

Senate File 2311

H-8423

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  
6 by 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 8, by striking line 3 and inserting:

27 <(3) The board shall not approve an energy efficiency plan  
28 or demand response plan submitted pursuant to this subsection  
29 that provides for or results in a cross-subsidy between  
30 customer rate classes.

31 (4) (a) Each gas or electric utility required to be>

32 3. Page 8, line 27, by striking <(4)> and inserting <(5)>

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ISENHART of Dubuque