner's property. Compensation for any property rights taken  
13 in the establishment of any alternative temporary or permanent  
14 access shall be paid as in any other purchase or condemnation  
15 of property.

16 Sec. 27. Section 306.19, subsection 4, Code 1999, is  
17 amended to read as follows:

18 ~~4. Compensation-for-any-property-rights-taken-in-the~~  
19 ~~establishment-of-any-alternative-temporary-or-permanent-access~~  
20 ~~shall-be-paid-as-in-any-other-purchase-or-condemnation-of~~  
21 ~~property.~~ Proceedings for the condemnation of land for any  
22 highway shall be under the provisions of chapter 6A and  
23 chapter 6B. Provided that, in the condemnation of right-of-  
24 way for secondary roads that is contiguous to existing road  
25 right-of-way for the maintenance, safety improvement, or  
26 upgrade of the existing secondary road, the board of  
27 supervisors may proceed as provided in sections 306.28 to  
28 306.37.

29 Sec. 28. Section 306.27, Code 1999, is amended to read as  
30 follows:

31 306.27 CHANGES FOR SAFETY, ECONOMY, AND UTILITY.

32 The state department of transportation as to primary roads  
33 and the boards of supervisors as to secondary roads on their  
34 own motion may change the course of any part of any road or  
35 stream, watercourse, or dry run and may pond water in order to

1 avoid the construction and maintenance of bridges, or to avoid  
2 grades, or railroad crossings, or to straighten a road, or to  
3 cut off dangerous corners, turns or intersections on the  
4 highway, or to widen a road above statutory width, or for the  
5 purpose of preventing the encroachment of a stream,  
6 watercourse, or dry run upon the highway. The department and  
7 the board of supervisors shall conduct ~~its~~ their proceedings  
8 in the manner and form prescribed in chapter 6B, and except  
9 that the board of supervisors shall may use the form  
10 prescribed in sections 306.28 to 306.37 ~~or-as-provided-in~~  
11 ~~chapter-6B~~ for the condemnation of right-of-way that is  
12 contiguous to existing road right-of-way and necessary for the  
13 maintenance, safety improvement, or upgrade of the existing  
14 secondary road. Changes are subject to chapter 455B.

15 Sec. 29. Section 306.28, Code 1999, is amended by striking  
16 the section and inserting in lieu thereof the following:

17 306.28 APPRAISERS.

18 If the board is unable, by agreement with the owner, to  
19 acquire the necessary right of way to effect such change, a  
20 compensation commission shall be selected pursuant to section  
21 6B.4, to appraise the damages consequent on the taking of the  
22 right of way.

23 Sec. 30. Section 306.29, unnumbered paragraph 2, Code  
24 1999, is amended to read as follows:

25 To whom it may concern: Notice is given that the board of  
26 supervisors of ..... county, Iowa, propose to condemn for  
27 road purposes the following described real estate in said  
28 county: (Here describe the right of way, and the tract or  
29 tracts from which such right of way will be taken.) The  
30 damages caused by said condemnation will be assessed by three  
31 appraisers a compensation commission appointed as provided by  
32 law for the purpose of appraising the damages. ~~Notice is~~  
33 ~~hereby given that the owner or owners of said real estate may~~  
34 ~~on or before the -- day of ----, appoint one of said~~  
35 ~~appraisers and that in case such right be not exercised, or if~~



1 ~~exercised-and-the-said-appointee-fails-to-appear-and-qualify,~~  
 2 ~~the-said-three-appraisers-will-be-otherwise-appointed-as~~  
 3 ~~provided-by-law.~~ All parties interested are further notified  
 4 that ~~said-three-appraisers~~ the compensation commission will,  
 5 when duly appointed, proceed to appraise ~~said~~ the damages,  
 6 will report ~~said~~ the appraisement to the ~~said~~ board of  
 7 supervisors and that ~~said-latter~~ the board will pass thereon  
 8 as provided by law, and that at all such times and places you  
 9 may be present ~~if-you-be-so-minded~~. You are further notified  
 10 that at ~~said~~ the hearing before the ~~said~~ supervisors you may  
 11 file objections to the use of ~~said~~ the land for road purposes  
 12 and that all such objections not so made will be deemed  
 13 waived.

14 .....  
 15 County Auditor.

16 Sec. 31. Section 306.31, Code 1999, is amended to read as  
 17 follows:

18 306.31 ~~QUALIFICATION-AND~~ ASSESSMENT.

19 ~~Upon-the-appointment-of-three-appraisers,-the-county~~  
 20 ~~auditor-shall-cause-them-to-appear-before-the-auditor-and-to~~  
 21 ~~take-oath-that-they-will-faithfully-and-impartially-assess-the~~  
 22 ~~damages-claimed.--Said~~ The appraisers shall forthwith proceed  
 23 to the assessment of ~~said~~ damages and shall make written  
 24 report ~~thereof~~ of the damages to the board of supervisors.

25 Sec. 32. Section 316.1, subsection 5, paragraphs a and b,  
 26 Code 1999, are amended to read as follows:

27 a. A person who moves from real property or moves the  
 28 person's personal property from real property in either any of  
 29 the following circumstances:

30 (1) As a direct result of a written notice of intent to  
 31 acquire, the initiation of negotiations for, or the  
 32 acquisition of, the real property in whole or in part for a  
 33 program or project undertaken with federal financial  
 34 assistance.

35 (2) The person moved or moved the person's personal

1 property from real property on which the person is either a  
2 residential tenant or conducts a small business, a farm  
3 operation, or a business as defined in subsection 2, paragraph  
4 "d", as a direct result of rehabilitation or demolition for a  
5 program or project undertaken with federal financial  
6 assistance in a case in which the head of the displacing  
7 agency determines that the displacement is permanent.

8 (3) As a direct result of a written notice of intent to  
9 acquire by condemnation, the initiation of negotiations for,  
10 or the acquisition of, the real property in whole or in part  
11 by the state of Iowa or by an entity or person conferred the  
12 right to condemn private property.

13 b. For purposes of section 316.4, subsections 1 and 2, and  
14 section 316.7, a person who moves from real property, or moves  
15 the person's personal property from real property in either  
16 any of the following circumstances:

17 (1) As a direct result of a written notice of intent to  
18 acquire, the initiation of negotiations for, or the  
19 acquisition of, other real property in whole or in part if the  
20 person conducts a business or farm operation on the other real  
21 property for a program or project undertaken with federal  
22 financial assistance.

23 (2) As a direct result of rehabilitation or demolition of  
24 other real property on which the person conducts a business or  
25 a farm operation for a program or project undertaken with  
26 federal financial assistance in a case in which the head of  
27 the displacing agency determines that the displacement is  
28 permanent.

29 (3) As a direct result of a written notice of intent to  
30 acquire by condemnation, the initiation of negotiations for,  
31 or the acquisition of, other real property in whole or in part  
32 by the state of Iowa or by an entity or person conferred the  
33 right to condemn private property if the person conducts a  
34 business or farm operation on the other real property.

35 Sec. 33. Section 331.304, subsection 8, Code 1999, is

1 amended to read as follows:

2 8. The power to take private property for public use shall  
3 only be exercised by counties for public purposes which are  
4 reasonable and necessary as an incident to the powers and  
5 duties conferred upon counties, and in accordance with  
6 chapters 6A and 6B. Sections Section 306.19 and-306-28-to  
7 306-37-are is also applicable to condemnation of right of way  
8 for secondary roads. Sections 306.27 through 306.37 are  
9 applicable to the condemnation of right of way that is  
10 contiguous to existing road right of way and necessary for the  
11 maintenance, safety improvement, or upgrade of the existing  
12 secondary road.

13 Sec. 34. Section 331.602, subsection 24, Code 1999, is  
14 amended to read as follows:

15 24. Record papers, statements, and certificates relating  
16 to the condemnation of property as provided in section 6B.38,  
17 and carry out duties related to the filing of certain  
18 condemnation documents with the office of secretary of state.

19 Sec. 35. Section 403.5, subsection 4, Code 1999, is  
20 amended by adding the following new unnumbered paragraph:

21 NEW UNNUMBERED PARAGRAPH. A municipality shall not condemn  
22 agricultural land included within an economic development area  
23 unless the owner of the agricultural land consents to  
24 condemnation or unless the economic development board approves  
25 the use of condemnation under section 15.104, subsection 9,  
26 for the purposes of locating an industry. This paragraph  
27 shall not apply to land necessary or useful for the operation  
28 of a city utility as defined in section 362.2, for the  
29 operation of a city franchise conferred the authority to  
30 condemn private property under section 364.2, or a combined  
31 utility system as defined in section 384.80.

32 Sec. 36. Section 403.7, unnumbered paragraph 1, Code 1999,  
33 is amended to read as follows:

34 A municipality shall have the right to acquire by  
35 condemnation any interest in real property, including a fee

1 simple title thereto, which it may deem necessary for or in  
2 connection with an urban renewal project under this chapter.  
3 However, a municipality shall not condemn agricultural land  
4 included within an economic development area unless the owner  
5 of the agricultural land consents to condemnation or unless  
6 the economic development board approves the use of  
7 condemnation under section 15.104, subsection 9, for the  
8 purposes of locating an industry. A municipality may exercise  
9 the power of eminent domain in the manner provided in chapter  
10 6B, and Acts amendatory to that chapter or supplementary to  
11 that chapter, or it may exercise the power of eminent domain  
12 in the manner now or which may be hereafter provided by any  
13 other statutory provisions for the exercise of the power of  
14 eminent domain. Property already devoted to a public use may  
15 be acquired in like manner. However, real property belonging  
16 to the state, or any political subdivision of this state,  
17 shall not be acquired without its consent, and real property  
18 or any right or interest in the property owned by any public  
19 utility company, pipeline company, railway or transportation  
20 company vested with the right of eminent domain under the laws  
21 of this state, shall not be acquired without the consent of  
22 the company, or without first securing, after due notice to  
23 the company and after hearing, a certificate authorizing  
24 condemnation of the property from the board, commission or  
25 body having the authority to grant a certificate authorizing  
26 condemnation. In a condemnation proceeding, if a municipality  
27 proposes to take a part of a lot or parcel of real property,  
28 the municipality shall also take the remaining part of the lot  
29 or parcel if requested by the owner.

30 Sec. 37. Section 403.17, Code 1999, is amended by adding  
31 the following new subsection:

32 NEW SUBSECTION. 2A. "Agricultural land" means real  
33 property that is used for the production of agricultural  
34 commodities and from which one thousand dollars or more of  
35 agricultural commodities were sold or normally would be sold

1 during the year. Such use of property includes, but is not  
2 limited to, the raising, harvesting, handling, drying, or  
3 storage of crops used for feed, food, seed, or fiber; the care  
4 or feeding of livestock; the handling or transportation of  
5 crops or livestock; the storage, treatment, or disposal of  
6 livestock manure; and the application of fertilizers, soil  
7 conditioners, pesticides, and herbicides on crops.

8 Agricultural land includes land on which is located farm  
9 residences or outbuildings used for agricultural purposes and  
10 land on which is located facilities, structures, or equipment  
11 for agricultural purposes. Agricultural land includes land  
12 taken out of agricultural production for purposes of  
13 environmental protection or preservation.

14 Sec. 38. Section 403.17, subsection 9, Code 1999, 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. 39. APPLICABILITY. Sections 1, 35, 36, and 37 of  
5 this Act, enacting section 6A.21, amending sections 403.5 and  
6 403.7, and enacting section 403.17, subsection 2A, apply to  
7 urban renewal areas established before, on, or after the  
8 effective date of this Act and to amendments to such urban  
9 renewal areas.

10 Section 38 of this Act, amending section 403.17, subsection  
11 9, applies to urban renewal areas established on or after the  
12 effective date of this Act. Section 38 of this Act also  
13 applies to agricultural land included in an urban renewal area  
14 established before the effective date of this Act if the  
15 agricultural land is included in the urban renewal area by  
16 virtue of an amendment to the urban renewal plan, which  
17 amendment is adopted on or after the effective date of this  
18 Act.

19 Sec. 40. EFFECTIVE DATE. This Act applies to state  
20 highway construction projects approved for commencement by the  
21 transportation commission on or after July 1, 1999. This Act  
22 applies to all other condemnation proceedings in which the  
23 application for condemnation is filed on or after July 1,  
24 1999.

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HOUSE FILE 476

S-3213

- 1 Amend House File 476, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 27, by striking the words
- 4 "recreational trails,".

By ELAINE SZYMONIAK

S-3213 FILED APRIL 1, 1999

*Lost 4/8/99 (p. 1022)*

HOUSE FILE 476

S-3214

- 1 Amend House File 476, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 8, by striking the word "is" and
- 4 inserting the following: "has been".
- 5 2. Page 1, line 9, by inserting after the word
- 6 "commodities" the following: "during three out of the
- 7 past five years".

By DENNIS H. BLACK

S-3214 FILED APRIL 1, 1999

*Adopted  
4-8-99  
(p. 1019)*

HOUSE FILE 476

S-3206

- 1 Amend House File 476, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 23 through 25.
- 4 2. Page 2, by striking lines 15 through 20.
- 5 3. Page 16, line 6, by inserting after the word
- 6 "agency." the following: "This section does not apply
- 7 to property acquired by the Iowa department of
- 8 transportation."
- 9 4. By renumbering as necessary.

By JEFF ANGELO

S-3206 FILED MARCH 31, 1999

*Adopted* (P.1020)  
*4-8-99* HOUSE FILE 476

S-3207

- 1 Amend House File 476, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 16, by striking line 9.
- 4 2. By striking page 22, line 32, through page 23,
- 5 line 1, and inserting the following:
- 6 "NEW SUBSECTION. 2A. "Agricultural land" means
- 7 real property owned by a person in tracts of ten acres
- 8 or more and not laid off into lots of less than ten
- 9 acres or divided by streets and alleys into parcels of
- 10 less than ten acres, and that is used for the
- 11 production of agricultural commodities. Such use of
- 12 property includes, but is not".

By JEFF ANGELO

S-3207 FILED MARCH 31, 1999

*Adopted*  
*4-8-99*  
*(P.1024)*

HOUSE FILE 476

S-3208

- 1 Amend House File 476 as follows:
- 2 1. Page 16, line 20, by inserting after the word
- 3 "cities" the following: "or counties".
- 4 2. Page 16, line 20, by inserting after the word
- 5 "city" the following: "or county".
- 6 3. Page 16, line 24, by inserting after the word
- 7 "city" the following: "or county".

By JEFF ANGELO

S-3208 FILED MARCH 31, 1999

*out of order*  
*4/8/99*  
*(P.1028)*



## HOUSE FILE 476

S-3215

1 Amend House File 476, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, line 2, by inserting after the figure  
4 "403.17," the following: "to a recreational trail if  
5 the state transportation commission has approved the  
6 use of eminent domain under section 307A.2, subsection  
7 16, or if the natural resource commission has approved  
8 the use of eminent domain under section 455A.5,  
9 subsection 7,".

10 2. Page 19, by inserting after line 24 the  
11 following:

12 "Sec. \_\_\_\_ . Section 307A.2, Code 1999, is amended  
13 by adding the following new subsection:

14 NEW SUBSECTION. 16. Review all applications  
15 submitted by acquiring agencies requesting approval  
16 for an acquiring agency to exercise eminent domain  
17 authority over agricultural land for routing a  
18 recreational trail and determine whether the use of  
19 such authority is necessary for the routing of a  
20 recreational trail.

21 Approval of an application by an acquiring agency  
22 to exercise the right of eminent domain to acquire  
23 agricultural land for a recreational trail may be  
24 granted for a specific land area upon a finding of  
25 public necessity. When making a determination of  
26 public necessity, the commission shall consider all of  
27 the following:

28 a. The feasibility of acquiring the agricultural  
29 land by methods other than condemnation.

30 b. The public cost and public benefit of locating  
31 the trail where it is most feasible to maintain or  
32 enhance public safety.

33 c. The existence of willing sellers at other  
34 locations in the area which locations would provide  
35 the same level of public safety.

36 d. The ability to adapt the recreational trail  
37 plans to avoid the use of condemnation.

38 For purposes of this subsection, "acquiring agency"  
39 means the same as in section 6B.58."

40 3. Page 24, by inserting after line 3 the  
41 following:

42 "Sec. \_\_\_\_ . Section 455A.5, Code 1999, is amended  
43 by adding the following new subsection:

44 NEW SUBSECTION. 7. The commission shall review  
45 all applications submitted by acquiring agencies  
46 requesting approval for an acquiring agency to  
47 exercise eminent domain authority over agricultural  
48 land for routing a recreational trail and shall  
49 determine whether the use of such authority is  
50 necessary for the routing of a recreational trail.

S-3215

-1-

S-3215

Page 2

- 1 Approval of an application by an acquiring agency  
2 to exercise the right of eminent domain to acquire  
3 agricultural land for a recreational trail may be  
4 granted for a specific land area upon a finding of  
5 public necessity. When making a determination of  
6 public necessity, the commission shall consider all of  
7 the following:
- 8 a. The feasibility of acquiring the agricultural  
9 land by methods other than condemnation.
- 10 b. The public cost and public benefit of locating  
11 the trail where it is most feasible to maintain and  
12 enhance public safety.
- 13 c. The existence of willing sellers at other  
14 feasible locations in the area which locations would  
15 provide the same level of public safety.
- 16 d. The ability to adapt the recreational trail  
17 plans to avoid the use of condemnation.
- 18 For purposes of this subsection, "acquiring agency"  
19 means the same as in section 6B.58."
- 20 4. By renumbering as necessary.

By DENNIS H. BLACK

S-3215 FILED APRIL 1, 1999

*Lost 4/8/99 (P1023)*

## HOUSE FILE 476

S-3267

- 1 Amend House File 476, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 2, line 1, by inserting after the word  
4 "to" the following: "a county conservation board  
5 exercising the power of eminent domain, or to".

By MATT MCCOY

*Lost 4/8/99 (P1022)*

S-3267 FILED APRIL 6, 1999

## HOUSE FILE 476

S-3309

1 Amend House File 476, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 10, by inserting after line 2 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 6B.17, Code 1999, is amended to  
6 read as follows:  
7 6B.17 WHEN APPRAISEMENT FINAL.  
8 The appraisalment of damages returned by the  
9 commissioners shall be final unless appealed from by  
10 the condemnee.  
11 Sec. \_\_\_\_\_. Section 6B.18, Code 1999, is amended to  
12 read as follows:  
13 6B.18 NOTICE OF APPRAISEMENT -- APPEAL OF AWARD.  
14 After the appraisalment of damages has been  
15 delivered to the sheriff by the compensation  
16 commission, the sheriff shall give written notice, by  
17 ordinary mail, to the condemner and the condemnee of  
18 the date on which the appraisalment of damages was  
19 made, the amount of the appraisalment, and that any  
20 ~~interested-party~~ the condemnee only may, within thirty  
21 days from the date of mailing the notice of the  
22 appraisalment of damages, appeal to the district court.  
23 The sheriff shall endorse the date of mailing of  
24 notice upon the original appraisalment of damages. At  
25 the time of appeal, the appellant shall give written  
26 notice that the appeal has been taken to the adverse  
27 party, or the adverse party's agent or attorney,  
28 lienholders, and the sheriff.  
29 Sec. \_\_\_\_\_. Section 6B.21, Code 1999, is amended to  
30 read as follows:  
31 6B.21 APPEALS -- HOW DOCKETED AND TRIED.  
32 The appeal shall be docketed in the name of the  
33 person appealing and all other interested parties to  
34 the action shall be defendants. ~~In-the-event-the~~  
35 ~~condemner-and-the-condemnee-appeal,-the-appeal-shall~~  
36 ~~be-docketed-in-the-name-of-the-appellant-which-filed~~  
37 ~~the-application-for-condemnation-and-all-other-parties~~  
38 ~~to-the-action-shall-be-defendants-~~ The appeal shall  
39 be tried as in an action by ordinary proceedings. The  
40 appraisalment of damages by the compensation commission  
41 is admissible in the action."

By MAGGIE TINSMAN

S-3309 FILED APRIL 8, 1999  
ADOPTED

(p. 1024)

HOUSE FILE 476

S-3276

1 Amend House File 476, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 10, by inserting after line 2 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 6B.21, Code 1999, is amended to  
6 read as follows:

7 6B.21 APPEALS -- HOW DOCKETED AND TRIED.

8 The appeal shall be docketed in the name of the  
9 person appealing and all other interested parties to  
10 the action shall be defendants. In the event the  
11 condemner and the condemnee appeal, the appeal shall  
12 be docketed in the name of the appellant which filed  
13 the application for condemnation and all other parties  
14 to the action shall be defendants. The appeal shall  
15 be tried as in an action by ordinary proceedings. ~~The~~  
16 ~~appraisement-of-damages-by-the-compensation-commission~~  
17 ~~is-admissible-in-the-action."~~

A

18 2. Page 24, by inserting after line 3 the  
19 following:

20 "Sec. \_\_\_\_\_. Section 543D.3, unnumbered paragraph 2,  
21 Code 1999, is amended to read as follows:

22 A person who is not a certified real estate  
23 appraiser under this chapter may appraise real estate  
24 for compensation if certification is not required by  
25 this chapter or by federal or state law, rule, or  
26 policy. However, an employee of the state department  
27 of transportation whose duties include appraisals of  
28 property pursuant to chapter 6B must be a certified  
29 real estate appraiser under this chapter.

30 Sec. \_\_\_\_\_. Section 543D.5, subsection 2, paragraph  
31 a, Code 1999, is amended to read as follows:

B

32 a. Require compliance with federal law and  
33 appraisal standards adopted by federal authorities as  
34 they apply to federally covered transactions. This  
35 paragraph does not require that an appraiser invoke a  
36 jurisdictional exception to the uniform standards of  
37 professional appraisal practice in order to comply  
38 with federal law and appraisal standards adopted by  
39 federal authorities as they apply to federally covered  
40 transactions, unless federal law requires that the  
41 exception be invoked."

42 3. By renumbering as necessary.

By JEFF LAMBERTI

S-3276 FILED APRIL 6, 1999

A. out of order

B. adopted

4/8/99

(P. 1023)

## HOUSE FILE 476

S-3322

- 1 Amend House File 476, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 15, line 31, by striking the word  
4 "PROPERTY" and inserting the following: "AGRICULTURAL  
5 LAND".  
6 2. Page 15, line 33, by striking the word  
7 "property" and inserting the following: "agricultural  
8 land".  
9 3. Page 15, line 35, by striking the word  
10 "property" and inserting the following: "agricultural  
11 land".  
12 4. Page 16, line 3, by striking the word  
13 "property" and inserting the following: "agricultural  
14 land".

By MATT McCOY  
O. GENE MADDOX

S-3322 FILED APRIL 8, 1999

LOST

(P. 1027)

## HOUSE FILE 476

S-3323

- 1 Amend House File 476, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 24, line 21, by striking the figure  
4 "1999" and inserting the following: "2000".  
5 2. Page 24, line 24, by striking the figure  
6 "1999" and inserting the following: "2000".

By MATT McCOY  
MICHAEL E. GRONSTAL  
O. GENE MADDOX

S-3323 FILED APRIL 8, 1999

LOST

(P. 1028)

## HOUSE FILE 476

S-3324

- 1 Amend House File 476, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 5, by striking line 15, and inserting the  
4 following:  
5 "g. A showing of the amount of land reasonably  
6 necessary to".  
7 2. By renumbering as necessary.

By ROBERT E. DVORSKY  
O. GENE MADDOX

S-3324 FILED APRIL 8, 1999

LOST

(P. 1026)

HOUSE FILE 476

S-3314

1 Amend House File 476, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, line 6, by inserting after the figure  
 4 "306," the following: "or to the establishment of a  
 5 railway under the supervision of the department of  
 6 transportation as provided in section 327C.2,".

By JEFF ANGELO

S-3314 FILED APRIL 8, 1999

ADOPTED

(P.1023)

HOUSE FILE 476

S-3319

1 Amend House File 476, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 24, by inserting after line 3 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 465B.2, subsection 1, paragraph  
 6 d, Code 1999, is amended to read as follows:  
 7 d. Management activities including maintenance,  
 8 enforcement of rules, and replacement needs. For  
 9 purposes of this paragraph, maintenance includes the  
 10 clearing of brush, trees, and other debris that may  
 11 interfere with the operation of machinery and  
 12 equipment on an adjacent landowner's property."  
 13 2. By renumbering as necessary.

By JOHN W. JENSEN

S-3319 FILED APRIL 8, 1999

RULED OUT OF ORDER

(P.1025)

HOUSE FILE 476

S-3320

1 Amend the amendment, S-3309, to House File 476, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 39 through 41, and  
 5 inserting the following: "be tried as in an action by  
 6 ordinary proceedings. ~~The-appraisement-of-damages-by~~  
 7 ~~the-compensation-commission-is-admissible-in-the~~  
 8 ~~action."~~

By JEFF LAMBERTI

S-3320 FILED APRIL 8, 1999

ADOPTED

(P.1024)

## HOUSE FILE 476

S-3332

1 Amend House File 476, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 2, by inserting after the figure  
4 "403.17," the following: "or to recreational trails  
5 located in a standard metropolitan area with a  
6 population over one hundred thousand,".

By MATT McCOY  
JOANN JOHNSON  
DON REDFERN

S-3332 FILED APRIL 8, 1999

WITHDRAWN

(P. 1029)

## HOUSE FILE 476

S-3333

1 Amend the amendment, S-3332, to House File 476, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 6, by striking the word "one" and  
5 inserting the following: "eight".

By MERLIN E. BARTZ

S-3333 FILED APRIL 8, 1999

RULED OUT OF ORDER

(P. 1029)

## HOUSE FILE 476

S-3334

1 Amend House File 476, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 2, by inserting after the figure  
4 "403.17," the following: "or to recreational trails  
5 located in a standard metropolitan statistical area as  
6 determined by the United States census bureau".

By MATT McCOY  
JOANN JOHNSON  
DON REDFERN

S-3334 FILED APRIL 8, 1999

LOST

(P. 1030)

## HOUSE FILE 476

S-3335

1 Amend the amendment, S-3334, to House File 476, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 5, by inserting after the word  
5 "area" the following: ", which exceeds eight hundred  
6 thousand population,".

By MERLIN E. BARTZ

S-3335 FILED APRIL 8, 1999

LOST

(P. 1030)

## HOUSE FILE 476

S-3326

1 Amend House File 476, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 21, by inserting after line 18 the  
4 following:

5 "Sec. 101. Section 368.19, unnumbered paragraph 1,  
6 Code 1999, is amended to read as follows:

7 The committee shall approve or disapprove the  
8 petition or plan as amended, within ninety days of the  
9 final hearing, and shall file its decision for record  
10 and promptly notify the parties to the proceeding of  
11 its decision. If a petition or plan is approved, the  
12 board shall set a date not less than thirty days nor  
13 more than ninety days after approval for a special  
14 election on the proposal and the county commissioner  
15 of elections shall conduct the election. In a case of  
16 incorporation or discontinuance, registered voters of  
17 the territory or city may vote, and the proposal is  
18 authorized if a majority of those voting approves it.  
19 In a case of annexation ~~or severance~~, registered  
20 voters of the territory and of the city may vote, and  
21 the proposal is authorized if a majority of the total  
22 number of persons residing in the territory and voting  
23 approves it and if a majority of the total number of  
24 persons residing in the city and voting approves it.  
25 In case of severance, registered voters of that area  
26 of the city to be severed and of the remainder of the  
27 city may vote, and the proposal is authorized if a  
28 majority of the total number of persons residing in  
29 the area to be severed and voting approves it and if a  
30 majority of the total number of persons residing in  
31 the remainder of the city and voting approves it.  
32 However, if there are no registered voters in the  
33 territory to be severed or annexed, a special election  
34 on the proposal shall not be conducted and the  
35 proposal shall be implemented as if the proposal was  
36 approved at a special election. In a case of  
37 consolidation, registered voters of each city to be  
38 consolidated may vote, and the proposal is authorized  
39 only if it receives a favorable majority vote in each  
40 city. The county commissioner of elections shall  
41 publish notice of the election as provided in section  
42 49.53 and shall conduct the election in the same  
43 manner as other special city elections."

44 2. Page 24, by inserting after line 24 the  
45 following: "This section and section 101 of this Act,  
46 amending section 368.19, being deemed of immediate  
47 importance, take effect upon enactment and section 101  
48 applies to any special election conducted pursuant to  
49 section 368.19 after the effective date of this  
50 section of this Act to approve or disapprove a

S-3326



S-3326

Page 2

1 petition pending before the city development board  
2 before, on, or after the effective date of this  
3 section of this Act."

4 3. Title page, by striking lines 2 and 3, and  
5 inserting the following: "and to condemnation  
6 proceedings, and relating to voter approval of  
7 annexation and severance of territory to or from a  
8 city, and including effective date and applicability  
9 provisions."

10 4. By renumbering as necessary.

By BILL FINK

S-3326 FILED APRIL 8, 1999

RULED OUT OF ORDER

(P.1027)

HOUSE FILE 476

S-3328

1 Amend House File 476, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, line 7, by inserting after the figure  
4 "328.1," the following: "or to land acquired for a  
5 project under the new jobs and income act pursuant to  
6 chapter 15, part 13, or to land located in an economic  
7 development enterprise zone designated pursuant to  
8 section 15E.192, excluding projects that qualify under  
9 section 15E.193B,".

By MARY E. KRAMER

S-3328 FILED APRIL 8, 1999

ADOPTED

(P.1026)

HOUSE FILE 476

S-3330

1 Amend House File 476, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, line 2, by inserting after the figure  
4 "403.17," the following: "or to recreational trails  
5 located in a city with a population over one hundred  
6 thousand,".

By MATT MCCOY  
JOANN JOHNSON

S-3330 FILED APRIL 8, 1999

WITHDRAWN

(P.1029)

## HOUSE FILE 476

S-3325

- 1 Amend House File 476, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, by striking lines 2 through 4, and  
4 inserting the following: "or blighted area as defined  
5 in section 403.17, or to land acquired for industry as  
6 that term is defined in section 260E.2, or".  
7 2. By striking page 16, line 17, through page 17,  
8 line 5.  
9 3. Page 21, by striking lines 24 through 26 and  
10 inserting the following: "condemnation or unless the  
11 land is to be acquired for industry as that term is  
12 defined in section 260E.2. This paragraph".  
13 4. Page 22, by striking lines 6 through 8, and  
14 inserting the following: "the land is to be acquired  
15 for industry as that term is defined in section  
16 260E.2. A municipality may exercise".  
17 5. By renumbering as necessary.

By MATT McCOY

MICHAEL E. GRONSTAL

O. GENE MADDOX

S-3325 FILED APRIL 8, 1999  
ADOPTED

(P. 1025)

SENATE AMENDMENT TO HOUSE FILE 476

H-1536

1 Amend House File 476, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 8, by striking the word "is" and  
4 inserting the following: "has been".  
5 2. Page 1, line 9, by inserting after the word  
6 "commodities" the following: "during three out of the  
7 past five years".  
8 3. Page 1, by striking lines 23 through 25.  
9 4. Page 2, by striking lines 2 through 4, and  
10 inserting the following: "or blighted area as defined  
11 in section 403.17, or to land acquired for industry as  
12 that term is defined in section 260E.2, or".  
13 5. Page 2, line 6, by inserting after the figure  
14 "306," the following: "or to the establishment of a  
15 railway under the supervision of the department of  
16 transportation as provided in section 327C.2,".  
17 6. Page 2, line 7, by inserting after the figure  
18 "328.1," the following: "or to land acquired for a  
19 project under the new jobs and income act pursuant to  
20 chapter 15, part 13, or to land located in an economic  
21 development enterprise zone designated pursuant to  
22 section 15E.192, excluding projects that qualify under  
23 section 15E.193B,".  
24 7. Page 2, by striking lines 15 through 20.  
25 8. Page 10, by inserting after line 2 the  
26 following:  
27 "Sec. \_\_\_\_\_. Section 6B.17, Code 1999, is amended to  
28 read as follows:  
29 6B.17 WHEN APPRAISEMENT FINAL.  
30 The appraisement of damages returned by the  
31 commissioners shall be final unless appealed from by  
32 the condemnee.  
33 Sec. \_\_\_\_\_. Section 6B.18, Code 1999, is amended to  
34 read as follows:  
35 6B.18 NOTICE OF APPRAISEMENT -- APPEAL OF AWARD.  
36 After the appraisement of damages has been  
37 delivered to the sheriff by the compensation  
38 commission, the sheriff shall give written notice, by  
39 ordinary mail, to the condemner and the condemnee of  
40 the date on which the appraisement of damages was  
41 made, the amount of the appraisement, and that **any**  
42 **interested-party** the condemnee only may, within thirty  
43 days from the date of mailing the notice of the  
44 appraisement of damages, appeal to the district court.  
45 The sheriff shall endorse the date of mailing of  
46 notice upon the original appraisement of damages. At  
47 the time of appeal, the appellant shall give written  
48 notice that the appeal has been taken to the adverse  
49 party, or the adverse party's agent or attorney,  
50 lienholders, and the sheriff.

H-1536

H-1536

Page 2

1 Sec. \_\_\_\_\_. Section 6B.21, Code 1999, is amended to  
2 read as follows:

3 6B.21 APPEALS -- HOW DOCKETED AND TRIED.

4 The appeal shall be docketed in the name of the  
5 person appealing and all other interested parties to  
6 the action shall be defendants. ~~In-the-event-the  
7 condemner-and-the-condemnee-appeal,-the-appeal-shall  
8 be-docketed-in-the-name-of-the-appellant-which-filed  
9 the-application-for-condemnation-and-all-other-parties  
10 to-the-action-shall-be-defendants.~~ The appeal shall  
11 be tried as in an action by ordinary proceedings. The  
12 ~~appraisement-of-damages-by-the-compensation-commission  
13 is-admissible-in-the-action.~~"

14 9. Page 16, line 6, by inserting after the word  
15 "agency." the following: "This section does not apply  
16 to property acquired by the Iowa department of  
17 transportation."

18 10. Page 16, by striking line 9.

19 11. By striking page 16, line 17, through page  
20 17, line 5.

21 12. Page 21, by striking lines 24 through 26 and  
22 inserting the following: "condemnation or unless the  
23 land is to be acquired for industry as that term is  
24 defined in section 260E.2. This paragraph".

25 13. Page 22, by striking lines 6 through 8, and  
26 inserting the following: "the land is to be acquired  
27 for industry as that term is defined in section  
28 260E.2. A municipality may exercise".

29 14. By striking page 22, line 32, through page  
30 23, line 1, and inserting the following:

31 "NEW SUBSECTION. 2A. "Agricultural land" means  
32 real property owned by a person in tracts of ten acres  
33 or more and not laid off into lots of less than ten  
34 acres or divided by streets and alleys into parcels of  
35 less than ten acres, and that is used for the  
36 production of agricultural commodities. Such use of  
37 property includes, but is not".

38 15. Page 24, by inserting after line 3 the  
39 following:

40 "Sec. \_\_\_\_\_. Section 543D.3, unnumbered paragraph 2,  
41 Code 1999, is amended to read as follows:

42 A person who is not a certified real estate  
43 appraiser under this chapter may appraise real estate  
44 for compensation if certification is not required by  
45 this chapter or by federal or state law, rule, or  
46 policy. However, an employee of the state department  
47 of transportation whose duties include appraisals of  
48 property pursuant to chapter 6B must be a certified  
49 real estate appraiser under this chapter.

50 Sec. \_\_\_\_\_. Section 543D.5, subsection 2, paragraph

H-1536

-2-

H-1536

Page 3

1 a, Code 1999, is amended to read as follows:

2 a. Require compliance with federal law and  
 3 appraisal standards adopted by federal authorities as  
 4 they apply to federally covered transactions. This  
 5 paragraph does not require that an appraiser invoke a  
 6 jurisdictional exception to the uniform standards of  
 7 professional appraisal practice in order to comply  
 8 with federal law and appraisal standards adopted by  
 9 federal authorities as they apply to federally covered  
 10 transactions, unless federal law requires that the  
 11 exception be invoked."

12 16. By renumbering, relettering, or redesignating  
 13 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-1536 FILED APRIL 12, 1999

*House Concurred*  
*4/22/99*  
*(p.1617)*

## HOUSE FILE 476

H-1602

1 Amend the Senate amendment, H-1536, to House File  
2 476, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 2, by inserting after line 20 the  
5 following:

6 "\_\_\_\_. Page 21, by inserting after line 18 the  
7 following:

8 "Sec. \_\_\_\_\_. Section 368.11, unnumbered paragraph 4,  
9 Code 1999, is amended to read as follows:

10 At least ~~ten~~ thirty days before a petition for  
11 involuntary annexation is filed as provided in this  
12 section, the petitioner shall make its intention known  
13 by sending a letter of intent by certified mail to the  
14 council of each city whose urbanized area contains a  
15 portion of the territory, the board of supervisors of  
16 each county which contains a portion of the territory,  
17 the regional planning authority of the territory  
18 involved, each affected public utility, and to each  
19 property owner listed in the petition. The written  
20 notification shall include notice that the petitioners  
21 shall hold a public meeting on the petition for  
22 involuntary annexation prior to the filing of the  
23 petition.

24 Sec. \_\_\_\_\_. Section 368.11, Code 1999, is amended by  
25 adding the following new unnumbered paragraph after  
26 unnumbered paragraph 5:

27 NEW UNNUMBERED PARAGRAPH. In any case where the  
28 board of supervisors of the county in which the  
29 territory is located is not the petitioner, the board  
30 must, upon receipt of the letter of intent to annex,  
31 call a public meeting on the proposed petition. The  
32 public meeting shall be held within ten days of  
33 receipt of such letter and shall be conducted by the  
34 board of supervisors. Prior to the meeting, the board  
35 shall publish notice of the meeting in a newspaper of  
36 general circulation in the county.

37 Sec. \_\_\_\_\_. Section 368.19, unnumbered paragraph 1,  
38 Code 1999, is amended to read as follows:

39 The committee shall approve or disapprove the  
40 petition or plan as amended, within ninety days of the  
41 final hearing, and shall file its decision for record  
42 and promptly notify the parties to the proceeding of  
43 its decision. The petition or plan must also be  
44 approved or disapproved by the board of supervisors of  
45 the county in which the territory is located within  
46 thirty days of a final determination on the petition  
47 or plan by the city development board. In making its  
48 decision, the board of supervisors shall determine  
49 whether or not the annexation proposal conforms to the  
50 land use comprehensive plans of the county and of any

H-1602

H-1602

Page 2

1 cities located near the territory proposed to be  
 2 annexed.  
 3 PARAGRAPH DIVIDED. If a petition or plan is  
 4 approved by the city development board and the board  
 5 of supervisors, the city development board shall set a  
 6 date not less than thirty days nor more than ninety  
 7 days after approval for a special election on the  
 8 proposal and the county commissioner of elections  
 9 shall conduct the election. In a case of  
 10 incorporation or discontinuance, registered voters of  
 11 the territory or city may vote, and the proposal is  
 12 authorized if a majority of those voting approves it.  
 13 In a case of annexation or severance, registered  
 14 voters of the territory and of the city may vote, and  
 15 the proposal is authorized if a majority of the total  
 16 number of persons voting approves it. In a case of  
 17 consolidation, registered voters of each city to be  
 18 consolidated may vote, and the proposal is authorized  
 19 only if it receives a favorable majority vote in each  
 20 city. The county commissioner of elections shall  
 21 publish notice of the election as provided in section  
 22 49.53 and shall conduct the election in the same  
 23 manner as other special city elections."

24 2. Page 3, by inserting after line 11 the  
 25 following:

26 "\_\_\_\_. Title page, line 2, by inserting after the  
 27 word "proceedings" the following: ", to public  
 28 meeting requirements for involuntary annexations, to  
 29 county approval of annexation petitions and plans,."

By RICHARDSON of Warren

H-1602 FILED APRIL 13, 1999

*W/D*  
*4/22/99*  
*(P. 1615)*

## HOUSE FILE 476

H-1749

1 Amend the Senate amendment, H-1536, to House File  
2 476, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by inserting before line 24 the  
5 following:  
6 "\_\_\_\_\_. Page 2, by inserting after line 14 the  
7 following:  
8 "3. As century farms are considered an important  
9 resource by the state of Iowa, an acquiring agency  
10 shall consider all alternatives before proceeding with  
11 the condemnation of a century farm. An acquiring  
12 agency shall assign to a century farm the same level  
13 of priority and importance as it would to a wetlands  
14 area, a park, or any other natural resource area.  
15 For purposes of this subsection, "century farm"  
16 means a farm in which at least forty acres of such  
17 farm have been held in continuous ownership by the  
18 same family for one hundred years or more."

By O'BRIEN of Boone  
DREES of Carroll  
FALLON of Polk

H-1749 FILED APRIL 21, 1999

*W/D 4/22/99*

## HOUSE FILE 476

H-1753

1 Amend the Senate amendment, H-1536, to House File  
2 476, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 3, by inserting before line 12 the  
5 following:  
6 "\_\_\_\_\_. Page 24, line 24, by striking the figure  
7 "1999" and inserting the following: "2000".  
8 2. By renumbering as necessary.

By METCALF of Polk

H-1753 FILED APRIL 21, 1999

*4/22/99**(P. 1614)*



## HOUSE FILE 476

H-1603

1 Amend the Senate amendment, H-1536, to House File  
2 476, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 3, by inserting after line 11 the  
5 following:  
6 "\_\_\_\_. Page 24, by inserting after line 3 the  
7 following:  
8 "Sec. \_\_\_\_ . MORATORIUM ON ANNEXATION BY A CITY.  
9 Notwithstanding chapter 368, division III, from the  
10 effective date of this Act until July 1, 2000, the  
11 city development board shall not accept a petition for  
12 an involuntary annexation of territory to a city. The  
13 board shall also discontinue any actions or  
14 proceedings relating to a hearing, approval, or  
15 election on a petition or plan for an involuntary  
16 annexation of territory pending before the board  
17 during the moratorium from the effective date of this  
18 Act until July 1, 2000. On or after July 1, 2000, the  
19 board may proceed with the review and implementation  
20 of petitions and plans relating to involuntary  
21 annexations of territory pursuant to chapter 368,  
22 division III.  
23 Sec. 2. MORATORIUM ON CERTAIN DEVELOPMENT ACTIONS  
24 BY COUNTIES. Notwithstanding chapter 354, from the  
25 effective date of this Act until July 1, 2000, a  
26 county shall not issue any permits, authorizations, or  
27 approvals necessary for the subdivision and  
28 partitioning of any land located in the unincorporated  
29 areas of the county for residential construction. On  
30 or after July 1, 2000, a county may proceed with  
31 issuance of any permits, authorizations, or approvals  
32 necessary for the subdivision and partitioning of, or  
33 residential construction on, any land located in the  
34 unincorporated areas of the county.  
35 \_\_\_\_ . Title page, line 2, by inserting after the  
36 word "proceedings" the following: ", imposing  
37 moratoria on annexation by a city and on certain  
38 development actions by counties, "."  
39 2. By renumbering as necessary.

By RICHARDSON of Warren

H-1603 FILED APRIL 13, 1999

*Not Referred*  
*4/22/99*  
*(p. 16/16)*

## HOUSE FILE 476

H-1754

1 Amend the Senate amendment, H-1536, to House File  
2 476, as amended, passed, and reprinted by the House,  
3 as follows:

A 4 1. Page 1, line 11, by inserting after the word  
5 "to" the following: "agricultural".

B 6 2. Page 1, by striking lines 17 through 23.

7 3. Page 1, by inserting after line 24 the  
8 following:

9 "\_\_\_\_. Page 5, line 2, by inserting after the word  
10 "sought." the following: "For purposes of section  
11 6B.4A, if condemnation of agricultural land is sought  
12 by a city or county, or an agency of a city or county,  
13 for location of an industry as that term is defined in  
14 section 260E.2, the application shall so state.

A 15 However, the city or county shall not be required to  
16 disclose information on an industrial prospect with  
17 which the city or county is currently negotiating."

18 \_\_\_\_\_. Page 7, by inserting after line 31 the  
19 following:

20 "Sec. \_\_\_\_\_. NEW SECTION. 6B.4A REVIEW OF  
21 APPLICATIONS BY COMPENSATION COMMISSION.

22 1. If a city or county, or an agency of a city or  
23 county, has filed an application for condemnation of  
24 agricultural land for industry, the application is  
25 subject to review by the compensation commission  
26 pursuant to this section.

27 2. At any time before the thirty-day notice of  
28 assessment expires pursuant to section 6B.8, a  
29 landowner may apply to the compensation commission for  
B 30 review of the condemnation application to determine  
31 whether the use of condemnation is necessary for the  
32 placement of an industry in the community. When  
33 reviewing an application, the commission shall  
34 consider all of the following:

35 a. The feasibility of acquiring the agricultural  
36 land by methods other than condemnation.

37 b. The public cost and public benefit from  
38 locating the industry on the agricultural land.

39 c. The ability to adapt the industry development  
40 plans to avoid the use of condemnation.

41 d. The existence of a specific industry to be  
42 located on the agricultural land.

43 e. The amount of agricultural land requested to be  
44 condemned compared to the total amount of agricultural  
45 land needed for the project.

46 3. The commission shall approve or deny the  
47 application for condemnation within thirty days of  
48 receiving a request to review the condemnation  
49 application. A majority vote of the commission  
50 members is necessary to approve or deny a condemnation

H-1754

-1-

H-1754

Page 2

1 application. The sheriff shall notify the landowner  
2 and condemner of the commission's determination by  
3 certified mail.

4 4. A determination made by the compensation  
5 commission pursuant to this section shall be final  
6 unless appealed from. An appeal must be filed with  
7 the district court within thirty days of mailing the  
8 commission's determination to the condemner and the  
9 landowner. At the time of appeal, the appellant shall  
10 give written notice that the appeal has been taken to  
11 the adverse party, or the adverse party's agent or  
12 attorney. Notice of an appeal shall be served in the  
13 same manner as an original notice. The appeal shall  
14 be docketed in the name of the person appealing and  
15 all other interested parties to the action shall be  
16 defendants.

17 5. This section does not apply to condemnation of  
18 agricultural land if the industry is an eligible  
19 business under section 15.329 and the department of  
20 economic development enters into an agreement under  
21 section 15.330 with the industry.

22 6. For purposes of this section, "industry" means  
23 the same as defined in section 260E.2."

24 \_\_\_\_\_. Page 8, line 22, by inserting after the word  
25 "notices." the following: "If a city or county, or an  
26 agency of a city or county, is seeking to condemn  
27 agricultural land for an industry as that term is  
28 defined in section 260E.2, the notice shall inform the  
29 landowner that the landowner may request that the  
30 compensation commission review the application as  
31 provided in section 6B.4A."

32 4. By striking page 1, line 25, through page 2,  
33 line 13.

34 5. Page 2, by inserting before line 14 the  
35 following:

36 "\_\_\_\_\_. Page 16, line 5, by inserting after the  
37 word "to" the following: "or benefiting"."

38 6. Page 2, line 23, by inserting before the word  
39 "land" the following: "agricultural".

40 7. Page 2, line 26, by inserting before the word  
41 "land" the following: "agricultural".

42 8. Page 2, line 35, by striking the word "is" and  
43 inserting the following: "has been".

44 9. Page 2, line 36, by inserting after the word  
45 "commodities" the following: "during three out of the  
46 past five years".

47 10. Page 2, line 48, by inserting after the word  
48 "certified" the following: "or associate".

49 11. By renumbering as necessary.

By HOUSER of Pottawattamie  
ARNOLD of Lucas  
FALLON of Polk

H-1754 FILED APRIL 21, 1999

A - adopted 4/22/99

B - adopted 4/22/99

(p. 1612)

## HOUSE FILE 476

H-1779

1 Amend the Senate amendment, H-1536, to House File  
2 476, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. By striking page 1, line 3, through page 3,  
5 line 11, and inserting the following:

6 "\_\_\_\_\_. By striking page 1, line 1, through page  
7 15, line 30.

8 \_\_\_\_\_ . By striking page 16, line 7, through page  
9 24, line 24."

By METCALF of Polk

H-1779 FILED APRIL 22, 1999

LOST (P. 16/15)

## HOUSE FILE 476

H-1770

1 Amend the Senate amendment, H-1536, to House File  
2 476, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, line 11, by inserting after the figure  
5 "403.17," the following: "or to the state's portion  
6 of the American discovery trail if the state  
7 transportation commission has approved the use of  
8 eminent domain under section 307A.2, subsection 16,  
9 and if the natural resource commission has approved  
10 the use of eminent domain under section 455A.5,  
11 subsection 7,".

12 2. Page 2, by inserting after line 20 the  
13 following:

14 "\_\_\_\_. Page 19, by inserting after line 24 the  
15 following:

16 "Sec. \_\_\_\_ . Section 307A.2, Code 1999, is amended  
17 by adding the following new subsection:

18 NEW SUBSECTION. 16. Review all applications  
19 submitted by acquiring agencies requesting approval  
20 for an acquiring agency to exercise eminent domain  
21 authority over agricultural land for routing the  
22 state's portion of the American discovery trail and  
23 determine whether the use of such authority is  
24 necessary for the routing of that portion of the  
25 trail.

26 The commission shall give preference to  
27 applications for the acquisition for trail routes  
28 which use existing or abandoned railroad rights of  
29 way, road and highway rights of way, river valleys,  
30 and natural greenbelts. When reviewing an  
31 application, the commission shall consider all of the  
32 following:

33 a. The feasibility of acquiring the agricultural  
34 land by methods other than condemnation.

35 b. The public cost and public benefit of locating  
36 the trail where it is most feasible to maintain or  
37 enhance public safety.

38 c. The existence of willing sellers at other  
39 locations in the area which locations would provide  
40 the same level of public safety.

41 d. The ability to adapt the trail plans to avoid  
42 the use of condemnation.

43 For purposes of this subsection, "acquiring agency"  
44 means the same as in section 6B.58.""

45 3. Page 2, by inserting after line 39 the  
46 following:

47 "Sec. \_\_\_\_ . Section 455A.5, Code 1999, is amended  
48 by adding the following new subsection:

49 NEW SUBSECTION. 7. The commission shall review  
50 all applications submitted by acquiring agencies

H-1770

H-1770

Page 2

requesting approval for an acquiring agency to exercise eminent domain authority over agricultural land for routing the state's portion of the American discovery trail and determine whether the use of such authority is necessary for the routing of that portion of the trail.

The commission shall give preference to applications for the acquisition for trail routes which use existing or abandoned railroad rights of way, road and highway rights of way, river valleys, and natural greenbelts. When reviewing an application, the commission shall consider all of the following:

- a. The feasibility of acquiring the agricultural land by methods other than condemnation.
- b. The public cost and public benefit of locating the trail where it is most feasible to maintain and enhance public safety.
- c. The existence of willing sellers at other feasible locations in the area which locations would provide the same level of public safety.
- d. The ability to adapt the trail plans to avoid the use of condemnation.

For purposes of this subsection, "acquiring agency" means the same as in section 6B.58."

4. By renumbering as necessary.

By DOTZLER of Black Hawk

H-1770 FILED APRIL 22, 1999

LOST

(P. 1611)

HOUSE FILE 476

H-1773

Amend the Senate amendment, H-1536, to House File 476, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by inserting after line 24 the following:

"\_\_\_\_\_. Page 2, line 31, by striking the word "thirty" and inserting the following: "ten"."

2. By renumbering as necessary.

By MARTIN of Scott

H-1773 FILED APRIL 22, 1999

WITHDRAWN

(P. 1613)

## HOUSE FILE 476

H-1765

- 1 Amend the amendment, H-1754, to the Senate
- 2 amendment, H-1536, to House File 476, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 2, by striking lines 47 and 48.
- 5 2. By renumbering as necessary.

By HUSER of Polk

H-1765 FILED APRIL 22, 1999

ADOPTED

(P. 1608)

## HOUSE FILE 476

H-1766

- 1 Amend the Senate amendment, H-1536, to House File
- 2 476, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 24 the
- 5 following:
- 6 "\_\_\_\_\_. Page 2, line 31, by striking the word
- 7 "thirty" and inserting the following: "ten".
- 8 2. Page 3, line 2, by striking the word "thirty"
- 9 and inserting the following: "ten".
- 10 3. By renumbering as necessary.

By MARTIN of Scott

H-1766 FILED APRIL 22, 1999

LOST

(P. 1612)

## HOUSE FILE 476

H-1757

- 1 Amend the Senate amendment, H-1536, to House File
- 2 476, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 1, line 3, through page 3,
- 5 line 11, and inserting the following:
- 6 "\_\_\_\_\_. By striking page 1, line 1, through page
- 7 15, line 30.
- 8 2. By striking page 16, line 7, through page
- 9 24, line 24.
- 10 3. Title page, by striking lines 2 and 3 and
- 11 inserting the following: "and to condemnation
- 12 proceedings.""

By MARTIN of Scott

H-1757 FILED APRIL 22, 1999

WITHDRAWN

(P. 1615)

## HOUSE FILE 476

H-1760

- 1 Amend the Senate amendment, H-1536, to House File
- 2 476, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 24 the
- 5 following:
- 6 "\_\_\_\_\_. Page 5, by striking lines 15 through 24."
- 7 2. By renumbering as necessary.

By JENKINS of Black Hawk

LOST 4/22/99 (P. 1612)  
H-1760 FILED APRIL 22, 1999

## HOUSE FILE 476

H-1781

- 1 Amend the Senate amendment, H-1536, to House File  
2 476, as amended, passed, and reprinted by the House,  
3 as follows:
- 4 1. Page 1, by striking lines 3 through 7, and  
5 inserting the following:  
6 "\_\_\_\_\_. Page 1, by striking lines 3 through 22."  
7 2. Page 1, by inserting after line 8, the  
8 following:  
9 "\_\_\_\_\_. Page 1, line 33, by striking the words  
10 "agricultural land" and inserting the following:  
11 "property".  
12 \_\_\_\_\_ Page 1, line 34, by striking the words  
13 "agricultural land" and inserting the following:  
14 "property".  
15 3. Page 2, by inserting after line 20, the  
16 following:  
17 "\_\_\_\_\_. Page 21, line 22, by striking the words  
18 "agricultural land" and inserting the following:  
19 "property".  
20 \_\_\_\_\_ Page 21, line 23, by striking the words  
21 "agricultural land" and inserting the following:  
22 "property".  
23 4. Page 2, by inserting after line 24, the  
24 following:  
25 "\_\_\_\_\_. Page 22, line 3, by striking the words  
26 "agricultural land" and inserting the following:  
27 "property".  
28 \_\_\_\_\_ Page 22, line 5, by striking the words  
29 "agricultural land" and inserting the following:  
30 "property".  
31 5. Page 2, by striking lines 29 through 37, and  
32 inserting the following:  
33 "\_\_\_\_\_. By striking page 22, line 30, through page  
34 24, line 3."  
35 6. Page 3, by inserting after line 11, the  
36 following:  
37 "\_\_\_\_\_. Page 24, line 4, by striking the word and  
38 figures "36, and 37" and inserting the following:  
39 "and 36".  
40 \_\_\_\_\_ Page 24, by striking line 6, and inserting  
41 the following: "403.7, apply to".  
42 \_\_\_\_\_ Page 24, by striking lines 10 through 18."  
43 7. By renumbering, relettering, redesignating,  
44 and correcting internal references as necessary.

By JACOBS of Polk

H-1781 FILED APRIL 22, 1999

WITHDRAWN

(p.1616)



## HOUSE FILE 476

H-1782

- 1 Amend the Senate amendment, H-1536, to House File  
 2 476, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, by inserting after line 24 the  
 5 following:  
 6 "\_\_\_\_. Page 8, line 3, by inserting after the word  
 7 "report" the following: "based on findings of fact."  
 8 2. By renumbering as necessary.

By LARSON of Linn  
 KREIMAN of Davis

H-1782 FILED APRIL 22, 1999

WITHDRAWN

(p. 1613)

## HOUSE FILE 476

H-1783

- 1 Amend the amendment, H-1754, to the Senate  
 2 amendment, H-1536, to House File 476, as amended,  
 3 passed, and reprinted by the House, as follows:  
 4 1. Page 2, by striking lines 32 and 33 and  
 5 inserting the following:  
 6 "\_\_\_\_. By striking page 1, line 27, through page  
 7 2, line 13, and inserting the following:  
 8 "Sec. \_\_\_\_ Section 6B.21, Code 1999, is amended to  
 9 read as follows:  
 10 6B.21 APPEALS -- HOW DOCKETED AND TRIED.  
 11 The appeal shall be docketed in the name of the  
 12 person appealing and all other interested parties to  
 13 the action shall be defendants. In the event the  
 14 condemner and the condemnee appeal, the appeal shall  
 15 be docketed in the name of the appellant which filed  
 16 the application for condemnation and all other parties  
 17 to the action shall be defendants. The appeal shall  
 18 be tried as in an action by ordinary proceedings. The  
 19 ~~appraisement-of-damages-by-the-compensation-commission~~  
 20 ~~is-admissible-in-the-action."~~

By HUSER of Polk

H-1783 FILED APRIL 22, 1999

ADOPTED

(p. 1608)

## HOUSE FILE 476

H-1787

1 Amend the Senate amendment, H-1536, to House File  
2 476, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by inserting after line 24, the  
5 following:

6 "\_\_\_\_\_. By striking page 6, line 35, through page  
7 7, line 23, and inserting the following: "is amended  
8 by striking the paragraph and inserting in lieu  
9 thereof the following:

10 If the property to be condemned is located in a  
11 city, the city council shall select five persons from  
12 the list, one person who is an owner-operator of  
13 agricultural property when the property to be  
14 condemned is agricultural property; one owner of city  
15 property; one representative from the city planning  
16 commission; one representative from the city board of  
17 adjustment; and one representative from the regional  
18 planning commission appointed by the chair of the  
19 regional planning commission. If the property to be  
20 condemned is located outside the corporate limits of a  
21 city, the county board of supervisors shall select one  
22 owner of city property; one representative from the  
23 county planning commission; one representative from  
24 the county board of adjustment; and one representative  
25 from the regional planning commission appointed by the  
26 chair of the regional planning commission. This body  
27 shall constitute a condemnation board to consider the  
28 condemnation application and to determine if the  
29 planned use of the property to be condemned is  
30 compatible with the city's comprehensive plan,  
31 regional land use plan, and other relevant planning  
32 documents adopted by the city. After a determination  
33 has been made concerning consistency with one or more  
34 of such plans, the chief judge of the judicial  
35 district shall appoint a five-member compensation  
36 commission. The compensation commission shall consist  
37 of one city resident, one county resident if the  
38 property to be condemned is outside the corporate  
39 limits of a city, one realtor, one member of the city  
40 planning commission, and one real estate appraiser who  
41 is familiar with the local real estate market. The  
42 compensation commission shall name a chairperson from  
43 the persons selected and shall assess the damages to  
44 all property taken by the applicant and located in the  
45 county. A person shall not be selected as a member of  
46 the compensation board or the compensation commission  
47 if the person possesses any interest in the proceeding  
48 which would cause the person to render a biased  
49 decision. The clerk of the district court shall send,  
by ordinary mail, a list of those persons selected to

H-1787

-1-

H-1787

Page 2

1 the applicant and to the owner of the property at the  
2 owner's last known address. The list shall be  
3 provided prior to the mailing, by any party, of a  
4 notice of assessment under section 6B.8. If the clerk  
5 of the district court is unable to locate an address  
6 for the owner of the property, the list shall be  
7 published once in a newspaper of general circulation  
8 in the county. The applicant shall reimburse the  
9 clerk of the district court for the cost of mailing  
10 and publication."

11 2. By renumbering as necessary.

By METCALF of Polk

H-1787 FILED APRIL 22, 1999

LOST

(p. 1613)

## HOUSE FILE 476

H-1793

1 Amend the Senate amendment, H-1536, to House File  
2 476, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by inserting after line 24 the  
5 following:

6 "\_\_\_\_. Page 8, line 3, by inserting after the word  
7 "report" the following: "containing the information  
8 used by the commission in assessing the damages"."

9 2. By renumbering as necessary.

By LARSON of Linn

KREIMAN of Davis

H-1793 FILED APRIL 22, 1999

ADOPTED (p. 1614)

HOUSE AMENDMENT TO SENATE AMENDMENT TO  
HOUSE FILE 476

S-3478

1 Amend the Senate amendment, H-1536, to House File  
2 476, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, line 11, by inserting after the word  
5 "to" the following: "agricultural".

6 2. Page 1, by striking lines 17 through 23.

7 3. Page 1, by inserting after line 24 the  
8 following:

9 "\_\_\_\_. Page 5, line 2, by inserting after the word  
10 "sought." the following: "For purposes of section  
11 6B.4A, if condemnation of agricultural land is sought  
12 by a city or county, or an agency of a city or county,  
13 for location of an industry as that term is defined in  
14 section 260E.2, the application shall so state.  
15 However, the city or county shall not be required to  
16 disclose information on an industrial prospect with  
17 which the city or county is currently negotiating.

18 \_\_\_\_\_. Page 7, by inserting after line 31 the  
19 following:

20 Sec. \_\_\_\_\_. NEW SECTION. 6B.4A REVIEW OF  
21 APPLICATIONS BY COMPENSATION COMMISSION.

22 1. If a city or county, or an agency of a city or  
23 county, has filed an application for condemnation of  
24 agricultural land for industry, the application is  
25 subject to review by the compensation commission  
26 pursuant to this section.

27 2. At any time before the thirty-day notice of  
28 assessment expires pursuant to section 6B.8, a  
29 landowner may apply to the compensation commission for  
30 review of the condemnation application to determine  
31 whether the use of condemnation is necessary for the  
32 placement of an industry in the community. When  
33 reviewing an application, the commission shall  
34 consider all of the following:

35 a. The feasibility of acquiring the agricultural  
36 land by methods other than condemnation.

37 b. The public cost and public benefit from  
38 locating the industry on the agricultural land.

39 c. The ability to adapt the industry development  
40 plans to avoid the use of condemnation.

41 d. The existence of a specific industry to be  
42 located on the agricultural land.

43 e. The amount of agricultural land requested to be  
44 condemned compared to the total amount of agricultural  
45 land needed for the project.

46 3. The commission shall approve or deny the  
47 application for condemnation within thirty days of  
48 receiving a request to review the condemnation  
49 application. A majority vote of the commission  
50 members is necessary to approve or deny a condemnation

S-3478

-1-

S-3478

Page 2

1 application. The sheriff shall notify the landowner  
2 and condemner of the commission's determination by  
3 certified mail.

4 4. A determination made by the compensation  
5 commission pursuant to this section shall be final  
6 unless appealed from. An appeal must be filed with  
7 the district court within thirty days of mailing the  
8 commission's determination to the condemner and the  
9 landowner. At the time of appeal, the appellant shall  
10 give written notice that the appeal has been taken to  
11 the adverse party, or the adverse party's agent or  
12 attorney. Notice of an appeal shall be served in the  
13 same manner as an original notice. The appeal shall  
14 be docketed in the name of the person appealing and  
15 all other interested parties to the action shall be  
16 defendants.

17 5. This section does not apply to condemnation of  
18 agricultural land if the industry is an eligible  
19 business under section 15.329 and the department of  
20 economic development enters into an agreement under  
21 section 15.330 with the industry.

22 6. For purposes of this section, "industry" means  
23 the same as defined in section 260E.2.

24 \_\_\_\_\_. Page 8, line 3, by inserting after the word  
25 "report" the following: "containing the information  
26 used by the commission in assessing the damages".

27 \_\_\_\_\_. Page 8, line 22, by inserting after the word  
28 "notices." the following: "If a city or county, or an  
29 agency of a city or county, is seeking to condemn  
30 agricultural land for an industry as that term is  
31 defined in section 260E.2, the notice shall inform the  
32 landowner that the landowner may request that the  
33 compensation commission review the application as  
34 provided in section 6B.4A."

35 4. By striking page 1, line 27, through page 2,  
36 line 13, and inserting the following:

37 "Sec. \_\_\_\_\_. Section 6B.21, Code 1999, is amended to  
38 read as follows:

39 6B.21 APPEALS -- HOW DOCKETED AND TRIED.

40 The appeal shall be docketed in the name of the  
41 person appealing and all other interested parties to  
42 the action shall be defendants. In the event the  
43 condemner and the condemnee appeal, the appeal shall  
44 be docketed in the name of the appellant which filed  
45 the application for condemnation and all other parties  
46 to the action shall be defendants. The appeal shall  
47 be tried as in an action by ordinary proceedings. ~~The~~  
48 ~~appraisement-of-damages-by-the-compensation-commission~~  
49 ~~is-admissible-in-the-action."~~

50 5. Page 2, by inserting before line 14 the

S-3478

3-3478

Page 3

1 following:

2 "\_\_\_\_". Page 16, line 5, by inserting after the  
3 word "to" the following: "or benefiting".

4 6. Page 2, line 23, by inserting before the word  
5 "land" the following: "agricultural".

6 7. Page 2, line 26, by inserting before the word  
7 "land" the following: "agricultural".

8 8. Page 2, line 35, by striking the word "is" and  
9 inserting the following: "has been".

10 9. Page 2, line 36, by inserting after the word  
11 "commodities" the following: "during three out of the  
12 past five years".

13 10. By renumbering, relettering, or redesignating  
14 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3478 FILED APRIL 26, 1999

*Senate Concurred  
4-27-99  
(P. 1319)*

*Motion to R/C  
Motion W/19*



THOMAS J. VILSACK  
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LT. GOVERNOR

**Statement from Gov. Tom Vilsack  
HF 476 Condemnation Bill  
5/24/99**

I have carefully considered the provisions of HF 476, the condemnation bill, and its impact on future growth and development Iowa. I have decided to approve this legislation.

Iowans have always taken great pride in our land and in our homes. We want to be assured that actions on the part of government are done responsibly and with minimal harm to private property rights. The power to condemn land is one of government's strongest powers and should be used carefully and only after much thought. This bill will assist in restoring people's confidence in government. The process outlined in HF 476 seeks to guarantee that the power of condemnation is used only when necessary and only after careful consideration. It should be government's last resort, not its most convenient.

I am not convinced that the process outlined in HF 476 will significantly curtail future growth and development. For example, the law exempts from its consideration economic development projects that qualify for consideration under the new jobs and income program (NJIP). As a result, condemnation can be used for projects creating high wage - high skilled jobs. While concerns have been raised about the impact of HF 476 on the construction of bike trails, I am confident that most trails will be built. Currently, only a very small fraction of the trails in Iowa have been built on land that has been condemned. Willing sellers can be found if the price is right which is why I vetoed legislation that might have restricted use of public funds to construct bike trails.

I appreciate that HF 476 is by no means perfect. I recognize the legitimate questions raised about the procedures required under the bill and the absolute power granted to a non-elected board. I intend to propose changes in the procedures and maintain restrictions on the exercise of power by the compensation board in the next legislative session. I will work hard for their approval.

This bill must be a catalyst to a broader discussion on land use planning. We have an opportunity to develop a plan for Iowa that can be responsive to the needs of urban, suburban, and rural areas. It is vital to our economic future that we work together to craft a balanced solution for using Iowa's greatest natural resource - it's land.



## AN ACT

RELATING TO THE EXERCISE OF THE POWER OF EMINENT DOMAIN AND TO CONDEMNATION PROCEEDINGS AND PROVIDING FOR THE ACT'S APPLICABILITY.

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

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

1. Except as otherwise provided, for purposes of this chapter and chapter 6B:

a. "Agricultural land" means real property owned by a person in tracts of ten acres or more and not laid off into lots of less than ten acres or divided by streets and alleys into parcels of less than ten acres, and that has been used for the production of agricultural commodities during three out of the past five years. Such use of property includes, but is not limited to, the raising, harvesting, handling, drying, or storage of crops used for feed, food, seed, or fiber; the care or feeding of livestock; the handling or transportation of crops or livestock; the storage, treatment, or disposal of livestock manure; and the application of fertilizers, soil conditioners, pesticides, and herbicides on crops. Agricultural land includes land on which is located farm residences or outbuildings used for agricultural purposes and land on which is located facilities, structures, or

equipment for agricultural purposes. Agricultural land includes land taken out of agricultural production for purposes of environmental protection or preservation.

b. "Private development purposes" means the construction of, or improvement related to, recreational trails, recreational development paid for primarily with private funds, housing and residential development, or commercial or industrial enterprise development.

c. "Public use" or "public purpose" or "public improvement" does not include the authority to condemn agricultural land for private development purposes unless the owner of the agricultural land consents to the condemnation.

2. The limitation on the definition of public use, public purpose, or public improvement does not apply to a slum area or blighted area as defined in section 403.17, or to agricultural land acquired for industry as that term is defined in section 260E.2, or to the establishment, relocation, or improvement of a road pursuant to chapter 306, or to the establishment of a railway under the supervision of the department of transportation as provided in section 327C.2, or to an airport as defined in section 328.1, or to land acquired in order to replace or mitigate land used in a road project when federal law requires replacement or mitigation. This limitation also does not apply to utilities or persons under the jurisdiction of the Iowa utilities board in the department of commerce or to any other utility conferred the right by statute to condemn private property or to otherwise exercise the power of eminent domain.

Sec. 2. NEW SECTION. 6B.2A NOTICE OF PROPOSED PUBLIC IMPROVEMENT.



1. An acquiring agency shall provide written notification to each owner of record of private property that may be the subject of condemnation. The authority under this chapter is not conferred and condemnation proceedings shall not begin unless a good faith effort is made to serve the notice as provided in this section on the owner of record of the property subject to condemnation. The notice shall be mailed by ordinary mail to the owner of record's last known address no less than thirty days before adoption of the ordinance, resolution, motion, or other declaration of intent to proceed with the public improvement and the acquisition or condemnation, if necessary, of the property. If the location of the public improvement is changed or expanded after the decision has been made to proceed with the public improvement, a notice shall be mailed by ordinary mail no less than thirty days before the adoption of the ordinance, resolution, motion, or other declaration of intent to proceed with a change in the location of the public improvement to the owner of record of the land to be acquired or condemned, if necessary, in the new location of the public improvement affected by the change. The notice shall include the statement of individual rights required under section 6B.2B. The notice shall, at a minimum, include the following information:

- a. The general nature of the public improvement.
- b. The acquiring agency's intended use of the private property for the public improvement.
- c. The process to be followed by the acquiring agency in making the decision to proceed with the public improvement and the acquisition or condemnation, if necessary, of the property.

d. The time, place, and manner at which an opportunity is provided for public input into the decision to proceed with the public improvement and the acquisition or condemnation, if necessary, of the property.

e. The current status in the planning process for the public improvement, including meetings held and decisions made.

2. The authority to condemn is not conferred until the appropriate authority approves the public improvement, including the approval of any permits required by state or federal law which permits are necessary for commencement of the project. This subsection does not apply to land condemned for public improvements undertaken pursuant to section 306.19.

3. If, after making a good faith effort, an acquiring agency is unable to ascertain the owner of record's last known address, or the identity of the owner of record is uncertain, or the mail is returned as undeliverable or is refused, the acquiring agency shall cause a notice to be published once in a newspaper of general circulation in the county or city where the private property is located.

Sec. 3. NEW SECTION. 6B.2B ACQUISITION NEGOTIATION STATEMENT OF RIGHTS.

1. The acquiring agency shall make a good faith effort to negotiate with the owner to purchase the private property before filing an application for condemnation or otherwise proceed with the condemnation process.

2. The acquiring agency shall provide the owner of record of the private property with a statement of their individual rights to be included with the notice required under section 6B.2A. The attorney general shall adopt rules pursuant to

chapter 17A prescribing a statement of rights which may be used in substantial form by any person required to provide the statement by this section.

Sec. 4. Section 6B.3, Code 1999, is amended to read as follows:

6B.3 APPLICATION -- RECORDING -- NOTICE -- TIME FOR APPRAISEMENT -- NEW PROCEEDINGS.

1. Such The proceedings shall be instituted by a written application filed with the chief judge of the judicial district of the county in which the land sought to be condemned is located. Said The application shall set forth:

1 a. A description of all the property in the county, affected or sought to be condemned, by its congressional numbers, in tracts not exceeding one-sixteenth of a section, or, if the land consists of lots, by the numbers of the lot and block, and plat designation.

2 b. A plat showing the location of the right-of-way or other property sought to be condemned with reference to such description.

3 c. The names of all record owners of the different tracts of land sought to be condemned, or otherwise affected by such proceedings, and of all record holders of liens and encumbrances on such lands; also the place of residence of all such persons so far as known to the applicant.

4 d. The purpose for which condemnation is sought. For purposes of section 5B.4A, if condemnation of agricultural land is sought by a city or county, or an agency of a city or county, for location of an industry as that term is defined in section 260E.2, the application shall so state. However, the city or county shall not be required to disclose information

on an industrial prospect with which the city or county is currently negotiating.

5 e. A request for the appointment of a commission to appraise the damages.

6 f. If the damages are to be paid by the state and the land to be condemned is within an agricultural area as provided in chapter 352, a statement disclosing whether any of that land is classified as class I or class II land under the United States department of agriculture natural resources conservation service land capability classification system contained in the agriculture handbook number 210, 1961 edition and, if so classified, stating that the class I or class II land is reasonably necessary for the work of internal improvement for which condemnation is sought.

g. A showing of the minimum amount of land necessary to achieve the public purpose and the amount of land to be acquired by condemnation for the public improvement. Any land to be acquired by condemnation beyond the necessary minimum to complete the project shall be presumed not to be necessary for a public use or public purpose unless the applicant can show that a substantial need exists for the additional property to achieve the public use or public purpose, or that the land in question is of little or no value or utility to the owner, or that the owner consents to the condemnation.

h. A statement indicating the efforts made by the applicant to negotiate in good faith with the owner to acquire the private property sought to be condemned.

2. The applicant shall mail a copy of the application by certified mail to the owner at the owner's last known address and to any mortgagee of record at the mortgagee's last known

address and to any other record lienholder or encumbrancer of the land at the lienholder's or encumbrancer's last known address. If service of notice by certified mail cannot be made in the manner prescribed in this section, the applicant shall cause a notice to be published once in a newspaper of general circulation in the county. If service of notice is made by publication, an affidavit shall be filed with the county recorder along with the application. The affidavit shall state the reason why service of notice by certified mail could not be made, the name of the publication, and the date of the publication. Service of notice by publication shall be deemed complete on the day of publication.

7 3. The applicant shall promptly certify that its application for condemnation has been approved by the chief judge and shall file the original approved application with the county recorder in the manner required under section 6B.37. The county recorder shall file and index the application in the record of deeds and preserve the application as required by sections 6B.38 and 558.55. The filing and indexing constitute constructive notice to all parties that a proceeding to condemn the property is pending and that the applicant has the right to acquire the property from all owners, lienholders, and encumbrancers whose interests are of record at the time of the filing. After filing and indexing, the county recorder shall file a copy of the application with the office of secretary of state.

PARAGRAPH DIVIDED. When indexed, the proceeding is considered pending so as to charge all persons not having an interest in the property with notice of its pendency, and while pending no interest can be acquired by the third parties

in the property against the rights of the applicant. If the appraisal of damages is not made within one hundred twenty days, the proceedings instituted under this section are terminated and all rights and interests of the applicant arising out of the application for condemnation terminate. The applicant may reinstitute a new condemnation proceeding at any time. The reinstated proceedings are entirely new proceedings and not a revival of the terminated proceeding.

Sec. 5. Section 6B.4, unnumbered paragraph 2, Code 1999, is amended to read as follows:

The chief judge of the judicial district shall select by lot six persons from the list, two persons who are owner-operators of agricultural property when the property to be condemned is agricultural property; two persons who are owners of city property when the property to be condemned is other than agricultural property; and two persons from each of the remaining two representative groups, who shall constitute a compensation commission to assess the damages to all property to be taken by the applicant and located in the county, and shall name a chairperson from the persons selected. No A person shall not be selected as a member of the compensation commission ~~selected-shall-possess~~ if the person possesses any interest in the proceeding which would cause such the person to render a biased decision. The clerk of the district court shall send, by ordinary mail, a list of those persons selected to the applicant and to the owner of the property at the owner's last known address. The list shall be provided prior to the mailing, by any party, of a notice of assessment under section 6B.8. If the clerk of the district court is unable to locate an address for the owner of the property, the list

shall be published once in a newspaper of general circulation in the county. The applicant shall reimburse the clerk of the district court for the cost of mailing and publication.

Sec. 6. Section 6B.4, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A compensation commission appointed pursuant to this section is a governmental body as defined in section 21.2 and its meetings shall be conducted in compliance with chapter 21. Notice published by the sheriff pursuant to section 6B.11 shall constitute public notice of the meeting pursuant to section 21.4.

Sec. 7. NEW SECTION. 6B.4A REVIEW OF APPLICATIONS BY COMPENSATION COMMISSION.

1. If a city or county, or an agency of a city or county, has filed an application for condemnation of agricultural land for industry, the application is subject to review by the compensation commission pursuant to this section.

2. At any time before the thirty-day notice of assessment expires pursuant to section 6B.8, a landowner may apply to the compensation commission for review of the condemnation application to determine whether the use of condemnation is necessary for the placement of an industry in the community. When reviewing an application, the commission shall consider all of the following:

- a. The feasibility of acquiring the agricultural land by methods other than condemnation.
- b. The public cost and public benefit from locating the industry on the agricultural land.
- c. The ability to adapt the industry development plans to avoid the use of condemnation.

d. The existence of a specific industry to be located on the agricultural land.

e. The amount of agricultural land requested to be condemned compared to the total amount of agricultural land needed for the project.

3. The commission shall approve or deny the application for condemnation within thirty days of receiving a request to review the condemnation application. A majority vote of the commission members is necessary to approve or deny a condemnation application. The sheriff shall notify the landowner and condemner of the commission's determination by certified mail.

4. A determination made by the compensation commission pursuant to this section shall be final unless appealed from. An appeal must be filed with the district court within thirty days of mailing the commission's determination to the condemner and the landowner. At the time of appeal, the appellant shall give written notice that the appeal has been taken to the adverse party, or the adverse party's agent or attorney. Notice of an appeal shall be served in the same manner as an original notice. The appeal shall be docketed in the name of the person appealing and all other interested parties to the action shall be defendants.

5. This section does not apply to condemnation of agricultural land if the industry is an eligible business under section 15.329 and the department of economic development enters into an agreement under section 15.330 with the industry.

6. For purposes of this section, "industry" means the same as defined in section 260E.2.

Sec. 8. Section 6B.7, Code 1999, is amended to read as follows:

6B.7 COMMISSIONERS TO QUALIFY.

Before proceeding with the assessment all commissioners shall qualify by filing with the sheriff a written oath that they will to the best of their ability faithfully and impartially assess said damages and make a written report containing the information used by the commission in assessing the damages to the sheriff. The applicant or the owner may challenge one commissioner without stating cause. A challenge to the appointment of a commissioner must be made to the chief judge of the judicial district no less than seventy-two hours before the condemnation jury is set to meet. A commissioner shall be appointed to fill a vacancy resulting from a challenge no less than twenty-four hours before the jury is set to meet.

Sec. 9. Section 6B.8, Code 1999, is amended to read as follows:

6B.8 NOTICE OF ASSESSMENT.

The applicant, or the owner or any lienholder or encumbrancer of any land described in the application, may, at any time after the appointment of the commissioners, have the damages to the lands of any such owner assessed by giving the other party, if a resident of this state, ten thirty days' notice, in writing. Such The notice shall specify the day and the hour when the commissioners will view the premises, and shall be personally served in the same manner as original notices. If a city or county, or an agency of a city or county, is seeking to condemn agricultural land for an industry as that term is defined in section 260E.2, the notice

shall inform the landowner that the landowner may request that the compensation commission review the application as provided in section 6B.4A.

Service of the notice to a person not a resident of this state shall be by certified mail to the person's last known address. At the same time, the applicant shall cause a notice to be published once in a newspaper of general circulation in the county prior to the day fixed for the appraisal, which day shall be at least thirty days after publication. Service of notice in this manner shall be deemed complete on the day of publication.

Sec. 10. Section 6B.11, Code 1999, is amended to read as follows:

6B.11 FILING OF NOTICES AND RETURN OF SERVICE.

Notices, immediately after the service thereof, shall, with proper return of service endorsed thereon or attached thereto, be filed with the sheriff. The sheriff shall at once cause the commissioners to be notified of the day and hour when they will be required to proceed with the appraisal. The notice to the commissioners shall also be published by the sheriff pursuant to section 331.305.

Sec. 11. Section 6B.12, Code 1999, is amended to read as follows:

6B.12 NOTICE TO NONRESIDENTS WHEN RESIDENCE UNKNOWN.

~~If the owner of such lands or any person interested therein is a nonresident of this state, or if~~ If the person's residence is unknown after a good faith effort is made to find the person's last known address, no demand for the land for the purposes sought shall be necessary, but the notice aforsaid required in section 6B.8 shall be published in some

~~a newspaper of general circulation in the county and of general circulation therein, once each week for at least four successive weeks prior to the day fixed for the appraisal, which day shall be at least thirty days after the first publication of the notice.~~

Sec. 12. Section 6B.14, unnumbered paragraph 3, Code 1999, is amended to read as follows:

~~In addition to all other damages provided by law, except moving expenses paid or required to be paid under relocation assistance programs, an~~ An owner or tenant occupying land which is proposed to be acquired by condemnation shall be awarded a sum sufficient to remove such owner's or tenant's personal property from the land to be acquired, which sum shall represent reasonable costs of moving ~~said~~ the personal property from the ~~said~~ land to be acquired to a point no greater than ~~twenty-five~~ fifty miles therefrom; but in any event, ~~said~~ damages awarded under this section for moving shall not exceed five hundred ~~thousand~~ dollars for each owner or tenant occupying land so proposed to be condemned. An owner or tenant may apply for an award pursuant to this section only if all other damages provided by law have been awarded and such amount awarded is insufficient to pay the owner's or tenant's reasonable costs of moving.

Sec. 13. Section 6B.21, Code 1999, is amended to read as follows:

6B.21 APPEALS -- HOW DOCKETED AND TRIED.

The appeal shall be docketed in the name of the person appealing and all other interested parties to the action shall be defendants. In the event the condemner and the condemnee appeal, the appeal shall be docketed in the name of the

appellant which filed the application for condemnation and all other parties to the action shall be defendants. The appeal shall be tried as in an action by ordinary proceedings. ~~The appraisal of damages by the compensation commission is admissible in the action.~~

Sec. 14. Section 6B.26, Code 1999, is amended to read as follows:

6B.26 DISPOSSESSION OF OWNER.

A landowner shall not be dispossessed, under condemnation proceedings, of the landowner's residence, dwelling house, ~~outhouse~~ outbuildings if the residence or dwelling house is also acquired, orchard, or garden, until the damages thereto have been finally determined and paid. However, if the property described in this section is condemned for highway purposes by the state department of transportation, the condemning authority may take possession of the property either after the damages have been finally determined and paid or one hundred eighty days after the compensation commission has determined and filed its award, in which event all of the appraisal of damages shall be paid to the property owner before the dispossession can take place. This section shall not apply to condemnation proceedings for drainage or levee improvements, or for public school purposes. For the purposes of this section, "outbuildings" means structures and improvements located in proximity to the landowner's residence.

Sec. 15. Section 6B.33, Code 1999, is amended to read as follows:

6B.33 COSTS AND ATTORNEY FEES.

right by statute to condemn private property, shall provide in writing by certified mail to the owner of record thirty days before negotiations, the methods and factors used in arriving at an offered price for voluntary easements including the range of cash amount of each component.

3. Before the initiation of negotiations for real property, the acquiring agency shall establish an amount which it believes to be just compensation for the real property, and shall make a prompt offer to acquire the property for the full amount established by the agency. In no event shall the amount be less than the ~~agency's approved~~ lowest appraisal of the fair market value of the property. In the case of a utility or person under the jurisdiction of the utilities board of the department of commerce, or any other utility conferred the right by statute to condemn private property, the amount shall not be less than the amount indicated by the methods and factors used in arriving at an offered price for a voluntary easement.

8. If the acquisition of only a portion of property would leave the owner with an uneconomical remnant, the ~~head-of-the~~ acquiring agency concerned shall offer to acquire that remnant. For the purposes of this chapter, an "uneconomical remnant" is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, where the ~~head-of-the~~ acquiring agency concerned determines that the parcel has little or no value or utility to the owner.

9. A person whose real property is being acquired in accordance with this chapter, after the person has been fully informed of the person's right to receive just compensation

for the property, may donate the property, any part of the property, any interest in the property, or any compensation paid for it to ~~any agency~~ as the person may determine.

Sec. 21. Section 6B.55, unnumbered paragraph 1, Code 1999, is amended to read as follows:

~~If a~~ For any program or project that has received or will receive federal financial assistance as defined in section 316.1, for any state-funded projects, or for any other public improvement for which condemnation is sought, an acquiring agency shall ~~be guided by~~ at a minimum satisfy the following policies:

Sec. 22. NEW SECTION. 6B.57 PROCEDURAL COMPLIANCE.

If a city makes a good faith effort to serve, send, or provide the notices or documents required under this chapter to the owner of private property that is or may be the subject of condemnation, but fails to provide the notice or documents to the owner, such failure shall not constitute grounds for invalidation of the condemnation proceeding if the chief judge of the judicial district determines that such failure can be corrected by delaying the condemnation proceedings to allow compliance with the requirement and such failure does not unreasonably prejudice the owner.

Sec. 23. NEW SECTION. 6B.58 ACQUIRING AGENCY -- DEFINITION.

For purposes of this chapter, an "acquiring agency" means the state of Iowa or any person or entity conferred the right by statute to condemn private property or to otherwise exercise the power of eminent domain.

Sec. 24. NEW SECTION. 6B.59 SALE OF ACQUIRED PROPERTY -- REIMBURSEMENT TO LANDOWNER.

If an acquiring agency acquires property by condemnation, or by otherwise exercising the power of eminent domain, and that property is later sold by the acquiring agency for more than the acquisition price paid to the landowner, the acquiring agency shall pay to the landowner from whom the property was acquired the difference between the price at which it was acquired and the price at which it was sold by the acquiring agency less the cost of any improvements made to or benefiting the land by the acquiring agency. This section does not apply to property acquired by the Iowa department of transportation.

Sec. 25. NEW SECTION. 9.2A RECORDS RELATING TO CONDEMNATION.

The secretary of state shall receive and preserve in the secretary's office all papers transmitted to the secretary in relation to condemnation and shall keep an alphabetical list of acquiring agencies in a book provided for that purpose, in which shall be entered the name of the acquiring agency, the county in which the real property is located, and the date the condemnation application was filed.

Sec. 26. Section 306.19, subsection 3, Code 1999, is amended to read as follows:

3. None of the foregoing requirements shall prohibit the property owner and the agency from entering into a mutually acceptable agreement for the replacement, relocation, construction, or maintenance of any alternate driveway on the owner's property. Compensation for any property rights taken in the establishment of any alternative temporary or permanent access shall be paid as in any other purchase or condemnation of property.

Sec. 27. Section 306.19, subsection 4, Code 1999, is amended to read as follows:

4. ~~Compensation for any property rights taken in the establishment of any alternative temporary or permanent access shall be paid as in any other purchase or condemnation of property.~~ Proceedings for the condemnation of land for any highway shall be under the provisions of chapter 6A and chapter 6B. Provided that, in the condemnation of right-of-way for secondary roads that is contiguous to existing road right-of-way for the maintenance, safety improvement, or upgrade of the existing secondary road, the board of supervisors may proceed as provided in sections 306.28 to 306.37.

Sec. 28. Section 306.27, Code 1999, is amended to read as follows:

306.27 CHANGES FOR SAFETY, ECONOMY, AND UTILITY.

The state department of transportation as to primary roads and the boards of supervisors as to secondary roads on their own motion may change the course of any part of any road or stream, watercourse, or dry run and may pond water in order to avoid the construction and maintenance of bridges, or to avoid grades, or railroad crossings, or to straighten a road, or to cut off dangerous corners, turns or intersections on the highway, or to widen a road above statutory width, or for the purpose of preventing the encroachment of a stream, watercourse, or dry run upon the highway. The department and the board of supervisors shall conduct its their proceedings in the manner and form prescribed in chapter 6B, and except that the board of supervisors shall may use the form prescribed in sections 306.28 to 306.37 or-as-provided-in



chapter 6B for the condemnation of right-of-way that is contiguous to existing road right-of-way and necessary for the maintenance, safety improvement, or upgrade of the existing secondary road. Changes are subject to chapter 455B.

Sec. 29. Section 306.28, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

306.28 APPRAISERS.

If the board is unable, by agreement with the owner, to acquire the necessary right of way to effect such change, a compensation commission shall be selected pursuant to section 6B.4, to appraise the damages consequent on the taking of the right of way.

Sec. 30. Section 306.29, unnumbered paragraph 2, Code 1999, is amended to read as follows:

To whom it may concern: Notice is given that the board of supervisors of ..... county, Iowa, propose to condemn for road purposes the following described real estate in said county: (Here describe the right of way, and the tract or tracts from which such right of way will be taken.) The damages caused by said condemnation will be assessed by three appraisers a compensation commission appointed as provided by law for the purpose of appraising the damages. Notice is hereby given that the owner or owners of said real estate may, on or before the --- day of ----- appoint one of said appraisers and that in case such right be not exercised, or if exercised and the said appointee fails to appear and qualify, the said three appraisers will be otherwise appointed as provided by law. All parties interested are further notified that said three appraisers the compensation commission will, when duly appointed, proceed to appraise said the damages,

will report said the appraisement to the said board of supervisors and that said-latter the board will pass thereon as provided by law, and that at all such times and places you may be present if-you-be-so-minded. You are further notified that at said the hearing before the said supervisors you may file objections to the use of said the land for road purposes and that all such objections not so made will be deemed waived.

.....  
County Auditor.

Sec. 31. Section 306.31, Code 1999, is amended to read as follows:

306.31 QUALIFICATION-AND ASSESSMENT.

~~Upon the appointment of three appraisers, the county auditor shall cause them to appear before the auditor and to take oath that they will faithfully and impartially assess the damages claimed. Said The~~ appraisers shall forthwith proceed to the assessment of said damages and shall make written report thereof of the damages to the board of supervisors.

Sec. 32. Section 316.1, subsection 5, paragraphs a and b, Code 1999, are amended to read as follows:

a. A person who moves from real property or moves the person's personal property from real property in either any of the following circumstances:

(1) As a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of, the real property in whole or in part for a program or project undertaken with federal financial assistance.

(2) The person moved or moved the person's personal property from real property on which the person is either a residential tenant or conducts a small business, a farm operation, or a business as defined in subsection 2, paragraph "d", as a direct result of rehabilitation or demolition for a program or project undertaken with federal financial assistance in a case in which the head of the displacing agency determines that the displacement is permanent.

(3) As a direct result of a written notice of intent to acquire by condemnation, the initiation of negotiations for, or the acquisition of, the real property in whole or in part by the state of Iowa or by an entity or person conferred the right to condemn private property.

b. For purposes of section 316.4, subsections 1 and 2, and section 316.7, a person who moves from real property, or moves the person's personal property from real property in either any of the following circumstances:

(1) As a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of, other real property in whole or in part if the person conducts a business or farm operation on the other real property for a program or project undertaken with federal financial assistance.

(2) As a direct result of rehabilitation or demolition of other real property on which the person conducts a business or a farm operation for a program or project undertaken with federal financial assistance in a case in which the head of the displacing agency determines that the displacement is permanent.

(3) As a direct result of a written notice of intent to acquire by condemnation, the initiation of negotiations for, or the acquisition of, other real property in whole or in part by the state of Iowa or by an entity or person conferred the right to condemn private property if the person conducts a business or farm operation on the other real property.

Sec. 33. Section 331.304, subsection 8, Code 1999, is amended to read as follows:

8. The power to take private property for public use shall only be exercised by counties for public purposes which are reasonable and necessary as an incident to the powers and duties conferred upon counties, and in accordance with chapters 6A and 6B. Sections Section 306.19 and 306-28 to 306-37 are is also applicable to condemnation of right of way for secondary roads. Sections 306.27 through 306.37 are applicable to the condemnation of right of way that is contiguous to existing road right of way and necessary for the maintenance, safety improvement, or upgrade of the existing secondary road.

Sec. 34. Section 331.602, subsection 24, Code 1999, is amended to read as follows:

24. Record papers, statements, and certificates relating to the condemnation of property as provided in section 6B.38, and carry out duties related to the filing of certain condemnation documents with the office of secretary of state.

Sec. 35. Section 403.5, subsection 4, Code 1999, is amended by adding the following new unnumbered paragraph:

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

condemnation or unless the agricultural land is to be acquired for industry as that term is defined in section 260E.2. This paragraph shall not apply to land necessary or useful for the operation of a city utility as defined in section 362.2, for the operation of a city franchise conferred the authority to condemn private property under section 364.2, or a combined utility system as defined in section 384.80.

Sec. 36. Section 403.7, unnumbered paragraph 1, Code 1999, is amended to read as follows:

A municipality shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it may deem necessary for or in connection with an urban renewal project under this chapter. However, a municipality shall not condemn agricultural land included within an economic development area unless the owner of the agricultural land consents to condemnation or unless the agricultural land is to be acquired for industry as that term is defined in section 260E.2. A municipality may exercise the power of eminent domain in the manner provided in chapter 6B, and Acts amendatory to that chapter or supplementary to that chapter, or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner. However, real property belonging to the state, or any political subdivision of this state, shall not be acquired without its consent, and real property or any right or interest in the property owned by any public utility company, pipeline company, railway or transportation company vested with the right of eminent domain

under the laws of this state, shall not be acquired without the consent of the company, or without first securing, after due notice to the company and after hearing, a certificate authorizing condemnation of the property from the board, commission or body having the authority to grant a certificate authorizing condemnation. In a condemnation proceeding, if a municipality proposes to take a part of a lot or parcel of real property, the municipality shall also take the remaining part of the lot or parcel if requested by the owner.

Sec. 37. Section 403.17, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Agricultural land" means real property owned by a person in tracts of ten acres or more and not laid off into lots of less than ten acres or divided by streets and alleys into parcels of less than ten acres, and that has been used for the production of agricultural commodities during three out of the past five years. Such use of property includes, but is not limited to, the raising, harvesting, handling, drying, or storage of crops used for feed, food, seed, or fiber; the care or feeding of livestock; the handling or transportation of crops or livestock; the storage, treatment, or disposal of livestock manure; and the application of fertilizers, soil conditioners, pesticides, and herbicides on crops. Agricultural land includes land on which is located farm residences or outbuildings used for agricultural purposes and land on which is located facilities, structures, or equipment for agricultural purposes. Agricultural land includes land taken out of agricultural production for purposes of environmental protection or preservation.

Sec. 38. Section 403.17, subsection 9, Code 1999, is amended to read as follows:

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

Sec. 39. Section 543D.3, unnumbered paragraph 2, Code 1999, is amended to read as follows:

A person who is not a certified real estate appraiser under this chapter may appraise real estate for compensation if certification is not required by this chapter or by federal or

state law, rule, or policy. However, an employee of the state department of transportation whose duties include appraisals of property pursuant to chapter 6B must be a certified real estate appraiser under this chapter.

Sec. 40. Section 543D.5, subsection 2, paragraph a, Code 1999, is amended to read as follows:

a. Require compliance with federal law and appraisal standards adopted by federal authorities as they apply to federally covered transactions. This paragraph does not require that an appraiser invoke a jurisdictional exception to the uniform standards of professional appraisal practice in order to comply with federal law and appraisal standards adopted by federal authorities as they apply to federally covered transactions, unless federal law requires that the exception be invoked.

Sec. 41. APPLICABILITY. Sections 1, 35, 36, and 37 of this Act, enacting section 6A.21, amending sections 403.5 and 403.7, and enacting section 403.17, subsection 2A, apply to urban renewal areas established before, on, or after the effective date of this Act and to amendments to such urban renewal areas.

Section 38 of this Act, amending section 403.17, subsection 9, applies to urban renewal areas established on or after the effective date of this Act. Section 38 of this Act also applies to agricultural land included in an urban renewal area established before the effective date of this Act if the agricultural land is included in the urban renewal area by virtue of an amendment to the urban renewal plan, which amendment is adopted on or after the effective date of this Act.

Sec. 42. EFFECTIVE DATE. This Act applies to state highway construction projects approved for commencement by the transportation commission on or after July 1, 1999. This Act applies to all other condemnation proceedings in which the application for condemnation is filed on or after July 1, 1999.

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BRENT SIEGRIST  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 476, Seventy-eighth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved 5/24, 1999

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THOMAS J. VILSACK  
Governor