

House File 2522 - Introduced

HOUSE FILE 2522
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 608)

A BILL FOR

1 An Act relating to procedures to review the exercise of the
2 power of eminent domain.

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

1 Section 1. Section 476.13, Code 2024, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 4. *a.* Notwithstanding the Iowa
4 administrative procedure Act, chapter 17A, prior to final board
5 action, an applicant before the board under this chapter or
6 a person whose real property is subject to an eminent domain
7 taking claim arising from an application before the board may
8 petition the district court for an eminent domain declaratory
9 review.

10 *b.* The district court for Polk county shall have exclusive
11 venue for the judicial review under this subsection.

12 *c.* Relief under this subsection is limited to a declaration
13 of the parties' rights, status, and other legal matters
14 relating to the constitutional and statutory provisions
15 governing eminent domain takings.

16 *d.* The court may combine several substantially similar
17 petitions into one review or relief order at its own discretion
18 or upon the application of any party.

19 *e.* All orders or judgments under this subsection may be
20 reviewed as other judgments, orders, or decrees.

21 *f.* This subsection does not limit the authority of the board
22 to proceed with an application under consideration at the time
23 of the petition.

24 NEW SUBSECTION. 5. *a.* A person may commence a new action
25 under subsection 4 if any of the following conditions apply:

26 (1) More than eighteen months have passed after the
27 commencement of an action described in subsection 4 involving
28 the person.

29 (2) The person is an applicant before the board under this
30 chapter or the person's real property is subject to an eminent
31 domain taking claim arising from an application before the
32 board and the person determines in good faith that facts and
33 circumstances as presented in a previous proceeding under
34 subsection 4 materially differ from the facts and circumstances
35 at the time of the commencement of the new action.

1 *b.* Notwithstanding subsection 4, paragraph “*b*”, the new
2 proceeding must be in a district court of a county other than
3 Polk county, and the district judge assigned to the matter
4 must be a district judge other than the judge who presided in
5 the previous action under subsection 4. The court shall make
6 all determinations of fact and law in the new action de novo,
7 giving no precedential value to determinations in the earlier
8 action.

9

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation’s substance by the members of the general assembly.

12 This bill allows an applicant before the Iowa utilities
13 board (IUB) under Code chapter 476 or a person whose real
14 property is subject to an eminent domain taking claim arising
15 from an application before IUB to file a petition seeking
16 declaratory review from the Polk county district court. Relief
17 by the court is limited to a declaration of the parties’
18 rights, status, and other legal matters relating to eminent
19 domain. The bill does not limit IUB’s authority to proceed
20 with an application that was under consideration at the time
21 of such a petition.

22 The bill allows a person to commence a new action in a
23 district court of a county other than Polk county with a
24 different district court judge if more than 18 months have
25 passed since the commencement of a prior action or the facts
26 and circumstances presented in the prior proceeding have
27 changed. In such a proceeding, the bill requires the court to
28 review the issues without giving precedential weight to the
29 findings in the prior action.