

SENATE FILE 2273
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 226)

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

A BILL FOR

1 An Act relating to disposition of an award of damages in a
2 condemnation proceeding pending appeal of the award to
3 district court.

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

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SENATE FILE 2273

S-5118

1 Amend Senate File 2273 as follows:

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

4 "Court costs occasioned by an appeal of an award of
5 damages in a condemnation proceeding brought under the
6 authority of section 479.24 or 479B.16, or under
7 chapter 479A, shall be paid by the applicant for
8 condemnation if the amount of damages ascertained by
9 the court exceeds one hundred ten percent of the final
10 offer of the condemner prior to condemnation."

11 2. Title page, line 1, by striking the words
12 "disposition of".

13 3. Title page, line 2, by inserting after the
14 word "proceeding" the following: "concerning court
15 costs and".

By KITTY REHBERG

S-5118 FILED MARCH 17, 2004

SF 2273 JUDICIARY

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1 Section 1. Section 6B.23, Code 2003, is amended to read as
2 follows:

3 6B.23 QUESTION DETERMINED.

4 On the trial of the appeal, no judgment shall be rendered
5 except for costs and allocation of interest earned pursuant to
6 section 6B.25, but the amount of damages shall be ascertained
7 and entered of record.

8 Sec. 2. Section 6B.25, Code 2003, is amended by adding the
9 following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. If an award of damages is
11 appealed to district court, the amount deposited with the
12 sheriff, if any, less the amount paid by the sheriff to the
13 claimant, shall be transferred to the clerk of district court
14 where the appeal was filed and the clerk shall deposit the
15 money in an interest-bearing account. The district court in
16 its judgment rendered pursuant to section 6B.23 shall award
17 the interest earned on the account in proportion to the amount
18 of damages ascertained and entered of record.

19 EXPLANATION

20 This bill provides that when an award of damages in a
21 condemnation proceeding is appealed to district court, the
22 sheriff shall transfer to the clerk of district court where
23 the appeal is taken the balance of the damages award not paid
24 to the claimant. The bill requires the clerk of district
25 court to deposit the balance of the award in an interest-
26 bearing account. The bill provides that the district court,
27 when rendering judgment on assessment of court costs, shall
28 award the interest earned on the account.

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