

FILED MAR 3 '03

SENATE FILE

**249**

BY REHBERG

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

**A BILL FOR**

1 An Act relating to assessment of court costs in an appeal to  
 2 district court of a condemnation award.

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

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**SF 249**  
 JUDICIARY

1 Section 1. Section 6B.23, Code 2003, is amended by adding  
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Court costs occasioned by an  
4 appeal shall be assessed against the person bringing the  
5 appeal. However, if the amount of damages ascertained by the  
6 court does not exceed the final offer of the applicant prior  
7 to condemnation, the court shall, in its discretion, assess  
8 costs against one or more of the parties to the appeal.

9 EXPLANATION

10 This bill provides that when an award of damages in a  
11 condemnation proceeding is appealed, the party appealing the  
12 award shall be assessed court costs unless the amount of  
13 damages determined by the court is the same or less than the  
14 final offer of the applicant prior to condemnation. In that  
15 case, the court shall use its discretion to assess court costs  
16 against one or more of the parties to the appeal.

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