HOUSE FILE 2664
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2522)
(SUCCESSOR TO HSB 608)

(As Amended and Passed by the House March 28, 2024)
ALL New Language by the House

A BILL FOR

An Act relating to actions involving hazardous liquid pipelines, and providing fees.

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

Section 1. NEW SECTION. **479B.9A Judicial review prior to final board action.**

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

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

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

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

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

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

2. *a.* A person whose real property is subject to an eminent domain taking claim arising from an application before the board may commence a new action under subsection 1 if any of the following conditions apply:

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

(2) The facts and circumstances as presented in a previous proceeding under subsection 1 materially differ from the facts and circumstances at the time of the commencement of the new action.

b. Notwithstanding subsection 1, paragraph "*b*", the new proceeding must be in a district court of a county other than

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

3. Commencement of a declaratory action under this section must be accompanied by a fee of ten dollars, payable to the clerk of the district court of the county in which the action is commenced. Fees collected under this subsection shall be deposited in the general fund of the state.

4. A bond shall not be required for an appeal of any order entered in an action arising from this section, or for any injunction to enforce an order entered pursuant to this section.

Sec. 2. NEW SECTION. **479B.9B Judicial review of final order.**

Any person or entity admitted as a party to the hearing may seek judicial review of the final order issued by the board pursuant to section 479B.9, as provided in section 17A.19. The party seeking judicial review shall not be required to post a bond to stay action on the permit.