

**House File 242 - Introduced**

HOUSE FILE 242

BY THOMSON, ANDREWS, HAYES,  
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GEARHART, SMITH, WENGRYN, and  
LAWLER

**A BILL FOR**

1 An Act relating to procedures to review the exercise of eminent  
2 domain, and providing fees.

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

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1 Section 1. Section 476.13, Code 2025, 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  
5 commission action, an applicant before the commission under  
6 this chapter or a person whose real property is subject to an  
7 eminent domain taking claim arising from an application before  
8 the commission may petition the district court for an eminent  
9 domain declaratory 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 relating  
14 to the constitutional and statutory provisions governing eminent  
15 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  
22 commission to proceed with an application under consideration at  
23 the time of the petition.

24 NEW SUBSECTION. 5. a. A person whose real property is  
25 subject to an eminent domain taking claim arising from an  
26 application before the commission may commence a new action under  
27 subsection 4 if any of the following conditions apply:

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

31 (2) The facts and circumstances as presented in a previous  
32 proceeding under subsection 4 materially differ from the facts  
33 and circumstances at the time of the commencement of the new  
34 action.

35 b. Notwithstanding subsection 4, paragraph "b", the new

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

7 NEW SUBSECTION. 6. Commencement of a declaratory action  
8 under subsection 4 or 5 must be accompanied by a fee of ten  
9 dollars, payable to the clerk of the district court of the county  
10 in which the action is commenced. Fees collected under this  
11 subsection shall be deposited in the general fund of the state.

12 NEW SUBSECTION. 7. A bond shall not be required for an  
13 appeal of any order entered in an action arising from subsection  
14 4 or 5, or for any injunction to enforce an order entered  
15 pursuant to subsection 4 or 5.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with  
18 the explanation's substance by the members of the general assembly.

19 This bill allows an applicant before the Iowa utilities  
20 commission (commission) under Code chapter 476 or a person  
21 whose real property is subject to an eminent domain taking  
22 claim arising from an application before the commission to  
23 file a petition seeking declaratory review from the Polk  
24 county district court. Relief by the court is limited to a  
25 declaration of the parties' rights, status, and other legal  
26 matters relating to eminent domain. The bill does not limit the  
27 commission's authority to proceed with an application that was  
28 under consideration at the time of such a petition.

29 The bill allows a person whose real property is subject to an  
30 eminent domain taking claim arising from an application before  
31 the commission to commence a new action in a district court of  
32 a county other than Polk county with a different district court  
33 judge if more than 18 months have passed since the commencement  
34 of a prior action or the facts and circumstances presented in  
35 the prior proceeding have changed. In such a proceeding, the

1 bill requires the court to review the issues without giving  
2 precedential weight to the findings in the prior action.

3 The bill requires a fee of \$10 to commence a declaratory  
4 action in the bill that must be paid to the clerk of the district  
5 court of the county where the action is commenced. The fees  
6 collected are deposited in the general fund of the state.

7 The bill prohibits any bond requirements for an appeal of any  
8 order entered in an action arising from the bill, or for any  
9 injunction to enforce an order entered pursuant to the bill.

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