

Senate File 449

H-1188

1 Amend Senate File 449, as passed by the Senate, as
2 follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I

5 PUBLIC IMPROVEMENT LOCATION AND UNUSED PORTION OF
6 CONDEMNED PROPERTY>

7 2. Page 2, line 33, after <this> by inserting
8 <division of this>

9 3. Page 3, line 2, after <this> by inserting
10 <division of this>

11 4. Page 3, after line 5 by inserting:

12 <DIVISION _____

13 CONDEMNATION FOR CREATION OF A LAKE — NUMBER OF ACRES

14 Sec. _____. Section 6A.22, subsection 2, paragraph c,
15 subparagraph (1), subparagraph division (b), Code 2015,
16 is amended to read as follows:

17 (b) (i) For purposes of this subparagraph (1),
18 *“number of acres justified as necessary for a surface*
19 *drinking water source”* means according to guidelines of
20 the United States natural resource conservation service
21 and according to analyses of surface drinking water
22 capacity needs conducted by one or more registered
23 professional engineers.

24 (ii) For condemnation proceedings for which the
25 application pursuant to section 6B.3 was filed after
26 January 1, 2013, for condemnation of property that was
27 in whole or in part subject to an action under section
28 6A.24 for which the petition under section 6A.24 was
29 filed after January 1, 2013, but before January 1,
30 2014, “number of acres justified as necessary for a
31 surface drinking water source”, as determined under
32 subparagraph subdivision (i) shall not exceed the
33 number of acres that would be necessary to provide
34 the amount of drinking water to meet the needs of a
35 population equal to the population of the county where
36 the lake is to be developed or created, according to
37 the most recent federal decennial census. However,
38 if the population of the county where the lake is to
39 be developed or created increased from the federal
40 decennial census immediately preceding the most
41 recent federal decennial census, the “number of acres
42 justified as necessary for a surface drinking water
43 source” shall not exceed the number of acres that
44 would be necessary to provide the amount of drinking
45 water to meet the needs of a population equal to the
46 product of one plus the percentage increase in the
47 population of the county between the two most recent
48 federal decennial censuses multiplied by the county’s
49 population according to the most recent federal
50 decennial census.

1 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
2 of this Act, being deemed of immediate importance,
3 takes effect upon enactment.

4 DIVISION _____
5 CONDEMNATION FOR CREATION OF A LAKE — EXISTING SOURCES

6 Sec. _____. Section 6A.22, subsection 2, paragraph c,
7 subparagraph (1), subparagraph division (a), unnumbered
8 paragraph 1, Code 2015, is amended to read as follows:

9 If private property is to be condemned for
10 development or creation of a lake, only that number of
11 acres justified as necessary for a surface drinking
12 water source, and not otherwise acquired, may be
13 condemned. ~~In addition~~ However, an acquiring agency
14 shall not have the authority to condemn private
15 property for creation of a lake as a surface drinking
16 water source if an existing drinking water source may
17 be expanded or supplemented for such purpose. If an
18 existing drinking water source is incapable of being
19 expanded or supplemented as a surface drinking water
20 source, the acquiring agency shall conduct a review of
21 prudent and feasible alternatives to provision of a
22 drinking water source prior to making a determination
23 that such lake development or creation is reasonable
24 and necessary. Development or creation of a lake as
25 a surface drinking water source includes all of the
26 following:

27 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
28 of this Act, being deemed of immediate importance,
29 takes effect upon enactment.

30 Sec. _____. APPLICABILITY. This division of this Act
31 applies to projects or condemnation proceedings pending
32 or commenced on or after the effective date of this
33 division of this Act.

34 DIVISION _____
35 DISPOSITION OF CONDEMNED PROPERTY

36 Sec. _____. Section 6B.56A, subsection 4, Code 2015,
37 is amended to read as follows:

38 4. This section does not apply to property acquired
39 for street and highway projects undertaken by the
40 state, a county, or a city or to property that is
41 subject to the disposition of property requirements
42 under section 6B.56B.

43 Sec. _____. NEW SECTION. 6B.56B Disposition of
44 condemned property — lake creation.

45 1. When two years have elapsed since property was
46 condemned for the creation of a lake according to the
47 requirements of section 6A.22, subsection 2, paragraph
48 "c", subparagraph (1), and the property has not been
49 used for the purpose stated in the application filed
50 pursuant to section 6B.3, and the acquiring agency has

1 not taken action to dispose of the property pursuant
2 to section 6B.56, the acquiring agency shall, within
3 sixty days, adopt a resolution offering the property
4 for sale to the prior owner at a price as provided in
5 section 6B.56. If the resolution adopted approves an
6 offer of sale to the prior owner, the offer shall be
7 made in writing and mailed by certified mail to the
8 prior owner. The prior owner has one hundred eighty
9 days after the offer is mailed to purchase the property
10 from the acquiring agency.

11 2. If the acquiring agency has not adopted a
12 resolution described in subsection 1 within the
13 sixty-day time period, the prior owner may, in writing,
14 petition the acquiring agency to offer the property
15 for sale to the prior owner at a price as provided in
16 section 6B.56. Within sixty days after receipt of
17 such a petition, the acquiring agency shall adopt a
18 resolution described in subsection 1. If the acquiring
19 agency does not adopt such a resolution within sixty
20 days after receipt of the petition, the acquiring
21 agency is deemed to have offered the property for sale
22 to the prior owner.

23 3. The acquiring agency shall give written notice
24 to the owner of the right to purchase the property
25 under this section at the time damages are paid to the
26 owner.

27 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
28 of this Act, being deemed of immediate importance,
29 takes effect upon enactment.

30 Sec. _____. APPLICABILITY. This division of this Act
31 applies to projects or condemnation proceedings pending
32 or commenced on or after the effective date of this
33 division of this Act.>

34 5. Title page, line 3, after <including> by
35 inserting <effective date and>

36 6. By renumbering, redesignating, and correcting
37 internal references as necessary.

COMMITTEE ON GOVERNMENT OVERSIGHT
KAUFMANN of Cedar, Chairperson