

House File 2664 - Reprinted

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)

A BILL FOR

1 An Act relating to actions involving hazardous liquid
2 pipelines, and providing fees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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