

Senate File 2311

H-8421

1 Amend the amendment, H-8340, to Senate File 2311, as
2 amended, passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2, line 21, and
4 inserting:

5 Amend Senate File 2311, as amended, passed, and reprinted by
6 the Senate, as follows:

7 <1. By striking everything after the enacting clause and
8 inserting:

9 <Section 1. Section 28F.1, subsection 1, Code 2018, is
10 amended to read as follows:

11 1. **This chapter** provides a means for the joint financing
12 by public agencies of works or facilities useful and necessary
13 for the collection, treatment, purification, and disposal
14 in a sanitary manner of liquid and solid waste, sewage,
15 and industrial waste, facilities used for the conversion of
16 solid waste to energy, gasworks and facilities useful for
17 the delivery of natural gas service, and also electric power
18 facilities constructed within the state of Iowa, except that
19 hydroelectric power facilities may also be located in the
20 waters and on the dams of or on land adjacent to either side
21 of the Mississippi or Missouri river bordering the state of
22 Iowa, water supply systems, swimming pools or golf courses.
23 This chapter applies to the acquisition, construction,
24 reconstruction, ownership, operation, repair, extension,
25 or improvement of such works or facilities, by a separate
26 administrative or legal entity created pursuant to chapter
27 28E or **chapter 389**. When the legal entity created under
28 this chapter is comprised solely of cities, counties, and
29 sanitary districts established under **chapter 358**, or any
30 combination thereof or any combination of the foregoing with
31 other public agencies, the entity shall be both a corporation
32 and a political subdivision with the name under which it was
33 organized. The legal entity may sue and be sued, contract,
34 acquire and hold real and personal property necessary for
35 corporate purposes, adopt a corporate seal and alter the seal

1 at pleasure, and execute all the powers conferred in this
2 chapter.

3 Sec. 2. Section 28F.11, Code 2018, is amended to read as
4 follows:

5 **28F.11 Eminent domain.**

6 Any public agency participating in an agreement authorizing
7 the joint exercise of governmental powers pursuant to this
8 chapter may exercise its power of eminent domain to acquire
9 interests in property, under provisions of law then in effect
10 and applicable to the public agency, for the use of the entity
11 created to carry out the agreement, provided that the power of
12 eminent domain is not used to acquire interests in property
13 which is part of a system of facilities in existence, under
14 construction, or planned, for the generation, transmission
15 or sale of electric power, or for the transmission,
16 transportation, or sale of natural gas. In the exercise
17 of the power of eminent domain, the public agency shall
18 proceed in the manner provided by [chapter 6B](#). Any interests
19 in property acquired are acquired for a public purpose, as
20 defined in [chapter 6A](#), of the condemning public agency, and the
21 payment of the costs of the acquisition may be made pursuant
22 to the agreement or to any separate agreement between the
23 public agency and the entity or the other public agencies
24 participating in the entity or any of them. Upon payment of
25 costs, any property acquired is the property of the entity.>>

26 2. Page 4, line 35, by striking <subsections 8 and 13, Code
27 2018, are> and inserting <subsection 8, Code 2018, is>

28 3. Page 5, by striking lines 17 through 34 and inserting:

29 <Sec. _____. Section 476.6, subsection 13, Code 2018, is
30 amended by striking the subsection.>

31 4. By striking page 7, line 14, through page 9, line 34, and
32 inserting:

33 <Sec. _____. Section 476.6, subsection 15, paragraph g, Code
34 2018, is amended to read as follows:

35 g. (1) A gas or electric utility required to be

1 rate-regulated under this chapter may recover, through an
2 automatic adjustment mechanism filed pursuant to subsection 8,
3 over a period not to exceed the term of the plan, the costs of
4 an energy efficiency plan or demand response plan approved by
5 the board, ~~including amounts for a plan approved prior to July~~
6 ~~1, 1996,~~ in a contested case proceeding conducted pursuant to
7 paragraph "e". The board shall allow a gas or electric utility
8 to provide in an energy efficiency plan or demand response
9 plan for a return of and return on investments exceeding an
10 amount established by the board for the utility's current and
11 previously approved plan that is up to nine percent of revenue,
12 to the extent that such investments are cost-effective,
13 including the return allowed by the board. The board shall
14 periodically conduct a contested case proceeding to evaluate
15 the reasonableness and prudence of the utility's implementation
16 of an approved energy efficiency plan and budget. If a utility
17 is not taking all reasonable actions to cost-effectively
18 implement an approved energy efficiency plan, the board shall
19 not allow the utility to recover from customers costs in
20 excess of those costs that would be incurred under reasonable
21 and prudent implementation and shall not allow the utility
22 to recover future costs at a level other than what the board
23 determines to be reasonable and prudent. If the result of a
24 contested case proceeding is a judgment against a utility, that
25 utility's future level of cost recovery shall be reduced by
26 the amount by which the programs were found to be imprudently
27 conducted. The utility shall not represent energy efficiency
28 in customer billings as a separate cost or expense unless the
29 board otherwise approves.>

30 5. By striking page 9, line 35, through page 10, line 1.

31 6. By renumbering as necessary.

ISENHART of Dubuque