

House Amendment 8647

PAG LIN

1 1 Amend House File 2351, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 2, lines 4 and 5, by striking the words
1 4 <utilities or persons> and inserting the following:
1 5 <utilities, ~~or persons,~~ companies, or corporations>.
1 6 #2. Page 2, line 29, by inserting after the word
1 7 <property> the following: <for redevelopment purposes
1 8 and to eliminate slum or blighted conditions>.
1 9 #3. Page 2, line 35, by striking the words <city
1 10 or county> and inserting the following:
1 11 <municipality>.
1 12 #4. Page 3, by striking lines 1 through 3 and
1 13 inserting the following: <public input, if seventy=
1 14 five percent or more of the area included in the plan
1 15 consists of property in a slum or blighted>.
1 16 #5. Page 3, line 6, by inserting after the word
1 17 <municipality.> the following: <The project or
1 18 acquisition plan area shall only include the adjacent
1 19 and contiguous parcels necessary for the completion of
1 20 planned activities for a specific business or housing
1 21 project. Before a municipality exercises its eminent
1 22 domain authority to acquire properties in a project or
1 23 acquisition plan area that are not in a slum or
1 24 blighted condition, the municipality shall be required
1 25 to adopt a resolution by a two-thirds majority to
1 26 authorize the acquisition of such property by eminent
1 27 domain. The resolution shall make a finding that
1 28 includes at a minimum all of the following:
1 29 (a) The taking of such property is necessary to
1 30 achieve the project or acquisition plan objectives.
1 31 (b) The taking of property for the project or
1 32 acquisition plan will eliminate or rehabilitate the
1 33 slum and blighted conditions in the area.
1 34 (c) If the specific project is for a business, the
1 35 proposed project or acquisition plan will confer
1 36 economic benefits upon the municipality.>
1 37 #6. Page 3, by striking lines 7 through 10.
1 38 #7. Page 3, by striking lines 11 through 14 and
1 39 inserting the following:
1 40 <For purposes of this subparagraph (5):
1 41 (a) "Blighted condition" means the presence of a
1 42 substantial number of slum or deteriorated structures;
1 43 insanitary or unsafe>.
1 44 #8. Page 3, by striking line 24 and inserting the
1 45 following:
1 46 <(b) "Slum condition">.
1 47 #9. Page 3, by striking line 32 and inserting the
1 48 following: <sanitation; by reason>.
1 49 #10. Page 4, by striking line 2 and inserting the
1 50 following:
2 1 <(c) In no case shall>.
2 2 #11. Page 4, by inserting after line 4 the
2 3 following:
2 4 <(d) "Project or acquisition plan" means the
2 5 planned activities of a municipality to rehabilitate
2 6 or redevelop specific property in that portion of an
2 7 urban renewal area designated as a slum or blighted
2 8 area pursuant to chapter 403. The planned activities
2 9 may include the sale and acquisition of property;
2 10 demolition and removal of buildings and improvements;
2 11 construction, repair, and rehabilitation of buildings
2 12 or other improvements; and installation, construction,
2 13 or reconstruction of streets and utilities.
2 14 (e) "Economic benefits" means the creation of new
2 15 employment opportunities or the retention of
2 16 employment opportunities.>
2 17 #12. Page 4, line 11, by striking the words
2 18 <development or,> and inserting the following:
2 19 <development, or>.
2 20 #13. Page 4, by striking lines 14 through 19 and
2 21 inserting the following:
2 22 <(1) If private property is to be condemned for
2 23 development or creation of a lake, only that number of
2 24 acres justified as necessary for a surface drinking

2 25 water source, and not otherwise acquired, may be
2 26 condemned. In addition, the acquiring agency shall
2 27 conduct a review of prudent and feasible alternatives
2 28 to provision of a drinking water source prior to
2 29 making a determination that such lake development or
2 30 creation is reasonable and necessary. Development or
2 31 creation of a lake as a surface drinking water source
2 32 includes all of the following:

- 2 33 (a) Construction of the dam, including sites for
- 2 34 suitable borrow material and the auxiliary spillway.
- 2 35 (b) The water supply pool.
- 2 36 (c) The sediment pool.
- 2 37 (d) The flood control pool.
- 2 38 (e) The floodwater retarding pool.
- 2 39 (f) The surrounding area upstream of the dam no
- 2 40 higher in elevation than the top of the dam's
- 2 41 elevation.
- 2 42 (g) The appropriate setback distance required by
- 2 43 state or federal laws and regulations to protect
- 2 44 drinking water supply.

2 45 For purposes of this subparagraph (1), "number of
2 46 acres justified as necessary for a surface drinking
2 47 water source" means according to guidelines of the
2 48 United States natural resource conservation service
2 49 and according to analyses of surface drinking water
2 50 capacity needs conducted by one or more registered
3 1 professional engineers.>

3 2 #14. Page 4, by striking lines 20 through 24.

3 3 #15. Page 4, by striking lines 25 through 27.

3 4 #16. Page 5, line 6, by inserting after the word
3 5 <action.> the following: <This subparagraph does not
3 6 apply if any of the following conditions is met:

3 7 (a) The property to be condemned is for an
3 8 improvement to an existing airport, airport system, or
3 9 aviation facilities if such improvement is required by
3 10 federal law, regulation, or order or if such
3 11 improvement is included in an airport layout plan
3 12 approved by the federal aviation administration for
3 13 the existing site of the airport, airport system, or
3 14 aviation facilities.

3 15 (b) The property to be condemned has been zoned by
3 16 a city or county for use as an airport, airport
3 17 system, or aviation facilities.

3 18 (c) The property to be condemned is for a proposed
3 19 airport, airport system, or aviation facilities that
3 20 as of July 1, 2006, was designated in the federal
3 21 aviation administration national plan for integrated
3 22 airport services, and the property to be condemned is
3 23 located within the county where at least one of the
3 24 cities that will participate in operation of the
3 25 proposed airport, airport system, or aviation
3 26 facilities is located.>

3 27 #17. By striking page 5, line 7, through page 7,
3 28 line 13.

3 29 #18. Page 7, by inserting before line 14 the
3 30 following:

3 31 <Sec. _____. NEW SECTION. 6A.22A EXCEPTION FOR
3 32 CERTAIN URBAN RENEWAL AREAS.

3 33 1. The requirement in section 6A.22, subsection 2,
3 34 paragraph "a", subparagraph (5), that eminent domain
3 35 authority be exercised on a parcel-by-parcel basis and
3 36 the exception in that subparagraph (5) for project or
3 37 acquisition plans with seventy-five percent or more of
3 38 the area consisting of property in a slum or blighted
3 39 condition, take effect October 1, 2006. However, if
3 40 an acquiring agency adopts a resolution after the date
3 41 of enactment of this Act but before October 1, 2006,
3 42 approving acquisition of property by eminent domain in
3 43 that portion of an urban renewal area designated as a
3 44 slum or blighted area, such requirement or exception
3 45 shall not apply to any condemnation application
3 46 seeking to condemn that property if the application is
3 47 filed before October 1, 2007, with the chief judge of
3 48 the judicial district of the county in which the
3 49 property is located.

3 50 2. This section is repealed December 31, 2007.>

4 1 #19. Page 7, by inserting before line 14 the
4 2 following:

4 3 <Sec. _____. NEW SECTION. 6A.23 JUDICIAL REVIEW OF
4 4 EMINENT DOMAIN AUTHORITY.

4 5 1. An owner of property described in an

4 6 application for condemnation may bring an action
4 7 challenging the exercise of eminent domain authority
4 8 or the condemnation proceedings. Such action shall be
4 9 commenced within thirty days after service of notice
4 10 of assessment pursuant to section 6B.8 by the filing
4 11 of a petition in district court. Service of the
4 12 original notice upon the acquiring agency shall be as
4 13 required in the rules of civil procedure. In addition
4 14 to the owner of the property, a contract purchaser of
4 15 record of the property or a tenant occupying the
4 16 property under a recorded lease shall also have
4 17 standing to bring such action.

4 18 2. An acquiring agency that proposes to acquire
4 19 property by eminent domain may file a petition in
4 20 district court seeking a determination and declaration
4 21 that its finding of public use, public purpose, or
4 22 public improvement necessary to support the taking
4 23 meets the definition of those terms. The action shall
4 24 be commenced by the filing of a petition identifying
4 25 all property owners whose property is proposed to be
4 26 acquired, any contract purchaser of record of the
4 27 property, and any tenant known to be occupying the
4 28 property, and including a description of the
4 29 properties proposed to be acquired and a statement of
4 30 the public use, public purpose, or public improvement
4 31 supporting the acquisition of the property by eminent
4 32 domain. The original notice shall be served as
4 33 required by the rules of civil procedure on each
4 34 property owner named in the petition and on any
4 35 contract purchaser of record of the property and on
4 36 any tenant occupying the property under a recorded
4 37 lease. Such action may be commenced by an acquiring
4 38 agency at any time prior to the filing of an
4 39 application for condemnation pursuant to section 6B.3.

4 40 3. For any action brought under this section, the
4 41 burden of proof shall be on the acquiring agency to
4 42 prove by a preponderance of the evidence that the
4 43 finding of public use, public purpose, or public
4 44 improvement meets the definition of those terms. If a
4 45 property owner or a contract purchaser of record or a
4 46 tenant occupying the property under a recorded lease
4 47 prevails in an action brought under this section, the
4 48 acquiring agency shall be required to pay the costs,
4 49 including reasonable attorney fees, of the adverse
4 50 party.>

5 1 #20. Page 7, line 34, by striking the words <may
5 2 offer> and inserting the following: <may make>.

5 3 #21. Page 8, line 1, by striking the word <twenty=
5 4 five> and inserting the following: <thirty>.

5 5 #22. Page 8, line 11, by inserting after the
5 6 figure <6B.54-> the following: <The option to make an
5 7 alternative purchase offer does not apply when
5 8 property is being acquired for street and highway
5 9 projects undertaken by the state, a county, or a
5 10 city.>

5 11 #23. Page 8, by inserting after line 11 the
5 12 following:

5 13 <Sec. ____ NEW SECTION. 6B.2D NOTICE OF INTENT
5 14 TO APPROVE ACQUISITION OF PROPERTY BY EMINENT DOMAIN.

5 15 1. The acquiring agency shall send notice of a
5 16 proposed resolution, motion, or other document
5 17 authorizing acquisition of property by eminent domain
5 18 to each property owner whose property is proposed to
5 19 be acquired by eminent domain, to any contract
5 20 purchaser of record of the property, and to any tenant
5 21 known to be occupying the property at least fourteen
5 22 days prior to the date of the meeting at which such
5 23 proposed authorization will be considered for adoption
5 24 by the acquiring agency. The notice shall include the
5 25 date, time, and place of the meeting and a statement
5 26 that the persons receiving the notice have a right to
5 27 attend the meeting and to voice objection to the
5 28 proposed acquisition of the property. The notice
5 29 shall include a copy of the proposed resolution,
5 30 motion, or other document authorizing acquisition by
5 31 eminent domain. The notice shall also include the
5 32 same statement of individual rights that is required
5 33 by section 6B.2A.

5 34 2. This section shall not apply to the following:

5 35 a. Street and highway projects undertaken by the
5 36 state, a county, or a city.

5 37 b. Projects undertaken by a municipal utility.

5 38 c. Projects undertaken by a city enterprise

5 39 providing services of sewer systems, storm water

5 40 drainage systems, sewage treatment, solid waste

5 41 collection, or solid waste disposal.

5 42 d. Projects undertaken by a county enterprise

5 43 providing services described in section 331.461,

5 44 subsection 2, paragraphs "b" and "f".>

5 45 #24. By striking page 8, line 22, through page 9,

5 46 line 1.

5 47 #25. Page 9, by inserting before line 2 the

5 48 following:

5 49 <Sec. _____. Section 6B.3, subsection 2, Code 2005,

5 50 is amended to read as follows:

6 1 2. The applicant shall mail a copy of the

6 2 application by certified mail to the owner at the

6 3 owner's last known address, to any contract purchaser

6 4 of record of the property, to any tenant known to be

6 5 occupying the property, and to any record lienholder

6 6 or encumbrancer of the property at the lienholder's or

6 7 encumbrancer's last known address. The applicant

6 8 shall also cause the application to be published once

6 9 in a newspaper of general circulation in the county,

6 10 not less than four nor more than twenty days before

6 11 the meeting of the compensation commission to assess

6 12 the damages. Service of the application by

6 13 publication shall be deemed complete on the day of

6 14 publication.

6 15 In lieu of mailing and publishing the application,

6 16 the applicant may cause the application to be served

6 17 upon the owner, contract purchaser of record, tenant

6 18 known to be occupying the property, record

6 19 lienholders, and record encumbrancers of the property

6 20 in the manner provided by the Iowa rules of civil

6 21 procedure for the personal service of original notice.

6 22 The application shall be mailed and published or

6 23 served, as above provided, prior to or

6 24 contemporaneously with the mailing and publication or

6 25 service of the list of compensation commissioners as

6 26 provided in section 6B.4.>

6 27 #26. Page 9, by striking lines 22 through 25 and

6 28 inserting the following: <is situated as provided in

6 29 section 6A.23.>

6 30 #27. Page 10, by striking lines 17 through 24 and

6 31 inserting the following: <may deliberate in closed

6 32 session. When deliberating in closed session, the

6 33 meeting is closed to all persons who are not

6 34 commissioners except for personnel from the sheriff's

6 35 office if such personnel is requested by the

6 36 commission. After deliberations commence, the

6 37 commission and each commissioner is prohibited from

6 38 communicating with any party to the proceeding, ~~unless~~

6 39 ~~such communication occurs in the presence of or with~~

6 40 ~~the consent of the property owner and the other~~

6 41 ~~parties who appeared before the commission. However,~~

6 42 ~~if the commission is deliberating in closed session,~~

6 43 ~~and after deliberations commence the commission~~

6 44 ~~requires further information from a party or a~~

6 45 ~~witness, the commission shall notify the property~~

6 46 ~~owner and the acquiring agency that they are allowed~~

6 47 ~~to attend the meeting at which such additional~~

6 48 ~~information shall be provided but only for that period~~

6 49 ~~of time during which the additional information is~~

6 50 ~~being provided. The property owner and the acquiring~~

7 1 ~~agency shall be given a reasonable opportunity to~~

7 2 ~~attend the meeting. The>.~~

7 3 #28. Page 11, by inserting before line 4 the

7 4 following:

7 5 <Sec. _____. Section 6B.33, Code 2005, is amended to

7 6 read as follows:

7 7 6B.33 COSTS AND ATTORNEY FEES.

7 8 The ~~applicant~~ acquiring agency shall pay all costs

7 9 of the assessment made by the commissioners and

7 10 reasonable attorney fees and costs, including the

7 11 reasonable cost of one appraisal, incurred by the

7 12 condemnee as determined by the commissioners if the

7 13 award of the commissioners exceeds one hundred ten

7 14 percent of the final offer of the applicant prior to

7 15 condemnation. The condemnee shall submit an

7 16 application for fees and costs prior to adjournment of

7 17 the final meeting of the compensation commission held

7 18 on the matter. The ~~applicant~~ acquiring agency shall
7 19 file with the sheriff an affidavit setting forth the
7 20 most recent offer made to the person whose property is
7 21 sought to be condemned. Members of such commissions
7 22 shall receive a per diem of two hundred dollars and
7 23 actual and necessary expenses incurred in the
7 24 performance of their official duties. The ~~applicant~~
7 25 acquiring agency shall reimburse the county sheriff
7 26 for the per diem and expense amounts paid by the
7 27 sheriff to the members. The ~~applicant~~ acquiring
7 28 agency shall reimburse the owner for the expenses the
7 29 owner incurred for recording fees, penalty costs for
7 30 full or partial prepayment of any preexisting recorded
7 31 mortgage entered into in good faith encumbering the
7 32 property, and for similar expenses incidental to
7 33 conveying the property to the ~~applicant~~ acquiring
7 34 agency. The ~~applicant~~ acquiring agency shall also pay
7 35 all costs occasioned by the appeal, including
7 36 reasonable attorney fees and the reasonable cost
7 37 incurred by the property owner for one appraisal to be
7 38 taxed by the court, unless on the trial thereof the
7 39 same or a lesser amount of damages is awarded than was
7 40 allowed by the tribunal from which the appeal was
7 41 taken.

7 42 #29. Page 11, line 28, by striking the word
7 43 <commissioners> and inserting the following:

7 44 <acquiring agency>.

7 45 #30. Page 13, line 24, by striking the word
7 46 <offer> and inserting the following: <make>.

7 47 #31. Page 13, line 26, by striking the word
7 48 <twenty=five> and inserting the following: <thirty>.

7 49 #32. Page 14, line 2, by inserting after the word
7 50 <easement.> the following: <The option to make an

8 1 alternative purchase offer does not apply when
8 2 property is being acquired for street and highway
8 3 projects undertaken by the state, a county, or a
8 4 city.

8 5 #33. Page 15, by striking lines 18 through 20.

8 6 #34. Page 15, line 35, by striking the word
8 7 <twenty=five> and inserting the following: <thirty>.

8 8 #35. Page 16, line 5, by inserting after the word
8 9 <law.> the following: <This subsection does not apply
8 10 when property is being acquired for street and highway
8 11 projects undertaken by the state, a county, or a
8 12 city.

8 13 #36. Page 16, by inserting after line 13 the
8 14 following:

8 15 <Sec. ____ Section 6B.56, subsection 1, Code 2005,
8 16 is amended to read as follows:

8 17 1. If real property condemned pursuant to this
8 18 chapter is not used for the purpose stated in the
8 19 application filed pursuant to section 6B.3 and the
8 20 ~~condemner~~ acquiring agency seeks to dispose of the
8 21 real property, the ~~condemner~~ acquiring agency shall
8 22 first offer the property for sale to the prior owner
8 23 of the condemned property as provided in this section.
8 24 If real property condemned pursuant to this chapter is
8 25 used for the purpose stated in the application filed
8 26 pursuant to section 6B.3 and the acquiring agency
8 27 seeks to dispose of the real property by sale to a
8 28 private person or entity within five years after
8 29 acquisition of the property, the acquiring agency
8 30 shall first offer the property for sale to the prior
8 31 owner of the condemned property as provided in this
8 32 section. For purposes of this section, the prior
8 33 owner of the real property includes the successor in
8 34 interest of the real property.>

8 35 #37. Page 16, line 17, by striking the word
8 36 <condemner> and inserting the following: <condemner
8 37 acquiring agency>.

8 38 #38. Page 16, line 18, by striking the word
8 39 <condemner's> and inserting the following:
8 40 <condemner's acquiring agency's>.

8 41 #39. Page 16, by striking line 25 and inserting
8 42 the following: <agency from the prior owner plus
8 43 cleanup costs incurred by the acquiring agency,
8 44 whichever is less. However, the current appraised
8 45 value of the real property shall be the purchase price
8 46 to be paid by the previous owner if any other amount
8 47 would result in a loss of federal funding for projects
8 48 funded in whole or in part with federal funds. The

8 49 notice>.
8 50 #40. Page 16, line 26, by striking the word
9 1 <condemner> and inserting the following: <condemner
9 2 acquiring agency>.
9 3 #41. Page 16, by inserting after line 28 the
9 4 following:
9 5 <Sec. _____. Section 6B.56, subsection 3, Code 2005,
9 6 is amended to read as follows:
9 7 3. If the prior owner elects to purchase the real
9 8 property at the price established in subsection 2,
9 9 before the expiration of the sixty-day period, the
9 10 prior owner shall notify the ~~condemner~~ acquiring
9 11 agency in writing of this intention and file a copy of
9 12 this notice with the office of the recorder in the
9 13 county in which the real property is located.>
9 14 #42. Page 16, by inserting after line 28 the
9 15 following:
9 16 <For purposes of this subsection, "cleanup costs"
9 17 means costs incurred to abate a nuisance or a public
9 18 nuisance as those terms are defined in chapters 657
9 19 and 657A and costs incurred to recycle and remediate
9 20 land pursuant to chapter 455H.>
9 21 #43. By striking page 16, line 29, through page
9 22 17, line 18.
9 23 #44. Page 17, by inserting before line 19 the
9 24 following:
9 25 <Sec. _____. NEW SECTION. 6B.56A DISPOSITION OF
9 26 CONDEMNED PROPERTY == FIVE-YEAR TIME PERIOD.
9 27 1. When five years have elapsed since property was
9 28 condemned and the property has not been used for the
9 29 purpose stated in the application filed pursuant to
9 30 section 6B.3, and the acquiring agency has not taken
9 31 action to dispose of the property pursuant to section
9 32 6B.56, the acquiring agency shall, within sixty days,
9 33 adopt a resolution reaffirming the purpose for which
9 34 the property will be used or offering the property for
9 35 sale to the prior owner at a price as provided in
9 36 section 6B.56. If the resolution adopted approves an
9 37 offer of sale to the prior owner, the offer shall be
9 38 made in writing and mailed by certified mail to the
9 39 prior owner. The prior owner has one hundred eighty
9 40 days after the offer is mailed to purchase the
9 41 property from the acquiring agency.
9 42 2. If the acquiring agency has not adopted a
9 43 resolution described in subsection 1 within the sixty=
9 44 day time period, the prior owner may, in writing,
9 45 petition the acquiring agency to offer the property
9 46 for sale to the prior owner at a price as provided in
9 47 section 6B.56. Within sixty days after receipt of
9 48 such a petition, the acquiring agency shall adopt a
9 49 resolution described in subsection 1. If the
9 50 acquiring agency does not adopt such a resolution
10 1 within sixty days after receipt of the petition, the
10 2 acquiring agency is deemed to have offered the
10 3 property for sale to the prior owner.
10 4 3. The acquiring agency shall give written notice
10 5 to the owner of the right to purchase the property
10 6 under this section at the time damages are paid to the
10 7 owner.
10 8 4. This section does not apply to property
10 9 acquired for street and highway projects undertaken by
10 10 the state, a county, or a city.>
10 11 #45. Page 17, by inserting before line 19, the
10 12 following:
10 13 <Sec. _____. Section 6B.57, Code 2005, is amended to
10 14 read as follows:
10 15 6B.57 PROCEDURAL COMPLIANCE.
10 16 If an acquiring agency makes a good faith effort to
10 17 serve, send, or provide the notices or documents
10 18 required under this chapter to the owner and any
10 19 contract purchaser of private property that is or may
10 20 be the subject of condemnation, or to any tenant known
10 21 to be occupying such property if notices or documents
10 22 are required to be served, sent, or provided to such a
10 23 person, but fails to provide the notice or documents
10 24 to the owner and any contract purchaser, or to any
10 25 tenant known to be occupying the property if
10 26 applicable, such failure shall not constitute grounds
10 27 for invalidation of the condemnation proceeding if the
10 28 chief judge of the judicial district determines that
10 29 such failure can be corrected by delaying the

10 30 condemnation proceedings to allow compliance with the
10 31 requirement or such failure does not unreasonably
10 32 prejudice the owner or any contract purchaser.>
10 33 #46. Page 17, by inserting before line 19 the
10 34 following:
10 35 <Sec. ____ Section 6B.58, Code 2005, is amended to
10 36 read as follows:
10 37 6B.58 ACQUIRING AGENCY == DEFINITION.
10 38 For purposes of this chapter, an "acquiring agency"
10 39 means the state of Iowa or any person or entity
10 40 conferred the right by statute to condemn private
10 41 property or to otherwise exercise the power of eminent
10 42 domain. In the exercise of eminent domain power, the
10 43 words "applicant" and "condemner" mean acquiring
10 44 agency as defined in this section, unless the context
10 45 clearly requires otherwise.>
10 46 #47. Page 17, by striking lines 20 through 24 and
10 47 inserting the following:
10 48 <Rent shall not be charged to a person in
10 49 possession of the property and shall not accrue
10 50 against the property owner until all or a portion of
11 1 the compensation commission award has been paid to the
11 2 condemnee pursuant to section 6B.25.>
11 3 #48. By striking page 17, line 30, through page
11 4 18, line 2, and inserting the following: <to acquire
11 5 property shall not exercise such authority outside the
11 6 jurisdictional limits of the political subdivisions
11 7 participating in the entity at the time of such
11 8 exercise of authority without first presenting the
11 9 proposal to acquire such property by eminent domain to
11 10 the board of supervisors of each county where the
11 11 property is located and such proposal receives the
11 12 approval, by resolution, of each applicable board of
11 13 supervisors. However, this section does not apply to
11 14 an entity created by or on behalf of one or more
11 15 political subdivisions if the entity is authorized by
11 16 statute to act as a political subdivision and if this
11 17 section would limit the ability of the entity to
11 18 comply with requirements or limitations imposed by the
11 19 Internal Revenue Code to preserve the tax exemption of
11 20 interest payable on bonds or obligations of the entity
11 21 acting as a political subdivision.>
11 22 #49. Page 18, line 5, by inserting after the word
11 23 and figure <chapter 476A.> the following: <This
11 24 section does not apply to property condemned by or on
11 25 behalf of a multistate entity created to provide
11 26 drinking water that has received or is receiving
11 27 federal funds, but only if such property is to be
11 28 acquired for water transmission and service lines,
11 29 pump stations, water storage tanks, meter houses and
11 30 vaults, related appurtenances, or supporting
11 31 utilities.>
11 32 #50. Page 18, by striking lines 6 through 16.
11 33 #51. Page 19, by striking lines 4 through 23.
11 34 #52. Page 20, by striking lines 12 and 13, and
11 35 inserting the following: < for the following, subject
11 36 to the provisions of chapters 6A and 6B:>
11 37 #53. Page 20, by inserting after line 20 the
11 38 following:
11 39 <e. The operation of a landfill or other solid
11 40 waste disposal or processing site.>
11 41 #54. Page 20, by inserting after line 20 the
11 42 following:
11 43 <____. The use of property for public streets and
11 44 highways.>
11 45 #55. Page 20, by inserting after line 20 the
11 46 following:
11 47 <____. The operation of a multistate entity, of
11 48 which the city is a participating member, created to
11 49 provide drinking water that has received or is
11 50 receiving federal funds, but only if such property is
12 1 to be acquired for water transmission and service
12 2 lines, pump stations, water storage tanks, meter
12 3 houses and vaults, related appurtenances, or
12 4 supporting utilities.>
12 5 #56. Page 20, by inserting after line 20 the
12 6 following:
12 7 <The exceptions provided in paragraphs "a" through
12 8 "c" apply only to the extent the city had this power
12 9 prior to July 1, 2006.>
12 10 #57. Page 25, by striking lines 17 through 20.

12 11 [#58](#). Page 28, line 33, by inserting after the word
12 12 <of> the following: <that section of>.
12 13 [#59](#). Page 29, by striking lines 3 through 6 and
12 14 inserting the following:
12 15 <3. The sections of this Act amending sections
12 16 6B.2B and 6B.14, unnumbered paragraph 2, the portion
12 17 of the section of this Act amending section 6B.54,
12 18 subsection 3, and the section of this Act enacting
12 19 section 6B.2D take effect January 1, 2007.
12 20 4. The sections of this Act amending section 6B.3,
12 21 subsection 3, section 6B.56, subsection 2, sections
12 22 6B.57 and 6B.58, being deemed of immediate importance,
12 23 take effect upon enactment.
12 24 5. The remainder of this Act, being deemed of
12 25 immediate importance, takes effect upon enactment and
12 26 applies to applications for condemnation filed
12 27 pursuant to section 6B.3 on or after the date of
12 28 enactment, with the following exceptions:
12 29 a. The section of this Act enacting section 6A.23
12 30 applies to applications for condemnation pending on
12 31 the date of enactment of this Act if the appropriate
12 32 parties have not been served with a notice of
12 33 assessment pursuant to section 6B.8 as of the date of
12 34 enactment of this Act.
12 35 b. The section of this Act amending section 6B.33
12 36 and that portion of the section of this Act enacting
12 37 6B.54, subsection 12, apply to applications for
12 38 condemnation filed pursuant to section 6B.3 and
12 39 pending on the date of enactment of this Act if the
12 40 appraisal report required under section 6B.14 has
12 41 not been filed with the sheriff as of the date of
12 42 enactment of this Act.>
12 43 [#60](#). By renumbering and correcting internal
12 44 references as necessary.
12 45 HF 2351.S
12 46 sc/cc/26