

# House File 401 - Introduced

HOUSE FILE \_\_\_\_\_  
BY GRASSLEY, KAUFMANN, and  
TYMESON

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

## A BILL FOR

1 An Act relating to certain eminent domain authority exercised by  
2 the state and providing an effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1390HH 83  
5 md/sc/14

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1 1 Section 1. Section 6A.1, Code 2009, is amended to read as  
1 2 follows:  
1 3 6A.1 EXERCISE OF POWER BY STATE.  
1 4 1. Proceedings may be instituted and maintained by the  
1 5 state of Iowa, or for the use and benefit thereof, for the  
1 6 condemnation of such private property as may be necessary for  
1 7 any public improvement which the general assembly has  
1 8 authorized to be undertaken by the state, and for which an  
1 9 available appropriation has been made. The executive council  
1 10 shall institute and maintain such proceedings in case  
1 11 authority to so do be not otherwise delegated.  
1 12 2. All proceedings instituted and maintained by the state  
1 13 of Iowa shall not commence without the signed authorization of  
1 14 the governor.  
1 15 3. The condemnation authority granted in this section  
1 16 shall not extend to the department of natural resources if the  
1 17 department is seeking to acquire real property for purposes of  
1 18 carrying out a duty related to development and maintenance of  
1 19 the recreation resources of the state, including planning,  
1 20 acquisition, and development of recreational projects, and  
1 21 areas and facilities related to such projects, notwithstanding  
1 22 any provisions to the contrary.  
1 23 Sec. 2. Section 455A.5, Code 2009, is amended by adding  
1 24 the following new subsection:  
1 25 NEW SUBSECTION. 7. The authority granted the commission  
1 26 to acquire real property for purposes of carrying out a duty  
1 27 related to development and maintenance of the recreation  
1 28 resources of the state, including planning, acquisition, and  
1 29 development of recreational projects, and areas and facilities  
1 30 related to such projects, shall not extend to the authority to  
1 31 acquire land by eminent domain.  
1 32 Sec. 3. Section 456A.24, subsection 2, unnumbered  
1 33 paragraph 1, Code 2009, is amended to read as follows:  
1 34 Acquire by purchase, ~~condemnation~~, lease, agreement, gift,  
1 35 and devise lands or waters suitable for the purposes  
2 1 hereinafter enumerated, and rights-of-way thereto, and to  
2 2 maintain the same for the following purposes, ~~to wit:~~  
2 3 Sec. 4. Section 456A.24, Code 2009, is amended by adding  
2 4 the following new subsection:  
2 5 NEW SUBSECTION. 15. The authority granted the department  
2 6 to acquire real property for any statutory purpose relating to  
2 7 development and maintenance of the recreation resources of the  
2 8 state, including planning, acquisition, and development of  
2 9 recreational projects, and areas and facilities related to  
2 10 such projects, shall not extend to the authority to acquire  
2 11 land by eminent domain.  
2 12 Sec. 5. Section 461A.7, Code 2009, is amended to read as  
2 13 follows:  
2 14 461A.7 EMINENT DOMAIN PURCHASE OF LANDS == PUBLIC PARKS.  
2 15 The commission may purchase ~~or condemn~~ lands from willing  
2 16  sellers for public parks. No A contract for the purchase of  
2 17  such public parks shall not be made to an amount in excess of  
2 18  funds appropriated therefor by the general assembly.  
2 19 Sec. 6. Section 461A.10, Code 2009, is amended to read as

2 20 follows:

2 21 461A.10 TITLE TO LANDS.

2 22 The title to all lands purchased, ~~condemned, or donated,~~  
2 23 hereunder, for park ~~or highway~~ purposes and the title to all  
2 24 lands purchased, condemned, or donated hereunder for highway  
2 25 purposes, shall be taken in the name of the state and if  
2 26 thereafter it shall be deemed advisable to sell any portion of  
2 27 the land so purchased or condemned, the proceeds of such sale  
2 28 shall be placed to the credit of the said public state parks  
2 29 fund to be used for such park purposes.

2 30 Sec. 7. Section 463C.8, subsection 1, paragraph k, Code  
2 31 2009, is amended to read as follows:

2 32 k. The power to acquire, own, hold, administer, and  
2 33 dispose of property, except that such power is not a grant of  
2 34 authority to acquire property by eminent domain.

2 35 Sec. 8. Sections 461A.9 and 461A.75, Code 2009, are  
3 1 repealed.

3 2 Sec. 9. EFFECTIVE DATE. This Act, being deemed of  
3 3 immediate importance, takes effect upon enactment.

3 4 EXPLANATION

3 5 This bill makes changes relating to eminent domain  
3 6 authority.

3 7 The bill provides that proceedings for the acquisition of  
3 8 property by eminent domain shall not be instituted by the  
3 9 state without the signed authorization of the governor.

3 10 The bill also provides that the department of natural  
3 11 resources and the natural resource commission shall not  
3 12 exercise eminent domain authority to acquire real property for  
3 13 purposes of carrying out a duty related to development and  
3 14 maintenance of the recreation resources of the state,  
3 15 including planning, acquisition, and development of  
3 16 recreational projects, and areas and facilities related to  
3 17 such projects. The bill does not amend the department's  
3 18 authority to acquire property through condemnation for highway  
3 19 purposes.

3 20 The bill takes effect upon enactment.

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