

Senate File 226 - Introduced

SENATE FILE 226
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GUTH, WESTRICH, GREEN,
TAYLOR, and ROWLEY

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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