

House File 603

H-1244

1 Amend House File 603 as follows:

2 1. Page 1, by striking lines 5 and 6 and inserting:

3 <NEW PARAGRAPH. 0a. *"Aboveground merchant line"* means
4 "merchant line" as defined in section 478.6A, subsection 1,
5 excluding those merchant lines that are underground.>

6 2. Page 1, line 11, before <merchant> by inserting
7 <aboveground>

8 3. Page 1, line 30, before <merchant> by inserting
9 <aboveground>

10 4. Page 1, line 35, before <merchant> by inserting
11 <aboveground>

12 5. By striking page 2, line 10, through page 4, line 29, and
13 inserting:

14 <Sec. _____. Section 6A.22, subsection 2, paragraph c,
15 subparagraph (1), subparagraph division (c), subparagraph
16 subdivision (i), Code 2017, is amended to read as follows:

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

23 Sec. _____. Section 6A.22, subsection 2, paragraph c,
24 subparagraph (1), Code 2017, is amended by adding the following
25 new subparagraph division:

26 NEW SUBPARAGRAPH DIVISION. (d) For condemnation
27 proceedings for which the application pursuant to section
28 6B.3 was filed after January 1, 2013, for condemnation of
29 property located in a county with a population of greater
30 than nine thousand two hundred fifty but less than nine
31 thousand three hundred, according to the 2010 federal decennial
32 census, which property sought to be condemned was in whole or
33 in part described in a petition filed under section 6A.24,
34 subsection 2, after January 1, 2013, but before January 1,
35 2014, regardless of whether the petitioner was determined by a

1 court to not be a proper acquiring agency, the acquiring agency
2 shall not have the authority to condemn private property for
3 the development or creation of a lake as a surface drinking
4 water source unless all of the following have been satisfied:

5 (i) Upon receipt by the acquiring agency of a petition,
6 signed by not less than twenty-five percent of the affected
7 property owners, the acquiring agency shall retain a certified
8 hydrologist to conduct a review and analysis of the proposed
9 development or creation of a lake. However, to be valid the
10 petition must be filed not later than ninety days following
11 the effective date of this division of this Act or ninety
12 days after the filing date of the application under section
13 6B.3, whichever is later. The certified hydrologist shall be
14 selected by a majority of a committee comprised of all affected
15 property owners and a representative of the acquiring agency.
16 The acquiring agency shall be responsible for paying the fees
17 and expenses of the certified hydrologist. For purposes of
18 this subparagraph (1), "*certified hydrologist*" means a person
19 certified by the American institute of hydrology. If a valid
20 petition is not filed within the prescribed ninety-day period,
21 the requirements of this subparagraph subdivision (i) shall be
22 deemed satisfied.

23 (ii) Upon receipt by the acquiring agency of a petition
24 signed by not less than twenty-five percent of the affected
25 property owners, the acquiring agency shall retain a licensed
26 professional engineer to conduct an additional independent
27 review and analysis of the determinations made under
28 subparagraph division (c), subparagraph subdivisions (i) and
29 (ii). However, to be valid the petition must be filed not
30 later than ninety days following the effective date of this
31 division of this Act or ninety days after the filing date of
32 the application under section 6B.3, whichever is later. The
33 licensed professional engineer shall be selected by a majority
34 of a committee comprised of all affected property owners and
35 a representative of the acquiring agency. The acquiring

1 agency shall be responsible for paying the fees and expenses
2 of the licensed professional engineer. If a valid petition
3 is not filed within the prescribed ninety-day period, the
4 requirements of this subparagraph subdivision (ii) shall be
5 deemed satisfied.

6 (iii) The United States army corps of engineers has
7 performed an engineering review of the project and approved
8 all required permits and authorizations for completion of the
9 project.

10 (iv) The acquiring agency has acquired at least eighty
11 percent of the land area comprising the proposed water supply
12 pool through voluntary acquisitions or voluntary negotiation
13 and purchases.>

14 6. Page 5, by striking lines 1 through 24.

15 7. Page 6, by striking line 32 and inserting <farm
16 operation, as determined by an appraiser selected by the
17 displacing agency. In the absence of available replacement
18 real property, the amount of the payment under this paragraph
19 shall be the difference between the acquisition cost of the
20 real property acquired by the displacing agency and the sum
21 of the estimated cost of comparable land and the estimated
22 cost of constructing comparable improvements on the land
23 necessary for the displaced person to conduct the person's
24 business or farm operation. If the displaced person disagrees
25 with the amount determined by the appraiser selected by the
26 displacing agency, the displaced person may, at the expense
27 of the displacing agency, select an independent appraiser to
28 determine the amounts required under this paragraph. If the
29 amount determined by the appraiser selected by the displaced
30 person and the amount determined by the appraiser selected by
31 the displacing agency are not equal and the displacing agency
32 and the displaced person cannot agree on an appropriate amount,
33 the amount under this paragraph shall be the average of such
34 amounts determined by the appraisers.>

35 8. By renumbering, redesignating, and correcting internal

1 references as necessary.

KAUFMANN of Cedar